ZONING ORDINANCE

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BYRON TOWNSHIP

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Updated February 2, 2007
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AN ORDINANCE to amend the Zoning Ordinance of 1984 of the Township of Byron in its entirety.

BYRON TOWNSHIP, KENT COUNTY, MICHIGAN DOES ORDAIN AS FOLLOWS: The Zoning Ordinance of said Township, including any amendments thereto, is hereby created and/or amended in its entirety to read as follows:

BYRON TOWNSHIP ZONING ORDINANCE

AN ORDINANCE to establish zoning districts for the unincorporated portions of the Township of Byron pursuant to the provisions of Act 110 of the Public Acts of 2006, as amended; to set forth regulations, minimum standards and procedures for the use, size and protection of land and structures within such districts; to establish provisions for the enforcement of this Ordinance and to prescribe penalties for the violation thereof. (Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)

ARTICLE I
TITLE AND PURPOSE

1.1 SHORT TITLE. This Ordinance shall be known as the Byron Township Zoning Ordinance.

1.2 PURPOSE. The purpose of this Ordinance is to establish zoning districts throughout the unincorporated portions of the Township within which the use of land, the use, size, type and location of structures, and the use of natural resources are regulated to promote the health, safety and general welfare of the public and of the Township. To these ends these provisions are based upon a plan designed to accomplish the following by way of example and not limitation:

1. Conserve and enhance the value of property.

2. Encourage appropriate and advantageous uses as provided by law relative to existing development and future land use needs.

3. Provide adequate light and open space.

4. Provide adequate and safe access to property and structures.

5. Lessen congestion on the streets and reduce hazards to life and property.

6. Avoid pollution and similar dangers to public health.

7. Preserve and conserve lakes, streams, water sources and other natural resources.

8. Conserve expenditures for public improvements and services.
(9) Avoid undue concentrations of structures and population.

(10) Insure adequate and safe vehicle parking.

(11) Carry out the adopted Master Plan.

(12) Otherwise provide for the purposes set forth by law.

1.3 INTERPRETATION. In their interpretation and application, any enforcement officer or agency, any court and any Board of Appeals members shall hold the provisions of this Ordinance to be minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Township of Byron.

1.4 SCOPE. This Ordinance shall affect and regulate the uses and occupancy of all land and every structure in the unincorporated portions of the Township. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.

1.5 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF. No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this Ordinance.
ARTICLE II
DEFINITIONS

2.1 DEFINITIONS

For the purpose of this Ordinance, certain terms are defined as follows:

(1) **Accessory Buildings:** A separate structure devoted to use as accessory to the principal use of the premises.

(2) **Alteration of Building:** A change in the supporting members of a building, an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another, or the alteration of windows and/or doors.

(3) **Amusement Devices:** Any device, table, board, or machine which may be operated for a fee or charge as a game, contest or amusement.

(4) **Amusement Establishments:** Any building, structure, premises or part thereof used solely or primarily for operation of amusement devices. Any building, structure, premises or part thereof containing six (6) or more amusement devices shall be considered an amusement establishment.

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

(6) **Bed and Breakfast Operation:** An operation in which transient guests are provided a sleeping room and board in return for payment, which is located in a single-family dwelling which is used to house a family as its principal place of residence. (Ord. 368, Adopted January 10, 2000)
(7) **Boarding or Lodging House**: A dwelling having one (1) kitchen and primarily used for the purpose of providing meals or lodging or both meals and lodging for compensation of any kind.

(8) **Buffer**: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may include fences or berms, as well as shrubs and trees.

(9) **Dwelling**: A building designed or used as the permanent residence for one or more persons, including one family, two family and multiple family, apartment-hotels, and boarding and lodging houses, but not including hotels, motels, tourist cabins or trailers.

(10) **Dwelling Unit**: A dwelling designed to be occupied by not more than one family, having permanent provisions for living, sleeping, eating, cooking and sanitation.

(11a) **Dwelling, Earth-Berm**: A dwelling with the ground floor partly below grade but so located where the vertical distance from any grade point to the floor below is less than the vertical distance from grade to ceiling.

(11b) **Dwelling, Earth Sheltered**: A dwelling where more than fifty percent (50%) of the walls and/or roof are covered with earth to provide climatic, noise, or life safety protection. Said dwelling shall be able to meet the requirements of the Township Housing Code and Construction Code.

(12) **Essential Service**: The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills.

(13) **Family**:

(a) One or more persons related by blood, marriage, or adoption occupying a single dwelling unit and living as a single, non-profit housekeeping unit.

(b) A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order nor include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities as defined by the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended. (Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)

(14) **Farm**: A farm is a form of business enterprise in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a
family or other persons or entity engaged in the production of farm products, as described herein, for profit which provides a major source of income and capital for reinvestment.

(15) **Farm Animals:** Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing farm animals.

(16) **Farm Building:** Any building or accessory structure other than a farm or a nonfarm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milk house.

(17) **Farm Labor Housing:** A tract of land, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing.

(18) **Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

(19) **Farm Products:** Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar product; or any other product which incorporates the use of food, feed, fiber, fur or flora.

(20) **Floor Area:** The area of all floors computed by measuring the dimensions of the outside walls of a building excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling and basements.

(21) **Garage-Private:** A building accessory to a residence or a portion of a dwelling used primarily for the storage of passenger vehicles and for not more than one truck with a rated capacity of one and one-half (1-1/2) tons or less owned by the occupant of the premises.

(22) **Grade:** That surface of the earth or finished material located adjacent to the structure.

(22a) **Greenhouse:** A building or structure constructed chiefly of glass or plastic, in which tender produce or exotic plants are grown or sheltered. (Ord. 276, Adopted July 26, 1993, Eff. Sept. 3, 1993)

(23) **Ground Floor:** That floor or level of a structure or building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement and no part of which is a basement.
(24) **Height of Building:** The vertical distance from the grade to the highest point of the building.

(25) **Home:** A place where one lives.

(26) **Institutional or Public Use:** Churches, hospitals, commentaries, municipal buildings, parks, civic centers, libraries, or other public or quasi-public uses, but not including semi-public or private homes or facilities such as adult foster care facilities, nursing homes, convalescent homes, homes for the aged, sanitary landfills, schools or homes for moral or psychopathic correction.

(27) **Junk or Salvage Yard:** An area used to store, dismantle, bail, clean, handle, or process scrapped, used or second hand materials or vehicles but excluding vehicle sales areas, when conducted as a principle use and when selling vehicles that can be physically and legally operated upon Michigan public roads, uses carried on in completely enclosed buildings, and the storage of accessory farm equipment and supplies, when accessory to a farming operation. As broadly applied in the context of this Ordinance, the terms junk or salvage yard shall all apply to solid waste processing plants, transfer stations and resource recovery facilities as defined in Public Act 641 of 1978, as amended.

(28) **Lot:** A portion of land exclusive of any streets, separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the Kent County Register of Deeds.

(29) **Lot Lines:** (See illustration Appendix A)

   (a) **Lot Line, Front:** The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts. In the case of a corner lot fronting on two or more streets, the front lot line shall be the shortest boundary line of the lot adjacent to a street right-of-way.

   (b) **Lot Line, Rear:** The boundary line which is opposite and most distant from the front lot line.

   (c) **Lot Line, Side:** Any lot boundary which is neither a front lot line nor a rear lot line.

(30) **Lot Width:** The horizontal distance between side lot lines measured parallel to the front lot line, which lot width is not diminished throughout the first two hundred fifty (250) feet of such lot.

(31) **Mobile Home:** A structure, transportable in one (1) or more sections which is built on a chassis and designed to be used with or without a permanent foundation, to be used as a dwelling, or any other use when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles or travel trailers or motor homes; recreational vehicles, travel trailers, motor homes and the like are covered in Section 4.23.
(32) **Nonconforming Use**: A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment, and which does not conform with the regulations of the district in which it is located.

(33) **One Family or Single Family Dwelling**: A building designed for, or occupied exclusively as, one dwelling unit.

(34) **Parking Area**: A space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.

(35) **Parking Area - Private**: A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

(36) **Parking Area - Public**: A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.

(37) **Parking Bay**: The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

(38) **Parking Lot**: An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

(39) **Parking Space**: A space for the parking of a motor vehicle within a public or private parking area.

(40) **Person**: A legal entity or individual human being.

(41) **Pole Building**: Any prefabricated or custom-built structure which has timber or wood footings (whether treated or untreated) and a timber or wood frame.

(42) **Recreation Area, Private**: A parcel of property used as a summer camp for children; travel campgrounds; gun or hunting club; a winter resort used for tobogganing, cross-country skiing or down-hill skiing; a swimming club; a golf course, including miniature golf course; a golf country club; fields (indoor or outdoor) used for baseball, golf driving ranges, batting ranges, ice hockey rinks, softball, football, soccer, rugby, cricket, field hockey, volleyball, and/or field and track events; courts (indoor and outdoor) used for tennis, badminton, racquetball, squash, and basketball or combination of the uses stated.

(42a) **Recreation Vehicle or Unit**: (Ord. 276, Adopted July 26, 1993, Eff. Sept. 3, 1993)

(a) A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.

(b) Recreational units shall include, but shall not be limited to, the following: boats, jet skies, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, and...
similar equipment. If a boat, snowmobile(s), jet ski(s), or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.

(43) **Service Station or Filling Station:** A place where operating fuels or lubrication oils for motor vehicles are offered for sale at retail to the public, including the sale of accessories installed by the proprietor thereof and minor adjustment services, but not including major automotive repairs, motor overhauling, body damage repairs, or bulk fuel distributing.

(44) **Site Plan and Site Development Plan:** A print from an ink or pencil drawing on translucent material, drawn to scale, which shows the intended and/or existing location and dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.

(45) **Sign:** Any device or structure designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulation herein.

(a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, name of occupants of premises, or other identification of premises not having commercial connotations;

(b) Flags and insignia of any government, except when displayed in connection with commercial promotion;

(c) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;

(d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

(e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(46) **Signboard/Billboard:** Any structure, with a primary function of displaying a sign not related to the premises, or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court in public office.

(47) **Single Ownership:** A parcel of real property of record in separate and distinct ownership from adjacent parcels.

(48) **Sludge:** The accumulated muddy untreated solids found in septic tanks, cesspools, sewage pits, and entering or generated at sewage treatment plants.
(49) **Street or Road**: A public right-of-way which has been dedicated to and accepted by the Township or the Kent County Road Commission for the purpose of providing access to abutting lands; where permitted, a private right-of-way which has been approved by the Township for the purpose of providing access to abutting lands. A public street right-of-way and a private street right-of-way includes space for pavement, sidewalks and utilities. (Ord. 456 Adopted August 22, 2005; eff. September 22, 2005)

(50) **Structure**: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term building shall mean the same; and structures shall include, but not be limited to, parking areas, swimming pools and signs or signboards.

(51) **Swimming Pool**: A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground holding less than three hundred (300) gallons of water nor decorative pools with less than two feet of water depth.

(52) **Terms**: The present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "shall" is always mandatory. The words "zone" and "district" are the same. Reference to a whole shall apply to any part thereof.

(53) **Use**: Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.

(a) Accessory Use - A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises.

(b) Use Permitted By Right - A use or uses which, by their very nature, are allowed within the specified Zoning District, provided all applicable regulations of the Township are met. Permitted use includes the principal use of the land or structure, as well as accessory uses, unless specifically stated to the contrary within the provisions of this Ordinance.

(c) Principal Use - The primary purpose for which land or a structure or building is used.

(d) Temporary Use - A use or activity which is permitted only for a limited time and subject to specific regulations.

(54) **Wastewater Treatment Plant Residuals**: Sludge that has been stabilized by chemical or biological processes at a wastewater treatment plant in accordance with Michigan Department of Natural Resources (DNR) Regulations.

(55) **Vehicle Repair Shop**: A garage, building or area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment, but not including minor part replacement and motor tuning services customary for a service station.
(56) **Vehicle Sales Area**: An area or building used for the display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.

(57) **Yards**: (See illustration, Appendix B)

(a) **Front Yard**: An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between any street property line and the nearest foundation of any part of the building which is roofed or which is more than three feet in height. The front yard for lots described in paragraph (4) of Section 4.21 shall be that space lying between the base line used to determine lot width and a parallel line which is adjacent to any structure.

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

(c) **Rear Yard**: A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building, and the rear lot line.
ARTICLE III
ZONE DISTRICTS

3.1 DISTRICTS

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

- R-A Rural Agricultural District
- R-R Rural Residential District
- R-S Suburban Residential District
- R-U Urban Residential District
- R-D High Density Residential District
- MFR Multi-Family Residential District
- OS Office/Service District
- B-1 Central Business District
- B-2 General Business District
- B-3 Interchange Business District
- D-1 Industrial District
- PUD Planned Unit Development

3.2 MAP

The Zoning Map delineating the above districts is hereby declared to be a part of this Ordinance. Except where references by dimensions are shown on said map, the district boundary lines follow lot lines, section lines, fractional section lines, or the center lines of streets or alleys as they existed at the time of the adoption of this Ordinance.

3.3 LOT DIVIDED BY DISTRICT LINE

Where a district boundary line on the Zoning Map divides a lot, each use shall comply with the requirements of the district in which it is located.

3.4 STANDARD VARIATIONS WITHIN DISTRICTS

Due to the undeveloped nature of most parts of the Township of Byron and the uncertainty as to the exact location and availability of public sewer and water facilities, this Ordinance has grouped various distinct but compatible types of land uses into selected districts. Each distinct regulation for a specific use shall apply uniformly in its district for that particular use only. The uses set forth in each zone are distinct but compatible land uses which can be developed in an intermixed manner on sites determined to be most desirable by the individual if such separate regulations are adhered to or exceeded.
ARTICLE IV
GENERAL PROVISIONS

4.1 APPLICATION OF GENERAL PROVISIONS

The general provisions of this Article shall apply in all districts unless specifically stated otherwise.

4.2 ACCESSORY BUILDINGS

(1) General regulations:

(a) In any zoning district, an accessory building may be erected, detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building.

(b) Detached accessory buildings may be located as indicated in Appendix C.

(c) Attached accessory buildings may be located as indicated in Appendix C.

(d) No accessory building may be built on any lot on which there is no principal building. With the exception of one family dwellings accessory to a farm, no portion of an accessory building shall be utilized as a dwelling or as sleeping quarters.

(e) Accessory buildings are prohibited in a front yard or in either of the front yards on a corner lot.

(f) Accessory buildings in all mapped zoning districts shall be subject to size requirements outlined in Schedule A.

(2) In those cases where the Building Inspector questions whether an accessory building is usual and customary to a permitted use, a determination shall be made by the Planning Commission utilizing the following criteria, and the procedure for calling a hearing for a special use shall be followed.

(a) Whether the proposed building is consistent with the permitted use.

(b) Whether the proposed size and location of the proposed building is consistent with existing permitted uses.

(c) Whether the proposed building will affect the light and air circulation of any adjoining buildings or properties.

(d) Whether the proposed building will adversely affect the view of any adjoining property.
Whether the proposed building can be located such that it meets the yard and other requirements.

4.3 ANIMALS

Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, use or medical care of fowl or animals, other than house pets of an occupant of the premises, is prohibited in any R-S, R-U, R-D, MFR, or B-3 District. Where such activities are pursued in any other district as it may be allowed, a lot area of two acres for one animal and one-half acre for each additional animal shall be required. A commercial kennel or riding stable shall provide over four acres for such use. An animal hospital or veterinary clinic shall provide more area than required as specified in the districts in which it is permitted.

Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

4.4 AREA OR SPACE REQUIRED

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

4.5 ATTACHED SINGLE FAMILY DWELLINGS

Attached single family dwellings may not be erected and sold as individual units unless they are part of an approved condominium or PUD project.

4.6 BASEMENT DWELLINGS

The use of a basement as a dwelling unit is prohibited in all zones. The use of any portion of a basement as living or sleeping quarters below a dwelling meeting the floor area requirements of Section 4.15 must meet the egress requirements of the Township Housing Code and Construction Code.

4.7 CONVERSION OF DWELLINGS

Where permitted, the conversion of any existing dwelling so as to accommodate an increased number of dwelling units shall be limited to not more than three (3) dwelling units irrespective of the number permitted in new buildings.

4.8 CORNER LOTS

Where a lot is bounded by two streets, the front yard requirements shall be met for each street.
4.9 DEMOLITION

Unless otherwise excepted under the provisions of this section, no building or structure may be razed, demolished or torn down without first obtaining a demolition permit from the Building Inspector. The Building Inspector shall issue a demolition permit only after the applicant has shown that he has complied with the following requirements:

(1) A certificate is obtained from the Kent County Treasurer and from the Township Treasurer that all property taxes and special assessments on the subject property are paid.

(2) A fee as established by the Township Board shall be paid to the Township for the issuance of such permit.

(3) A cash bond, surety bond, or irrevocable letter of credit is posted with the Township Clerk in the amount of five hundred dollars ($500) or ten percent (10%) of the contracted price of demolition whichever is greater. The surety bond shall be forfeited in the event the requirements of this section are not met and can be used in the Township's discretion to enforce this Ordinance, bring the property into compliance with the Ordinance, or to be placed in the general fund of the Township.

(4) The manner of razing, demolishing or tearing down of a structure or building hereby regulated shall comply with the following:

(a) Prior to any demolition, all utilities connecting to such building or structure including but not limited to water, gas, electricity, telephones, sanitary sewer and storm sewer, shall be disconnected and capped in such a manner that it is acceptable to the company, municipality or entity controlling such utility save that electrical lines and gas lines shall be capped at least at the street adjacent to the subject parcel, and no bond shall be released until written evidence from such company, municipality and/or entity is given stating that the disconnection and capping is acceptable.

(b) No materials used in the construction of the structure or building shall be buried or left upon the subject premises but shall be disposed of in a licensed sanitary landfill.

(c) Any concrete or like material that is part of the basement and/or foundation of the structure or building shall either be removed in conformance with the above paragraph (b) or shall be broken up in pieces not larger than 24 inches by 24 inches by 24 inches and must be arranged below the surface in such a way as to allow free percolation of water and be placed at least four (4) feet below the surface of the ground.

(d) Any septic or other underground storage tank or tanks shall have their contents removed and disposed off the premises in accordance with statutes of the State of Michigan and rules promulgated of agencies of the State of Michigan and the tanks shall subsequently be removed from the premises or broken up and arranged in the same manner as stated in the above paragraph (c).
Such quantity of clean fill dirt as is necessary to level off the premises after such demolition shall be brought on the premises and the premises shall be leveled off to the grade existing prior to such demolishing, tearing down or razing.

The Building Inspector shall inspect before, during and subsequent to the demolition and verify that there has been compliance herewith prior to the release of the bond, and the applicant must allow such inspection and not proceed with any part of the demolition in such a way that any of the requirements hereof cannot be visually inspected for compliance and shall not proceed before actual inspection and approval is made on any of such requirements.

Upon compliance with all the requirements hereof, and verification there of by the building inspector to the township clerk of compliance, the bond or letter of credit shall be released to the applicant by the Township Board.

In the event that a building or structure is demolished by an Act of God or natural disaster (accidental fire, wind, flood, snowload, etc.), the demolition permit is required but the fee shall be waived. A clean-up time of ninety (90) days is allowed.

**4.10 DRIVEWAYS** Repealed August 22, 2005

**4.10a. PRIVATE STREETS** (Ord. 456 Adopted August 22, 2005; eff. September 22, 2005)

(1) **PERMITTED PRIVATE STREETS.** Private streets shall be permitted only within the following types of developments:

(a) Residential developments containing attached, multiple-family dwellings, such as attached condominiums, apartments and other similar multiple-family residential developments, such as retirement communities consisting of attached dwelling units, but excluding site condominiums; and

(b) Multiple-building commercial and/or office developments; multiple-building industrial developments.

(2) **DESIGN AND CONSTRUCTION REQUIREMENTS.** All private streets shall be designed and constructed in accordance with the following minimum design, construction, inspection, approval and maintenance requirements:

(a) The private street right-of-way shall be at least 40 feet in width.

(b) The area in which the private street is located shall have a minimum cleared width of 30 feet.

(c) The travelled portion of the private street shall comply with the following requirements:

   (i) The travelled portion of a private street providing access to residential land uses shall be at least 24 feet wide, except that such width shall be a
minimum of 26 feet for that portion of a private street located within 30 feet of a building of a height greater than 30 feet.

(ii) The traveled portion of a private street providing access to commercial and/or industrial land uses shall be at least 26 feet wide.

(d) All private streets shall be paved and constructed as follows: there shall be a minimum sub base of 12 inches of sand and 6 inches of finished, compacted gravel (No. 22A), and a minimum of 3 inches of bituminous aggregate and a minimum of 3 inches of bituminous aggregate, installed in two lifts. Such paved private streets shall comply with other applicable Kent County Road Commission construction requirements for local roads.

(e) Any private street which terminates at a dead end and which is longer than 200 feet or which provides access to eight or more dwelling units, shall have a cul-de-sac with a minimum turn-around radius of 50 feet of traveled street surface.

(f) No private street shall extend for a distance of more than two thousand (2,000) feet in length from the nearest public street right-of-way as measured along the centerline of the private street, unless direct access is provided thereto from another public street; provided, however, that the Planning Commission may in its discretion approve a private street extending for a greater length from the nearest public street right-of-way, if the Planning Commission makes any one of the following findings of fact:

(i) That there are extraordinary circumstances or unusual hardship pertaining to the use and development of the land, such that a greater length of private street is reasonably necessary.

(ii) That another direct access to and from another public street cannot reasonably be provided.

(iii) That unless a greater length of private street is permitted, there will be land that cannot be used or developed and that there is no reasonable likelihood of such use or development unless the greater length of private street is approved.

(g) The private street surface shall have a minimum crown of 2/10 of one foot from the centerline of the street to the outside edge thereof.

(h) A private street shall include concrete curbing or valley gutters.

(i) The maximum longitudinal street grade shall not exceed six percent (6%), provided the Township may allow up to a ten percent (10%) grade if the Township is satisfied that such increase in street grade will not adversely affect public safety or cause undue erosion.
(j) A private street shall be constructed so as to sufficiently control storm water runoff, by means of catch basins, seepage basins, storm sewers, culverts and drainage contours and/or by such other effective methods as may be required by the Township Engineer, in his or her discretion, so as to ensure adequate drainage and control of storm water runoff.

(k) The method and construction technique to be used in the crossing of any natural stream, wetland or drainage course, by a private street, shall satisfy the requirements of the Township Engineer and/or any governmental agency having jurisdiction.

(l) All lots or parcels utilizing a private street shall have frontage on the private street that is equal to at least the minimum lot width for the zoning district in which the lot is located; provided, however, that minimum frontage for a lot or parcel fronting on a cul-de-sac of a private street may be reduced to forty (40) feet at the front lot line, as long as the lot or parcel meets the minimum width requirements of the zoning district at the minimum front yard setback line; provided, however, that if a private street is located within a planned unit development under the terms of Article XV, the Planning Commission and Township Board may approve departures from or modifications in the above-stated minimum provisions of this subparagraph (l), under the terms of Section 15.4 of this Ordinance.

(m) All private streets shall have a recorded permanent right-of-way or easement. The right-of-way or easement shall expressly permit utilities to be installed within the right-of-way. The placement and installation of such utilities shall comply with all applicable Township requirements and shall be subject to approval by the Township engineer.

(n) The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is reasonably assured. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than one hundred fifty (150) feet, as measured along the right-of-way lines thereof.

(o) All private streets shall be named and identified by use of appropriately located street name signs. Such signs shall comply with County road commission requirements on the height of street signs, the size of lettering thereon and other sign features. Street names shall not duplicate or be substantially similar to any existing street name in the County, except in the case of the continuation of an existing street. All lots fronting on a private street shall have an address on the private street. The address number of each dwelling shall be displayed in a manner such that it is readily visible from the private street, and each of the numbers shall be at least three (3) inches in height.

(p) A stop sign conforming to the requirements of the Kent County Road Commission shall be provided at the exit point from the private street to the public street.
(q) All private streets, whether new or existing, shall at all times be improved, maintained, repaired and snowplowed so as to insure that the private street is safe for travel at all times and so that suitable access is provided for emergency vehicles, in addition to meeting the specific standards stated in this Section. All persons who own property which abuts a private street are jointly and severally responsible for compliance with this requirement.

(3) PRIVATE STREET APPLICATION. An application to establish, extend, modify or relocate a private street shall be filed with the Township Clerk and shall include the following information:

(a) The name(s), addresses and telephone numbers of the owners and any other parties having any legal interest in the private street and the property across which it is to be constructed along with the permanent parcel number(s) of all lots and parcels to be accessed by the private street.

(b) A drawing(s), prepared and sealed by a professional engineer or land surveyor licensed by the State of Michigan, with a scale not less than one inch=200 feet, containing the following information:

(i) Location, route, elevations, dimensions of the private street in accordance with the standards of this Section.

(ii) Proposed extensions of the private street.

(iii) A layout including dimensions of the parcels to be served by the private street, including parcels to be accessed by future extensions.

(iv) The location where the private street is to intersect with any public street.

(v) The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private street right-of-way or within twenty (20) feet either side thereof.

(vi) The location of any lakes, streams and drains within the proposed private street right-of-way or within one hundred (100) feet thereof.

(vii) A detail of the private street cross section.

(c) A copy of the recordable legal instrument(s) describing and granting the private street easement(s).

(d) A copy of a recordable private street maintenance or restrictive covenant that contains the following:
(i) Provisions that assure the private street will be maintained, repaired and snow plowed for the full width of the roadway in accordance with the standards of this Section and in a manner to assure the private street is safe for travel at all times.

(ii) Provisions that assure that the costs of maintenance of the private street and its easement are paid for in an equitable manner.

(iii) A legal description of the private street easement and a legal description of the individual properties to be accessed by the private street as of the date of recording.

(e) The applicant shall agree, in writing, that it will assure that any properties then existing or thereafter created which are accessed by the private street shall be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and run with the land. A copy of said agreement shall be furnished to the Township Attorney prior to recording. Prior to recording, the street maintenance or restrictive covenant agreement shall be revised to address comments provided by the Township Attorney. A recorded copy of the final street maintenance or restrictive covenant agreement shall be provided to the zoning administrator and Township Attorney before building permits are issued for any property accessed by the private road.

(f) The applicant shall agree in writing, that by applying for and securing a permit to construct the private road, that it shall indemnify, save and hold the Township, and its officers, employees and agents, harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private street. Said indemnification shall be included in the maintenance agreement recorded for the private road.

(g) A Soil Erosion and Sedimentation Control Permit as issued by the Road Commission or the Soil Erosion and Sedimentation Control Agency having jurisdiction, if applicable.

(h) A driveway permit issued by the Road Commission, and approval from the Road Commission of the proposed private street name.

(i) Permit and escrow fees in the amounts as periodically established by resolution of the Township Board.

(j) The name of the applicant’s private street construction contractor and a statement of the contractor’s experience in road construction.
PROCEDURES FOR REVIEW OF A PRIVATE STREET APPLICATION.

(a) An application for a private street shall be submitted to the Township Clerk, who shall forward the same to the Township Planner, the Township Attorney and the Township Engineer for their comments. If the application is complete, the zoning administrator shall forward the application to the Planning Commission, together with the comments thereon from the Township Planner, the Township Attorney and the Township Engineer. If the application is not complete, the zoning administrator shall return the application to the applicant with a written explanation of the deficiencies or omissions to be corrected.

(b) After receipt of a complete application from the zoning administrator, the Planning Commission shall consider such application at a public meeting. If the private street is included in a proposed planned unit development, special land use, site condominium or other land development requiring Planning Commission consideration, then the Commission may consider approval of the private street as a part of the consideration for that development.

(c) The Planning Commission shall review the application for the private street, and may approve the application if, in its discretion, the Planning Commission determines that the following standards have been satisfied:

(i) That the private street complies with all requirements of this Section and other applicable provisions of this Ordinance.

(ii) That the private street would not create conditions which may be detrimental to the health, safety or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.

(iii) The Planning Commission may consult with the Township Planner, the Fire Chief, Attorney, Engineer, zoning administrator, as deemed appropriate, in its consideration of a private street application.

(d) In approving an application for private street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of the private street, consistent with the terms of this Section and other applicable provisions of this Ordinance.

(e) Following review and approval of a proposed private street by the Planning Commission, the Township zoning administrator, upon the recommendation of the Township Engineer, may determine whether to issue a construction permit for the private street.

(i) No private street shall be constructed until the construction permit has been issued.
(ii) In determining whether to issue a construction permit, the zoning administrator, or his or her designee, shall consider the approval of the private street by the Planning Commission, whether the private street can be constructed safely and without adverse effects upon adjacent or nearby lands or property interests and whether the private street meets the design standards of this Section.

(iii) In issuing a private street construction permit, the zoning administrator, or his or her designee, may impose such conditions as will assure compliance with the terms of this Section.

(f) As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with an acceptable surety, or a letter of credit, conditioned upon the timely and faithful performance by the applicant under the terms of this Section and under the terms of any approvals given for the private street by the Planning Commission and/or zoning administrator.

(g) Neither the Planning Commission’s approval of a private street or the zoning administrator’s issuance of a construction permit for a private street constitutes authorization for the construction or occupancy of a structure that will be served by the private street.

(5) CERTIFICATE OF COMPLIANCE.

(a) Upon completion of construction of a private street, the zoning administrator, or his or her designee, shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefor by the Planning Commission and zoning administrator, and the terms of this Section and other applicable provisions of this Ordinance.

(b) The applicant shall provide the Township with a set of “as-built” drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this Section and other provisions of this Ordinance and with the terms of approvals given by the Planning Commission and zoning administrator.

(c) After receiving the certified as built drawings and following the zoning administrator’s review of the completed construction, the zoning administrator may issue and submit to the applicant a certificate of compliance, stating that, based upon the inspection of the construction, the private street complies with this Section, other applicable provisions of this Ordinance and the Planning Commission and zoning administrator approvals.

(d) If, however, the completed private street does not satisfy the requirements of this Section, other applicable provisions of this Ordinance or approvals given by the
Planning Commission and/or zoning administrator, the zoning administrator shall notify the applicant in writing of such noncompliance and shall provide the applicant a reasonable period of time in which to correct the stated deficiencies. The zoning administrator may issue a certificate of compliance once the deficiencies have been corrected.

(6) BUILDING PERMITS; OCCUPANCY PERMITS.

(a) No building permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this Section and other applicable provisions of this Ordinance, and until a private street construction permit and a certificate of compliance have been issued, except as stated in subsection (6)(b).

(b) If a private street has not yet been completed and approved in accordance with this Section and other applicable provisions of this Ordinance, but the applicant has submitted to the Township a performance bond, with acceptable surety, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, then a building permit may nevertheless be issued for a dwelling or for other building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the zoning administrator also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

(c) An occupancy permit for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed in accordance with the requirements of this Section and other provisions of this Ordinance and with the terms of approvals given by the Planning Commission and zoning administrator.

(7) EXISTING PRIVATE STREETS. The provisions of this Section shall apply to any extension of an existing private street.

4.10b. DRIVEWAYS. (Ord. 456 Adopted August 22, 2005; eff. September 22, 2005)

(1) Application to Zoning Administrator.

(a) An applicant for a building permit shall provide documentation as required by the zoning administrator to ensure that the driveway which is proposed to serve the proposed building, structure or use complies with the minimum standards of this section.

(b) An application for a building permit shall include a driveway permit issued by the Road Commission.
(2) Minimum Standards for Driveways and Shared Driveways. No building permit shall be issued for a newly constructed building, dwelling or structure which is to be served by a driveway or shared driveway that is subject to the requirements of this Section unless the proposed driveway complies with the following standards:

(a) The area in which the driveway or shared driveway is to be located shall have a minimum cleared width of 20 feet; said cleared width shall be maintained by the property owner or if a shared driveway by those persons having a legal right to use the driveway.

(b) Overhead branches shall be trimmed to a height of 14 feet above the ground. Said trimmed height shall be maintained by the property owner or, if a shared driveway, by the persons having a legal right to use the driveway.

(c) The driving surface of a driveway shall be at least 12 feet wide. For a shared driveway, the driving surface shall be at least 16 feet wide.

(d) The driving surface of a single or shared driveway shall have a sub-base of stable soil and a minimum of six (6) inches of MDOT 22A compacted gravel on the top thereof.

(e) The driving surface of the driveway or shared driveway shall be crowned to facilitate drainage.

(f) The longitudinal slope of the driveway or shared driveway shall not exceed ten percent (10%) unless a steeper driveway is approved by the Township Fire Chief.

(g) The driving surface of the driveway or shared driveway shall be adequately maintained by the property owner, or by those persons with a legal right to use the driveway to ensure the safe passage of private and emergency vehicles.

(h) When a driveway crosses any natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow to the satisfaction of the zoning administrator and any other agency having jurisdiction thereof. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support fire department equipment.

(i) In constructing the crossing, best management practices to prevent soil from entering the stream or drainage way shall be used. Such measures shall also be used to ensure soil does not enter the stream or drainage way after construction of the crossing is completed. Such measures shall be approved by the Township Engineer.

(j) Except where the driveway crosses a natural stream or drainage course, the driveway shall be no closer than twenty five (25) feet from the stream or drainage course or other body of water.
(k) The street address shall be posted in a conspicuous place on the property so it is visible from a public or private road.

(l) The inside radius of any driveway curve shall be a minimum of 50 feet.

(m) A shared driveway which intersects a public road shall be a minimum of 125 feet from another shared driveway, or a private or public road which is on the same side of the road. This distance shall be measured between center lines. Where compliance with such separation distance cannot be achieved because of existing lot widths, location of other shared driveways or private or public roads, or topographical factors, the separation distance may be reduced to the minimum extent possible.

(3) Exemption. The regulations of subsection (2) shall not apply to driveways which are 175 feet or less in length, as measured from edge of pavement to the closest portion of the house or attached garage.

(4) Existing Lots and Driveways.

(a) An easement for a shared driveway which provides the sole means of access to a lot that is of record as of the effective date of the amendment adding this Section shall comply with the provisions of this Section, except that the provisions of subsections (2)(a), (c), (d), (e), (j) and (k) shall be satisfied only to the extent that the existing limitations of the easement permit compliance with these provisions.

(b) For a shared driveway existing as of the effective date of the amendment adding this Section, which thereafter becomes a private street by extension or lot division, the existing portion of the shared driveway shall be treated as an existing private street under Section 4.10a of this Ordinance.

(5) Minimum Standards for Exempt Driveways. A driveway or shared driveway that is not subject to some or all of the requirements of subsection (2) shall nonetheless be constructed and maintained year round so as to assure safe passage and maneuverability of private and emergency vehicles.

4.11 DWELLING SITUATED OUTSIDE OF MOBILE HOME PARK, MINIMUM REQUIREMENTS

All dwelling units located outside of mobile home parks shall comply with the following requirements:

(1) All dwelling units must conform to the minimum floor area requirements for the districts in which they are located.

(2) All dwelling units shall provide a minimum height between the floor and ceiling of seven feet six inches (7’-6”); or if a mobile home, it shall meet the requirements of the United

(3) The minimum width of any single family dwelling unit shall be twenty-two (22) feet for at least sixty-seven (67) percent of its length, measured between the exterior part of the walls having the greatest length.

(4) All dwelling units shall comply in all respects with the Michigan State Construction Code (BOCA) as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 30 of 1972, as amended, being MCL 125.1501 et. seq. or the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.

(a) Foundations: A permanent foundation constructed on-site in accordance with said State Construction Code (BOCA) and shall have the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the said State Construction Code (BOCA) for dwellings or, in the case of mobile homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code (BOCA), whichever is stricter, and with the wheels removed shall not have any exposed towing mechanism, undercarriage, or chassis.

(b) The dwelling shall meet or exceed all applicable roof snow load and strength requirements.

(5) All dwellings without basements, except slab on grade construction, shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth, with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.

(6) All dwellings shall be connected to a sewer system and water supply system approved by the Township or the County Health Department.

(7) Additions of rooms or other areas shall be constructed with similar quality workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation, and no addition shall involve placing a bearing load on a mobile home.

(8) All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than eight (8) inches between any door and the surrounding grade.
(9) A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed, or other structure approved by the Building Inspector.

(10) All dwellings shall have a double pitched roof of not less than two and one-half (2.5) feet of rise for each twelve (12) feet of run unless twenty (20) percent of the single family dwellings within one-half (1/2) mile have a lesser pitched roof, then a pitch equal to an average of those twenty (20) percent single family dwellings shall be provided, and the roof shall be covered by either asphalt, fiberglass, or shake shingles.

(11) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the dwellings.

(a) The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section, as well as the character, design, and appearance of residential dwellings located outside of mobile home parks within five hundred (500) feet of the subject dwelling.

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

(12) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.

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

(14) The Building Inspector shall have a minimum of three (3) working days to review plans prior to issuing a Building Permit.

4.12 PRINCIPAL BUILDING ON A LOT (Ord. 455 Adopted August 22, 2005; eff. September 22, 2005)

(1) Not more than one principal building shall be permitted on a single lot, unless one of the following applies:

(a) The lot is used for multiple family, agricultural, commercial or industrial purposes and complies with all applicable provisions of this Ordinance.
(b) The lot is used on a condominium basis, and the lot complies with all applicable provisions of this Ordinance, including but not limited to the provisions of Section 4.40.

(c) The lot is used on a site condominium basis, and the lot complies with all applicable provisions of this Ordinance and the Township Site Condominium and Utility Extension Ordinance.

(2) A permitted accessory buildings on a lot shall not be situated closer to the front lot line than the front building line of the permitted principal building on the same lot.

4.13 ESSENTIAL SERVICES

Essential services which are located underground or involve the customary placing of utility poles in public rights-of-way or public easements may be placed in any zone. Essential services which require the erection or construction of other above ground appurtenances or structures may be permitted as a special use by the Planning Commission provided it finds that there will be no adverse effect upon surrounding adjacent property.

4.14 EXISTING SUB-STANDARD PLATTED LOTS

(1) Any lot in single ownership at the time of adoption of this Ordinance that fails to comply with the area and lot size requirements of this Ordinance may be used for a permitted use if ninety percent (90%) or more of all yard requirements are complied with. No Board of Appeals' action is required.

(2) Lots in common ownership:

(a) Lots containing ninety percent (90%) of area. Any lots in common ownership with adjacent lots at the time of adoption of this Ordinance may be used as separate lots if each lot contains ninety percent (90%) or more of the required lot area. No Board of Appeals' action is required.

(b) Lots containing less than ninety percent (90%) of lot area. Lots in common ownership which do not contain ninety percent (90%) or more of the required lot area shall be combined or re-divided to conform to this Ordinance.

(3) Lots for which approval of Building Inspector is required. In all other cases, no lot shall be used for a permitted use unless the approval of the Building Inspector is obtained. The Building Inspector shall consider the following factors in making his decision:

(a) Side and rear yards may be reduced to the same percentage that the lot area bears to the district requirements. However, no side yard shall be less than one half of the height of any principal building.

(b) The requirements of Section 4.28 shall be met.

(c) Off-street parking requirements of the district shall be met.
(d) Structures for human use and habitation must be connected to public utilities, if available.

(e) Environmental impact statements pertaining to lot size, topography, slope, soils and their internal drainage characteristics, etc. must be obtained from the Kent County Health Department concerning lots located in areas where public utilities are not available.

(f) Proof sufficient to establish that the lot was in existence at the time of adoption of this Ordinance shall be submitted.

4.15 FLOOR AREA

(1) One-Story Single Family Dwellings: There shall be a minimum ground floor area of one thousand (1,000) square feet for each new one-story single family dwelling erected, including mobile homes erected outside of mobile home parks.

Any two levels of bi-level, tri-level, or split-level type single family dwelling shall be considered the same as a one story dwelling requiring the same floor area as a one story dwelling.

(2) Multi-Story Single Family Dwellings: There shall be a minimum ground floor area of six hundred eighty (680) square feet and a total floor area of one thousand two hundred (1,200) square feet for each new two- or three-story single family dwelling erected.

(3) Mobile homes located within mobile home parks shall provide a minimum floor area of four hundred (400) square feet.

(4) Multiple family structures shall have a minimum floor area of six hundred (600) square feet per dwelling unit.

4.16 HEIGHT EXCEPTIONS

The height requirements of all zones may be exceeded by parapets not over four (4) feet in height, chimneys, silos and farm barns, roof mounted television and radio antennas, cupolas, spires or other ornamental projections, or water towers. In the Industrial Zones, chimneys, cooling and fire towers, elevator buildings, parapets, roof storage tanks, communication towers and other necessary appurtenances are permitted above the height limitations provided they are located the same distance as their height from any adjoining property line.

4.17 HOME OCCUPATION

Home Occupation: Home occupations are permitted in any zone as an accessory use to any dwelling unit which is permitted as a matter of right or which is a legal pre-existing nonconforming use. A home occupation is any use which:

(1) Is conducted entirely within a residential building and not within an accessory structure, and is not evident in any way from the street or from any neighboring premises.
(2) Does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.

(3) Is carried on only by the inhabitants of the building plus not more than one non-resident.

(4) Employs only mechanical equipment which is similar in power and type usual for household purposes and hobbies and does not affect the insurance rates on the premises.

(5) Any sign shall be a professional name-plate and not exceed four (4) square feet in area. (See Section 17.2).

(6) Devotes not more than fifty percent (50%) of one story to such home occupation and does not involve the sale of commodities on the premises.

4.18 INSTITUTIONAL USES

Institutional uses are permitted in any zone as a special use. There must be review and approval of a site development plan by the Planning Commission prior to the issuance of a Building Permit. Before approving such plan, the Planning Commission shall determine that the physical layout and relationship of parking and other improvements will not adversely affect existing or potential adjacent primary permitted uses and meets the development requirements contained in this Ordinance. If the Planning Commission determines that an institutional use may have an adverse effect upon adjacent conforming uses or that it conflicts with the intent of the Master Plan or this Ordinance, it shall deny the use.

4.19 LOT AREA COMPUTATION

Unless otherwise specified, all minimum lot area requirements for parcels of less than four (4) acres shall be met by computing the lot area, exclusive of existing public street rights-of-way; and shall be further computed exclusive of any area within sixty (60) feet of the centerline of any major street or within forty-three (43) feet of the centerline of any secondary street as shown in the adopted Master Plan and Transportation Plan of the Township of Byron.

4.20 LOT USE

No lot or part of a recorded plat or parcel of unplatted land may be devoted to more than one principal use unless otherwise specifically permitted.

4.21 LOT WIDTH ON ARTERIAL STREETS

(1) No lot facing on a major street as shown in the adopted Master Plan and Transportation Plan of the Township shall be less than one hundred thirty (130) feet in width in any district or as regulated in this Ordinance except the B-1 District.

(2) Except as provided below, minimum lot widths in all districts shall be measured along the front lot lines, and such minimum lot width shall not be diminished throughout a given lot for the front two hundred fifty (250) feet of such lot.
(3) The minimum lot width for lots fronting on cul-de-sac streets shall be measured at the rear of the required front yard and shall not be diminished throughout a given lot for the next 250 feet of such lot. Such lots shall have a front lot line of at least forty (40) feet and in no case shall the lot width within the front yard be less than forty (40) feet.

(4) The minimum lot width of existing irregularly-shaped lots which have less than the minimum width requirements of the district in which they are located shall be measured as follows: A line connecting the side lot lines shall be drawn parallel to the front lot line so that the length of such line shall be at least equal to the minimum width required for lots in the district, and such minimum lot width must not be diminished throughout the first two hundred fifty (250) feet of the remaining portion of such lot. Such line shall also be the base line used to compute the required front yard. No such lot shall have less than forty (40) feet of frontage on a public street and the width of the lot between the front lot line and said base line shall never be less than forty (40) feet. No new irregularly-shaped lots shall be created that do not meet standard lot width and area requirements provided for in other sections and subsections of the Zoning Ordinance, unless it is part of an approved subdivision or has received approval of a variance by the Board of Appeals under the conditions of 21.5 and 21.6 of the Byron Township Zoning Ordinance.

4.22 MIXED OCCUPANCY

Before issuing a building permit for any premises intended or used for a combination of dwelling and commercial occupancy, the Building Inspector shall request a report from the County Health Officer as to any hazards that exist or may be expected to exist together with recommendations as to additional provisions necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

4.23 TRAVEL TRAILERS, MOTOR HOMES, CAMPERS AND TENTS

Travel trailers, motor homes, campers, tents or other similar type of facilities to be used for dwelling purposes or any other use are prohibited except as follows:

(1) As a temporary use as may be permitted in Section 4.32.

(2) As an accessory use seasonally permitted in a licensed campground.

4.24 POLE BUILDINGS

The use, construction or occupancy of a pole building within any B-1, B-2, B-3, R-U, R-D, and MFR District is prohibited, except as follows:

(1) As a temporary use regulated in Section 4.32.

(2) As an accessory use in a licensed mobile home court as permitted in this Ordinance.
4.25 REFUSE

The storage, collection or placing of discarded material, inoperable equipment, inoperable vehicles, or other refuse is prohibited in any yard in all zones, and no such storage, placement or collection be conducted in such a manner as to constitute a junkyard as defined herein save in such area as is specifically allowed to be conducted as a junkyard as regulated herein.

4.26 RESTORING UNSAFE BUILDINGS

The Building Inspector has the authority to order the strengthening or repair of any building which is unsafe or hazardous.

4.27 SATELLITE DISH ANTENNA

(1) The purpose of this section is to encourage the use of such dish antennas and yet reasonably regulate the same in light of clearly defined health, safety, and aesthetic considerations.

(2) Aesthetic and other conditions

(a) Dish antennas exceeding fifteen (15) feet in height are aesthetically out of character with other uses in all zoning districts.

(b) The placement of such dish antennas on structures or buildings which are used as dwellings are aesthetically out of character with such uses and residential districts.

(c) Permitting uses which are aesthetically out of character promotes premature economic obsolescence and decrease in property values.

(d) Dish antennas that exceed a height of fifteen (15) feet and/or are placed on buildings or structures which are used as residential dwellings limits the providing of adequate light and open space and increases possible danger to inhabitants or dwellings from such dish antennas coming detached in storms and high winds.

(e) Dish antennas located in front yards or within eight (8) feet of property lines are aesthetically incompatible with all uses permitted in all districts.

(3) A satellite dish antenna is permitted in all zoning districts upon approval by the Building Inspector, provided the following provisions are satisfied:

(a) The satellite dish antenna shall be permanently anchored to a foundation.

(b) No portion of the satellite dish antenna conduct or display any advertising, message, or other graphic representation other than the manufacturer's name.

(c) No satellite dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.
(d) A satellite dish antenna shall not be located in the front yard and shall not be closer than eight (8) feet to any property line.

(e) A satellite dish antenna may be mounted on the roof of a principal or accessory building in all districts except the residential district, provided it shall not exceed a height of five (5) feet above the roof.

4.28 SETBACK ON MAJOR STREETS

No building shall be closer to a street than the minimum front yard requirement of its district. The minimum front yard requirement on a lot adjoining a major street designated on the adopted Master Plan shall be measured from a line sixty (60) feet from, and parallel to, the centerline of the street, and where adjoining a secondary street the front yard shall be measured from a line forty-three (43) feet from, and parallel to, the centerline.

Where two major or two secondary streets intersect or where a major and a secondary street intersect, no structure of any kind shall be erected closer than one hundred fifty (150) feet to the intersection of the centerlines of said streets.

4.29 SEWER AND WATER

Where a building is to be occupied by human beings on property which is not provided with public water or public sanitary sewer facilities, no Building Permit shall be issued until the Building Inspector has been presented with a Sewer Construction Permit and a Certificate from the Kent County Health Department showing that the well has been approved. A plan showing the location of all sewer facilities, buildings and the proposed well site shall suffice in lieu of such well approval.

(1) The Building Inspector may order all work stopped and to notify the Kent County Health Officer, in any instance coming to his attention, where a private sewage disposal system is being constructed, altered or extended without a Construction Permit issued by the Kent County Health Department.

4.30 SITE PREPARATION - EXCAVATION AND EXTRACTION

Site Preparation-Excavation and Extraction: Site preparations involving the excavation, extraction, or removal of earth and material shall be prohibited unless it is for the customary and primary purpose of erecting an authorized building, roadway, or other authorized use or improvement on the site and a building permit for zoning compliance is issued. Any use that must obtain special use approval under Section 18.4(1) must likewise meet the requirements for such special use approval.

4.31 SWIMMING POOLS

Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district, the following provisions must be satisfied:
(1) An application for permit, accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing, and related equipment, meeting as a minimum the following standards:

(a) The swimming pool shall not be closer than ten (10) feet to any side or rear lot line and no part of any pool shall be constructed within a required front yard.

(b) The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the Township's Building Inspector. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the Building Inspector before final approval is given.

(c) The Regulations and Standards for swimming pools contained in the BOCA Building Code and National Electrical Code, as adopted by the Byron Township Board.

4.32 TEMPORARY SPECIAL USE PERMITS

The Building Inspector may issue Temporary Special Use Permits for the following uses after determining that such uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second Temporary Special Use Permit may be issued by the Building Inspector at the end of such time limit for good cause shown. A third Temporary Special Use Permit may only be authorized by the Planning Commission as a special use.

(1) Mobile Homes: An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed on the same premises. A Temporary Special Permit must be issued prior to any such use.

(2) Signs and Supplies: The storage of building supplies and machinery, temporary storage buildings, the assembly of materials and customary trade, contractor, architect and identification signs in connection with a construction project may be authorized by the Building Inspector for a period of up to twelve (12) months.

(3) Seasonal Uses: The Building Inspector may authorize a Temporary Special Permit for up to thirty (30) days for seasonal or unusual non-recurrent temporary uses and signs.

(4) Parking Areas: Temporary special permits may be issued by the Building Inspector for the use of unimproved parking areas in accordance with Section 16.10.

(5) Reasonable conditions may be required with the approval of a Temporary Special Permit by the Building Inspector. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in
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 land owners immediately adjacent to the proposed land use or activity, and the community as a whole.

(b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

(c) 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.

(6) The conditions imposed with respect to the approval of a Temporary Special Permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Building Inspector and the landowners, in writing. The Building Inspector shall maintain a record of conditions which are changed.

(7) A fee shall be paid as determined by the Township Board.

4.33 TRAFFIC VISIBILITY

On any corner lot, no fence, structure, wall, berm, or planting over twenty-four (24) inches in height above the curb line, except deciduous trees, shall be erected or maintained within twenty (20) feet of the intersection of right-of-way lines so as to interfere with traffic visibility across the corner of said lot. No structure or planting which is deemed a traffic hazard shall be permitted in any zone. No unshielded light of more than seventy-five (75) watts may be located nearer than thirty (30) feet to a public street unless said light source is not visible from the public street. All light sources of more than seventy-five (75) watts used to illuminate signs, parking areas, or premises shall be diffused or shielded so that the direct source is not visible from any public street. All walls and fences shall comply with Section 4.37.


(1) The storage or parking of trucks of more than one and one-half (1-1/2) tons or trailers of any kind are entirely prohibited in any R-U, R-D, or MFR District. The storage or parking of more than one and on-half (1-1/2) tons or truck trailers of any kind are prohibited in any front yard in any zone and in any side yard in a R-A, R-R, or R-S zone, except as accessory to a farm use or other authorized use. This shall not be deemed to prohibit up to seven (7) days of non-recurrent parking of a mobile home or mobile housing facility in any yard other than the front yard.
(2) Storage of recreational vehicles or motor homes in excess of seven (7) consecutive days is not permitted in any multiple family or condominium area unless placed inside a designated screened storage area as shown on an approved site development plan.

(3) The outside storage of recreational vehicles and recreational units is permitted:

(a) In rear yard spaces.

(b) In one (1) side yard provided it is located between the front yard and the rear yard and provided access from the front yard to the rear yard is not used for such outside storage.

(c) Such storage is permitted in the front yard for one (1) recreation vehicle in any zoning district from April 1st through September 30th. Such vehicle shall be parked a minimum of five (5) feet from the front property line.

(d) Only two (2) recreational vehicles or units unit shall be permitted per lot or parcel in the R-U District with only one (1) being a recreational vehicle, i.e., motor home or camper type.

(e) In the RA, RR and RS Districts, only two (2) recreational vehicles or recreational units shall be permitted per lot or parcel which is under one (1) acre in size. On lots or parcels one (1) acre or greater, there is no limit to the number or recreational vehicles or units permitted provided all the other requirements of this section are met.

(f) Recreational vehicles and recreational units designed and designated for primary use upon a roadway or waterway, requiring licensing or registration shall be currently licensed or registered at all times. Vehicles or units not requiring registration or licensing so kept, stored, or parked shall be maintained in good repair, and operating condition.

(g) The open storage of disassembled or component parts for such recreational vehicles or units is prohibited at all times.

(h) Said items shall not be used for lodging or housekeeping purposes, except as otherwise authorized by permit.

(i) Any recreational vehicle or unit stored out of doors shall be the property of the resident, except that one (1) such authorized unit may be the property of a non-resident in the R-A, R-R, and R-S Zoning Districts.

(j) No recreational vehicle or recreational unit shall be parked or stored on any roadway or road right-of-way.
4.35 TRANSITION ZONING

Transitional Zoning: The first 150 feet of a lot or lots in single ownership retained in an R District where the side yard adjoins a B or D District, may be utilized for off street parking. In the event any such area in such an R District is utilized for off street parking, then there shall be provided on all side lot lines and rear lot lines of such parcel that abuts an R District, buffering as is required by Section 16.8. There shall be no construction of any building within the transitional zone.

4.36 UNCLASSIFIED USES

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

4.37 WALLS AND FENCES

Fences and non-retaining walls not more than three (3) feet in height and retaining walls of any height are permitted in the yards of all zones, provided said fences are not more than twenty-five percent (25%) solid and comply with Section 4.33. Solid non-retaining walls and solid fences of not more than six (6) feet in height are permitted only in side or rear yards in any zone. A well maintained wire protective fence is permitted in the front yard in the Industrial Zone.

4.38 YARDS

Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a public street. On streets less than sixty-six (66) feet in width, the required front yard shall be increased by one half the difference between the width of the street and sixty-six (66) feet. For properties abutting a federal or state expressway, the yard area facing the expressway shall be considered a side or rear yard.

4.39 ZONING DENSITY

The minimum allowable lot size for a dwelling unit in any district is declared to be the maximum density of development allowable there in. Uses such as hospitals, nursing homes, convalescent homes, migrant housing, or similar uses where humans are housed or care is given shall provide enough lot area so that the minimum lot area required for a one family home is provided for each four persons so housed or to whom care is given.
4.40 CONDOMINIUMS (Ord. 455 Adopted August 22, 2005; eff. September 22, 2005)

(1) PURPOSE.

(a) Tracts of land that are developed and sold as condominium or site condominium developments are not subject to regulation under the Michigan Land Division Act of 1967. The Township determines it is in the best interest of public health, safety, and welfare to regulate the creation of condominium and site condominium developments to assure that these developments will not adversely affect the occupants thereof, adjacent properties, or the Township.

(b) This Section regulates condominium developments, whether for residential use or non-residential use. Site condominium developments are subject to, and shall be reviewed in accordance with, the Township Site Condominium and Utility Extension Ordinance.

(2) DEFINITIONS. For purposes of this Section, the following words and phases are defined as follows:

(a) “Building envelope” means the area around a condominium building within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the condominium project. In a residential condominium project, the building envelope refers to the area around each condominium building within which the dwelling unit(s) and any accessory structures may be built.

(b) “Condominium project” means a project consisting of not less than two condominium units established in compliance with the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended.

(c) “Condominium project plan” means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this Section for review of the project by the Zoning Administrator, Planning Commission and the Township Board.

(d) “Condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a condominium unit shall be deemed to be a dwelling, if for residential use, or shall be deemed to be a building or portion thereof, if for an approved nonresidential use.

Except as otherwise provided by this Section, words or phrases shall have the meanings as defined in the Condominium Act.
(3) COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS. No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced for a condominium project until:

(a) A final condominium project plan has been approved by the Township Board;

(b) All conditions to commencement of construction imposed by the Township Board have been met; and

(c) All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

(4) APPLICATION FOR CONDOMINIUM APPROVAL. An application for condominium approval shall include the following information:

(a) A condominium project plan which includes the documents and information required by Section 66 of the Condominium Act.

(b) To the extent it is not already included in the condominium project plan, the following information shall also be provided:

(i) The information required for site plan review by Article XIX of this Ordinance.

(ii) Layout and dimensions of each condominium building, and the building envelope for such building. The condominium project plan for all types of condominium developments, whether containing detached or attached units, shall depict a building envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirement of the zone district in which the building is located, and where applicable, the building placement and separation requirements of the zone district in which the building is located; provided, however, that if the condominium is a planned unit development under Article XV, the Township Board, upon recommendation of the Planning Commission, may approve departures or modifications in the requirements stated in this subparagraph (ii), under the terms of Section 15.4 of this Ordinance and accordingly, the condominium project plan may depict any such requested departures or modifications.

(iii) Written approval of the proposed design and location of the entrance to the condominium development from the Kent County Road Commission as applicable.

(iv) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
(v) A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.

(vi) A utility plan showing all water and sewer lines and easements to be granted to the appropriate municipality or public utility for installation, repair and maintenance of all utilities.

(vii) A narrative describing the overall objectives of the proposed condominium project.

(viii) A narrative describing the proposed method of providing potable water supply, and sanitary sewage disposal facilities and other utilities.

(ix) A street construction, paving and maintenance plan for all private streets, if any, within the proposed condominium project.

(5) REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION.

(a) Condominium project plan review shall be commenced by filing with the Township Clerk 14 copies of a preliminary condominium project plan which complies with Section 4.40(4), together with an application fee and escrow deposit established by resolution of the Township Board.

(b) The Township Clerk shall forward the copies of the preliminary plan to the Zoning Administrator who shall review the preliminary plan and forward copies to the Township Planner, Township Attorney, and Township Engineer, who shall review the plan and provide comments thereon to the Planning Commission. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the Planning Commission on completion of review thereof by the Township Planner, the Attorney and the Engineer.

(c) The Planning Commission shall review the preliminary condominium project plan in accordance with the standards of Section 4.40(7) and other applicable procedures, standards and requirements provided by this Ordinance.

(d) After reviewing the preliminary condominium project plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed condominium project, including any suggested or required changes in the plan. The Planning commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

(6) REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD.
(a) After receiving the Planning Commission’s recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of 10 copies of a final condominium development plan which complies with the requirements of this Section and of Section 4.40(7). The Township Clerk shall forward the copies of the final plan to the Zoning Administrator who shall review the final plan and forward copies thereof to the Township Planner, Township Attorney, and the Township Engineer, who shall provide any comments to the Township Board regarding the plan.

If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the Township Board on completion of review thereof by the Township Planner, the Attorney and the Engineer.

(b) The final condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission’s recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission.

(c) After receiving the Planning Commission’s recommendations on the preliminary plan and a final condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions, the plan in accordance with the standards provided by Section 4.40(7) and other applicable procedures, standards and requirements provided by this Ordinance.

(d) As a condition of approval of a final condominium project plan:

(i) The Township Board shall require that the plan be submitted to the County Health Department, County Road Commission, County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Public Health, Michigan Department of Environmental Quality, and other appropriate state and county review and enforcement agencies ("the Agencies") having direct approval or permitting authority over any aspect of the proposed condominium project.

(ii) The Township Board may impose additional reasonable conditions of approval as provided by Section 19.10 and any other provisions of this Ordinance, any other Township ordinance, state law or regulation, or any other applicable law or regulation.
(iii) The Township Board, in its discretion, may require reasonable performance guarantees or assurance deemed satisfactory in the circumstances and authorized by law. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved final condominium project plan, including any conditions thereto, and construction and placement of all the improvements required thereby. In its discretion, the Township Board may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Board.

(7) STANDARDS FOR APPROVAL. To receive approval, a condominium project plan shall satisfy the following requirements:

(a) The plan shall satisfy the standards and requirements for site plan approval in Article XIX of this Ordinance, except that if the condominium project is proposed as a Planned Unit Development, subparagraph (b) shall apply, rather than this subparagraph (a).

(b) If the condominium project is proposed as a Planned Unit Development, the plan shall satisfy the standards and requirements for approval in Article XV of this Ordinance.

(c) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed project, shall comply with all requirements of the Condominium Act or other applicable laws, ordinances or regulations. The Zoning Administrator, Township Planner, Township Attorney, Township Engineer, Township Fire Chief, or other appropriate persons shall be consulted as necessary to make this determination.

(d) Each condominium building shall comply with all applicable provisions of this Ordinance, including, but not limited to, minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height and other minimum provisions of the applicable zone district; provided, however, that if a condominium building is located in a planned unit development under Article XV, the Township Board, upon recommendation of the Planning Commission, may approve departures or modifications in the requirements stated in this subparagraph (d), under the terms of Section 15.4 of this Ordinance.

(e) If a condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Kent County Road Commission.

(f) Private streets may be permitted to provide access to and throughout a condominium project, subject to the following requirements:
(i) All private streets shall comply with Section 4.10a of this Ordinance.

(ii) Provisions in the Master Deed and Bylaws shall obligate the developer and/or owner’s association to assure that all the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times. The Master Deed and/or Bylaws shall also include a provision indemnifying and holding the Township harmless from any and all claims for personal injury and for property damage arising out of the failure to properly construct, maintain, repair and replace the private streets.

(g) Each unit in the condominium project shall be provided with public utility services in accordance with Township requirements.

(8) CONSTRUCTION IN COMPLIANCE WITH APPROVED PLAN. No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a condominium project except in compliance with a final condominium project plan as approved by the Township Board, including any conditions of approval.

(9) COMPLETION OF IMPROVEMENTS. No building or occupancy permit for a condominium unit in an approved condominium project shall be issued until construction of all required improvements has been completed and approved by the Township, or security for completion of such improvements has been provided.

(10) EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS. Approval of a final condominium project plan shall not constitute approval of expandable or convertible portions of a condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards and requirements of this Section.

(11) REVISIONS OF APPROVED FINAL CONDOMINIUM PROJECT PLAN. Changes to a development for which a final condominium plan has been approved are subject to this section.

(a) Any change which constitutes an exempt change shall not be subject to review by the Township under this Section, but a copy of the exempt change shall be filed with the Township Clerk. “Exempt change” means:

(i) A change in the name of the development; in the name of a street within the development; or in the name of the developer;

(ii) A change in the voting rights of co-owners or mortgagees; or

(iii) Any other change in the condominium development which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a development which is subject to
regulation under the Zoning Ordinance.

(b) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Zoning Administrator, any such minor change may be reviewed and approved by the Planning Commission. “Minor change” means a minor change in the site configuration, design, layout or topography of a condominium development (or any portion thereof), including any change that will result in:

(i) A decrease in the number of condominium units;

(ii) A reduction in the area of the building envelope for any condominium unit;

(iii) A reduction of less than 5 percent in the total combined area of the general common elements of the condominium project;

(iv) A reduction in the total combined area of all limited common elements of the condominium;

(v) Any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

(c) Any change which constitutes a major change shall be reviewed by the Planning Commission and shall also be reviewed and approved by the Township Board, as provided in this Section for the original review and approval of condominium project plans. “Major change” means a major change in the site configuration, design, layout or topography of a condominium development (or any portion thereof), including any change that could result in:

(i) An increase in the number of condominium units and/or buildings;

(ii) Any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a condominium unit or building, and which is determined by the Zoning Administrator to constitute a major change to the condominium project.
(12) INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED. All provisions of an approved condominium development plan shall be incorporated by reference in the Master Deed for the condominium project. The Township shall require review and approval by the Township Attorney prior to recording. A copy of the Master Deed as recorded with the County Register of Deeds shall be provided to the Township within 10 days after recording.

(13) TIME LIMITATION ON DEVELOPMENT.

(a) Each condominium development permitted pursuant to this Section shall be under construction within one year after the date of approval of the final condominium development plan by the Township Board. If this requirement is not met, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the condominium development.

(b) If the condominium development has not been commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission and Township Board under the terms of this Section.

(b) All development is in conformance with the provision of the zoning ordinance.


(1) Garages - Private: Shall either be attached or detached. Both an attached garage and detached garage will not be permitted on the same parcel in any district. Where the use of a garage by definition is used as a detached structure with an attached garage, it shall be considered a permitted accessory building and shall be limited per Appendix "D."

(2) Attached Garage:

(a) An attached garage shall not exceed sixty percent (60%) of the ground floor area of the attached single family dwelling with a maximum size not to exceed twelve hundred (1,200) square feet in area. Notwithstanding the above, each single family dwelling is permitted an attached garage up to five hundred and seventy-six (576) square feet in area regardless of the ground floor area.

(b) Attached garage allowed in an MFR District but will be limited to a maximum of (2) stalls with a total building size no greater than 600 square feet per dwelling unit.

(c) Permitted accessory building per Appendix "D" are permitted in conjunction with attached garage in an R-A, R-R, R-S, R-U or MFR District.
(3) Detached Garage:

(a) An detached garage shall not exceed sixty percent (60%) of the ground floor area of the attached single family dwelling with a maximum size not to exceed twelve hundred (1,200) square feet in area. Notwithstanding the above, each single family dwelling is permitted an attached garage up to five hundred and seventy-six (576) square feet in area irregardless of the ground floor area.

(b) Free-standing multiple garage structures will be allowed in a MFR District subject to Site Development Plan approval by the Planning Commission. The size of the multiple garage structure shall be calculated at a maximum of one (1) stall (300 square feet) per dwelling unit times the number of dwelling units.

(c) Permitted accessory buildings per Appendix "D" are permitted in conjunction with detached garages in an R-A, R-R, R-S, R-U or MFR District.

4.42 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS (amended August 4, 1998)

(1) Purpose. The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to: (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) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, Byron Township shall give due consideration to the Byron Township Master Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(2) Definitions. As used in this section, the following terms shall have the meanings set forth below:

(a) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
(b) "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.

(c) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(d) "FAA" means the Federal Aviation Administration.

(e) "FCC" means the Federal Communications Commission.

(f) "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(g) "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

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

(3) Applicability.

(a) **New Towers and Antennas.** All new towers or antennas in Byron Township shall be subject to these regulations, except as provided in Sections 3(b) through (d), inclusive.

(b) **Amateur Radio Station Operators/Receive Only Antennas.** This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

(c) **Preexisting Towers or Antennas.** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Sections 4(f) and 4(g).
(d) **AM Array.** For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(4) **General Requirements.**

(a) **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) **Lot Size.** For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels or easements within such lot.

(c) **Inventory of Existing Sites.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Township of Byron or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Building Inspector may share such information with other applicants applying for approvals or special use permits under this section or other organizations seeking to locate antennas within Byron Township, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) **Aesthetics.** Towers and antennas shall meet the following requirements:

(i) 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.

(ii) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(iii) 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.

(e) **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(f) **State or Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(g) **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, Byron Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owners expense.

(h) **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to tower and antenna facilities located in Byron Township irrespective of municipal and county jurisdictional boundaries.

(i) **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(j) **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Byron Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

(k) **Public Notice.** For purposes of this section, any special use request, variance request, or appeal of an approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 4.42 (6)(b)(v)(b)
Table 2, in addition to any notice otherwise required by the Zoning Ordinance.

(l) **Signs.** No signs shall be allowed on an antenna or tower.

(m) **Buildings and Support Equipment.** Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 7.

(n) **Multiple Antenna/Tower Plan.** Byron Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(5) **Permitted Uses.**

(a) **General.** The uses listed in this Section are deemed to be permitted uses and shall require site plan approval by the Planning Commission.

(i) Each applicant for site plan approval shall apply in accord to the provisions of Section 19.3 and providing the information set forth in Section 4.42 (6)(b)(i) and (6)(b)(iii) and a nonrefundable fee as established by resolution of Byron Township to reimburse the township for the costs of reviewing the application.

(b) **Permitted Uses.** The following uses may be approved by the Planning Commission after conducting an administrative review:

(i) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any B-3 Interchange Business or D-1 Industrial District.

(ii) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

(a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved as an accessory use to any commercial, industrial, professional, or institutional use provided:

(i) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations; and

(iii) The antenna complies with all applicable building codes.
(b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(i) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower.

(ii) Height

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the towers existing height, to accommodate the collocation of an additional antenna.

(b) The height change referred to in subsection (ii)(a) may only occur one time per communication tower.

(c) The additional height referred to in subsection (ii)(a) shall not require an additional distance separation as set forth in Section 4.42(6)(b)(v)(a). The towers premodification height shall be used to calculate such distance separations.

(iii) Onsite location

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 4.42(6)(b)(v). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 4.42(6)(b)(v).
(d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section (6)(b)(v) shall only be permitted when approved by the Zoning Administrator.

(6) Special Use Permits.

(a) General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:

(i) If the tower or antenna is not a permitted use under Section 4.42(5), then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

(ii) Applications for special use permits under this Section shall be subject to the procedures and requirements of Chapter XVIII of the Zoning Ordinance, except as modified in this Section.

(iii) In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(iv) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(v) An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Byron Township to reimburse the township for the costs of reviewing the application.

(b) Towers.

(i) Information required. In addition to any information required for applications for special use permits pursuant to Chapter XVIII of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 4.42(6)(b)(v),
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 Building Inspector to be necessary to assess compliance with this section.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4.42(4)(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A landscape plan showing specific landscape materials.

(f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(g) A description of compliance with Section 4.42(4)(c), (d), (e), (f), (g), (j), (l), and (m), 4.42(6)(b)(iv), (6)(b)(v) and all applicable federal, state or 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 cellular sites owned or operated by the applicant 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 feasible location(s) of future towers or antennas within Byron Township based upon existing physical, engineering, technological or geographical limitations in the
event the proposed tower is erected.

(ii) Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Chapter XVIII of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this section are better served thereby:

(a) Height of the proposed tower;

(b) Proximity of the tower to residential structures and residential district boundaries;

(c) Nature of uses on adjacent and nearby properties;

(d) Surrounding topography;

(e) Surrounding tree coverage and foliage;

(f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(g) Proposed ingress and egress; and

(h) Availability of suitable existing towers, other structures, or alternative technology not requiring the use of towers or structures, as discussed in Section 4.42(6)(b)(iii).

(iii) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of 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) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(g) The applicant demonstrates that 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, but may be considered.

(iv) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this section would be better served thereby:

(a) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(v) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this section would be better served thereby.
(a) Separation from off-site uses/designated areas.

(i) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(ii) Separation requirements for towers shall comply with the minimum standards established in Table 1.

<table>
<thead>
<tr>
<th>Off-site Use/Designated Area</th>
<th>Separation Distance</th>
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<tbody>
<tr>
<td>Single-family or duplex residential units&lt;sup&gt;1&lt;/sup&gt;</td>
<td>200 feet or 300% height of tower whichever is greater</td>
</tr>
<tr>
<td>Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired</td>
<td>200 feet or 300% height of tower&lt;sup&gt;2&lt;/sup&gt; whichever is greater</td>
</tr>
<tr>
<td>Vacant unplatted residentially zoned lands&lt;sup&gt;3&lt;/sup&gt;</td>
<td>100 feet or 100% height of tower whichever is greater</td>
</tr>
<tr>
<td>Existing multi-family residential units greater than duplex units</td>
<td>100 feet or 100% height of tower whichever is greater</td>
</tr>
<tr>
<td>Non-residentially zoned lands or non-residential uses</td>
<td>None; only setbacks apply</td>
</tr>
</tbody>
</table>

<sup>1</sup>Includes modular homes and mobile homes used for living purposes.

<sup>2</sup>Separation measured from base of tower to closest building setback line.

<sup>3</sup>Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residientially zoned land greater than duplex.

(b) Separation distances between towers.

(i) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site
plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.
Table 2:
Existing Towers - Types

<table>
<thead>
<tr>
<th></th>
<th>Lattice</th>
<th>Guyed</th>
<th>Monopole 75 Ft in Height or Greater</th>
<th>Monopole Less Than 75 Ft in Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lattice</td>
<td>5000</td>
<td>5000</td>
<td>1,500</td>
<td>750</td>
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<tr>
<td>Guyed</td>
<td>5000</td>
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<tr>
<td>Monopole 75 Ft in Height or Greater</td>
<td>1,500</td>
<td>1500</td>
<td>1,500</td>
<td>750</td>
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<tr>
<td>Monopole Less Than 75 Ft in Height</td>
<td>750</td>
<td>750</td>
<td>750</td>
<td>750</td>
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</table>

(vi) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

(vii) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this section would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
(7) Buildings or Other Equipment Storage.

(a) **Antennas Mounted on Structures or Rooftops.** The equipment cabinet or structure used in association with antennas shall comply with the minimum setback and height requirements of the zoning district and shall comply with all applicable building codes. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(b) **Antennas Mounted on Utility Poles or Light Poles.** The equipment cabinet or structure used in association with antennas shall be located in accordance with minimum setback and height requirements of the zoning district and shall comply with all applicable building codes. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(c) **Antennas Located on Towers.** The related unmanned equipment structure shall be located in accordance with the minimum yard requirements of the zoning district in which located. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(8) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from Byron Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(9) Nonconforming Uses.

(a) **Not Expansion of Nonconforming Use.** Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) **Preexisting towers.** Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.
(c) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 4.42(9), bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Section 4.42(6)(b)(iv) and (6)(b)(v). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 4.42(8).

SECTION 4.43 OPEN SPACE OPTION (amended December 23, 2002)

(1) Intent and Purpose

The intent of this Ordinance is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with Act 177 of the Public Acts of 2001.

(2) Eligibility Requirements

This Ordinance shall be applicable to residential properties zoned RA, RR and RS if such properties are served by municipal sewers and to properties zoned RA and RR if the properties are not served by municipal sewers. The provisions in this Section shall supplement the existing regulations applicable within the referenced zoning districts in the event a developer or owner of property elects to submit its proposed development under the open space option provided in this Section.

(3) Open Space Option

Property meeting the eligibility requirements of this Section may be developed, at the owner’s option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the approving body, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this Section.

(4) Density Calculation

The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and with all applicable laws and ordinance being observed.

(a) A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. The parallel plan shall identify how a parcel could be
developed under the conventional standards of the specific zoning district in which the property is situated (without application of this Section), and the requirements of all other applicable State and Township regulations and standards. The parallel plan shall provide lots with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary roads and road-related improvements, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan; however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.

(b) The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable Township Ordinance requirements and, based on the parallel plan, determine the number of units permitted under the open space option provided in this Section.

(5) **Design and Application Requirements**

The following design and application requirements shall apply to a proposed open space development under this Section. The design requirements shall be incorporated into a preliminary plat if the land is proposed to be developed as a subdivision under the Land Division Act, a site condo plan if the land is proposed to be developed as a site condo project, and otherwise incorporated into a site plan in accordance with the requirements of this Ordinance.

(a) A minimum of 50% of the gross site area (not including existing road right-of-way) shall be preserved as permanent open space in an undeveloped state in the manner set forth in Section 4.43(6), below.

(b) Permanent open space shall include the site’s most significant natural, environmental, agricultural and/or cultural features including, but not limited to, the following; however, in an open space development under this Section, an “undeveloped state” shall not include a golf course:

(i) Wetlands, floodplains, and natural watercourses;

(ii) Woodlands;

(iii) Recreational pathways and other permitted recreational facilities;

(iv) Buffers from major thoroughfares and more intense land uses; and
(v) Similar feature acceptable to the approving body.

(c) The applicant for an open space development shall be entitled to an approval under the Section provided the following aspects of the proposed development plan shall be reviewed following a public hearing for approval by the approving body:

(i) The area and width of the resulting individual lots and building setback requirements under the open space option shall be reasonable and rationally related to the type of development proposed and shall comply with the standards, requirements and intent of the specific zoning district in which the proposed development is located to the maximum extent feasible. In no event shall a lot size be reduced more than fifty percent (50%) of the required lot size, and lot width and setback may be reduced no greater than thirty-three percent (33%) of the required lot width and setback in the district. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the approving body under the parallel plan, and the required setbacks, minimum lot width, and maximum lot coverage for the particular zoning district. Final area, width and setback requirements under the open space option plan shall be approved by the approving body in the manner set forth in Section 4.43(7), below.

(ii) Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent public thoroughfares and other land which is developed, or may be developed, for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope in which a proposed residence may be constructed and used, including all likely improvement, without the necessity of the grant of a variance by the Zoning Board of Appeals.

(d) Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.

(e) Preserved open space shall be connected with adjacent open space, public land, and existing or planned bike paths, where feasible, as determined by the approving body.

(f) Approval of an open space option development does not constitute a change in the zoning of the property, and except as specifically provided in this Section, all other regulations applicable within the zoning district of the property and development shall apply.
(g) Restrictions.

(i) Nothing in this Section shall allow the construction of multi-family residential units in a single-family residential district.

(ii) Nothing in this Section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.

(iii) Any development proposed utilizing the open space option provided in this Section shall, to the greatest extent feasible while remaining consistent with the requirement of Public Act 177 of 2001, comply with all zoning regulations and design standards applicable to the property.

(6) Open Space Maintenance and Preservation

(a) All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Kent County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the Township attorney prior to acceptance by the approving body.

(b) Nothing in this Section shall be construed to require the property owner to convey fee title ownership of the open space to the public.

(7) Review Process

(a) All proposed open space option developments shall be submitted and reviewed in accordance with the procedure applicable under this Ordinance to the type of development being proposed (i.e., subdivision, condominium, site condominiums, etc.) and in accordance with the development standards in this Section and other applicable ordinance. The “approving body,” as referenced in this Section, shall mean the body designated in this Ordinance as having the authority to grant final plan approval to the proposed development.

(b) In addition to all other submittals and information required under this Ordinance, all open space option plans submitted to the Township shall include a resource inventory that contains the following:

(i) All floodplains, wetland, and bodies of water; and

(ii) An analysis of on-site soils and topography to identify limitations to development.
(c) In addition to all other review considerations applicable under other Sections of this Ordinance to the type of development being proposed (i.e., subdivision plat, condominium, site condominiums, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space option under this Section, the approving body shall determine that the plans and materials satisfy requirements of Sections 4.43(1) through 4.43(7) of this Section as part of the overall review process applicable to the particular development.

(8) Definitions

The definitions set forth in Act 177 of the Public Acts of 2001 shall be incorporated and considered a part of this Section. Any reference to “Section” in the above 4.43(1) through 4.43(7) shall mean and include all of Section 4.43.

4.44 LANDSCAPING (Adopted January 24, 2005)

(1) Purpose. The purpose of this Article is to allow and regulate landscaping materials in all zoning districts within the Township. Landscaping preserves natural amenities as development occurs, conserves the value of property, and generates other economic and social benefits.

(2) Definitions. For the purpose of this Section, certain terms are defined as follows:

(a) **Berm**: A mound of continuous, undulating, serpentine earth covered with low-growing grasses, trees, and other planting materials designed to provide visual interest; to screen undesirable views and light; to separate incompatible uses; and, to decrease noise.

(b) **Buffer Area**: A landscaped open space free of development, structures, and buildings but which may include a screen wall or berms used to physically separate and screen one use or property from another so as to visually shield or block noise, lights, and other nuisances.

(c) **Canopy (deciduous) Tree**: A tree that provides shade during the growing season and sheds leaves seasonally or at certain life cycle stages.

(d) **Evergreen Tree**: A cone-bearing tree whose foliage remains green and functional through more than one (1) growing season.

(e) **Growing Season**: The period during which most plant growth occurs, generally from March to August.

(f) **Hardy Plants**: Plants capable of withstanding wintry and other adverse conditions.

(g) **Landscape Tree**: A flowering tree whose primary purpose is to be ornamental.
(h) **Planting Area:** Any plot of ground where landscaping materials, including grass, shrubs, trees, plants, flowers, fruits, and vegetables, are cultivated.

(i) **Screen Wall:** A constructed barrier erected to shield, buffer, and screen incompatible uses.

(j) **Shrubs:** Low-growing, several-stemmed woody plants whose primary purpose is to be ornamental.

(k) **Underground Irrigation System:** A mechanism connected by a network of channels located just under the land surface which distributes water evenly and efficiently to landscaping materials in a planting area.

(3) **General Requirements.**

(a) These regulations are applicable to all new uses and expansions of existing uses requiring Township approval.

(b) Existing and proposed landscaping shall be illustrated on site plans, pursuant to Section 4.44 (9). Plans shall label landscaping materials by common or scientific name, show the distance between plants, indicate the height at the time of planting and anticipated mature height and width. Anticipated mature height and width shall be shown with circles of mature crowns.

(c) Landscaping in parking and loading areas is regulated in Section 16.8.

(d) For commercial and industrial land uses, landscaping shall be installed before occupancy of the development. For residential developments, landscaping shall be installed within sixty (60) days of development phase completion by the developer. The applicant may file an irrevocable letter of credit to receive an extension, from which landscaping shall be planted within the next growing season.

(e) All required landscaping shall be maintained after planting. All planting areas shall be regularly watered, fertilized, cut and pruned, and grass shall be allowed to grow up to five (5) inches. The applicant shall reveal the party responsible for maintaining such landscaping. After development completion, the property owner(s) shall be held responsible for landscaping maintenance. If a common neighborhood association or condominium association or like body owns the planting area, then said body shall be responsible for maintaining such planting area.

(f) Unhealthy landscaping material shall be replaced within one (1) growing season, at the property owner’s expense.
(g) All landscaping shall be hardy plants capable of maturing in Byron Township. All landscaping shall be planted and maintained in such a manner that disease and insect pests shall not be capable of prospering under reasonable conditions.

(h) For the purposes of this Section, a corner lot is considered to have two front yards – one along each street – and landscaping is required for both.

(i) All berms shall have a maximum slope ratio of one (1) foot vertical to four (4) feet horizontal, unless otherwise permitted by the Planning Commission. In addition to required planting materials, all berms shall be covered primarily with low-growing grasses or other approved natural materials. Berms shall be constructed so as to not alter drainage patterns on-site or on adjacent properties.

(j) Landscaping shall not be planted or maintained in such a manner as to generate sight distance obstacles for drivers.

(k) The Planning Commission may lessen the landscaping requirements herein if site conditions are unreasonable to the regulations provided in this Section, or may impose conditions on landscaping to the approval of a site plan.

(l) Where a development is proposed in phases, time schedules shall be provided to the Township. Applicable landscaping requirements shall be adhered to with the completion of each phase.

(m) Where this Section requires landscaping for any given amount of feet along a property boundary, and an applicant’s property is a fraction of the given measurement, then the property’s measurement shall be rounded up to comply with the minimum standards herein, unless site conditions make this unreasonable, as determined by the Planning Commission.

(n) The Township may require as a condition of approval that the applicant file a letter of credit or cash surety to guarantee that all landscaping be installed.

(o) Trees planted in a front yard shall be setback a minimum of ten (10) feet from any property line.

(4) **Buffer Areas.**

(a) Buffer area requirements shall not apply when the qualifying adjacent zoning districts are separated by a public road right of way.

(b) Buffer areas are not required for the front yard. Buffer areas shall follow the property lines adjacent to the qualifying zoning district.

(c) Buffer areas are required even if the adjacent parcel is unimproved, or undeveloped.
(d) Where the buffer area width regulations of this Section are greater than the minimum setback requirements for the zoning district of the subject property, a building footprint may be allowed to encroach into the required buffer area; provided, that no driveway, parking area, or outdoor storage area shall be permitted to encroach within a required buffer area, except when determined by the Planning Commission that such a driveway is needed to allow for safe access to the property.

(e) Buffer areas are required as illustrated in the table below:

<table>
<thead>
<tr>
<th>BUFFER AREA TYPES</th>
<th>Adjacent Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Zoning District</td>
<td>R-A</td>
</tr>
<tr>
<td>B-2</td>
<td>1</td>
</tr>
<tr>
<td>B-3</td>
<td>1</td>
</tr>
<tr>
<td>O-S</td>
<td>1</td>
</tr>
<tr>
<td>D-1</td>
<td>1</td>
</tr>
<tr>
<td>R-D</td>
<td>2</td>
</tr>
<tr>
<td>MFR</td>
<td>2</td>
</tr>
</tbody>
</table>

Read from subject zoning district across to adjacent zone; landscaping is required for the subject zone.

(f) A type 1 buffer area shall comply with the following, as illustrated in page 68:

(i) The buffer area shall be a minimum of twenty five (25) feet in width.

(ii) For every fifty (50) linear feet of buffer area, measured along the property line, the following is required:

   (A) Two (2) canopy (deciduous) trees and two (2) evergreen trees; and

   (B) One (1) landscape tree or five (5) shrubs.

(g) A type 2 buffer area shall comply with the following, as illustrated on page 69:
(i) The buffer area shall be a minimum of ten (10) feet in width.

(ii) For every fifty (50) linear feet of buffer area, measured along the property line, the following is required:

(A) Two (2) canopy (deciduous) trees and two (2) evergreen trees; and

(B) One (1) landscape tree or five (5) shrubs.

(h) Berms may be constructed in the buffer area, subject to Planning Commission approval or condition. Where a berm at least three (3) feet in height is constructed, the minimum planting requirements may be reduced by twenty percent (20%).

(i) As an alternative, a screen wall six (6) feet in height may be allowed in the buffer area, subject to Planning Commission approval or condition. Walls shall be architectural block, brick, wood, or poured concrete using a brick pattern form. Screen walls shall be positioned in such a manner that at least ten (10) feet of the buffer area is on the exterior of the screen wall.

For every fifty (50) linear feet of screen wall, two (2) canopy (deciduous) trees and two (2) evergreen trees shall be planted on the exterior side of the screen wall.
Type 1 Buffer Area Minimum Required Plant Units

Buffer Example With Landscape Tree

Buffer Example With Shrubs

Berm Example With Landscape Tree

Berm Example With Shrubs

Screen Wall Example

Deciduous Tree

Evergreen Tree

Landscape Tree

Shrub

Berm

Screen Wall
Type 2 Buffer Area Minimum Required Plant Units

Buffer Example With Landscape Tree

Buffer Example With Shrubs

Berm Example With Landscape Tree

Berm Example With Shrubs

Screen Wall Example

See Section 4.43 (3) (b).
(5) **Minimum Plant Material Standards.**

(a) Unless site conditions require otherwise, no more than thirty percent (30%) of total trees or shrubs used on a site shall be of a single species.

(b) An underground irrigation system shall be required for a non-residential use with a planting area greater than five hundred (500) square feet.

(c) The minimum plant size at the time of installation shall comply with the following:

<table>
<thead>
<tr>
<th>Plant Material</th>
<th>Minimum Diameter at Breast Height</th>
<th>Minimum Height</th>
<th>Minimum Spread</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy (Deciduous) Tree</td>
<td>2.5 inches</td>
<td>8 feet</td>
<td></td>
</tr>
<tr>
<td>Landscape Tree</td>
<td>2 inches</td>
<td>6 feet</td>
<td></td>
</tr>
<tr>
<td>Evergreen Tree</td>
<td>6 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small and Large Shrubs</td>
<td>30 inches</td>
<td>24 inches</td>
<td></td>
</tr>
</tbody>
</table>

(d) Existing healthy and desirable tree material to be preserved shall satisfy the landscaping regulations herein at the following rates. Each credit can be applied toward fulfilling the standards set forth in this Section (i.e., 1 credit equates to 1 tree).

<table>
<thead>
<tr>
<th>Tree Material</th>
<th>Minimum Diameter at Breast Height</th>
<th>Minimum Height</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy (Deciduous) Tree</td>
<td>3.5 to 8 inches</td>
<td>8 to 10 feet</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Greater than 8 inches</td>
<td>Greater than 10 feet</td>
<td>2</td>
</tr>
<tr>
<td>Landscape Tree</td>
<td>2 to 6 inches</td>
<td>6 to 10 feet</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Greater than 6 inches</td>
<td>Greater than 10 feet</td>
<td>2</td>
</tr>
<tr>
<td>Evergreen Tree</td>
<td>6 to 10 feet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Greater than 10 feet</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
(e) The following tree species are permitted but cannot, whether existing or freshly planted, be used toward minimum planting requirements.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Betula Spp.</td>
<td>Birch</td>
</tr>
<tr>
<td>Robinia Spp.</td>
<td>Black Locust</td>
</tr>
<tr>
<td>Juglans Nigra</td>
<td>Black Walnut</td>
</tr>
<tr>
<td>Acer Negundo</td>
<td>Box Elder</td>
</tr>
<tr>
<td>Catalpa Specioso</td>
<td>Catalpa varieties</td>
</tr>
<tr>
<td>Prunus Spp.</td>
<td>Cherry Plum</td>
</tr>
<tr>
<td>Populus Spp.</td>
<td>Cottonwood</td>
</tr>
<tr>
<td>Ulmus Spp.</td>
<td>Elm varieties</td>
</tr>
<tr>
<td>Ginko Biloba</td>
<td>Ginkgo</td>
</tr>
<tr>
<td>Crataegus Spp.</td>
<td>Hawthorn</td>
</tr>
<tr>
<td>Carya Spp.</td>
<td>Hickory</td>
</tr>
<tr>
<td>Gleditsia Triancanthos</td>
<td>Honey Locust “with thorns”</td>
</tr>
<tr>
<td>Aesculus Hippocastanum</td>
<td>Horse Chestnut</td>
</tr>
<tr>
<td>Morus Spp.</td>
<td>Mulberry</td>
</tr>
<tr>
<td>Populus Spp.</td>
<td>Poplar, Apsen varieties</td>
</tr>
<tr>
<td>Elaeagnus Augustifolia</td>
<td>Russian Olive</td>
</tr>
<tr>
<td>A. Rubram &amp; Acer Saccharium</td>
<td>Soft Maples “Red and Silver”</td>
</tr>
<tr>
<td>Ailanthus Altissima</td>
<td>Tree of Heaven</td>
</tr>
<tr>
<td>Pinus Strobus</td>
<td>White Pine</td>
</tr>
<tr>
<td>Salix Spp.</td>
<td>Willow varieties</td>
</tr>
</tbody>
</table>
(6) **Residential Development.**

(a) In all residential subdivisions, land divisions, and site condominiums a minimum of one (1) canopy tree shall be planted per dwelling unit. Said trees shall be arranged in such a manner that a minimum of one (1) tree is situated on each lot, between the sidewalk and the roadway, unless considered unreasonable by the Planning Commission.

(b) In all multi-family developments, a minimum of two (2) canopy trees shall be planted per acre of net lot area of the subject parcel. Said trees shall be equitably distributed throughout the development.

(c) In any residential development, when lots or dwelling units within the development abut a Major Street or Collector Street, as defined in the Township Master Plan, yards (i.e., front, side, or rear setbacks, whichever is applicable) shall be increased by twenty (20) feet. The additional setback area shall be utilized for landscaping to act as a buffer to screen the inhabitants of the dwellings from the traffic on the roadway. The following minimum requirements shall be met:

(i) For every thirty (30) linear feet a residential development is fronting a Major Street or Collector Street, two (2) evergreens and one (1) canopy tree shall be planted.

(ii) For every thirty (30) linear feet a lot yard is fronting a Major Street or Collector Street, two (2) evergreens and one (1) canopy tree shall be planted.

(iii) Berms are encouraged. Where a berm at least three (3) feet in height is constructed to buffer lots or dwelling units within a residential development from a Major Street or Collector Street, the minimum planting requirements may be reduced by twenty percent (20%).

(7) **B-2, B-3, O-S, or D-1 Front Yard Areas.**

(a) For all uses in the B-2, B-3, O-S, and D-1 districts, for every one hundred (100) linear feet of frontage, as measured from the outside property line, not including landscaping within parking areas, front yard areas shall be landscaped to include the following, at a minimum:

(i) Three (3) canopy trees, two (2) evergreen trees, two (2) landscape trees, five (5) shrubs, and one hundred (100) square feet of garden bed, which shall include any combination of flowering annuals and perennials, ornamental grasses, and green annuals and perennials.

(b) This minimum front yard landscaping shall be planted between the parking area and the road right of way. If there is no front yard parking, the Planning
Commission may allow the minimum landscaping to be planted anywhere within the front yard area.

(c) Berms are encouraged. Where a berm at least three (3) feet in height is constructed in the front yard area, the minimum planting requirements may be reduced by twenty percent (20%).

(8) Central Business District.

(a) Where a planting area is proposed in front or side yard areas, up to fifty percent (50%) shall be dedicated to low-growing grasses. Other materials shall include any combination of flowering annuals and perennials, ornamental grasses, shrubs, trees, and green annuals and perennials.

(b) The buffer required in Section 11.3 (8) of this Zoning Ordinance shall be landscaped with evergreen and landscape trees. Trees shall be planted in such a manner that the subject structure or building and parking areas are buffered from adjacent residential districts.

(9) Landscape Site Plan Requirements.

(a) Proposed landscaping shall be illustrated exclusively on its own plan. The scale shall be the same as the scale on the site plan. Landscape plans for subject properties greater than one (1) acre in area shall be designed and prepared by a landscape architect licensed in the State of Michigan.

(b) Existing, natural, and man-made landscape features shall be indicated clearly on the plan, at contour intervals no greater than two (2) feet.

(c) Existing legal features, as required for the general site plan, must be indicated in the landscape plan.

(d) Text shall accompany the landscape plan, detailing the species types and calculations of the proposed landscaping, and illustrating in textual form how the plan successfully complies with the regulations herein.

(e) All other site development plan review standards, as set forth in Article XIX of this Zoning Ordinance, shall be followed.
ARTICLE V
RA RURAL AGRICULTURAL DISTRICT

5.1 USE PERMITTED BY RIGHT

This District is intended primarily for farming, animal husbandry, dairying and other agricultural activities. The following uses are permitted by right:

(1) Farms for both generalized and specialized agricultural activities, including one (1) one family accessory dwelling and the sale and processing, including, but not limited to, sorting, cleaning, trimming, curing and storage of products produced by the owner of the premises.

(2) Animal husbandry, hatcheries, poultry farms, apiaries, kennels and dairying in accordance with Section 4.3 and the sale and processing, including, but not limited to, sorting, separating, cooling and handling of livestock and products produced by the owner of the premises and one (1) one family accessory dwelling.

(3) Greenhouses, nurseries and landscaping firms when accessory to a nursery, including the outdoor display and sale of products produced by the owner of the premises together with commercial products customarily essential to the growing and care of products grown by the owner of the premises, but not including sales of machinery or implements.

(4) One family dwellings without public sewer services, including earth bermed and earth sheltered dwellings.

(5) Essential services, institutional or public uses and commercial riding stables.

(6) Accessory parking areas and signs as regulated and permitted by Article XVI and Article XVII respectively.

(7) Transitional and temporary uses as regulated and permitted by Sections 4.32 and Section 4.35, respectively.

(8) The Planning Commission shall permit one accessory structure (see Section 4.2) to be used for the storage of equipment and supplies associated with the non-farming occupation of said owner, provided:

(a) The lot is at least two (2) acres in area;

(b) The floor area of the accessory building shall meet the requirements of Appendix D; and

(c) No type of business activity shall be allowed on the property. All vehicles, equipment and supplies shall be kept within said accessory building at all times and said storage shall not be evident in any way from the outside of said accessory building.
(d) Not more than one individual who is not a resident of the premises shall participate in any way in the storage of supplies and equipment in said accessory building.

(9) Veterinary clinic or animal hospital provided the following requirements are met:

(a) The lot or parcel is at least four (4) acres in area.

(b) The animal holding area shall be enclosed to a height and constructed with suitable material to contain animals on the premises.

(c) Kennels, pens, animal holding areas, and/or stalls shall be at least fifty (50) feet from any property line and no closer than one hundred (100) feet from the front property line.

(d) Any building or enclosed structure shall meet the setback and yard requirements of the district.

(10) Horse show facilities indoor or outdoor conducting western, dressage, hunter and similar types of shows, but excluding rodeos, provided the following conditions are met:

(a) A site plan is reviewed and approved by the Planning Commission each calendar year;

(b) A parking area is provided at a ratio of one (1) square foot of parking area per one (1) square foot of arena or arena building, and said parking area need not be hard surfaced;

(c) The parking area shall be a minimum of twenty-five (25) feet from any property line;

(d) The arena shall be a minimum of fifty (50) feet from any property line;

(e) Portable restroom facilities shall be provided for weekend shows or permanent restrooms shall be provided per standards established by the Kent County Health Department. In the event indoor shows are conducted, then permanent indoor restrooms meeting Kent County Health Department standards shall be met.

(f) Not more than four (4) shows are conducted within any calendar year.

(g) Each horse show shall not be longer than one (1) day, and not less than seven (7) days shall separate any such permitted shows.

5.2 SPECIAL USES

The following uses may be permitted by the Planning Commission but are subject to the provisions of Article XVIII.

(1) Removal of natural resources
(2) Private recreation areas
(3) Airfields and landing strips
(4) Migrant housing
(5) Correctional institutions
(6) Farm implement sales and service
(7) Sanitary landfills
(8) Bed and Breakfast Operation on a metes and bounds parcel only.

5.3 HEIGHT AND AREA

The following requirements are the minimum permitted in the R-A District:

(1) Height: No principal building shall exceed a height of thirty-five (35) feet unless excepted by Section 4.16.

(2) Front Yard: There shall be a front yard of at least forty (40) feet for one family dwellings and at least sixty (60) feet for all other permitted structures.

(3) Side Yard: There shall be two side yards, and no side yard shall be less than thirty (30) feet.

(4) Rear Yard: There shall be a rear yard of at least thirty (30) feet.

(5) Lot Area: For each principal one-family dwelling there shall be a minimum of 50,000 square feet of lot area. There shall be a minimum lot area of four (4) acres for farm uses and all other non-residential uses. Exemption from the provisions of Section 4.19 is allowed in calculating the required lot area for the district and contrary to those provisions any part of a lot contained within the right-of-way of one (1) adjoining highway may be included in the lot area calculation.

(6) Lot Width: All lots shall have a minimum lot width of two hundred (200) feet.

(7) Floor Area: There shall be a minimum floor area of at least one thousand (1,000) square feet for every dwelling, and at least six hundred eighty (680) square feet shall be on the ground floor, and a total floor area of twelve hundred (1200) square feet for each two (2) and/or three (3) story family dwelling.

(8) Site Plan: Site development plan approval is required for all off-street parking areas with more than four (4) parking spaces and for processing activities described in Section 5.1 (1) and (2) which are unusual in type or scope of operations as determined by the Building Inspector.
5.4 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C and D.

5.5 EXISTING ACCESSORY BUILDING

An existing accessory building that has been used for at least five (5) years for the housing of agricultural products or equipment, or horses, cattle, sheep, poultry or hogs may be used or leased out for non-commercial storage purposes of boats, recreational vehicles, trucks, cars or any other kind of personal property provided that none of such items so stored are parked, placed or kept outside of said accessory building and such accessory building is completely enclosed on all sides. By non-commercial activity it is intended that none of the items stored shall be used or connected in any way to any business or commercial activity. The items stored need not belong to the owner of the parcel of property.
ARTICLE VI
R-R RURAL RESIDENTIAL DISTRICT

6.1 USES PERMITTED BY RIGHT

This District is intended primarily for agricultural uses and one family residences without public sewer services. The following uses are permitted by right:

(1) Indoor horse show for conducting western, dressage, hunter, and similar types of shows but excluding rodeos, provided all show activities are conducted within an enclosed building and the following conditions are met:

(a) A site plan is reviewed and approved by the Planning Commission each calendar year;

(b) A parking area paved with concrete or bituminous concrete is provided at a ratio of one (1) square foot of parking area per one (1) square foot of arena building area;

(c) The parking area shall be a minimum of twenty-five (25) feet from any property line;

(d) The arena building shall be a minimum of fifty (50) feet from any property line;

(e) Permanent indoor restrooms shall be provided as per standards established by the Kent County Health Department;

(f) Not more than six (6) shows are conducted within any calendar year.

(g) Each horse show shall not be longer than one (1) day, and not less than seven (7) days shall separate any such permitted shows.

(2) Farms for both generalized and specialized agricultural activities, including one (1) one family accessory dwelling and the sale and processing, including, but not limited to, sorting, cleaning, trimming, curing and storage of products produced by the owner of the premises.

(3) Animal husbandry, hatcheries, poultry farms, apiaries, kennels and dairying in accordance with Section 4.3 and the sale and processing, including, but not limited to, sorting, separating, cooling and handling of livestock and products produced by the owner of the premises and one (1) one family accessory dwelling.

(4) Greenhouses, nurseries and landscaping firms when accessory to a nursery, including the outdoor display and sale of products produced by the owner of the premises together with commercial products customarily essential to the growing and care of products grown by the owner of the premises, but not including sales of machinery or implements.
(5) One family dwellings without public sewer services, including earth bermed and earth sheltered dwellings.

(6) Essential services, institutional or public uses and commercial riding stables.

(7) Accessory parking areas and signs as regulated by this Ordinance.

(8) Transitional and temporary uses.

(9) The Planning Commission shall permit one accessory structure (see Section 4.2) to be used for the storage of equipment and supplies associated with the non-farming occupation of said owner, provided:

(a) The lot is at least two (2) acres in area;

(b) The floor area of the accessory building shall meet the requirements of Appendix D; and

(c) No type of business activity shall be allowed on the property. All vehicles, equipment and supplies shall be kept within said accessory building at all times and said storage shall not be evident in any way from the outside of said accessory building.

(d) Not more than one individual who is not a resident of the premises shall participate in any way in the storage of supplies and equipment in said accessory building.

(10) Veterinary clinic or animal hospital provided the following requirements are met:

(a) The lot or parcel is at least four (4) acres in area.

(b) The animal holding area shall be enclosed to a height and constructed with suitable material to contain animals on the premises.

(c) Kennels, pens, animal holding areas, and/or stalls shall be at least fifty (50) feet from any property line and no closer than one hundred (100) feet from the front property line.

(d) Any building or enclosed structure shall meet the setback and yard requirements of the district.

6.2 SPECIAL USES

The following uses may be approved by the Planning Commission but are subject to the provisions contained in Article XVIII.

(1) Removal of natural resources.

(2) Private recreation areas.
(3) Airfields or landing strips.

(4) Bed and Breakfast Operation on a metes and bounds parcel only.

6.3 HEIGHT AND AREA

The following requirements are the minimum permitted in the R-R District:

(1) Height: No principal building shall exceed a height of thirty-five (35) feet unless excepted by Section 4.16.

(2) Front Yard: There shall be a front yard of at least thirty-five (35) feet provided, however, that accessory buildings for agricultural uses, country clubs, golf courses, and private recreational uses shall be at least sixty (60) feet from any street right-of-way.

(3) Side Yard: There shall be two side yards, and no side yard shall be less than twenty (20) feet provided, in addition, that no nonresidential structure shall be closer to a side lot line than a distance equal to its height.

(4) Rear Yard: There shall be a rear yard of at least thirty (30) feet.

(5) Lot Area: There shall be a lot area of at least thirty-one thousand, two hundred (31,200) square feet for each one family dwelling and at least four (4) acres for farms and all other nonresidential uses in accordance with Section 4.19.

(6) Lot Width: All lots shall have a minimum lot width of one hundred twenty (120) feet.

(7) Floor Area: There shall be a minimum floor area of at least one thousand (1,000) square feet for every dwelling, and at least six hundred eighty (680) square feet shall be on the ground floor, and a total floor area of twelve hundred (1200) square feet for each two (2) and/or three (3) story family dwelling.

(8) Site Plan: Site development plan approval is required for all parking areas with more than four parking spaces.

6.4 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C, and D.

6.5 EXISTING ACCESSORY BUILDING

An existing accessory building that has been used for at least five years for the housing of agricultural products or equipment, or horses, cattle, sheep, poultry, or hogs may be used or leased out for non-commercial storage purposes of boats, recreational vehicles, trucks, cars or any other kind of personal property provided that none of such items so stored are parked, placed or kept outside of said accessory building and such accessory building is completely enclosed on all sides. By non-commercial it is intended that none of the items stored shall be used or connected in any way to any business or commercial activity. The items stored need not belong to the owner of the parcel of property.
7.1 USES PERMITTED BY RIGHT

This District is intended primarily for the controlled expansion of urban one family residential uses into areas which can eventually be served with necessary public sanitary sewer services but which are not yet so served. It is anticipated, but not required, that sections of the R-S District will be rezoned to an R-U classification as public sanitary sewer systems are extended into them. The following uses are permitted by right under the provisions herein:

1. One-family dwellings with or without public sewer services, including earth-bermed and earth-sheltered dwellings.

2. Two-family dwellings with exterior characteristics similar to a one-family dwelling on lots facing upon a major street as shown on the Township Master Plan.

3. Generalized farms, excluding greenhouses, nurseries, animal husbandry, hatcheries, poultry farms, apiaries, kennels, stables, or dairies (See Section 20.1(2)).

4. Essential services, institutional, or public uses.

5. Accessory parking areas and signs as regulated by this Ordinance in Article XVI and Article XVII, respectively.

6. Transitional and temporary uses and home occupations as permitted and regulated in Article IV.

7.2 SPECIAL USES

The following uses may be approved by the Planning Commission but are subject to the provisions contained in Article XVIII.

1. Removal of natural resources.

2. Private recreation areas.

3. Bed and Breakfast Operation on a metes and bounds parcel only.

7.3 HEIGHT AND AREA

The following requirements are the minimum permitted in the R-S District:

1. Height: No principal building shall exceed a height of thirty-five (35) feet unless excepted by Section 4.16.
(2) Front Yard: There shall be a front yard of at least thirty-five (35) feet provided, however, that accessory buildings for agricultural uses, country clubs, golf courses, and private recreational uses shall be at least sixty (60) feet from any street right-of-way.

(3) Side Yard: There shall be two side yards, and no side yard shall be less than fifteen (15) feet provided that in no event shall a nonresidential building or accessory building to a nonresidential use be closer to any lot line than a distance equal to twice the height of the wall facing thereon.

(4) Rear Yard: There shall be a rear yard of at least thirty (30) feet.

(5) Lot Area: There shall be a lot area of at least eighteen thousand (18,000) square feet for a one family dwelling, twenty-seven thousand (27,000) square feet for a two family dwelling, and thirty-six thousand (36,000) square feet for all other uses.

(6) Lot Width: There shall be a minimum lot width of at least one hundred ten (110) feet for one family dwellings, one hundred thirty-five (135) feet for two family dwellings, and one hundred sixty-five (165) feet for all other uses. Lot widths on major streets shall conform to Section 4.21.

(7) Floor Area: There shall be a minimum floor area of at least one thousand (1,000) square feet for all dwellings and at least six hundred eighty (680) square feet shall be on the ground floor and a total floor area of twelve hundred (1200) square feet for each two (2) and for three (3) story family dwelling. There shall be at least six hundred (600) square feet of floor area in each unit of a permitted two family dwelling.

(8) Site Plan: Site development plan approval by the Planning Commission is required for all nonresidential principal uses other than farms and for all parking areas with more than four (4) parking spaces. The Building Inspector may, at his discretion, refer elevation and plot plans for any two family dwelling to the Planning Commission for approval.

7.4 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C, and D.
ARTICLE VIII
R-U URBAN RESIDENTIAL DISTRICT

8.1 USES PERMITTED BY RIGHT

This District is intended primarily for urban density one family residences where public sewer is either available or is contemplated in the near future. The following uses are permitted:

(1) One-family dwellings with or without public sewer services, including earth-bermed and earth-sheltered dwellings.

(2) Two-family dwellings with exterior characteristics similar to a one-family dwelling on lots facing upon a major street as shown on the Township Master Plan.

(3) Accessory parking areas and signs as regulated by this ordinance.

8.2 SPECIAL USES

The following uses may be permitted by the Planning Commission but are subject to the provisions contained in Article XVIII.

(1) Removal of natural resources.

(2) Bed and Breakfast Operation on a metes and bounds parcel only.

8.3 HEIGHT AND AREA

The following requirements are the minimum permitted in the R-U District:

(1) Height: No principal building shall exceed a height of thirty-five (35) feet unless excepted by Section 4.16.

(2) Front Yard: There shall be a front yard of at least thirty-five (35) feet provided that farm accessory buildings shall be at least sixty (60) feet from any street right-of-way.

(3) Side Yard: There shall be two side yards and no side yard shall be less than ten (10) feet.

(4) Rear Yard: There shall be a rear yard of at least twenty-five (25) feet.

(5) Lot Area: There shall be a minimum lot area of at least ten thousand, five hundred (10,500) square feet for any one family dwelling and fifteen thousand (15,000) square feet for any two family dwelling.

(6) Lot Width: A one family lot shall have a minimum lot width of at least ninety (90) feet, and two family or nonresidential lots shall have a minimum lot width of one hundred (100) feet; but all uses shall meet the provisions of Section 4.21 on major streets. (Amended March 26, 2001 Ordinance 383)
(7) Floor Area: There shall be a minimum floor area of at least one thousand (1,000) square feet for all dwellings and at least six hundred eighty (680) square feet shall be on the ground floor and a total floor area of twelve hundred (1200) square feet for each two (2) and for three (3) story family dwelling. There shall be at least six hundred (600) square feet of floor area in each unit of a permitted two family dwelling.

(8) Site Plan: Site development plan approval by the Planning Commission is required for all nonresidential principal uses other than farms and for all parking areas with more than four (4) parking spaces. The Building Inspector may, at his discretion, refer elevation and plot plans for any two family dwelling to the Planning Commission for approval.

8.4 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C, and D.
ARTICLE IX
R-D MOBILE HOME PARK DISTRICT

9.1 PERMITTED USES

The R-D District is intended only for mobile home parks.

9.2 REQUIREMENTS

Mobile home parks are permitted in the R-D District, provided that all the following conditions are met:

(1) Each mobile home park shall be not less than fifteen (15) acres in size. Each mobile home site shall be provided with a continuous concrete pad of four (4) inches thick running the entire length and width of the mobile home or on piers at least forty-two (42) inches deep below grade. Each site shall be equipped with anchors or tie-down equipment meeting the requirements of an approved Construction Code anchoring system. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view and shall meet the requirements of the rules of the Mobile Home Commission.

(2) A fifty (50) foot front yard shall be provided and maintained between any public street or road right-of-way line on which the mobile home park fronts and any individual mobile home site or mobile home park buildings.

(3) No mobile home site shall be closer than thirty (30) feet to the nearest adjoining property line. Within this area a buffer strip shall be provided when the mobile home park adjoins any residential zoning district meeting the following:

   (a) A buffer strip shall be graded with a continuous berm at least three (3) feet above the grade elevation at the common property line, and depth of the buffer strip shall be at least twelve (12) feet. The berm need not be provided when adjacent to a mobile home park district and need only be provided if there is existing residential usage at the time of construction.

   (b) All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.

   (c) A minimum of one (1) deciduous tree plus one (1) additional deciduous tree shall be planted for each thirty (30) lineal feet of required buffer strip length. Required trees shall be planted at approximately thirty (30) foot intervals.

   (d) A minimum of one (1) evergreen tree plus one (1) additional evergreen tree shall be planted for every ten (10) lineal feet of required buffer strip length.
(e) A minimum of three (3) intermediate shrubs shall be planted for every ten (10) lineal feet of required buffer strip length.

(4) Connection shall be made to any public water or sewer system which is available within five hundred (500) feet of the mobile home park.

(5) All utility services shall be located underground.

(6) All mobile home sites shall face on an internal paved street not less than twenty-four (24) feet wide where there is two-way traffic. One-way traffic on a street is prohibited. The streets shall be paved with Huron concrete or bituminous concrete asphalt.

(7) The mobile home park shall be developed with sites having five thousand, five hundred (5,500) square feet per mobile home unit being served. This five thousand, five hundred (5,500) square feet may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand, four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand, five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space.

(8) Mobile homes located upon a mobile home site shall be at least twenty (20) feet from the front line of the site and ten (10) feet from the rear line of the site and no mobile home shall be closer than twenty (20) feet from any other mobile home. Mobile homes on corner lots shall be located at least twenty (20) feet from the street lines. The rear of the site shall be determined by the mobile home orientation on the site and shall meet the requirement stated above.

(9) No mobile home in a mobile home park shall have less than four hundred (400) square feet of floor area.

(10) No structure shall be taller than thirty-five (35) feet.

(11) The mobile home park shall be landscaped and regularly maintained and shall conform to all State regulations. At least twenty-five thousand (25,000) square feet or two percent (2%) of the gross acreage, which ever is greater, of the mobile home park area shall be devoted to a landscaped open space for the residents of the park.

(12) The sale of new or used mobile homes located on sites within the mobile home park to be used and occupied on that site by a licensed dealer and/or broker is permitted.

(13) Site Development Plan: A Site Development Plan must be approved by the Planning Commission and shall show that the requirements of the Zoning Ordinance are met and all the requirements of the Mobile Home Commission are met.

(14) Prior to the placement of a mobile home on any site within a mobile home park a building permit must be obtained by the owner of the mobile home provided for in Section 23.1.
ARTICLE X
MFR - MULTI-FAMILY RESIDENTIAL DISTRICT

10.1 USES PERMITTED BY RIGHT

The MFR District is designed primarily for multiple-family dwellings and office buildings and those uses permitted in the MFR District.

(1) Two-family and multi-family dwelling units.
(2) Office buildings.
(3) Earth bermed multiple-family structures are permitted.

10.2 SPECIAL USES

The following uses may be approved by the Planning Commission but are subject to the provisions contained in Article XIX.

(1) Removal of natural resources.
(2) Adult and child care facilities providing care and/or supervision for seven or more individuals.
(3) Freestanding Parking Lot: All such parking lots shall conform to the standards provided in Article 16 Parking and Loading.
(4) Bed and Breakfast Operation in an existing single family dwelling on a metes and bounds parcel only.

10.3 HEIGHT AND AREA (Amended March 26, 2001 Ordinance 383)

(1) Floor Area: Apartment buildings shall have a floor area of six hundred (600) square feet per dwelling unit.
(2) Density: There shall be at least seven thousand five hundred (7,500) square feet of lot area, exclusive of streets dedicated to the public, for each dwelling unit.
(3) Height: No building shall exceed a maximum of two and one half (2-1/2) stories or thirty-five (35) feet in height, whichever is the lesser except by Section 4.16.
(4) Front Yard: No building shall be located closer than fifty (50) feet to any street right-of-way.
(5) Side Yard: No building shall be closer to a side lot line than a distance equal to the height of the building wall facing the side lot line. In no case shall a building be closer than twenty five (25) feet to the side property lines.

(6) Rear Yard: There shall be a rear yard of at least fifty (50) feet.

(7) Lot Area: There shall be a lot area of at least twelve thousand five hundred (12,500) square feet.

(8) Lot Width: No lot shall be less than one hundred (100) feet in minimum lot width but all lots on major streets shall meet the provisions of Section 4.21.

(9) Zone Separation: Where a MFR District abuts another R District, any permitted use shall provide an additional twenty (20) feet of landscaped yard area adjacent to such R District over and above the minimum requirements of the MFR District.

(10) Site Development Plan: A Site Development Plan is required.

10.4 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C, and D.

10.5 SPECIAL CONDITIONS

The following requirements shall be met:

(1) No apartment building shall contain more than twelve (12) dwelling units.

(2) Every apartment and office building shall be connected to a public sanitary sewer.

(3) Access: In order to achieve a development with an orderly internal circulation system that does not impose on surrounding lower density uses and districts, the following access controls shall apply to all MFR permitted uses:

   (a) Dwelling entrances shall be located not more than three hundred (300) feet from a public street and/or private street.
   
   (b) Dwelling structures shall be located within one-hundred fifty (150) feet of an off-street parking area.
   
   (c) Dwelling structures shall not front on a one family residentially zoned street nor have its principal means of access through such a residential district.

(4) Group Buildings:

   (a) Where there is more than one building located on a lot, no building shall be located in front of the main entrance wall of another unless separated by a common yard of at least fifty (50) feet in which event the front yard required under Section 10.3 shall be maintained.
(b) No building shall be located in back of the rear entrance wall of another unless separated by a common yard of at least one hundred (100) feet.

(c) Every group building shall have a landscaped rear yard of at least thirty (30) feet unobstructed by any accessory building, provided such space may be located across a driveway leading to a garage within the building.

(d) Groups of apartment buildings are required to be in single ownership and shall be located on one parcel of land.

(e) No group building shall be located closer than a distance equal to its total height to any other building.

(5) Refuse: For all group buildings there shall be provided a screened area or a building or a portion thereof for the collection of garbage or waste so that such refuse shall not be visible from any building, adjacent property, or public street.
ARTICLE XI
B-1 CENTRAL BUSINESS DISTRICT

11.1 USES PERMITTED BY RIGHT

The B-1 District is intended to meet the central shopping and service needs of the residential community. Only the following uses shall be permitted by right:

(1) Retail sales of goods and merchandise such as a drug store, food store, hardware store, variety store, clothing store, dry goods store, produce store, jewelry or gift shop, retail bakery shop, video sales and rental appliance store, furniture store, or filling station.

(2) Personal service uses such as a flower shop, restaurant, barber shop, beauty salon, offices, music or dance studio, photographic salon, shoe repair, household appliance service, bank, post office, dry cleaning pick up service, self service laundry or cleaning establishment, drinking establishment, or pet shop.

(3) Essential services, accessory parking areas and parking areas as a principal use, and accessory signs.

(4) Accessory uses normally incidental to a permitted principal use, including incidental minor repairing, assembly or fabrication thereof and up to a maximum of five (5) amusement devices.

11.2 SPECIAL USES

Special Uses: Uses which supply retail goods and services for the general community, but which are not identified as uses permitted by right under Section 11.1, but are similar to uses listed in Section 11.1 and are reasonable. In considering such authorization, the Planning Commission shall consider the following standards and criteria in determining if it is similar and reasonable and should be permitted.

(1) Uses which supply retail goods or personal services for the general community but which are not identified as uses permitted by right under Section 11.1. In considering such authorization, the Planning Commission shall consider the following standards and criteria in determining if it is similar and should be permitted:

(a) The size, nature and character of the proposed use;

(b) The proximity of the proposed use to adjoining properties;

(c) The parking required relative to the parking proposed for the use;

(d) Any traffic congestion or hazard which will be created by the proposed use;
(e) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;

(f) The need or necessity for the proposed use to meet the needs of the general community; and

(g) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

(2) Removal of natural resources.

(3) Special controlled uses such as adult book stores and movies, cabarets, etc.

(4) Animal hospitals and veterinary clinics.

11.3 HEIGHT AND AREA (Amended April 22, 2002)

The following requirements are the minimum permitted in the B-1 District:

(1) Height: No building shall exceed a height of forty (40) feet except a building within five hundred (500) feet of a limited access highway (US131 or M6), which shall not exceed a height of sixty (60) feet. In no event will a building be permitted to be constructed greater that forty-five (45) feet in height if it is within eight hundred (800) feet of a residential zoned parcel of property.

(2) Front Yard: There shall be a front yard of at least seven (7) feet, provided, however, that on a major street other than 84th Street between 2400 84th Street and 2655 84th Street, the provisions of Section 4.28 shall apply. Canopies or marquees which are at least seven and one half (7-1/2) feet above the ground level are exempt from the setback requirement.

(3) Side Yard: No side yard is required. Where a side yard is provided, it shall be at least five (5) feet in width.

(4) Rear Yard: Rear yards shall comply with subsection (7) below.

(5) Lot Area: No minimum required.

(6) Lot Width: No minimum required.

(7) Site Plan: Site development plan approval is required for all structures and parking areas.

(8) Buffers: Where a B-1 District is adjacent to a Residential District, there shall be provided and maintained a buffer of no less than ten (10) feet in width. Each buffer shall be located adjacent to the residential district. Parking areas adjacent to residential district shall be screened in accordance with the provisions of Section 16.8

11.4 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C and D.
ARTICLE XII
B-2 GENERAL BUSINESS DISTRICT

12.1 USES PERMITTED BY RIGHT

The B-2 General Business District is intended to serve the business and service needs of the Township, the surrounding area, and the motoring public. Only the following uses are permitted by right if the subject parcel is one hundred forty (140) feet or more in width:

(1) Any use permitted by right in the B-1 District.

(2) Other retail sales and convenience services, office buildings, restaurants, including drive-in restaurants, drinking establishments, bowling alleys, miniature golf courses, skating rinks, racquet clubs, and athletic and gymnastic facilities.

(3) Automobile, truck, motor home, travel trailer, mobile home, motorcycle, snowmobile or boat sales and rentals and service stations. Incidental servicing is also permitted when accessory to one of the above listed sales or rental operations. The buffering provisions of Section 16.8 shall be met for all areas devoted to the outdoor storage, incidental servicing, sale or rental of the above listed vehicles, travel trailers, mobile homes, motorcycles, snowmobiles, boats, recreational vehicles, and lawn and garden equipment with the added provision that such areas be paved.

(4) Motels, hotels and other types of temporary lodging accommodations.

(5) Printing, photographic, sign establishments, construction supply establishments such as electrical, plumbing and heating supply when conducted within enclosed structures, and construction and service establishments conducted within enclosed structures and which do not store equipment, vehicles or material outside enclosed structures.

(6) Wholesale and distributing establishments and billboards as a principal use.

(7) Customary and incidental uses accessory to the above uses.

(8) An amusement establishment, provided the Building Inspector finds the following conditions to exist:

   (a) The use is located outside a two hundred (200) foot radius of any residential district in Byron Township or adjacent municipality.

   (b) The use is not located within a one thousand (1,000) foot radius of any other such use.
12.2 SPECIAL USES

The following uses may be permitted by the Planning Commission but are subject to the provisions contained in Article XVIII.

(1) Uses which supply retail goods and services to meet the needs of the surrounding residents and businesses and the motoring public but which are not enumerated as uses permitted by right under Section 12.1. The Planning Commission shall authorize such use if it finds the use similar to other permitted uses and reasonable; and in determining its similarity and reasonableness, the Planning Commission shall consider the following:

(a) The size, nature, and character of the proposed use;

(b) Any traffic congestion or hazard which may be created by the proposed use;

(c) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;

(d) The need or necessity for the proposed use to serve the needs of the Township, the surrounding area, and the motoring public; and

(e) The probable effect of the proposed use on adjoining properties and the surrounding area.

(2) Public and institutional uses except correctional facilities.

(3) Animal hospitals and veterinary clinics.

(4) Outdoor motion picture theaters.

(5) Amusement establishments not meeting the criteria of Section 12.1(8) above.

(6) Any use otherwise permitted by right if it is to be located on a parcel that is less than one hundred forty (140) feet but greater than one hundred (100) feet in width.

(7) Removal of natural resources.

12.3 HEIGHT AND AREA  (Amended April 22, 2002)

The following requirements are the minimum permitted in the B-2 District:

(1) Height: No building shall exceed a height of thirty-five (35) feet except a building within five hundred (500) feet of a limited access highway (US131 or M6), which shall not exceed a height of sixty (60) feet. In no event will a building be permitted to be constructed greater than forty-five (45) feet in height if it is within eight hundred (800) feet of a residential zoned parcel of property.

(2) Front Yard: The following yard requirements shall be measured from the street right-of-way or from lines designated in Section 4.28, Setback on Major Streets, whichever is
further from the centerline of a public street. Where applicable, the provisions of Section 4.8, Corner Lots, shall also be met. There shall be a front yard of at least fifty (50) feet. Where a parking area is provided in a front yard, no less than five (5) feet adjacent to the street right-of-way shall be landscaped. In lieu of a landscaped area, the parking area shall be separated from the right-of-way by a raised curb, anchored bumper, or other similar physical structure such that parked vehicles do not protrude into the right-of-way. Gasoline station pump islands may be located in said fifty (50) feet, but no closer than thirty (30) feet to any lot line.

(3) Side Yard: There shall be two side yards and no side yard shall be less than ten (10) feet.

(4) Rear Yard: There shall be a rear yard of at least twenty-five (25) feet and no principal or accessory building shall be closer to a Residential or Agricultural District than a distance equal to twice its height.

(5) Lot Area: There shall be a lot area of at least twenty thousand (20,000) square feet in accordance with Section 4.19, Lot Area Computation.

(6) Lot Width: Every lot shall have a minimum lot width of at least one hundred forty (140) feet.

(7) Site Development Plan: Site development plan approval as provided in accord with the provisions of Article XIX.

(8) Parking: Parking shall be provided in accord with the provisions of Article XVI.

12.4 SPECIAL CONDITIONS

(1) Buildings Per Lot: More than one principal building and/or principal use may be permitted on a lot provided said buildings are part of an approved site development plan or Planned Unit Development. Unless approved as a Planned Unit Development, each such building shall have the required individual yards as though separated by a lot line.

(2) Buffers: Where a B-2 District is adjacent to a Residential District, there shall be provided and maintained a buffer of no less than ten (10) feet in width. Each buffer shall be located adjacent to the Residential District. Parking areas adjacent to a Residential District shall be screened in accordance with the provisions of Section 16.8

12.5 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C, and D.
ARTICLE XIII
B-3 INTERCHANGE BUSINESS DISTRICT

13.1 USES PERMITTED BY RIGHT

The B-3 Interchange Business District is intended to serve the needs of the motoring public using the high speed freeways of the metropolitan region. The following uses are permitted by right:

(1) Restaurants, including drive-in restaurants.
(2) Service stations and truck stops.
(3) Motels, hotels and other types of temporary lodging accommodations.

13.2 SPECIAL USES

The following uses may be approved by the Planning Commission but are subject to the provisions contained in Article XVIII.

(1) Uses similar to the uses enumerated in Section 13.1, as determined by the Planning Commission, which serve the needs of the motoring public, but which are not specifically enumerated in Section 13.1. The Planning Commission shall authorize such use as it finds the use reasonable and similar to other permitted uses; and in determining its similarity and reasonableness, the Planning Commission shall consider the following:

   (a) The size, nature, and character of the proposed use;
   (b) Any traffic congestion or hazard which may be created by the proposed use;
   (c) How well the proposed use harmonizes, blend with, and enhances adjoining properties and the surrounding neighborhood;
   (d) The need or necessity for the proposed use to serve the needs of the motoring public; and
   (e) The probable effect of the proposed use on adjoining properties and the surrounding area.

(2) Removal of natural resources.

13.3 HEIGHT AND AREA (Amended April 22, 2002)

The following requirements are the minimum permitted in the B-3 District:

(1) Height: No building shall exceed a height of thirty-five (35) feet except a building within five hundred (500) feet of a limited access highway (US131 or M6), which shall not exceed a height of sixty (60) feet. In no event will a building be permitted to be constructed
greater that forty-five (45) feet in height if it is within eight hundred (800) feet of a residential zoned parcel of property.

(2) Front Yard: The following yard requirements shall be measured from the street right-of-way or from lines designated in Section 4.28, Setback on Major Streets, whichever is further from the centerline of a public street. Where applicable, the provisions of Section 4.8, Corner Lots, shall also be met. There shall be a front yard of at least fifty (50) feet. Where a parking area is provided in a front yard, no less than five (5) feet adjacent to the street right-of-way shall be landscaped. In lieu of a landscaped area, the parking area shall be separated from the right-of-way by a raised curb, anchored bumper, or other similar physical structure such that parked vehicles do not protrude into the right-of-way. Gasoline station pump islands may be located in said fifty (50) feet but not closer than thirty (30) feet to any lot line.

(3) Side Yard: There shall be two side yards of at least twenty (20) feet each.

(4) Rear Yard: There shall be a rear yard of at least twenty-five (25) feet. Where adjacent to an R District, no principal or accessory building shall be closer thereto than a distance equal to twice its height.

(5) Lot Area: There shall be a lot area of at least thirty-five thousand (35,000) square feet.

(6) Lot Width: No lot shall have a minimum lot width of less than one hundred thirty (130) feet.

(7) Parking: Parking shall be provided in accord with the provisions of Article XVI.

(8) Site Plan: Site development plan approval as provided in accord with the provisions of Article XIX.

13.4 SPECIAL CONDITIONS

The Planning Commission shall be particularly concerned with both present and future traffic flow, traffic safety, and traffic volumes in its review of a site development plan in an interchange area. No use shall have more than one exit and one entry drive. The Planning Commission may, for safe traffic circulation, require the joint use of drives between several uses and prohibit more than one drive to a specific parcel of property. The provisions of Section 12.4 shall also apply.

13.5 ACCESSORY BUILDINGS

Accessory Buildings are permitted as per Section 4.2 and Appendix B, C, and D.
CHAPTER XIII A -
“O-S” OFFICE AND SERVICE DISTRICT

13A.1 DESCRIPTION AND PURPOSE.

This Zoning district is intended to provide a location for office parks, office services, institutional facilities, research laboratories and similar facilities which, while needing easy access to and from major traffic routes, are non-commercial and non-industrial in character.

13A.2 PERMITTED USES.

Land, buildings or structures in this Zoning District may be used for the following purposes only:

1. Offices for the following professions and occupations: executive, administrative, scientific, scholarly, artistic, architectural, engineering, insurance, accounting, law, secretarial services, drafting, designing, real estate offices and sales representatives without sales of goods on the premises.
2. Research, development and testing laboratories and offices without manufacturing,
3. Radio and television studios,
4. Electronic data processing center,
5. Medical and dental clinics and offices,
6. Photographic studios,
7. Churches,
8. Funeral homes or mortuary,
9. Banks and savings and loans with or without drive-up windows, loan or finance offices,
10. Telephone exchange buildings,
11. Studios for instruction, such as dance or music,
12. Nursing homes and hospitals,
13. Child day care centers and nursery schools,
14. Governmental offices,
15. Educational facilities when conducted within a building,
16. Other similar offices, business or service enterprises if authorized by the Planning Commission as a special use and if the principal means of ingress and egress to the site is from a major street as identified in the Township Master Plan. In considering such authorization, the Planning Commission shall, in addition to standards required by Article XVIII, consider the following standards: (a) the size, nature and character of the proposed use, (b) the proximity of the proposed use to adjoining properties, (c) the parking facilities provided for the proposed use, (d) any traffic congestion or hazard which would be occasioned by the properties and the surrounding neighborhood.
13A.3 REQUIREMENTS.

All uses permitted in this Zoning District, with the exception of vehicle parking areas, shall be conducted wholly within a completely enclosed building.

13A.4 HEIGHT REGULATIONS (Amended April 22, 2002)

No building shall exceed a height of thirty-five (35) feet except a building within five hundred (500) feet of a limited access highway (US131 or M6), which shall not exceed a height of sixty (60) feet. In no event will a building be permitted to be constructed greater that forty-five (45) feet in height if it is within eight hundred (800) feet of a residential zoned parcel of property.

13A.5 YARD AND LOT WIDTH REQUIREMENTS.

No Building or structure nor any enlargement thereof shall be hereafter erected unless the following yard and lot width requirements are maintained in connection with such building, structure or enlargement.

(1) Front Yard - There shall be a Front Yard of not less than fifty (50) feet.

(2) Side Yard - (1) Where the side of a Lot in this Zoning District abuts upon the side of a Lot in any “R” Zoning District, the Side Yard abutting such Lot shall be not less than fifty (50) feet; (2) there shall be a side yard of not less than twenty-five (25) feet on the street side of a corner lot; and (3) in all other cases, a side yard of not less than fifteen (15) feet shall be required.

(3) Rear Yard - (1) Where the rear of a lot in this zoning district abuts upon the side yard of a lot in any “R” zoning district, there shall be a rear yard of not less than fifty (50) feet; and (2) in all other cases, there shall be a rear yard of not less than twenty-five (25) feet.

(4) Lot Width - The minimum lot width shall be one hundred (100) feet. There is no minimum lot area. The provision of setbacks and parking will determine the lot size.

13A.6 LANDSCAPE REQUIREMENTS.

Those yards which front on any street and the area between the edge of the street pavement and property line, with the exception of paved driveways and parking areas, shall be used exclusively for the planting and growing of trees, shrubs, lawns, and other landscaping designed, planted and maintained in an aesthetically pleasing manner. All other unpaved areas of the lot shall also be landscaped and maintained.

Where this district is adjacent to a Residential District, there shall be provided and maintained a buffer of no less than ten (10) feet in width. Each buffer shall be located adjacent to the residential district. Parking areas adjacent to a residential district shall be screened in accordance with the provisions of Section 16.8.
ARTICLE XIV
D-1 INDUSTRIAL DISTRICT

14.1 USES PERMITTED BY RIGHT

The zone is intended to permit industrial uses which are not unreasonably offensive, hazardous, or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire hazards, industrial wastes, or traffic. In those instances where there may be doubt regarding the effect of the operation, the Planning Commission may require the prospective operator to demonstrate, through the use of qualified technical persons and acceptable testing techniques, that protective devices shall be utilized that will categorically assure the control of the questioned factor. Land and/or buildings in this district may be used for the following purposes:

(1) Agricultural products.
(2) Food and kindred products.
(3) Chemicals and chemical products such as plastics, synthetic fibers, and cosmetics.
(4) Wood and wood products, including sawmills and planing mills.
(5) Metals and metal products, including metal plating.
(6) Glass and glass products.
(7) Paper and paper products.
(8) Insulation manufacture.
(9) Rubber and rubber products.
(10) Automotive assembly, including major repair.
(11) Textile mill products, such as woven fabric, knitted goods, floor coverings, yarn, and thread.
(12) Apparel and similar products made from fabrics, leather, fur, canvas, and similar material.
(13) Prefabricated structural wood products, containers, and lumberyards, but excluding sawmills.
(14) Furniture and fixtures.
(15) Printing, publishing, and allied industries.
(16) Drugs and pharmaceutical products.
(17) Electrical machinery, equipment, and supplies.
Byron Township Zoning Ordinance  Industrial District

(18) Fabricated metal products.
(19) Tool and die shop and screw machine products.
(20) Metal bending and welding.
(21) Central dry cleaning or laundry.
(22) Building trades contractors.
(23) Research and development and testing laboratories.
(24) Warehousing and general storage.
(25) Truck and trailer and heavy equipment sales, leasing and rental.
(26) Mini-warehousing and self storage.
(27) Wholesale establishments.
(28) Retail sales where such use is clearly incidental to the primary use and where the area devoted to retail sales does not exceed fifteen (15) percent of the total floor area.
(29) Offices, provided they are incidental to an industrial use located on the same site.

14.2 SPECIAL USES

The following uses may be permitted but are subject to the provisions and conditions outlined in Article XVIII.

(1) Auction houses if operation ceases before midnight and is wholly enclosed within a building.
(2) Gasoline service stations.
(3) Livestock auctions not closer than five hundred (500) feet to any residential district.
(4) Freestanding office buildings located on substandard parcels or lots in existence prior to the effective date of this Ordinance.
(5) Processing and removal of natural resources.
(6) Sanitary landfills, provided such facilities are a minimum of one thousand (1,000) feet from a residential district.
(7) Vehicle repair shops.
(8) Junkyards and salvage yards.
(9) Other industrial uses which are not enumerated as uses permitted by right under Section 14.1. The Planning Commission shall authorize such use if it finds the use similar to other permitted uses and reasonable; and in determining its similarity and reasonableness, the Planning Commission shall consider the following:

(a) The size, nature, and nature of the proposed use.

(b) Any traffic congestion or hazard which may be created by the proposed use.

(c) How well the proposed use harmonizes, blends with, and enhances adjoining property and surrounding neighborhood.

(d) The need or necessity of the proposed use to serve the needs of the Township and surrounding area.

(e) The probable effect of the proposed use on adjoining properties and the surrounding area.

(f) The performance standards contained in Section 14.4

(g) The nature of the proposed use and the availability and proximity of public sewer and water service, storm drainage facilities, and major streets.

(h) The general compatibility of the proposed use to adjacent property and the surrounding area.

(10) Recycling centers.

(11) Animal hospitals and veterinary clinics. (Ord. 473 Adopted July 24, 2006; eff. August 1, 2006)

14.3 BUILDING HEIGHT; YARD SIZES; MINIMUM LOT AREA (Ord. 468 Adopted April 24, 2006; eff. May 9, 2006)

The following minimum requirements shall be complied with:

(1) Height: No building shall exceed a height of 35 feet except a building within 500 feet of a limited access highway (US131 or M6), which shall not exceed a height of 60 feet. No building greater than 45 feet in height shall be located within 800 feet of residentially zoned land.

(2) Minimum Yard Requirements:

(a) There shall be a front yard of at least 60 feet.

(b) There shall be a rear yard of at least 50 feet and there shall be two side yards of at least 50 feet each (subject to Section 4.8, regarding corner lots); provided, however, that a parcel of land in a recorded plat or which was otherwise recorded as of June 1, 1992 may have a rear yard of at least 20 feet and two side yards of at least 20 feet each (subject to Section 4.8, regarding corner lots).
(c) Where an industrial lot abuts a residential zone, no building or storage area for material and/or equipment shall be located closer than 100 feet from the residential zone and, further, no off-street parking and loading areas shall be located within 25 feet of an adjacent residential zone. Screening shall be required in accordance with the provisions of section 16.8.

(d) The above-stated yard sizes shall be the minimum that are required, but they shall be subject to other applicable provisions of this ordinance and the Township building code; further, the fire marshal or other authorized Township fire department official may impose greater yard size requirements when such requirements are necessary to assure safe and convenient access for fire suppression and rescue vehicles and equipment.

(3) Minimum Lot Area and Lot Width:

(a) There shall be a lot area of at least 70,000 square feet.

(b) There shall be a minimum lot width of 200 feet, exclusive of street rights-of-way and subject to Section 4.21. The minimum lot width of a corner lot shall be 200 feet on each adjacent street.

14.4 REQUIRED CONDITIONS (Ord. 468 Adopted April 24, 2006; eff. May 9, 2006)

(1) Parking and Loading: Parking and loading is permitted in all yards. Parking and loading and the screening of areas used for parking and loading shall be provided as required in Article XVI.

(2) Landscaping and Outdoor Storage:

(a) All outdoor storage areas shall be paved and any required screening wall or fence shall be maintained in good condition and repair so as not to constitute a safety or fire hazard. No junk, refuse or other discarded materials shall be permitted to accumulate in an outdoor storage area, except in approved refuse containers.

(b) All unpaved areas shall be landscaped or planted with grass or other vegetation to an extent sufficient to avoid dust accumulation or soil erosion. Unpaved areas shall not be used for storage or accumulation of material, goods or equipment. All such unpaved areas shall be maintained in good condition and appearance.

(c) A landscaped buffer at least 10 feet wide shall be maintained adjacent to the front property line and adjacent to that part of each side property line located in the front yard. The landscaped buffer shall be established and used for plantings and other landscape materials; it shall not include any buildings or storage areas, nor shall it be used for vehicle parking or loading purposes.

(i) If the landscaped buffer of off-street parking areas as required under Section 16.8 is located such as to comprise part of the required landscaped buffer under the terms of this subsection (c), then the landscaped buffer required under Section 16.8 shall be deemed to satisfy the landscaped buffer requirements of this subsection, to the extent of that part of the required parking area buffer that is located within the required landscaped buffer.

(ii) The landscaped buffer shall be planted and continuously maintained with plant materials, earthen berms or such combination thereof as required by Section 4.44(7).
Byron Township Zoning Ordinance  Industrial District

(3) All storage shall be conducted entirely within the confines of a building or behind a solid screening wall or fence of adequate height to obscure the view of any such outdoor storage from a street or adjacent or other land.

(4) Site Development Plan: A site development plan, prepared and approved under the terms of Article XIX, is required.

14.5 PERFORMANCE STANDARDS  (Ord. 468 Adopted April 24, 2006; eff. May 9, 2006)

All land uses shall comply with the performance standards stated in this section. In reviewing a site development plan, the Planning Commission shall make findings of fact with respect to the required performance standards. No certificate of occupancy shall be granted unless the applicant demonstrates that the proposed land use will comply with all of the performance standards stated in this section.

(1) Fire and Explosion Hazards: All buildings, storage, and handling of flammable materials, and other activities shall conform to County and Township building and fire ordinances and to any applicable State and Federal regulations or requirements. No use of building shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street.

(2) Smoke, Fumes, Gases, Dust, and Odors: There shall be no emission of any smoke, radiation, fumes, gases, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to cause property damage or hazards to public health or to be detrimental to the property rights of other property or to be obnoxious to the general public.

(3) Liquid or Solid Waste: No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage disposal and industrial waste treatment and disposal shall be approved by the Township and by the County and Michigan State Health Departments.

(4) Vibration: There shall be no vibration which is discernible to the human sense of feeling beyond the boundaries of the immediate site on which such use is conducted.

(5) Noise: There shall be no noise emanating from the operation which will adversely affect an adjoining permitted use.

(6) Glare: There shall be no direct or sky-reflected glare harmful to the human eye at the property line of the lot occupied by such use.
ARTICLE XV
PUD - PLANNED UNIT DEVELOPMENT DISTRICT

15.1. INTENT

This Article provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this Article to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

(1) To encourage the use of land in accordance with its character and adaptability.
(2) To promote the conservation of natural features and resources.
(3) To encourage innovation in land use planning and development.
(4) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township.
(5) To promote and ensure greater compatibility of design and use between neighboring properties.
(6) To provide for the regulation of land uses not otherwise authorized within this Ordinance.

The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Article are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to ensure appropriate, fair, and consistent decision-making. A Planned Unit Development must comply with this Article.

15.2. QUALIFYING CONDITIONS

(1) In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of two (2) acres.

(2) Public water and sanitary sewer shall be available to service the site.

15.3. DEVELOPMENT REQUIREMENTS (Amended March 26, 2001 Ordinance 383)

(1) DENSITY. Uses in any underlying zoning district shall be subject to the following density and open space standards.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>PERMITTED MAXIMUM DENSITY</th>
<th>REQUIRED OPEN SPACE AREA PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-A PUD</td>
<td>1.0</td>
<td>1,500</td>
</tr>
<tr>
<td>R-R PUD</td>
<td>1.5</td>
<td>1,200</td>
</tr>
<tr>
<td>R-S PUD</td>
<td>3.0</td>
<td>800</td>
</tr>
<tr>
<td>R-U PUD</td>
<td>4.0</td>
<td>600</td>
</tr>
<tr>
<td>MFR PUD</td>
<td>7.0</td>
<td>150</td>
</tr>
<tr>
<td>B-1 PUD</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>B-2 PUD</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>B-3 PUD</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>D-1 PUD</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>
In each case, the maximum density for residential uses shall be determined by the Township Board up to the maximum indicated above, after review by the Planning Commission based on the following standards. The residential uses shall:

(a) Be designed, constructed, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

(b) Be served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer.

(c) Not create excessive additional requirements at public cost for public facilities and services.

(d) Be developed in accordance with the intent for a Planned Unit Development as contained herein.

(2) DWELLING UNIT COMPUTATION: The density permitted by the Township Board shall be applied to the net development area of the site in order to determine the maximum number of dwelling units permitted for the site. The net development area is determined by subtracting the following from the gross or total site area:

(a) Area within existing road rights-of-way

(b) Areas devoted to non-residential uses.

(3) GREEN SPACE: Each PUD shall contain green space areas equal to a minimum of ten (10) percent of the total site area which is devoted to residential use. Such open space shall be maintained by the developer or homeowner's association and shall be set aside for the common use of the home or lot owners within the PUD with written assurances that the required green space shall remain green and be properly maintained.

For purposes of this section, green space shall only be considered to be those areas having a minimum dimension fifty (50) feet by one hundred (100) feet. Land in streets, sidewalks, and parking areas shall not be considered as green space. Required yard setback area may be included in the green space area.

(4) MIXED USES: Residential and non-residential uses may be permitted within the same PUD district upon demonstration to the Planning Commission and Township Board that such uses meet the intent of this Article and the standards of 15.3(1). It shall also be demonstrated that the non-residential uses will not negatively impact the residential uses and that the non-residential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.

The permitted density for residential uses in a mixed use development shall be determined by the Township Board upon recommendation of the Planning Commission, based on the type of dwelling unit proposed and the standards contained in 15.3(1)(a-d).
15.4. APPLICABLE REGULATIONS

(1) Unless specifically waived by the Township Board upon the recommendation of the Planning Commission through the provisions of 15.4(2) below, all regulations of the underlying zoning district prior to the PUD request relative to lot size, lot width, yard area, structure height, setback, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply.

(2) Consistent with the Planned Unit Development concept, and to encourage flexibility and creativity in development, departures from the regulations outlined in the immediately preceding 15.3(1) may be granted at the discretion of the Township Board upon the recommendation of the Planning Commission as part of the approval of a Planned Unit Development. Such departures may be authorized if there are features or planning mechanisms designed into the project which would achieve the objectives of each of the regulations from which a departure is being requested.

15.5. PUD DESIGN CONSIDERATIONS

A proposed Planned Unit Development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

(1) Perimeter setbacks.

(2) Street drainage and utility design with respect to location, availability, ownership, and compatibility.

(3) Underground installation of utilities.

(4) Insulation of separate pedestrian ways apart from vehicular streets and ways.

(5) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.

(6) Noise reduction and visual screening mechanisms from adjoining residential uses.

(7) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.

(8) Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.

(9) Screening and buffering with respect to dimensions and character.

(10) Yard areas and other open space.
(11) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.

(12) The preservation of natural resources and natural features.

15.6. APPLICATION AND PROCESSING PROCEDURES

(1) EFFECTS: The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the zoning ordinance.

(2) PREAPPLICATION CONFERENCE: Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Building Inspector, and such consultants as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:

(a) A legal description of the property in question;
(b) The total number of acres to be included in the project;
(c) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
(d) The approximate number of acres to be occupied and/or devoted to or by each type of use;
(e) Departures from the regulations of the Ordinance which may be requested;
(f) The number of acres to be preserved as open space or recreation space; and
(g) All known natural resources and natural features.

(3) PRELIMINARY SITE DEVELOPMENT PLAN - SUBMISSION AND CONTENT: Following the above conference or conferences, copies of a preliminary site development plan and application for a PUD rezoning request shall be submitted. The submission shall be made to the Building Inspector who shall present it to the Planning Commission for consideration at a regular or special meeting. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary site development plan shall contain the following information unless specifically waived by the Building Inspector:

(a) Date, north arrow, and scale which shall not be more than 1" = 100'.
(b) Locational sketch of site in relation to surrounding area.
(c) Legal description of property including common street address.
(d) Size of parcel.
(e) All lot or property lines with dimensions.
(f) General location of all buildings within one hundred (100) feet of the property lines.
(g) General location and size of all existing structures on the site.
(h) General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is constructed.
(i) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
(j) General size and location of all areas devoted to green space.
(k) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
(l) All areas within the 100-year floodplain, wetland areas or bodies of water.
(m) Existing topographical contours at a minimum of five (5) foot intervals.
(n) A narrative describing:
   (i) The nature of the project.
   (ii) The proposed density, number, and types of dwelling units if a residential PUD.
   (iii) A statement describing how the proposed project meets the objectives of the PUD.
   (iv) A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
   (v) Proof of ownership or legal interest in property.

(4) PRELIMINARY SITE DEVELOPMENT PLAN - PLANNING COMMISSION REVIEW: The Planning Commission shall review the preliminary site development plan and shall make reasonable inquiries of the applicant.

The Planning Commission shall review the Preliminary Development Plan according to the provisions of 15.3 through 15.6 herein and transmit its recommendations for changes or modifications of the Preliminary Development Plan to the applicant.

(5) PUBLIC HEARING: Prior to the scheduling of the public hearing, the applicant shall submit all required and requested information to the Township. Once complete, the Building Inspector shall transmit the complete application to the Planning Commission. The Planning Commission, at a regular or special public meeting, shall set a time and place for a public hearing and arrange for publication and delivery of the notice of such hearing in accordance with Section 23.9 of this Ordinance. (Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)
15.7. STANDARDS FOR ZONING APPROVAL

Following the public hearing, the Planning Commission shall recommend either approve, deny, or approve with conditions the PUD rezoning request and preliminary site development plan and make its recommendation to the Township Board.

In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

1. Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

2. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

3. The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.

4. The Planned Unit Development shall not change the essential character of the surrounding area.

5. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Building Inspector.

15.8. TOWNSHIP BOARD APPROVAL

After receiving the recommendation of the Planning Commission, the Township Board shall either approve, deny, or approve with conditions the PUD application and preliminary site development plan site plan in accordance with the requirements of Article XIX and the standards for approval and conditions for a PUD as contained herein. A building permit shall not be issued until Planning Commission approval of the PUD final site development plan.

Where provisions of Michigan Public Act 288 of 1967 as amended shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.


The Planned Unit Development amendment including the preliminary site development plan as approved and narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the preliminary site development plan are disallowed and not permitted on the property notwithstanding that the property as designated as a B-1, B-2, B-3, D-1, MFR, R-A, R-R, R-S and/or R-U PUD. All
improvements and uses shall be in conformity with this amendment, except as permitted by Section 15.14. The applicant shall record an affidavit with the Kent County Register of Deeds which shall contain the following:

(1) Date of approval of the PUD by the Township Board.

(2) Legal description of the property.

(3) Legal description of the required green space along with a plan stating how this green space is to be maintained.

(4) A statement that the property will be developed in accordance with the approved PUD final site development plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

15.10. FINAL SITE DEVELOPMENT PLAN

After receiving the PUD rezoning and preliminary site development plan approval from the Township Board, the applicant shall submit a final site development plan for review and approval by the Planning Commission prior to starting any construction.

(1) **CONTENTS OF FINAL SITE DEVELOPMENT PLAN:** The final site development plan shall contain the same information required for the preliminary site development plan and shall contain the following additional information as well as information specifically requested by the Planning Commission in its review of the preliminary site development plan:

(a) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.

(b) Proposed contour lines at not greater than two (2) foot intervals.

(c) Proposed landscaping including type, number, and size of trees and shrubs.

(d) Location of signs and exterior lighting.

(e) Location of sidewalk, foot paths, or other pedestrian walkways.

(f) Distance of all buildings from lot lines, right-of-ways, and other principal buildings.

(g) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.

(h) Proposed phases of project.

(2) **PUBLIC HEARING:** Prior to the scheduling of the public hearing, the applicant shall submit all required and requested information to the Township. Once complete, the Building Inspector shall transmit the completed application to the Planning Commission. The Planning Commission shall determine a date for and hold a public hearing for
consideration of the PUD final site development plan. Notice of the hearing shall be given in accordance with Section 23.9 of this Ordinance. (Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)

15.11. STANDARDS FOR PUD FINAL SITE DEVELOPMENT PLAN APPROVAL

Following the public hearing, the Planning Commission shall either approve, deny, or approve with conditions the final site development plan.

In making its decision, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

1. Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency.

2. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.

3. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.

4. Screening and buffering with reference to type, dimensions, and character.

5. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

15.12. CONDITIONS

1. In approving a PUD final site development plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

   a. 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.

   b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
(c) 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 ensure compliance with those standards.

(2) The conditions imposed with respect to the approval of a PUD final site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are unchanged. The final site development plan, as approved, shall act as a restriction upon the development. The development must conform with the final site development plan.

15.13. PERFORMANCE GUARANTEES

The Planning Commission may require a performance bond or similar guarantee in accordance with 19.9 as in order to ensure the completion of required improvements.

15.14. MODIFICATION OF A PUD

Minor changes to a PUD final site development plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final development plan that were not part of the preliminary development plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided that are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller.

A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.
ARTICLE XVI
PARKING AND LOADING

16.1 PURPOSE; REQUIRED OFF-STREET PARKING AND STORAGE AREAS  (Ord. 468
Adopted April 24, 2006; eff. May 9, 2006)

The purpose of this Article is to permit and regulate off-street parking of motor vehicles,
designated storage areas and the off-street loading and unloading of vehicles in all zoning
districts.

In all zoning districts, off-street parking areas for the parking of self-propelled motor vehicles for
the use of occupants, employees, and patrons of buildings erected, altered, or extended after the
effective date of this Ordinance shall be provided as prescribed herein. Such areas shall be
maintained and shall not be encroached upon so long as the main building or structure remains,
unless an equivalent number of spaces and area are provided elsewhere on the site in accordance
with this Ordinance

16.2 SIZE AND UNITS OF MEASUREMENT

All off-street parking facilities required by this Article shall be of adequate size and design to
provide safe ingress and egress to all parking spaces. For the purposes of this Ordinance, the
average parking area consisting of one parking space with maneuvering lane shall be three hundred
(300) square feet.

(1) Minimum Size Standards: The minimum standards for parking spaces and aisles are as
indicated in the following table.

<table>
<thead>
<tr>
<th>Parking Pattern</th>
<th>Lane Width</th>
<th>Parking Space Width(1)</th>
<th>Total Width of Two Tiers Plus Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One-way (ft)</td>
<td>Two-way (ft)</td>
<td>(ft)</td>
</tr>
<tr>
<td>Parallel</td>
<td>11</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>30°-50°</td>
<td>12</td>
<td>20</td>
<td>9</td>
</tr>
<tr>
<td>54°-74°</td>
<td>13</td>
<td>24</td>
<td>9</td>
</tr>
<tr>
<td>75°-90°</td>
<td>15</td>
<td>26</td>
<td>9</td>
</tr>
</tbody>
</table>

(1) Measured Perpendicular to the space centerline.
(2) Measured along the space centerline.
16.3 INTERNAL ACCESS DRIVES

Each lane of driveway providing access to parking areas shall be a minimum of ten (10) feet in width. Where a turning radius is necessary, it shall be of an arc that allows unobstructed vehicle flow.

16.4 REQUIRED CONSTRUCTION  (Ord. 468 Adopted April 24, 2006; eff. May 9, 2006)

(1) All parking, storage and loading areas and access drives for uses other than one- and two-family residential, agricultural, and accessory farm produce sales shall be provided with a pavement surface consisting of bituminous pavement or concrete. Driveways shall be constructed with materials equal to or better than the standards required by the Kent County Road Commission for commercial driveways.

(2) Off-street parking areas, storage areas and driveways shall be completely constructed prior to the issuance of a certificate of occupancy, if weather permits, but in any event shall be constructed as soon as weather permits. All paved surfaces shall be maintained in good condition, free from dust, trash and debris.

(3) All paved off-street parking areas with more than four vehicle parking spaces shall have parking spaces clearly designated on the paved surface.

16.5 LOCATION OF OFF-STREET PARKING FACILITIES  (Ord. 468 Adopted April 24, 2006; eff. May 9, 2006)

Required off-street parking areas shall be located on the same lot as the permitted principal use in all R zones and may be located within the required side or rear yard area. In the MFR B-1, B-2, B-3, O-S and D-1 Districts, off-street parking areas may be permitted in all front, side, and rear yard areas and as a permitted principal use on a separate lot; provided, however, that such off-street parking shall not be located within 10 feet of the front property line or within 10 feet of that part of each side property line located in the front yard. Such 10-foot-wide area adjacent to the front property line and adjacent to that part of each side property line located in the front yard shall be planted and maintained with plant materials, earthen berms or such combination thereof as is required by Section 4.44(7).

16.6 DRAINAGE

All off-street parking and loading areas shall be graded and drained to dispose of surface water. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained.

All drainage plans shall be approved by the Kent County Drain Commission or the Kent County Road Commission or the Township Engineer.
16.7 LIGHTING

With the exception of facilities for one and two-family dwellings and permitted agricultural uses, the parking and loading facilities utilized during nighttime hours shall be artificially illuminated. Lighting fixtures providing illumination for or within parking facilities shall be designed and arranged to:

(1) Deflect light away from adjacent properties, streets, and highways. The source of illumination in any parking facility located within two hundred (200) feet of a residential use or district shall not be more than twenty (20) feet above the parking surface and shall be shrouded to prevent glare.

16.8 BUFFERING

Except when accessory to one or two family dwellings and permitted agricultural uses, every parking area with four (4) or more parking spaces hereafter established or enlarged which is adjacent to or opposing a residential use or district shall be screened as follows:

(1) Industrial, commercial, and institutional uses. Parking areas for such uses shall be screened by an evergreen hedge or berm with natural landscaping consisting of a combination evergreens deciduous trees and shrubs. The effective height of such trees or trees and berm in combination at the time of installation shall be at least eight (8) feet in height and sufficiently dense that the visibility of the parking area is obscured. If the owners of the adjacent or opposing properties agree, this screening may be a solid uniformly painted fence or wall, a minimum of four (4) feet in height.

(2) When the use of a berm is employed, this berm shall be one of three types. Generally, it shall be a continuous undulating serpentine form. It shall have a maximum slope ratio of four (4) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest is required to be four (4) feet in width. The berm shall range in height from three (3) to ten (10) feet, depending upon the specific existing natural and proposed architectural conditions. Capacity requirements are to be sixty (60) percent in winter and eighty (80) percent in summer within two (2) years after planting.

If existing trees are six (6) inches diameter at breadth height or greater, the berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on each side of the berm (i.e., red twig dogwood, fragrant sumac, arrowroot viburnum). The berm shall be hydrophore.

The minimum sizes of all plants when planted are to be five (5) feet in height for evergreen trees, three (3) inch caliper for deciduous trees, two (2) inch caliper for small deciduous trees, thirty (30) inch for small shrubs. Spacing to be in a triple spacing or equilateral triangle format. Evergreen trees shall be a minimum of ten (10) feet on center, deciduous trees fifteen (15) feet on center. All plants are to be mulched with four (4) inch shredded hardwood bark.
16.9 REQUIRED PARKING PER USE

The amount of required off-street parking area and spaces by type of use shall be determined and provided in accordance with the following schedule. Handicapped parking spaces as required to meet state standards shall be provided and included in the calculations for meeting the standards of this Ordinance.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Spaces Per Unit of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Residential</td>
<td></td>
</tr>
<tr>
<td>(a) One or two family</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>(b) Multiple family</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>(c) Housing for the elderly</td>
<td>1 per unit plus 1 per 5 units</td>
</tr>
<tr>
<td>(2) Institutional</td>
<td></td>
</tr>
<tr>
<td>(a) Church</td>
<td>1 per each 4 seats or 8 feet of pew in the main place of assembly</td>
</tr>
<tr>
<td>(b) Hospital</td>
<td>2 per bed</td>
</tr>
<tr>
<td>(c) Nursing homes, sanitariums</td>
<td>1 per bed plus 1 per employee during the maximum shift</td>
</tr>
<tr>
<td>(d) Elementary and junior high schools</td>
<td>2 per classroom plus additional for auditorium requirements and 1 space for each 300 s.f. of administrative office area</td>
</tr>
<tr>
<td>(e) Senior high school</td>
<td>7 per classroom plus auditorium requirements and one space for each 300 s.f. of administrative office area</td>
</tr>
<tr>
<td>(f) Day Care Centers</td>
<td>1 per employee plus 1 for each ten students</td>
</tr>
<tr>
<td>(g) Private Clubs &amp; Lodges</td>
<td>1 per each 3 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code, whichever is most restrictive</td>
</tr>
<tr>
<td>(h) Public or private swimming pool, tennis clubs, and similar uses</td>
<td>1 per each 1,000 feet of net floor area</td>
</tr>
<tr>
<td>(i) Auditorium, stadium, sports arena, theater</td>
<td>1 for each 3 seats or each 6 feet of bench</td>
</tr>
<tr>
<td>(3) Business and Commercial</td>
<td></td>
</tr>
<tr>
<td>(a) Retail stores, except as otherwise specified herein</td>
<td>1 per each 200 s.f. of floor area</td>
</tr>
<tr>
<td>(b) Auto repair shop and service station</td>
<td>1 per each 300 s.f. of floor area</td>
</tr>
<tr>
<td>(c) Auto wash</td>
<td>5 per premises plus sufficient waiting space to accommodate 25% of the hourly rate capacity</td>
</tr>
<tr>
<td>(d) Beauty salon or barber shop</td>
<td>1 per 100 s.f. of floor area or 3 for each chair or station, whichever is greater</td>
</tr>
<tr>
<td>(e) Bowling alley</td>
<td>5 per lane plus additional for each accessory use</td>
</tr>
<tr>
<td>(f) Establishments for the sale and consumption of beverages, food, or refreshments on the premises</td>
<td>1.5 per 100 s.f. of floor area or 1 per each 3 persons allowed for the maximum occupancy load as established by the appropriate fire, health, or building code, whichever is greater</td>
</tr>
<tr>
<td>(g) Motel/hotel</td>
<td>1 per each unit plus 1 for each 5 units plus additional per requirements for dining and meeting rooms, based on occupancy load</td>
</tr>
<tr>
<td>(h) Vehicle sales, machinery sales, wholesale outlets, furniture and appliance stores, hardware, paint and home improvement stores</td>
<td>1 per each 200 s.f. of floor area plus 1 for each service stall</td>
</tr>
<tr>
<td>(i) Loading space</td>
<td>See Section 16.14</td>
</tr>
<tr>
<td>(4) Offices</td>
<td>See Section 16.14</td>
</tr>
<tr>
<td>(a) Banks, business and general offices</td>
<td>1 per each 200 s.f. of floor area</td>
</tr>
<tr>
<td>(b) Medical, dental and veterinary offices and clinics</td>
<td>1 per each 150 s.f. of floor area</td>
</tr>
<tr>
<td>(c) Loading Space</td>
<td>See Section 16.14</td>
</tr>
<tr>
<td>(5) Industrial</td>
<td>See Section 16.14</td>
</tr>
<tr>
<td>(a) Manufacturing, assembly, research and processing</td>
<td>1 per each 600 s.f. of industrial and office floor area or 1 per each 2 employees, whichever is greater</td>
</tr>
<tr>
<td>(b) Warehousing</td>
<td>1 per each 1,000 s.f. of floor area plus additional for offices (1 per 200 s.f.) or 1 per each 2 employees, whichever is greater</td>
</tr>
<tr>
<td>(c) Mini storage</td>
<td>5 per premises plus 1 for each 5 storage bays</td>
</tr>
<tr>
<td>(d) Loading space</td>
<td>See Section 16.14</td>
</tr>
</tbody>
</table>

**16.10 MIXED OCCUPANCIES AND JOINT USAGE**

Where a parking area is intended for the joint use of two or more distinct land use activities, the total parking area required shall be the same as required for those uses computed separately.

Where a proposed use intends to share parking facilities with another use, the Planning Commission, before authorizing a building permit, shall require guarantees, agreements, covenants or similar arrangements between the parties involved to insure that adequate parking will always be available for both properties.

Exceptions to these provisions may be provided by the Planning Commission in those cases where uses have parking demands that do not coincide in time of day or in the day of the week, such as churches and businesses, theaters and businesses, or churches and schools. In considering such exceptions, the Planning Commission shall consider:

(1) The nature of the uses and their respective parking demands;
(2) Their hours of operation and the days of the week during which they operate;

(3) The location of the parking area intended for joint use and its proximity to the uses; and

(4) The nature of the surrounding area and the potential impact of a parking area intended for joint usage.

In no event shall the parking requirements for the respective uses be reduced to less than seventy percent (70%) of that normally required by this Article. The Planning Commission, before authorizing a building permit, shall secure such guarantees, agreements, covenants or similar arrangements as are necessary to insure that adequate parking will always be provided.

16.11 SITE DEVELOPMENT PLAN REQUIRED

Site Development Plan approval is required for all new and expanded parking areas with over four (4) spaces, except for one and two family dwelling units and permitted agricultural uses. Such plans shall be reviewed pursuant to the provisions of Article XIX.

16.12 PERMITS

The following permits are required, as appropriate to the circumstances involved, for all parking areas except one and two family dwelling units and permitted agricultural uses:

(1) No parking area may be constructed or enlarged before the issuance of a building permit. Before issuing a building permit, the Building Inspector shall be presented with a site development plan, where required, approved by the Planning Commission. In those cases where an approved driveway permit from the County Road Commission is required, said permit shall be submitted to the Building Inspector prior to the issuance of a building permit.

(2) No parking area shall be occupied or used as a parking area prior to the issuance of an occupancy permit nor shall it be used or occupied if an occupancy permit has been revoked. The Building Inspector is hereby authorized to revoke an occupancy permit for a parking area whenever the occupant fails to comply with the conditions or requirements of the approved site development plan, this Ordinance, or any special conditions imposed by the Board of Appeals. Such use or occupancy shall cease within sixty (60) days following such revocation.

(3) The Building Inspector may issue a temporary occupancy permit with special conditions stated thereon where the full improvement of a parking area and drives thereto would not be warranted due to a settling ground, adverse weather conditions, contractor scheduling, or similar reasonable circumstances. A temporary use permit may be issued for up to twelve (12) months and may not be renewed except by direction of the Board of Appeals.

(4) A performance bond shall be required as provided in Article XIX.
16.13 PARKING VARIATION

Where it can be shown, as provided herein, that the parking requirements of this Section would provide an unnecessary amount of parking area for the peculiar needs of a particular use, the Planning Commission may approve a site development plan with a lesser paved area, provided all the following conditions are present:

(1) Said use does not attract or provide services to the general public;

(2) The maximum number of employees and visitors during any one eight-hour period is stated on the site development plan;

(3) A signed agreement is legibly shown on said site development plan to provide additional parking if an increase in employees or visitors shall occur at a future time;

(4) The paved parking area proposed accommodates one car for each stated employee or visitor plus ten percent (10%) more parking area than such number;

(5) An open lawn area, meeting the additional required area of this section, is shown reserved for future parking on the site development plan; and

(6) Said site development plan approval of lesser requirements shall be valid only for the stated use. An occupancy permit for a new use shall not be issued unless a new site development plan is reviewed and approved.

16.14 REQUIRED OFF-STREET LOADING AND UNLOADING SPACE

In all districts, every building or part thereof, hereafter erected, which is to be occupied for manufacturing, storage, retail sales, warehousing, wholesale sales, or a hotel, hospital, mortuary or laundry, or uses similarly requiring the receipt or distribution in vehicles of materials or merchandise shall provide and maintain, on the same premises, paved off-street loading spaces in relation to floor area as follows:

<table>
<thead>
<tr>
<th>Floor Area</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 20,000 sq ft</td>
<td>1 space</td>
</tr>
<tr>
<td>20,000 to 50,000 sq ft</td>
<td>2 spaces</td>
</tr>
<tr>
<td>50,000 to 100,000 sq ft</td>
<td>3 spaces</td>
</tr>
<tr>
<td>1 additional space for each additional 100,000 square feet or part thereof</td>
<td></td>
</tr>
</tbody>
</table>

The following shall apply with regard to off-street loading and unloading spaces:

(1) Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

(2) Such space may occupy all or any part of any required yard.
(3) No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall or uniformly painted fence not less than six (6) feet in height.

Such loading spaces as may be required shall be considered separate and distinct from required off-street parking areas but shall meet the requirements of Section 16.4 with regard to surface material.

16.15 MISCELLANEOUS OFF-STREET PARKING PROVISIONS

(1) Existing Off-Street Parking at the Effective Date of this Ordinance: Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

(2) Fractional Requirements: When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, the fraction shall be considered one (1) full required space.

(3) Requirements for a use not listed shall be the same for that use which is most similar to the use not listed as determined by the Building Inspector and/or the Planning Commission.

(4) For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:

(a) Floor area shall mean net floor area of all floors of a building as defined in Article II.

(b) Joint or collective provision of off-street parking areas for buildings or uses on one or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.

(5) It shall be unlawful to use any off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than parking of licensed vehicles or the loading or unloading of necessary service trucks, unless otherwise provided.

(6) Parking of vehicles shall be deemed to mean the temporary placement of vehicles while making use, by the driver or occupants of such vehicle, of the property on which such vehicle is temporary located, and shall not include the storage of any such vehicles.
ARTICLE XVII
SIGNS


17.1 DEFINITIONS

(1) Sign: Any fabricated sign or outdoor display structure consisting of any letter, figure, character, mark, point, marquee sign, design poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner out-of-doors for recognized advertising purposes.

(2) Sign Area: The sign area of a sign shall mean the area expressed in square feet, within a single continuous rectilinear perimeter of straight lines enclosing the extreme limits of writing, representations, emblems or figures of a similar character together with all material or color forming an integral part of the display or used to differentiate the design from the background against which it is placed; provided that (a) in the case of a sign designed with more than one (1) exterior face, the area shall be computed as including only the maximum single displayed surface which is visible from any ground position; (b) the supports and uprights shall not be included in determining the surface display area; (c) the base on which any sign is placed shall be allowed to be one and a half (1 1/2) times the sign area; and (d) the areas of lamps, neon tubing or artificial illumination on walls of any structure shall be counted as part of the total allowable sign area.

(3) Closed Sign: A sign in which more than fifty percent (50%) of the entire area is solid or tightly enclosed or covered.

(4) Freestanding Sign: A sign structurally separated from a building being supported by one or more poles or braces, or attached directly to the ground.

(5) Ground Sign: A sign supported by a foundation or base which is at least half as wide as the sign which it supports, and which does not exceed a height of eight feet above the elevation of the nearest sidewalk or the elevation of the centerline of the nearest street, whichever is closer to the sign. (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)

(6) Illuminated Sign: A sign which is lit by the use of internal or external electrical means, electrical devices, and/or wiring. This includes signs with internal lighting, or signs illuminated by the use of attached or unattached external floodlights or light bulbs of any type.

(7) Marquee Sign: A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
(8) Open Sign: A sign in which at least fifty percent (50%) of the enclosed area is uncovered, open to the transmission of wind.

(9) Portable Sign: A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

(10) Projecting Sign: A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches (381 mm) from the face of the wall.

(11) Roof Sign: A sign which is erected, constructed and maintained above the roof of the building.

(12) Banner Sign: A sign constructed of cloth, fabric or other light temporary material with or without a structural frame, intended for a limited period of display not to exceed forty-five (45) days, including decoration displays for holidays or public demonstrations.

(13) Wall Sign: A sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches (381 mm) from the face of the fence or wall.

(14) Billboard: An outdoor sign advertising services or products, activities, persons or events which are not make, produced, assembled, stored, distributed, leased, sold or conducted upon the premises upon which the billboard is located.

(15) Political Sign: A sign used in connection with a local, state or national election or referendum.

(16) Vehicle Sign: A vehicle sign when the vehicle or trailer upon which the sign is painted or attached is parked or placed upon the Owners premises primarily for advertising purposes. Currently licensed commercial vehicles in general daily off-site use are not included as part of this definition.

(17) Changeable Copy Sign: A sign that consists, in whole or in part, of a message or other written or graphic material that can be changed periodically, whether manually or by automatic or technical means. (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)

(18) Construction Sign: A sign erected and used temporarily, only during the construction of a development or other permitted land use, and identifying the development or other use under construction, the name of the developer and similar information. (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)

(19) Development Sign: A sign which identifies the name of a development, whether residential, commercial or otherwise, and which is located at an entrance to the development, for the purpose of assisting the public in determining the location of the development. (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)
17.2 GENERAL PROVISIONS

(1) It shall be unlawful for any person to erect, place, or maintain a sign in the Township of Byron except in accordance with the provisions of this section.

(2) Signs Prohibited: The following types of signs are prohibited in all zoning districts:
   (a) Abandoned signs.
   (b) Air-filled or gas-filled balloon signs.
   (c) Animated signs and/or flashing signs (except traffic control devices).
   (d) Roof signs.
   (e) Signs imitating or resembling official traffic or government signs or signals.

(3) Permits Required: Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as determined by the Township Board. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

(4) Signs Not Requiring Permits

(a) Exterior signs shall not be erected without the issuance of a sign permit, except for the following exterior signs, provided that such signs comply with the provisions of this subsection and other applicable provisions in this Article: (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)

   (i) Signs erected by the City, County, State, or Federal Government for street direction or traffic control.
   (ii) Governmental use signs erected by governmental agencies to designate hours of activity or conditions, or use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
   (iii) Signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
   (iv) Real estate signs located two (2) feet outside of the street right-of-way, or further, advertising premises for sale, rent, or lease when not more than six (6) square feet in area for a single dwelling or building or vacant land or when not more than thirty-two (32) square feet in area for a commercial or industrially zone parcel.
   (v) Placards not larger than one (1) square foot in area posted to control and/or prohibit hunting or trespassing within the Township.
   (vi) Essential service signs denoting utility lines, railroad lines, hazards, and precautions including portable flashing signs.
   (vii) Memorial signs or tablets not larger than twelve (12) square feet in area which are either 1) cut into the face of a masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.
(viii) Special decorative displays, signs, pennants, flags or banners used for holidays, public demonstrations for promotion of civic welfare, or charitable purposes wherein the same shall be used for not more than forty-five (45) days.

(ix) Accessory professional or nameplate signs less than four (4) square feet in area.

(x) A garage sale sign placed upon a lot which there is a dwelling or church or other nonprofit institution not to exceed six (6) square feet in area. Such sign shall be placed within the property line of the premises on which said sale is conducted and shall be removed immediately after the completion of the garage sale. Any such garage sale sign shall be erected for not more than three (3) times, for seventy two (72) hour periods within any calendar year. Each such seventy two (72) hour period must be at least thirty (30) days apart.

(xi) A construction sign not exceeding 32 square feet in area and having a height not greater than 12 feet. There shall be only one construction sign for a development or project, and the sign shall be removed not later than the issuance of certificates of occupancy for 90 percent of the buildings in the development or project. (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)

(xii) Political signs not larger than sixteen (16) square feet in area may be placed upon any parcel of property in all districts provided:
   (a) It is not closer than 50 feet from the point when two different street right-of-way lines intersect.
   (b) It does not obstruct the vision of vehicular traffic on any street or on any area designated for which traffic or the parcel that is located on or any adjacent parcel thereto.

(5) Application Procedure: A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Building Inspector so that he may insure that the provisions of this section are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Inspector.

(6) No exterior sign (whether a permit is required or not) shall be located or erected in such a manner as to interfere with traffic visibility. In determining whether a sign may interfere with traffic visibility, the Building Inspector shall consider the following:
   (a) Height, area, supporting structure, and distance from ground level of the sign;
   (b) Lighting of the sign;
   (c) Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks, and other vehicular or pedestrian access ways.
   (d) Location of the sign in relation to nearby buildings and structures.
   (e) Traffic visibility across corner lots.
(7) No sign shall be located closer than two (2) feet to a public street right-of-way nor shall any portion of a sign overhang a public street right-of-way except in the B-1 District and shall have a minimum ground clearance of ten (10) feet.

(8) No illumination or sign shall be so placed or designed to be confused with, or appear similar to, a highway sign or traffic safety device.

(9) The provisions of this section are not intended to conflict with provisions controlling signs regulated under the authority of MCL 252.301 et seq., the Highway Advertising Act, as amended.

(10) Lighting:
(a) Unless otherwise specified by this Ordinance, all signs may be illuminated. Low pressure sodium lighting is the preferred light source to minimize light emission. No sign regulated by this Ordinance may utilize:
   (i) An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion device.
   (ii) Any exposed incandescent lamp in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane.
   (iii) Any revolving beacon light.

   For the purpose of this Ordinance, quartz lamps shall not be considered an incandescent light source.

(b) Metal halide lighting, fluorescent lighting, and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.

(c) Glass tubes filled with neon, argon, or krypton may be used, provided they do not flash intermittently or create a visual effect of movement.

(d) Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture to traffic areas or residential areas.

(e) No sign may be illuminated by flashing, oscillating, or intermittent lighting.

(11) Portable Signs: One portable sign without illumination not larger than thirty-five (35) square feet in size, upon obtaining a permit, is permitted on any parcel of property in all districts provided that:
(a) It is not located within a street right-of-way.
(b) It is not closer than fifty (50) feet from the intersection right-of-way lines of two streets and does not create a vision obstruction to vehicular traffic on any street or on an area designated for vehicular traffic on the same parcel or any adjacent parcel thereto.

(c) It is located on the same parcel for which the sign is intended to serve.
(d) It is located on the parcel for not more than seventy-two (72) consecutive hours and not more than three (3) times in any calendar year.
(e) The sign is used by a nonprofit organization, church or governmental entity to publicize nonprofit events and not offer anything for sale. No fee shall be required for a nonprofit organization.
(12) Vehicle Sign: A vehicle sign as defined in this ordinance is not permitted in any zoning district.

17.3 SIGNS IN THE R-A, R-R, R-S, R-U, R-D, O-S AND MFR DISTRICTS (Amended November 26, 2001; May 9, 2006)

In the RA, RR, RS, RU, RD, OS and MFR Districts, only the following exterior signs shall be permitted:

1. One (1) accessory professional nameplate sign not more than four (4) square feet in area.
2. One (1) temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding six (6) square feet in total area.
3. In parking areas, no signs other than directional or regulatory signs shall be permitted. If such signs are shown in connection with a Site Plan, the Planning Commission shall determine whether or not they are the correct size and if they are necessary for the public welfare. In all other cases, such determination shall be made by the Building Inspector.
4. One ground sign of not more than thirty-two (32) square feet in area and not to exceed a height of eight (8) feet identifying the name and permitted use of a permitted non-residential use or permitted apartment complex. The ground sign shall be located on the same parcel of land as the permitted use or apartment complex it is identifying. All or a portion of the ground sign may be a changeable copy sign in compliance with all of the following requirements: (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)
   (a) The area of a changeable copy sign shall be included in the maximum sign area requirement.
   (b) A changeable copy sign shall not advertise off-site services or off-site products, activities, locations, persons or events, except that it may advertise or give notice of off-site community or charitable events sponsored by a governmental body, church, public or private school, or a charitable, philanthropic, benevolent or other non-profit group or organization.
5. Customary farm and crop signs on active farms.
6. A construction sign not to exceed 32 square feet in area and having a height not greater than 12 feet, installed temporarily during the construction of a development. The sign shall be removed not later than the issuance of certificates of occupancy for at least 90 percent of the buildings in the development. (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)
7. A development sign not exceeding 32 square feet in area if located at the primary entrance of a development, and not exceeding 16 square feet in area if located at a secondary entrance. A development sign shall be a ground sign and it shall have a height not greater than eight feet. (Ord. 469 Adopted April 24, 2006; eff. May 9, 2006)
8. A subdivision is permitted one ground mounted primary entry sign not to exceed thirty two (32) square feet in area. A secondary entry may have one ground mounted sign not to exceed sixteen (16) square feet in area. Said signs shall be located a minimum of two (2) feet from the street right-of-way and shall be located not to create a vision problem for traffic at the intersection.
17.4 SIGNS IN THE B-1, B-2 AND B-3 DISTRICTS (Amended November 26, 2001; May 9, 2006)

In the B-1, B-2, and B-3 Districts, exterior signs are permitted as follows:

(1) Signs in the B-1 District shall meet the following requirements:

(a) Only one wall or marquee sign is permitted on each building wall facing a public street or a parking lot.
(b) The size shall not exceed 15% of the wall surface or exceed fifty (50) square feet in area, whichever is less.
(c) A freestanding sign is not permitted.

(2) Signs in the B-2 and B-3 District shall comply with the following requirements: (Ord. 469
Adopted April 24, 2006; eff. May 9, 2006)

(a) Only one wall or marquee sign is permitted on each building wall facing a public street or a parking lot.
(b) The size of the wall or marquee sign shall not exceed 15% of the wall surface or fifty (50) square feet in area, whichever is less.
(c) One freestanding sign or one ground sign is permitted. A freestanding sign shall not be larger than 50 square feet in area or higher than 20 feet. A ground sign shall not be larger than 50 square feet in area or higher than eight feet.
(d) Two signs may be installed and maintained on a corner lot, but no more than one sign shall be placed opposite each street frontage.
   (i) One of the signs shall be a freestanding sign or a ground sign complying with the requirements of subsection (2)(c) of this section.
   (ii) If one of the two signs is a freestanding sign, the other sign shall be a ground sign, not exceeding 32 square feet in area and having a height not greater than eight feet.
   (iii) If both signs are ground signs, they shall comply with subsection (2)(c) of this section.
(e) A freestanding sign and a ground sign shall be set back at least two feet from any property line.
(f) Menu boards not larger than sixteen (16) square feet in area advertising the food and price for drive through or fast food restaurants shall not be included in computing the total sign area.
(g) Height of wall signs. No wall sign shall project above the roof line of the building to which it is attached.
(h) Temporary pennants, flags or banners are permitted for a period of not more than thirty (30) days without a building permit, provided they are kept in a state of good repair.
(i) A commercial development comprised of multiple establishments, such as a shopping center, is permitted the following signs, subject to the following requirements:
   (i) One freestanding sign or one ground sign for the purpose of identifying the name of the commercial development. The sign shall not exceed 50 square feet in area or a height of 20 feet; provided, however, that on a corner lot, two signs are permitted, but not more than one such sign shall be placed opposite each street frontage. Such signs may be either freestanding signs
or ground signs. Each sign shall not be larger than 50 square feet in area; if a freestanding sign, the sign shall not be higher than 20 feet or if a ground sign, the sign shall not be higher than eight feet.

(ii) Individual establishments within the center are permitted one wall or marquee sign not to exceed fifteen (15) percent of the wall area to be served by the sign. Such sign shall be a minimum of ten (10) feet above finished grade.

(iii) An establishment with a major wall surface as part of the center is permitted a wall sign facing a street not to exceed on-half (1/2) percent of the wall area facing the street but not to exceed two-hundred and fifty (250) square feet in area. As used above, a major wall surface shall mean a wall, which faces a public street, has a minimum size of two thousand (2,000) square feet and does not contain a customer entry area. The wall surface may contain multiple surfaces provided they all are part of the same retail user.

(j) One changeable copy sign is permitted, but only as, or as a part of, a ground sign, subject to the other requirements of this subsection (b), and in compliance with all of the following requirements:

(i) The area of a changeable copy sign shall be included in the maximum sign area requirement stated in Section 17.4(2)(c).

(ii) If a sign includes changeable copy, the changeable copy portion of the sign shall be no larger than 32 square feet, nor shall it be higher than eight feet.

(iii) A changeable copy sign shall not advertise off-site services or off-site products, activities, locations, persons or events, except that it may advertise or give notice of off-site community or charitable events sponsored by a governmental body, church, public or private school, or a charitable, philanthropic, benevolent or other non-profit group or organization.

(iv) In the case of a corner lot, a permitted ground sign may be a changeable copy sign complying with the requirements of Section 17.4(2)(d).

17.5 SIGNS IN THE D DISTRICTS (Amended November 26, 2001)

(1) Signs as regulated in the B-2 and B-3 Districts.

(2) Directional signs up to four (4) square feet in area designating entrances, exits, parking and loading areas, shipping docks or similar traffic control signs may be located within two (2) feet from any property line.

17.6 REGULATIONS OF BILLBOARDS

Billboards may be established in the B-2, B-3 and D-1 Zoning District on parcels of property that are not occupied by another use.

(1) Not more than three (3) 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 subject street or highway. The linear mile measurement shall not be limited to the boundaries of Byron 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 "2" below.

(2) No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the highway.

(3) No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, the required distance shall instead be three hundred (300) feet.

(4) No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.

(5) The surface display area of any side of a billboard may not exceed three hundred (300) square feet.

(6) 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.

(7) 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.

(8) A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

(9) A billboard established within a business, commercial, or industrial area, as defined in MCL 252.301 et. seq. (Highway Advertising Act) 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.
ARTICLE XVIII
SPECIAL USES

18.1 PURPOSE

The provisions of this Article are intended to set forth the procedure and standards applicable to certain land uses, structures, or activities which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or the community as a whole.

Because of these characteristics, the use of the land for certain purposes in certain districts will not be permitted without first obtaining special approval from the Planning Commission.

18.2 APPLICATION AND REVIEW

An application for permission to establish a special approval use shall be submitted and acted upon in accordance with the following procedures:

(1) Application. An application shall be submitted to the Planning Commission through the Township Clerk on a form for that purpose together with a site development plan prepared to the specifications contained Article XIX of this Ordinance. Each application shall be accompanied by the payment of fee as determined by the Township Board. In the event the allowance of a proposed use requires both a rezoning and a special use permit, the application for rezoning shall be processed in its entirety prior to final action on the special use.

(2) Public Hearing. Upon receipt of an application for a special land use, a notice that the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the special land use application shall be published and delivered in accordance with Section 23.9 of this Ordinance. (Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)

(3) Review and Approval.

(a) Within thirty (30) days following the public hearing, the Planning Commission shall review the application for special use, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the standards for approval stated or referenced in Section 18.4 of this Article.

(b) Upon conclusion of deliberation and considerations, the Planning Commission shall approve, deny, or approve with conditions the request. Such denial, approval, or approval with conditions shall be incorporated in a resolution that contains the findings relative to the special use under consideration and which further specifies the basis for the decision and any conditions imposed.
(4) **Conditions.** Reasonable conditions may be required with the approval of a special land use by the Planning Commission. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(a) 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.

(b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(c) 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 conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The approving Planning Commission shall maintain a record of conditions which are changed.

18.3 SPECIAL USE APPROVAL STANDARDS - GENERAL

In approving any special use, the Planning Commission shall require that the following general standards be satisfied:

(1) Upon review of each application there shall be a determination as to whether each use on the proposed site will:

(a) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.

(b) Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities, and schools.

(c) Not create excessive additional requirements at public cost for public facilities and services.

(d) Not cause traffic congestion by utilizing service roads, minimizing the number of new drivecuts, and increasing the distances between proposed and existing drivecuts.
(e) Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise smoke, fumes, glare, vibration, odor, or traffic.

(2) All applicable federal, state, and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.

(3) As a minimum or unless specifically modified by the provisions set forth for specific special uses in Section 18.4, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable chapters of this Ordinance. For uses permitted by right in one district, but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the provisions of Section 18.4.

(4) Upon finding that any condition, safeguard, or requirement has been breached, the Building Inspector shall revoke an occupancy permit. All operations shall cease fourteen (14) days following notification by the Building Inspector of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefore.

(5) The site development plan shall meet the requirements of Article XIX and shall be part of the final action by the Planning Commission.

18.4 SPECIAL USE DESIGN STANDARDS

Requirements set forth in this section are requirements which apply to specific uses or specific types of uses. Such requirements are in addition to the general standards outlined or included by reference in above Section 18.3.

(1) Removal of Natural Resources (Ord. 313, Adopted October 23, 1995)

The removal or extraction of sand, gravel, soil, top soil, rock, minerals, and similar natural resources or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds or other bodies of water is only permitted with the intent and in such manner as to prepare or render the premises suitable for the primary intended uses of the district in which such premises is located. No such operation, change, removal or extraction shall be permitted unless the following provisions are complied with:

(a) Exceptions: The provisions of this section shall not apply to the following:

   (i) Where the removal or extraction of natural resources is more than five hundred (500) feet from any street or property line, occupies not more than two acres in area, does not constitute an average intensity of use of more
than five yards of material per day, and creates no area which fills with water other than a watering pond for farms.

(ii) Where only natural resources processing, storage or refining takes place in a D District.

(iii) The control and regulation of oil or gas.

(iv) Farm or decorative ponds of less than one (1) acre in area where excavated material will be spread on the property, or removed from the property.

(v) For items (i) and (iv) the applicant shall furnish the building inspector a sketch plan of the proposed work of sufficient detail to enable the building inspector to determine that:

(a) The excavated area has reasonable separation from adjacent parcels so as not to cause them damage;

(b) Disposition of the excavated material will not block drainage from adjacent properties nor spill or erode onto adjacent properties;

(c) Removal of excavated material from the site will occur within a four (4) month period and shall not cause an unreasonable nuisance for neighboring parcel owners;

(d) That disturbed areas will be properly restored with grass or other means to prevent erosion.

(e) Pond slopes shall be a maximum of 1:4 to a depth of five (5) feet.

Building Inspector approval under this section does not relieve the applicant from compliance with other governmental agencies (KCRC, KCDC, MDNR, etc.) that may be involved.

(vi) Removal or importation of topsoil, sand or soil on a site when incidental or necessary pursuant to:

- an approved site development plan,

- plat (subject to plat topsoil removal restriction of 7.1(9) of the Township Land Subdivision Ordinance),

- PUD

- Special Use not specifically involving the removal of natural resources.

Provided any excess material is removed from the site or incorporated into the landscape prior to the issuance of a Certificate of Occupancy for a single use
building, or for multi use projects when seventy percent (70%) of the project has been granted Certificate of Occupancy.

(b) **Required Information:** No building permit shall be issued to the owner of any parcel of land or body of water desiring to proceed with any undertaking set forth in this section until application to the Planning Commission for a special use permit has been approved. Said application shall include the following information and fees in addition to that required under Section 18.2(1):

(i) A fee as determined by the Township Board.

(ii) A map of the parcel to be so changed depicting all buildings, streets, drainage facilities and natural features within two hundred (200) feet thereof, which map shall show contour elevation readings at five (5) foot intervals along the perimeter of the subject property or portion involved.

(iii) A two (2) foot interval contour plan of proposed final elevations, the location of proposed temporary structures, drives, parking areas, loading equipment, drainage facilities and the extent of the operation during the first year.

(iv) A written statement describing the equipment to be used and the process involved, estimating the time such removal will require, describing the proposed use of the premises after such removal, and an agreement to conform to the provisions of this section.

(c) **Required Conditions:** The following conditions shall be complied with:

(i) Final grades shall be harmonious with surrounding grades and shall not be in excess of five percent (5%) unless demonstrably necessary for the future intended use of the land. No topsoil shall be removed from the property unless demonstrably necessary for the proper intended use of the property. All remaining topsoil shall be redistributed properly upon termination of the building permit. Except as provided in (c) of this section, no final grades shall be such as to create any area which will fill with water after the removal operation. No removal shall be permitted below the grades of the proposed plan unless a cash bond satisfactory to the Township Board, or at its discretion, a surety bond, is posted with the Township to insure that the final grades of the plan will be met by the expiration date of the permit.

(ii) No mechanical processing of natural resources shall be permitted in any R or B District where such operation would be detrimental to an adjacent conforming use of land. Storm or water runoff shall be led to existing drainage systems in a manner approved by the Township and the County.

(iii) The creation or enlargement of a lake shall only be permitted where the applicant can demonstrate from engineering and geological studies that such water will not become polluted or stagnant; submits a plan for future
use of the lakeshore and lake; and shows that such lake has been approved by the Department of Natural Resources of the State of Michigan and the Kent County Drain Commissioner.

(iv) The alteration, straightening, damming, widening or diminution of a waterway or body of water shall be approved by the said Department and Commissioner.

(v) No removal, storage area, structure, access drive, or loading area shall be closer than one hundred fifty (150) feet to a principal structure on adjoining property unless across a public street therefrom. All unpaved areas and roadways shall be regularly maintained and kept in a dust-free condition.

(vi) Truck routing shall be only on streets approved by the County Road Commission under such conditions and securities as may be imposed by the Township or the County to protect or repair the roads and to insure the safety of the public. Access drives shall be paved for the first two hundred (200) feet from the street right-of-way. The drives shall be maintained dust free or as determined by the Planning Commission.

(vii) All structures and stored material equipment shall be removed from the property within six months of the discontinuance of the use for removal or extraction of natural resources. All land shall be graded to final elevations and reseeded and maintained in a growing state so as to avoid erosion following the expiration of activities.

(d) The Planning Commission shall examine the proposed plans in relation to the Township Master Plan, the effect of such use or change upon the area involved, the relationships of proposed ultimate uses planned and future streets, lots, grades and waterways proposed.

(e) Determination by Planning Commission: Following public hearing, the Planning Commission shall determine the proper disposition of the application. In making its determination, the Planning Commission shall, in addition to review of the project in light of the standards outlined in Section 18.3, determine that the proposed change or removal will:

(i) Prepare the premises for a permitted primary intended use for its district in a reasonable period of time.

(ii) Conform to all provisions of this Section.

(f) Authorization: Upon approval of the application, the Planning Commission shall inform the Township Board of its action, of the amount of bond required, and of special conditions imposed. Upon receipt of the cash bond or irrevocable letter of credit, or in its discretion, upon approval of a corporate surety bond by the Township Board, the Township Board shall direct the Building Inspector to issue
any necessary building permit and a temporary occupancy permit for a one year period. All approved plans, sureties, recommendations, reports and special conditions shall be filed by the Building Inspector for future reference.

(g) **Renewal of Permit:** An occupancy permit may be renewed for up to three years at a time or for the duration of an accepted surety bond or irrevocable letter of credit, which ever is lesser, upon a finding by the Planning Commission that all conditions and plans are being complied with and no nuisance has been created by prior operations. Where any new area is to be considered, or where any area not shown by the contour plan of Section 18.4(1)(b) is to be included, the procedures for a new application shall be followed.

(2) **Sanitary Landfills.** Open public or private dumps are prohibited. Sanitary landfills for the discarding of wastes, garbage, materials or similar disposed matter shall only be permitted in a manner which will ultimately prepare land for a primary intended use. All sanitary landfills shall conform with State and County regulations and no such uses shall be located in an R-R, R-S, R-U, R-D, MFR, B-1, B-2 or B-3 District. Applications therefor shall meet the provisions of 18.4(1)(b) above and, in addition thereto, shall meet the following requirements:

(a) The sanitary landfill must be continuously licensed by the State of Michigan or its agencies as a sanitary landfill.

(b) In the event that any material, substance or compound in a liquid, semi-liquid or jelled state or declared to be hazardous by any agency of the State of Michigan or the United States, including but not limited to toxic materials and metal hydroxides, is to be placed within a landfill, then the requirements of the State of Michigan relating to disposal of Type I hazardous waste shall apply and are incorporated herein by reference.

(c) A licensed engineer must attest that the construction of any landfill meets all the requirements of this Ordinance; all Kent County ordinances, rules and regulations; and all statutes, rules and regulations of the State of Michigan.

(d) A cash bond shall be required of all landfill operators or owners equal in value to ten percent (10%) of the estimated cost of construction of the particular landfill, and such bond shall be defaulted to the Township upon the failure of the operator or owner to comply with any of the regulations of this Ordinance. Such bond shall be held until ten (10) years after the operation of the landfill ceases. The proceeds from any such default shall be used as follows:

(i) To bring the operation into compliance with these regulations.

(ii) To compensate any adjacent landowners who may be injured by the non-compliance.

(iii) To alleviate the conditions caused by non-compliance that are detrimental to adjacent landowners.
(iv) To defray any administrative costs caused by non-compliance with these regulations.

(v) To pay any experts hired by the Township for matters provided for in subparagraph (iii) above.

(vi) To pay the costs of the enforcement of the Zoning Ordinance.

(3) **Private Recreation Area.** Private recreation areas are permitted as a special use in the R-A, R-R, R-S, and B-2 districts only, provided the Planning Commission finds:

(a) Such use will not create a health or pollution problem from over intensive use of the land or improper sewage disposal or unsafe water supply.

(b) Not more than one (1) family may reside on the premises as a caretaker of the facility and the Planning Commission finds that such residential use is an accessory use to the private recreation area and must be at least one hundred (100) feet from any property line or street right-of-way line or property line.

(c) Any store, drinking establishment, or other use done in conjunction with the private recreation area must be found by the Planning Commission to be an accessory use to the private recreation area and must be within a building which is at least two hundred (200) feet from any existing building on adjacent property or one hundred (100) feet from any street right-of-way line or property line, whichever is greater.

(d) The intended use, accessory uses, keeping of animals, or location of structures or buildings will not adversely affect adjoining permitted uses or adversely affect the safety of the intended occupants of the premises or the occupants of adjoining premises.

(e) There is adequate parking in addition to that required by Article XVI for the maximum expected use of the private recreation area and that all such parking areas and all areas designated for vehicle traffic are paved with either asphalt or concrete.

(4) **Airfields or Landing Strips.** The creation of additional private or public airfields serving more than one airplane is hereby deemed to be inconsistent to the sound development of the Township and the safety of future residents. Existing airfields may expand provided the Planning Commission finds that such expansion will not adversely affect existing or future development of the area. Private airfields or landing strips accessory to a permitted agricultural or industrial use on the same property are permitted if the Planning Commission finds that:

(a) Such use will not adversely affect existing or future development of the district.

(b) The takeoff and landing pattern within one thousand (1,000) feet of the end of the runway does not pass over an occupied structure and is secured by right of
ownership or easement to ensure that future structures shall not be located within
the area prescribed one thousand (1,000) feet.

(c) Not more than two airplanes, one of which is owned by the owner of the premises,
use the landing strip.

(d) The landing strip is at least two hundred (200) feet from any property line.

(e) The safety of the citizens of the Township is not adversely affected.

(f) The landing strip conforms to all Federal Aviation Administration rules and
regulations.

(5) **Vehicle Repair Shops.** A vehicle repair shop may be permitted in a D-1 District by the
Planning Commission as a special use provided the following documents are submitted
and the following conditions are met:

(a) Architectural elevation drawings of proposed buildings and screen fencing are
submitted.

(b) Specifications of screening fence is submitted.

(c) All vehicles, parts, material and equipment must be stored within enclosed
buildings or within an area completely enclosed by a screening fence at least 8 feet
in height.

(d) The screening fence must be of such design as to completely obstruct one's vision.

(e) The area enclosed by the screening fence may not be larger in area than the first
floor area of the building(s) on the same premises and may not take up any of the
area of the premises required for minimum yards.

(6) **Junk or Salvage Yards.** A junk or salvage yard may be permitted as a special use in a D-1
District by the Planning Commission provided the following documents are submitted and
the following conditions are met:

(a) Architectural elevation drawings of proposed building and screen fencing are
submitted.

(b) Specifications of screening fence is submitted.

(c) All vehicles, parts, material and equipment must be stored within enclosed
buildings or within an area completely enclosed by a screening fence at least eight
(8) feet in height. If applicable, the screening fence shall meet the requirements of
P.A. 219 of 1966, as amended - Control of Junkyards adjacent to highways.

(d) The screening fence must be of such design as to completely obstruct one's vision.
(e) The area enclosed by the screening fence may not take up any of the area of the premises required for minimum yards.

(f) Meet all other requirements pertaining to the D-1 District.

(g) The elevation of the area enclosed by the screening fence must be such that from ground level at any point within 300 feet of the premises one cannot see the area within such screening fence.

(h) No such use shall be permitted within five hundred (500) feet of a residential district or street or road.

(i) No items placed within the enclosed area shall exceed the height of the screening fence.

(7) **Migrant Housing.** Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted by the Planning Commission in an R-A District as an accessory use. No existing structure and no new structure may be used for such purposes in the Township of Byron unless the Planning Commission finds all of the following conditions and requirements are met:

(a) Seasonal dwellings shall be located upon the same parcel of land as the principal structure to which they are accessory and said parcel shall be at least ten (10) acres in area.

(b) Seasonal dwellings may be occupied only between the period of April 15th through November 15th and shall be locked so as to prevent entry by any person but the owner during the remaining part of each year.

(c) Seasonal dwellings may not be used for the housing of persons not directly employed by the owner of the dwelling.

(d) The rules, regulations and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply to Byron Township where any dwelling is used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations and standards and further to apply the same to the housing of one or more such migrant workers notwithstanding that such act provides that it applies to five or more such workers.

(e) Seasonal dwellings shall be located at least three hundred (300) feet from any public street and at least one hundred (100) feet from any other property line.

(f) No seasonal dwelling shall have more than one story nor contain more than six (6) dwelling units. No seasonal dwelling shall be closer than thirty (30) feet to another structure, and any premises within thirty (30) feet of any seasonal dwelling shall be devoted exclusively to the use of the occupants of said dwelling.
(g) No seasonal dwelling shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving said other dwelling, and no seasonal dwelling shall be closer than thirty (30) feet to any such drive or roadway.

(h) All construction shall conform to Township Building Codes and other Ordinances where such impose greater standards than State and Federal regulations.

(i) Any other special conditions imposed by the Planning Commission to insure a desirable living environment for the migrant workers and to protect the values and desirability of adjacent properties.

(j) The applicant shall submit a Site Development Plan for approval which shall signify the applicant's agreement to comply with said plan and all the above conditions and requirements at all times and shall further agree to the following:

(i) The premises and all seasonal dwellings shall be available for the inspection of the Building Inspector.

(ii) All premises and structures shall be regularly maintained.

(iii) Any deficiencies arising from time to time shall be corrected by the owner within fifteen (15) days notification by any Township, County, State or Federal agent.

(iv) Any seasonal dwelling which is not occupied by migrant workers during two consecutive seasons shall be removed by the owner within six (6) months of the close of the second season.

(k) Permits: If the Planning Commission approves the application for migrant housing, it shall authorize the Building Inspector to issue a building permit and a temporary occupancy permit for the seasonal period above described. The temporary occupancy permit shall be valid for one specific year only and shall state any special conditions of use imposed by the Planning Commission.

(l) Permit Renewal: A new application must be filed each year to continue the occupancy of the approved migrant housing. No temporary occupancy permit shall be renewed unless the migrant housing conforms to all of the above conditions as well as to any new conditions or regulations imposed by amendments to Township, County, State or Federal laws. The Planning Commission may deny an application to renew a temporary occupancy permit if the operation of the migrant housing during the previous year resulted in a revocation of the temporary occupancy permit or in frequent violations of required conditions or regulations or if the rectifying of violations ordered by the Building Inspector were consistently delayed without due cause. The Planning Commission may also impose additional requirements or conditions for a request to renew the temporary occupancy permit above those imposed with the original application in order to correct any adverse effects upon adjacent properties or upon the living environment of the migrant
workers which may have arisen from the actual operation and occupancy of the migrant housing during the previous year.

(m) **Inspections:** The Building Inspector may make thorough interior and exterior inspections of all migrant housing each year as follows:

(i) Following the completion of construction prior to issuing an authorized temporary occupancy permit.

(ii) Upon application of the owner for the renewal of a temporary occupancy permit. A report shall be made to the Planning Commission.

(iii) Annually between the period of March 1st- April 14th.

(iv) Upon complaint of an alleged violation.

(n) **Revocation of Permit:** If a violation of any of the above conditions, regulations or special conditions is found to exist following inspection, the Building Inspector shall notify the owner of migrant housing and the Planning Commission that such violation exists and that the temporary occupancy permit will be revoked within fifteen (15) days of such notification. If said violation is not corrected within said fifteen (15) days, the Building Inspector shall revoke said permit. All migrant housing shall be vacated within fifteen (15) days of the date of revocation.

(8) **Correctional Institutions.** Private establishments for the care, confinement or rehabilitation of delinquent, socially maladjusted, emotionally disturbed, alcoholic or other drug addicted persons are not permitted in the Township of Byron under the regulations and requirements for public or institutional uses. Such establishments are only permitted as special uses in an R-A or R-R District and then only under the following conditions:

(a) **Mandatory Lot Size:** No parcel of property so to be used shall be less than twenty-five (25) acres in total area, excluding public rights-of-way, nor less than one thousand (1,000) feet in lot width.

(b) **Application:** The application shall be accompanied by the following documents where applicable:

(i) An attached description of the security system to be used to control persons entering or leaving the premises or persons allowed off the premises, including the number and type of security personnel to be employed.

(ii) A certificate describing the hours of operation, hours of visitation, or hours within which the above persons are permitted off the premises.

(iii) A certificate evidencing the issuance of all required County and/or State licenses for employed personnel.
(iv) An agreement with the Board of Education where such use involves the education of such persons by the public school system.

(c) **Yards:** No structure housing or frequented by persons being served or treated by such correctional institutional facility shall be located closer than three hundred (300) feet to any lot line. No other structure, other than paved areas, shall be closer than one hundred (100) feet to any lot line. No planting over three (3) feet in height, other than deciduous trees trimmed to hang no closer than seven (7) feet to the ground, shall be permitted within one hundred (100) feet of any property line. Said one hundred (100) feet next to any public street or next to any adjacent developed property shall be planted and maintained as a lawn.

(d) **Improvements:** The following improvements and standards shall be met:

(i) Five (5) foot concrete sidewalks shall connect all buildings, and one (1) sidewalk shall be placed along every private drive.

(ii) All electrical and phone wiring shall be underground.

(iii) Fences of a type specified by the Planning Commission shall be provided wherever deemed necessary for security purposes, for screening of loading or storage areas to prevent litter, or to control access to the property.

(iv) Parking and loading areas shall be provided as regulated by this Ordinance.

(v) Site lighting shall be provided for security purposes or for the well-being of the intended occupants or visitors.

(vi) All buildings housing or frequented by human beings shall be connected to either a public sanitary sewer system or to a lagoon treatment facility approved by the County and the State. The use of septic systems, drainfields, commercial package sewage systems, or any other method of sewage disposal not a public sewer or a lagoon is prohibited unless the density of development is such that the minimum lot area for a one family dwelling in the applicable zone is met for each three persons to be accommodated upon the site, excluding nonresident employees. In such case, plans for any such sanitary sewage disposal system shall be approved by the County and the State prior to approval of the special use being granted by the Planning Commission.

(vii) No building shall accommodate more than twenty-four (24) persons, other than nonresident employees unless it is of fireproof masonry and steel construction.

(viii) All buildings housing or frequented by human beings shall be provided with emergency fire fighting equipment approved by the State Fire Marshal.
(ix) A water system with pressure adequate for fighting fires or an outdoor water impoundment of a quantity, and at a location, deemed adequate to provide additional water for fighting fires with Township fire equipment shall be provided.

(x) Storm drainage as approved by the County Drain Commissioner shall be provided.

(xi) Any other improvement deemed necessary by the Planning Commission to meet the intent of this Article.

(9) **Outdoor Motion Picture Theaters.** Outdoor motion picture Theaters may be permitted in the B-2 General Business District providing the Planning Commission find that:

(a) All requirements of the B-2 General Business District are met; and

(b) All of the following special conditions have been met:

(i) That the premises are in the B-2 General Business District;

(ii) That the premises has an area of not less than five (5) acres and a minimum width of three hundred (300) feet;

(iii) Yards not less than thirty-five (35) feet wide shall surround those portions of the theater proper which do not face the street from which patrons gain entrance. Such yards shall be landscaped and maintained in good condition, provided that a paved perimeter drive may be permitted to occupy the interior twenty (20) feet thereof. Required landscaping for such yard shall include a tight screen planting which shall be at least eight (8) feet high and three (3) feet wide within five (5) years after installation, effective during all seasons, to block the view from adjacent uses.

(iv) Areas not used by automobiles shall be landscaped. Areas used by automobiles or pedestrians shall be maintained in a dust and mud free condition.

(v) A landscaped front yard and yards facing streets from which patrons gain entrance of one hundred twenty (120) feet shall be provided for the adequate handling of automobile traffic entering and leaving the theater.

(vi) A corrosion-resistant chain-link metal fence not less than eight (8) feet in height shall completely encircle the perimeter of the theater proper. Where determined to be necessary, solid shielding may be required which shall effectively shield the screen from the view of all residents within a distance of one half (1/2) mile thereof.

(vii) Adequate toilet and water facilities are provided. Connection to public sewer and water, if available, shall be required.

(viii) Outdoor theaters are not permitted in the B-2 General Business District unless signatures of eighty percent (80%) of all owners of property within one thousand five hundred (1,500) feet in all directions of the perimeter of
the proposed theater have been obtained waiving the restriction against such use and consenting in writing to the establishment of such theater. Such signatures shall be notarized and on forms prepared by the Township and shall have been presented to the Planning Commission at the time of or before the public hearing held by the Planning Commission.

(ix) Approval of the State Fire Marshal, Sheriff's Department, Road Commission, Drain Commissioner, and Health Department have been obtained.

(10) **Farm Implement Sales, Service and Rentals.** The sale, service and rental of farm equipment, tractors and implements is permitted on land located in the R-A and D-1 Districts only. Only new and operable equipment, tractors and implements may be displayed out of doors. All inoperable farm equipment, tractors and implements shall be stored inside a completely enclosed building or behind a screen fence in such a way as not to be visible from a public street or adjoining property.

(11) **Uses of 100-Foot Wide Lots in the B-2 District.** A lot situated in the B-2 District which is from one hundred (100) to one hundred forty (140) feet in width may be used for uses permitted within the B-2 District as a special use if the following conditions are fulfilled:

(a) The lot contains at least twenty thousand (20,000) square feet in area, is not less than two hundred (200) feet deep, and not less than one hundred (100) feet in width.

(b) The lot was an existing lot of record not later than January 26, 1970.

(c) The lot is not improved.

(d) As of the date of this amendment, the lot is not in common ownership with an adjacent unimproved lot or lots. If the lot is in common ownership with an improved lot, the provisions of Section 4.13 shall not apply.

(e) The front yard of such lot shall be measured from the street right-of-way or from lines designated in Section 4.21, whichever is further from the centerline of a public street. There shall be a front yard of at least fifty (50) feet. Gasoline station pump islands may be located in said fifty (50) feet, but not closer than thirty (30) feet to any lot line. Said yard requirements shall be subject to the provisions of Section 4.21.

(f) All other provisions relating to Section 12.3 shall apply.

(12) **Adult Care Facilities.** Homes or facilities which provide room and board, supervision, assistance, protection, or personal care to more than six (6) adults, may be permitted by the Planning Commission in an MFR District. Homes or facilities such as nursing homes, convalescent homes, or homes for the aged, exclusive of hospitals, may be permitted by the Planning Commission in an MFR District only. In each case, the provisions of the district and the following minimum requirements must be met. Where the following requirements
impose greater restrictions upon the height of buildings, require greater lot areas, yards, floor areas, lot widths or parking ratios than are required in the MFR District, the provisions of this section shall prevail.

(a) **Height**: No building shall exceed a maximum of two and one half (2 1/2) stories or thirty-five (35) feet in height, whichever is less.

(b) **Front Yards**: No building shall be located closer than thirty-five (35) feet to any street right-of-way.

(c) **Side Yard**: No building shall be closer to any side lot line than twenty-five (25) feet.

(d) **Rear Yard**: There shall be a rear yard of at least forty (40) feet.

(e) **Floor Area**: There shall be a minimum usable floor area of at least two hundred fifty (250) square feet per occupant.

(f) **Lot Area**: There shall be a minimum lot area of two thousand (2,000) square feet for each occupant, provided, however, that no lot shall contain less than ten thousand (10,000) square feet.

(g) **Lot Width**: No lot shall be less than one hundred thirty (130) feet in width. All lots shall meet the provisions of Section 4.21 regarding lot widths on major streets.

(h) **Parking**: Off-street paved parking areas shall be provided at a ratio of one (1) space per two (2) beds plus one (1) space for each owner or operator, each space to include a minimum of two hundred fifty (250) square feet, excluding access areas. All parking areas shall be sufficiently lighted and shall meet the provisions of Article 16.

(i) Each adult care facility shall be adequately screened from adjacent properties by a fence or planted strip so as not to be a detrimental influence upon the surrounding area.

(j) All adult care facilities shall contain a basement sufficient in size to accommodate all residents and employees during periods of high winds or tornados.

(k) No resident of any adult care facility shall be housed in a basement.

(l) Facilities shall be inspected by the Fire Chief who shall furnish a report concerning his findings.

(m) The Township Board of Health shall inspect facilities and furnish a report concerning compliance with health requirements.

(13) **Adult Entertainment Establishments and Amusement Establishments**: In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone,
thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimatize activities which are prohibited in other sections of this Ordinance.

Uses subject to these controls are as follows:

* Adult book stores
* Adult cabarets
* Adult motion picture theaters
* Massage establishments
* Nude artist and photography studios
* Amusement establishments as defined in Section 2.1(4) which do not meet the criteria of Section 12.1(8)

(a) **Definitions:** As used in this section, the following terms shall have the indicated meanings:

(i) **Adult Motion Picture Theaters.** Any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein for observation by patrons therein.

(ii) **Adult Book Store.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

(iii) **Specified Sexual Activities.** Specified sexual activities are defined as:

(a) Human genitals in a state of sexual stimulation or arousal;
(b) Acts of human masturbation, sexual intercourse or sodomy;
(c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(iv) **Specified Anatomical Areas.** Specified anatomical areas are defined as:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region,
(ii) Buttock, and
(iii) Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
(v) Cabaret. A cafe, restaurant or bar where patrons are entertained by performers who dance, sing or play musical instruments.

(vi) Adult Cabaret. A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.

(vii) Massage Establishment. Any establishment having a fixed place of business where massages are administered solely or in combination with any other service or activity for pay, including but not limited to massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. This definition shall not be construed to include exercise clubs exclusively for members without massages in any form.

(viii) Massage. A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

(ix) Nude Artist and Photography Studios. Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

(b) Approval. Any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission at a public hearing that the following conditions exist:

(i) If the use is an adult entertainment establishment, the use is located within only the B-1 Central Business District.

(ii) If the use is an amusement establishment, the use is located only within the B-1 and B-2 General Business District.

(iii) The use is located outside a two hundred (200) foot distance of a residential zone district unless a petition requesting waiver of this requirement is received and certified by the Township Clerk signed by fifty-one percent (51) of those adult persons residing within or owning residential property within a four hundred (400) foot distance of the proposed location, in which the Planning Commission may waive this requirement.
(iv) The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:

(a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.

(b) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

(c) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.

(d) That all applicable state laws and local ordinances will be observed.

(c) Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

(14) Animal Hospitals and Veterinary Clinics. Animal hospitals and veterinary clinics may be permitted as a special land use in the B-1 Central Business District, the B-2 General Business District and the D-1 Industrial District if the following requirements are met: (Ord. 473 Adopted July 24, 2006; eff. August 1, 2006)

(a) The use shall comply with the lot area and width, building height, building setback and other minimum requirements of the zone district in which it is located.

(b) The use, including all operations and housing of animals, shall be contained within a completely enclosed building, except that outdoor animal-run areas may be permitted by the terms of the special land use.

(c) Only small domestic animals, limited to those commonly kept as household pets, shall be treated or kept on the premises; provided, however, that with respect to the special land use on lands in the D-1 District only, the Planning Commission may authorize as a provision in the special land use, the treating and keeping of other animals on the special land use premises.

(d) Adequate, safe and convenient ingress from and egress to a major street, as shown or defined in the Township Master Plan, shall be provided.

(15) Parking Lot in the MFR District. A parking lot may be permitted as a special use within the MFR District when the following requirement are met:

(a) The parking lot is located within one-hundred (100) feet of the intended use to be served. No residential uses shall be isolated by the proposed parking lot.
(b) The applicant demonstrates there is no practical or reasonable way to provide the required parking on the intended use property or an adjacent property zoned commercial.

(c) A buffer area will be established consistent with the standards of Section 16.8.

(d) Access to the parking lot will be directed toward commercial areas and away from residential areas.

(e) Parking lot lighting will be minimal, designed to not interfere with adjacent residential uses.

(f) Drainage will be provided and approved by the Township Engineer.

(g) No building(s) may be constructed in the parking lot.

(h) The parking lot will comply with the standards in Article XVI, Parking and Loading.

(i) Sidewalks will be provided adjacent to all public streets adjacent to the parking lot including connection to the intended commercial property.

16. Bed and Breakfast Operation: A bed and breakfast operation may be permitted in any residential zoning district as a special use when the following requirements are met:

(a) The provisions of Section 4.17 (1-5) for a home occupation shall apply.

(b) The operation does not use more than thirty (30%) percent of the total actual floor area of the dwelling for accommodations for sleeping guests.

(c) Two (2) parking spaces shall be provided for the dwelling plus one (1) additional for each room to be rented. New proposed parking spaces shall comply with the screening provisions of Section 16.8 of the ordinance.

(d) The operation shall provide paved parking areas in compliance with the standards in Article XVI - Parking and Loading of the ordinance.

(e) The floor plan for the operation shall be reviewed by the building inspector for compliance with current Township Fire and Building Codes.

(f) The operation shall meet all county, state, and federal licensing requirements as appropriate.

(g) The length of stay for a guest or guests shall not exceed thirty (30) consecutive days.
ARTICLE XIX
SITE DEVELOPMENT PLAN REVIEW

19.1 DESCRIPTION AND PURPOSE

It is the purpose of this Article to require site development plan review and approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained in this Article are intended to promote:

1. Safe and convenient traffic movement, both within a site and in relation to access streets;
2. Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;
3. Conservation of natural amenities and resources; and
4. Compliance with the provisions of this Ordinance and all other applicable Township, state, and federal laws.

19.2 APPLICABILITY OF ARTICLE (Amended April 25, 2005, Ord. 449)

All land uses permitted by right under the provisions of this Ordinance, and all changes in an existing land use or structure, shall be subject to site development plan review, except uses requiring less than four (4) parking spaces.

19.3 SITE DEVELOPMENT PLAN REVIEW PROCEDURE (Amended April 25, 2005, Ord. 449)

1. Following the filing of a proposed site development plan, the Zoning Administrator and/or Planning Consultant shall review the plan with other appropriate Township departments and/or Kent County governmental agencies for design sufficiency. Within thirty (30) days after submittal of the site development plan, the Zoning Administrator or Planning Consultant shall submit a report to the developer informing him of any site development plan deficiencies which shall be corrected prior to review by the Planning Commission. Within twenty (20) days after receipt of a revised site development plan, the Zoning Administrator shall submit the site development plan with a report and recommendation to and for review by the Planning Commission. If approval is conditioned with changes, the applicant shall agree in writing to the changes prior to the issuance of any building permits.

2. When an applicant receives site development plan approval, he must develop the site exactly as approved by the Planning Commission.

3. If rezoning of the land is required to allow the proposed development or use of the property as provided for in the site development plan, a concept approval of the site
development plan by the Township Planning Commission shall be considered contingent upon rezoning of the subject property by the Township Board; such concept site approval shall not be construed as any assurance of such rezoning nor shall it be binding on the applicant if the rezoning is approved.

(4) An approved site development plan shall be effective for a period of one (1) year from date of Planning Commission approval, or the life of a building permit obtained pursuant to the approved site development plan, whichever is longer. If construction is not commenced within the period that the site development plan is effective, no construction shall take place unless there has been an extension approved by the Township Board and before the extension is granted there is compliance with all applicable site development plan requirements that are in effect at the time of the extension.

(5) Before a site plan is marked "approved", it shall be revised to reflect any conditions, changes, or corrections required to obtain approval.

(6) All requirements of this Ordinance, and any other applicable Township ordinance, standard, specification or regulation shall be complied with even if not specifically included in an approved site development plan.

(7) Three (3) complete sets of "as-built" drawings certified by the project engineer or architect must be submitted by the applicant at the time of application for an occupancy permit.

19.4 ADMINISTRATIVE PLAN REVIEW

Minor changes to a site development plan or new site development plan may be approved administratively by the Building Inspector provided the plan complies with all applicable requirements of this Ordinance and all other Township regulations or state law. The Building Inspector may approve a site development plan for the following:

(1) Minor changes to an approved site development plan which involve the addition or relocation of any of the following items:

   (a) Sidewalks
   (b) Refuse containers
   (c) Lighting

(2) Decrease in building size from an approved site development plan.

(3) Moving a proposed building on an approved site development plan no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.

(4) An increase in a building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller.
19.5 REQUIRED SITE DEVELOPMENT PLAN INFORMATION

(1) GRAPHIC MATERIALS REQUIRED FOR PLANS - Every application for a site development plan approval shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made and legal features on and near the site in question. Site development plans shall show on the first page the following information:

(a) Name of applicant and property owner

(b) Name of development (if any)

(c) North arrow

(d) Legend

(e) Location. A location map that shows the location of the project in the broad context of the Township.

(f) Scale. Development site plans shall be drawn to a readable scale, such that all features required to be shown on the plans are readily discernible. The Building Inspector shall make the final determination whether the plans submitted are drawn to the appropriate scale.

(g) All of the features required to be shown on plans in the following Section 19.5(2) and Section 19.5(3) may be included on one set of plans so long as the features are distinctly discernible.

(2) EXISTING NATURAL, MAN-MADE, AND LEGAL FEATURES - Site development plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the plans shall show those features denoted in the following by an asterisk (*) if they are located within fifty (50) feet of the lot where the development is to take place. The use made of adjoining properties shall all be specified

(a) Existing natural features:

(i) Tree line of wooded areas.

(ii) Individual trees twelve (12) inches in diameter or more, identified by common or scientific name.

(iii) Orchards or other agricultural groves by common or scientific name.

(iv) *Streams, ponds, drainage ditches, swamps, boundaries of floodways, and floodplains.

(v) If more than five (5) acres of land are to be developed, base flood elevation data.

(vi) *Contour lines (shown as dotted lines) with no greater than two (2) foot contour intervals. (As indicated in subsection 19.5(3)(o) below, proposed contour lines shall be shown as solid lines.
(b) Existing manmade features:

(i) Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.

(ii) Streets, private roads, sidewalks, and other walkways, all designated by surface material.

(iii) Curbs and gutters, curb inlets and curb cuts, and drainage grates.

(iv) Other stormwater or drainage facilities, including manholes, pipes, and drainage ditches, including sizes and materials.

(v) Underground utility lines (sizes and materials), including water, sewer, electric power, telephone, gas, and cable television.

(vi) Above ground utility lines and other utility facilities.

(vii) *Fire hydrants.

(viii) *Buildings, structures, and signs.

(ix) Location of exterior light fixtures.

(x) Location of dumpsters.

c) Existing legal features:

(i) The zoning of the property, including zoning district lines where applicable.

(ii) Property lines (with dimensions identified).

(iii) Street right-of-way lines.

(iv) Utility or other easement lines.

(3) PROPOSED CHANGES IN EXISTING FEATURES OR NEW FEATURES - Site development plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed manmade features, including, but not limited to, the following:

(a) Lot dimensions, including lot widths.

(b) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way lines.

(c) Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing exterior building materials, building heights, and proposed wall sign or window sign area.

(d) Areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
(e) Streets, labeled by classification and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Public roads in subdivisions shall also be shown and clearly labeled as such.

(f) Curbs and gutters, curb inlets and curb cuts, and drainage grates.

(g) Other stormwater or drainage facilities (proposed sizes and materials), including manholes, pipes, drainage ditches, retention ponds, etc.

(h) Sidewalks and walkways, showing widths and surface material.

(i) Bridges.

(j) Outdoor illumination with lighting fixtures sufficiently identified to demonstrate orientation and extent of illumination.

(k) Underground utility lines (proposed sizes and materials), including water, sewer, electric power, telephone, gas, and cable television. Water and sewer pipe line sizes shall be labeled.

(l) Above ground utility lines.

(m) Fire hydrants.

(n) Dumpsters.

(o) Proposed contour lines resulting from earth movement (shown as solid lines) at no greater than two-foot contour intervals (existing lines should be shown as dotted lines).

(p) Scale drawings of all signs requiring permits pursuant to the provisions of Article XVII of this Ordinance, together with an indication of the location and dimensions of all such signs.

(q) Vehicle accommodation areas (including parking areas, handicapped parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways.

(r) Proposed landscaping or construction of other devices to comply with the screening and buffering requirements of this Ordinance. Plans shall label shrubbery by common or scientific name, show the distance between plants, and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, and show the circles of the mature crowns.

(4) DOCUMENTS AND WRITTEN INFORMATION IN ADDITION TO PLANS - In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:
(a) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

(b) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.

(c) Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.

(d) Bonds, letters of credit, or other surety devices.

(e) Time schedules for the completion of phases in staged development.

(f) The environmental impact assessment of the development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

(g) A fiscal impact analysis of the development on the Township and other governmental units (e.g., schools, public safety, roads, etc.).

(h) A traffic impact analysis of the proposed development on the Township and other governmental units.

(i) Calculations for drainage and stormwater design detention/retention.

(5) NUMBER OF COPIES OF PLANS AND DOCUMENTS - With respect to all plans and other documents required by this Article, the developer shall submit the number of copies that the Building Inspector deems necessary to expedite the review process and to provide necessary permanent records.

19.6 REVIEW BY PLANNING COMMISSION

The Township Planning Commission shall review the site development plan to determine compliance with the provisions and spirit and intent of this Ordinance. The Planning Commission shall respond to the site development plan within sixty (60) days of receiving all requested information and a recommendation by the Building Inspector or planning consultant, and if denied, shall cite reasons for denial. If approved, a Certificate of Zoning Compliance shall be issued to the applicant by the Building Inspector.

19.7 CRITERIA FOR SITE DEVELOPMENT PLAN APPROVAL

The Planning Commission shall use the following criteria in evaluating a site development plan submittal:

(1) Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
(2) Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures.

(3) The extent to which natural features and characteristics of the land will be preserved; the regard given to existing trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems; the dedication and/or provision, where appropriate, of scenic easements and natural buffering; and other techniques for preservation and enhancement of the physical environment.

19.8 MODIFICATION OF APPROVED SITE DEVELOPMENT PLAN

Once site plan approval has been granted by the Planning Commission, major changes to the approved site plan shall require a resubmission and payment of fee.

19.9 POSTING OF FINANCIAL GUARANTEE

The Planning Commission may require a performance bond, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Inspector. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and to enforce the Zoning Ordinance; and the balance, if any, shall be returned to the applicant.

19.10 CONDITIONS

(1) Reasonable conditions may be required with the approval of a site development plan. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(a) 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.
(b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

(c) 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 conditions imposed with respect to the approval of a site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The planning Commission shall maintain a record of conditions which are changed.
ARTICLE XX
NONCONFORMING USES

20.1 CONTINUANCE OF NONCONFORMING USE OR STRUCTURE

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued in the following manner, even though such use or structure does not conform to the provisions of this Ordinance:

(1) Where a nonfarm structure or use of land is nonconforming because the use is not permitted in the district, such structure or land usage shall not be enlarged or further increased. However, if upon application to the Board of Appeals it shall find upon reasonable evidence that:

(a) there will be no danger to the safety, health, or welfare of the residents of the vicinity;

(b) it will be done in such a manner as to safeguard the character of the zone;

(c) there are no other conforming structures within one hundred fifty (150) feet of the proposed extension of the nonconforming structure (measuring from building line to building line); or in the case of a proposed extension of a nonconforming use, in land area the proposed extension must be two hundred (200) feet from any conforming structure (measuring from the building line of the conforming structure to the nearest point of the area which will compose the extended portion of the nonconforming use); and

(d) there is a reasonable need for the extension of a nonconforming use; then the Board of Appeals may allow an extension of fifty percent (50%) from the original existing floor space or existing land area comprised of the nonconforming use, or structure, or both.

(2) The Board of Appeals shall have no power to extend a nonconforming use or nonconforming structure more than fifty percent (50%) of the original nonconforming use or structure. For the purpose of this subsection, "original" shall mean the existing floor space or existing land area at the time of initial application to the Board of Appeals as allowed hereunder. This section shall only apply to legal pre-existing, nonconforming structures or uses. The applicant shall further submit to the Board of Appeals a site development plan, at a scale of no less than 1" = 100', indicating:

(a) the structure and/or property in question in relation to other properties within two hundred (200) feet;

(b) a property description; and
(c) the present dimensions of the property and/or structure and the dimensions of the property and/or structure after the proposed extension.

(3) Agricultural uses permitted in Section 5.1 (1), (2) and (3) shall be permitted to enlarge existing buildings up to fifty percent (50%) of their size at the time of the adoption of this Ordinance in any district prohibiting such uses, provided that the retail sale of products produced in the premises to the general public and structures accessory to such sales may not be so expanded.

(4) Structures which are permitted uses in the District but do not conform to height, yard, parking or lot area provisions may be extended, altered or modernized provided that no additional encroachment of the provisions of this Ordinance is occasioned thereby.

20.2 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

20.3 CHANGE OF USE

The use of a nonconforming building may be changed to another nonconforming use if the Board of Appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming use.

20.4 RESTORATION AND REPAIRS

Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made. If a nonconforming building or structure is damaged or destroyed to the extent of sixty percent (60%) of its real value by fire, flood, wind or other calamity, its reconstruction and subsequent use shall be in accordance with this Ordinance. A nonconforming building damaged to a lesser extent may be restored to its size at the time prior to such damage and its use resumed. Any such restoration must be started within a period of one year of the time of such damage and diligently prosecuted to completion.

20.5 NONCONFORMING DUE TO RECLASSIFICATION

The foregoing provisions of this Article shall also apply to buildings, land or uses which hereafter become nonconforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

20.6 NONCONFORMING USES DISCONTINUED

No building or premises which is a nonconforming use within its district which is unoccupied or unused for more than twelve (12) months shall thereafter be devoted only to a conforming use except as provided in Section 20.3
20.7 PLANS ALREADY FILED

Where plans for a building have been filed which would conform with the zoning regulations then effective but not with subsequently enacted regulations, and where a building permit for a building conforming to the Zoning Ordinance at time of issuance has been issued, such building bay be erected, provided construction is begun within three months of such issuance and diligently pursued to completion.
ARTICLE XXI
ZONING BOARD OF APPEALS

21.1 MEMBERSHIP AND APPOINTMENT

The Board of Appeals heretofore created by prior Ordinance is hereby continued as constituted. Pursuant to Michigan Revised Statutes, there shall be a Board of Appeals consisting of five members and up to two (2) alternative members.

(1) The first member of the Board of Appeals shall be a member of the Planning Commission and appointed by the Township Board. The remaining members of the Board of Appeals shall be selected from the electors of the Township residing outside of the incorporated cities or villages. The members selected shall be representative of the population distribution of the various interests present in the Township. One member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member. An elected officer of the Township shall not serve as chairman of the Board of Appeals. (Ord. 404 Adopted Dec. 12, 2002; eff. Jan. 7, 2003)

(2) The total amount allowed such Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

(3) Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

(4) A member shall request to disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to make such a request in which he or she has a conflict of interest may constitute misconduct in office. A member may be disqualified only after a unanimous vote of the other Board Members approving said member to do so. (Ord. 404 Adopted Dec. 12, 2002; eff. Jan. 7, 2003)

21.2 GENERAL GRANT OF POWER

The Board of Appeals shall perform all the duties and have all the powers prescribed by the Statutes of Michigan and by this Ordinance. It shall adopt Rules of Procedure consistent with the provisions of the Statutes of Michigan and local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

21.3 MEETING AND ATTENDANCE

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals in its Rules of Procedure may specify. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meeting of the Board of Appeals shall be open to the public. The Board of Appeals shall maintain a record of its procedures, which shall be filed in the office of the Township Clerk and shall be a public record. The Chairman shall seat alternate members on the Board when a regular Board Member is not able to be present. When seated, the alternate shall have the same power as a regular Board Member. (Ord. 404 Adopted Dec. 12, 2002; eff. Jan. 7, 2003)
21.4 APPEALS

(1) Appeals to the Board of Appeals may be taken by any party aggrieved by a decision or order to the Building Inspector where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency in the carrying out of the provisions of this Ordinance. There shall be no appeal from a decision made by the Planning Commission on approval or disapproval of a site plan, special use, or planned unit development.

(2) A notice of appeal specifying the grounds thereof shall be filed with the secretary of the Board of Appeals within thirty (30) days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the appeal is taken who shall forthwith transmit to the Board of Appeals all records upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the 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 Board of Appeals or by the Circuit Court.

21.5 VARIANCES

Subject to the provisions of Section 21.6 of this Ordinance, and in addition to other duties and powers specified within this Ordinance, the Board of Appeals, after public hearing, shall have the power to decide applications for variances:

(1) Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot.

(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

(3) Where it is alleged that the condition or situation of the specific property or the intended use of said property is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

21.6 VARIANCES PROHIBITED

No variance in the provisions or requirements of this Ordinance shall be effected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this
Ordinance or of the public health, safety and welfare, and, further, that two of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances of conditions applying to the specific property that do not apply generally to other properties in the same zone.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.

3. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

21.7 LAND USE VARIANCE

The Board of Appeals shall not schedule a public hearing on a land use variance for a use not permitted in a zone or for a use requiring the report or recommendation of the Planning Commission for a period of thirty (30) days after receipt of the appeal. The Board of Appeals shall notify the Planning Commission of any such appeal and request a study and report. No decision shall be made by the Board of Appeals until the report of the Planning Commission is received, provided such report shall be made within thirty (30) days of the next regularly scheduled Planning Commission meeting.

No land use variance shall be granted by the Board of Appeals unless it finds that the property cannot be reasonably used for uses allowed within the district in which the property is located.

21.8 CONDITIONS OF APPROVAL

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals shall maintain a record of conditions which are changed.

In the event the Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question such that it would exceed those rights given
by the Zoning Ordinance or the variance or fail to follow any conditions place thereon by
the Board of Appeals. In the event the use of the property exceeds those rights given by the
Zoning Ordinance or the variance, or fails to follow the conditions placed upon the
variance, the variance shall immediately terminate and it shall be deemed a violation of this
Ordinance.

21.9 PUBLIC HEARINGS

When an application for hearing or appeal has been filed in proper form supplied by the
Township and the fee paid, and other required information submitted, the secretary of the Board
of Appeals shall, within a reasonable time, place the application or appeal upon the calendar for
hearing and cause notices of the hearing to be served in accordance with Section 23.9 of this
 Ordinance. Any interested party may attend and be heard at the hearing in person or by agent or
attorney. (Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)

21.10 DECISIONS

(1) The 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 made in the premises
and to that end shall have all the powers of the officer from whom the appeal was taken
and may issue or direct the issuance of a permit.

(2) Upon the date for hearing any application or appeal, the Board of Appeals may adjourn the
hearing to a specified time and date in order to permit the obtaining of additional
information, or to cause such further notices it deems proper to be served. In the case of
an adjourned hearing, persons previously notified and persons already heard need not be
notified of the resumption of said hearing unless the Board of Appeals so decides.

21.11 FEES

Fee shall be established by the Township Board.

21.12 TIME LIMIT

If a variance is granted or other action requested by the applicant is authorized, the necessary
building permit shall be secured, and the authorized action begin within six (6) months after the
date and the variance is granted and completed within eighteen (18) months of said date. The
Board of Appeals may, upon good cause shown, extend either the six (6) or the eighteen (18)
month period; and if the Board of Appeals further finds that conditions have altered or changed in
the interval since the action was granted, the Board of Appeals shall revoke or rescind its approval.
Should applicant fail to obtain the necessary permit or fail to commence work within such six (6)
month period, it shall be conclusively presumed that the applicant has waived, withdrawn and
abandoned his appeal; and all permissions, variances and permits shall be deemed automatically
rescinded.

21.13 VOTE NECESSARY FOR DECISION

The final disposition of any matter by the Board of Appeals shall receive the concurring vote of a
majority of the members of the Board of Appeals; provided, however, that a use variance shall not
be grated unless approved by at least a two-thirds vote of the members of the Board of Appeals.
The Board of Zoning Appeals shall not conduct business unless a majority of the members are present. (Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)

21.14 MINUTES AND RECORDS

The Secretary shall keep minutes of the 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 Board of Appeals examinations and official actions, all of which shall be filed with the Township Clerk and be a public record. The grounds for determination made shall be so stated in any motion of approval or denial. A copy of each determination shall be sent to the Building Inspector and to the Planning Commission. No building permit shall be issued until such copy has been received by the Building Inspector.

21.15 LIMITATION OF BOARD

The Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Board of Appeals finds recurrent requests for relief from specific provisions of this Ordinance, or where the Board of Appeals considers specific provisions are creating unnecessary hardship, the Board of Appeals shall recommend action to amend such provision as provided by law.

21.16 POSTING OF FINANCIAL GUARANTEE

The Zoning Board of Appeals may require a performance bond, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved plan. If conditions set forth in the approved plan are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Inspector. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and to enforce the Zoning Ordinance; and the balance, if any, shall be returned to the applicant.
ARTICLE XXII
AMENDMENTS AND ADOPTION

22.1 AMENDMENT PROCEDURE

The Planning Commission may initiate, or any interested person or public body may make, written request to the Planning Commission for initiating a zoning map change or amendment to this Zoning Ordinance. If such request shows just cause, or if the applicant specifically requests, the following procedure shall be followed:

1. The applicant shall submit a formal application to the Township Clerk, together with a fee as determined by the Township Board.

2. The Planning Commission shall authorize the preparation of the proposed amendment to be considered.

3. The Planning Commission shall set a time and place for a public hearing and provide for publication and delivery of the notices of such hearing in accordance with Section 23.9 of this Ordinance.

4. At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.

5. The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such.

6. If the Planning Commission votes to approve such amendment without change, it shall forward the amendment to the Township Board with recommendation for approval or denial and shall be accompanied by a summary of the comments made at the public hearing.

7. Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The changed text shall be forwarded as above without further hearing.

8. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.

9. The Planning Commission shall forward the amendment and its recommendation to the Township Board.

10. Following said hearing, the Township Board may adopt or deny said amendment with a concurring vote of a majority of its members, with or without any amendments that have been previously considered at a public hearing.
(11) If the Township Board considers amendment changes, additions or departures advisable to the proposed text or Zoning Ordinance, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After review of such report, the Township Board may then proceed to consider the adoption of any such amendment.
ARTICLE XXIII
ADMINISTRATION AND ENFORCEMENT

(Amended April 25, 2005, Ord. 449)

23.1 ZONING ADMINISTRATION

The Zoning Administrator, Building Inspector, and any other person or agency designated by the Township Board, shall administer and enforce this Ordinance, including the inspection of premises, the issuance of zoning permits, and other actions and proceedings for the enforcement of this Ordinance. References throughout this Ordinance to the Building Inspector shall also be deemed to include the Zoning Administrator unless the duties relate solely to the interpretation or the enforcement of the State Construction Code.

23.2 BUILDING AND ZONING PERMITS REQUIRED

A building or structure shall not be erected, moved, placed, reconstructed, extended, enlarged or altered unless such activity is performed in accordance with a building permit issued pursuant to the State Construction Code, as enforced by the Township, and unless such activity is performed in accordance with a zoning permit issued pursuant to the Township Zoning Ordinance, nor shall any use on any property be changed to another use unless such change is performed in accordance with a zoning permit issued pursuant to the Township Zoning Ordinance and a building permit when required under the State Construction Code. No building, plumbing, electrical, mechanical or other permit shall be issued until the Zoning Administrator has determined that the plans and use will conform to the provisions of this Ordinance.

Application for zoning permits shall state the name and address of the owner and contractor, the address or description of the location of the premises, and the value of the proposed improvements. The application shall be accompanied by two accurate drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built on or used, and the exact size and location on the lot of all existing and proposed structures and uses, and other information necessary to demonstrate compliance with this Ordinance. One copy of the plan shall be retained by the Zoning Administrator and one copy delivered to the applicant when the application has been approved and a zoning permit issued.

23.3 SURVEY

The property owner or permit applicant for residential structure shall provide to the inspections department a wall survey prepared by a licensed surveyor. No construction beyond foundation walls shall be allowed until the Building Inspector verifies setback requirements have been satisfied.

23.4 CERTIFICATE OF OCCUPANCY

No building or structure which is erected, moved, placed, reconstructed, extended, enlarged or altered shall be used in whole or in part until the Building Inspector shall have made an inspection of the premises and shall have issued a certificate of use and occupancy for the same, as provided by the terms of the State Construction Code, as enforced by the Township. No such certificate of
use and occupancy shall be issued unless all of the provisions of this Ordinance and other applicable township ordinances have been complied with.

23.5 EXPIRATION OF BUILDING AND ZONING PERMITS

A building or zoning permit for which all construction has not been completed within one year from the date of its issuance shall expire automatically. A building or zoning permit expiring automatically pursuant to this section shall, upon re-application, be renewable once for an additional term of one year upon payment of an additional fee equal to one-half of the original permit fee. If construction work has not been completed within such additional one-year period, new building and zoning permits, upon payment of the fees prescribed therefor, shall be obtained.

23.6 CANCELLATION OF PERMITS.

The Zoning Administrator shall have the authority to revoke and cancel any zoning permit issued pursuant to this Ordinance in the event of a failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statement or misrepresentation in the application for the permit. The Building Inspector shall have the authority to revoke and cancel any building permit in the event of a failure or neglect to comply with all of the terms and provisions of this Ordinance or the State Construction Code or in the event of any false statement or misrepresentation in the application for the permit. Notice of such cancellation and revocation shall be securely posted at the construction site. Such posting shall be service of notice upon the permit holder as to the cancellation and revocation of the permit.

23.7 FEES.

All applicants for permits, special land use, rezoning, site condominiums, variances, site plan approval, and other land use review or approval required by this Ordinance, shall pay the fee and any escrow established by resolution of the Township Board from time to time. The Zoning Administrator, Planning Commission, Board of Zoning Appeals, and Township Board shall not consider any application for land use approval for which the required fee has not been paid, or any escrow maintained at the required level.

23.8 VIOLATIONS AND PENALTIES

(1) Any person, corporation or firm who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Zoning Administrator, Board of Zoning Appeals or the Township Board or its designee, issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance, per se.

(2) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $250 nor more than $1,000 for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, and expenses incurred by the Township enforcing this ordinance. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.
(3) Each day during which any violation continues shall be deemed a separate offense.

(4) In addition to the foregoing provisions, the Township may institute any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance or to otherwise enforce this Ordinance. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.

SECTION 23.9 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING
(Ord. 479 Adopted October 9, 2006; eff. October 31, 2006)

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

(1) The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.

(2) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:

(a) The applicant;

(b) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and

(c) The occupants of all structures within 300 feet of the property that is the subject of the application.

If the above-described 300-foot radius extends outside of the Township’s boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.

(3) The notice of public hearing shall include the following information:

(a) A description of the nature of the application or request.

(b) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
(c) State when and where the application or request will be considered.

(d) Identify when and where written comments will be received concerning the application or request.

23.10 SEVERABILITY

In case any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this Ordinance, except so far as the article, section or portion so declared invalid shall be inseparable from the remainder or any portion thereof. Should any court ruling fail to provide alternate standards or conditions, the provisions of the Zoning Ordinance of 1984 shall apply until this Ordinance is amended to comply with said ruling.

23.11 PRIOR VIOLATIONS

The adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance.

23.12 REPEAL

This Ordinance hereby repeals all prior Zoning Ordinances and Zoning Maps adopted by Byron Township including, but not limited to, the Byron Township Zoning Ordinance and Zoning Map as amended as it exists immediately prior to the adoption of this Ordinance.
Appendix A

TYPICAL YARDS

Refer to Specific Zone for Min. Yards.
Refer to General Provisions for Placement of Accessory Buildings.
Appendix B
Accessory Building
Site Location Map

NOTE: An accessory building shall be a minimum of ten (10) feet from the principal building.
## Appendix C
### Accessory Building Location Chart

<table>
<thead>
<tr>
<th>Location of Accessory Building</th>
<th>District</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Rear Yd.</th>
<th>Side Yard</th>
<th>Max. Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-A</td>
<td>N.P.</td>
<td>20'</td>
<td>30'</td>
<td>30'</td>
<td>24'1.</td>
</tr>
<tr>
<td></td>
<td>R-R</td>
<td>N.P.</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td></td>
<td>R-S</td>
<td>N.P.</td>
<td>10'</td>
<td>10'</td>
<td>15'</td>
<td>16'</td>
</tr>
<tr>
<td></td>
<td>R-U</td>
<td>N.P.</td>
<td>0</td>
<td>0</td>
<td>10'</td>
<td>12'</td>
</tr>
<tr>
<td>Single Lot</td>
<td>R-D</td>
<td>N.P.</td>
<td>0</td>
<td>0</td>
<td>10'</td>
<td>9'</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
</tr>
<tr>
<td>Condos</td>
<td></td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
</tr>
<tr>
<td>Mobile Home Site</td>
<td></td>
<td>N.P.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>9'</td>
</tr>
<tr>
<td>B-1</td>
<td></td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
</tr>
<tr>
<td>B-2</td>
<td></td>
<td>N.P.</td>
<td>25'</td>
<td>10'</td>
<td>10'</td>
<td>12'</td>
</tr>
<tr>
<td>B-3</td>
<td></td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
</tr>
<tr>
<td>D-1</td>
<td></td>
<td>N.P.</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
<td>16'</td>
</tr>
<tr>
<td>Office Use</td>
<td></td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
</tr>
<tr>
<td>Institutional Use</td>
<td></td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
<td>N.P.</td>
</tr>
</tbody>
</table>

Note: In no event shall any part of an accessory building extend beyond the property line.

N.P. = Not Permitted

1. Allow a maximum height of thirty-five (35) feet if the site is ten (10) acres or larger.
2. See Appendix B to clarify area of application.

As amended October 27, 2003, Ordinance No. 409.
## Appendix D
### PERMITTED ACCESSORY BUILDINGS

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size (sf)</th>
<th>Lot Size Less than</th>
<th>Maximum Accessory Building Size (sf)</th>
<th>Additional Accessory Building Area (sf) Permitted for Every Acre (or part of) over Size Shown in Column (3) and the Total Number of Accessory Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-A</td>
<td>50,000</td>
<td>2 acres</td>
<td>1,500</td>
<td>2-4 acres 200 4-10 acres 400 10 acres plus 600 unlimited</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-4 acres 100 4-10 acres 200 10 acres plus 400 unlimited</td>
</tr>
<tr>
<td>R-R</td>
<td>31,200</td>
<td>1 acre</td>
<td>1,080</td>
<td>1-4 acres 100 4-10 acres 200 10 acres plus 400 unlimited</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1-4 acres 100 4-10 acres 200 10 acres plus 400 unlimited</td>
</tr>
<tr>
<td>R-S</td>
<td>18,000 31,200</td>
<td>31,200 1 acre</td>
<td>360 484</td>
<td>1-4 acres 100 4-10 acres 150 10-20 acres 200 20-30 acres 250 30 acres plus 300 unlimited</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1-4 acres 100 4-10 acres 200 10 acres plus 400 unlimited</td>
</tr>
<tr>
<td>R-U</td>
<td>10,500</td>
<td>1 acre</td>
<td>150</td>
<td>N/A N/A 1 bldg</td>
</tr>
<tr>
<td>R-D</td>
<td>4,400</td>
<td>1 acre</td>
<td>150 per mobile home site</td>
<td>N/A N/A 1 bldg/mobile home site</td>
</tr>
<tr>
<td>MFR</td>
<td>12,500</td>
<td>----</td>
<td>150</td>
<td>N/A N/A 1 bldg/bldg housing multiple family units</td>
</tr>
<tr>
<td>B-1</td>
<td>N/A</td>
<td>----</td>
<td>Not permitted</td>
<td>N/A N/A 1 bldg/bldg housing multiple family units</td>
</tr>
<tr>
<td>B-2</td>
<td>20,000</td>
<td>1 acre</td>
<td>50% of principal building</td>
<td>N/A N/A 1 bldg/each principal bldg</td>
</tr>
<tr>
<td>B-3</td>
<td>35,000</td>
<td>----</td>
<td>320</td>
<td>N/A N/A 1 bldg</td>
</tr>
<tr>
<td>D-1</td>
<td>70,000</td>
<td>----</td>
<td>50% of principal building</td>
<td>N/A N/A 1 bldg/each principal bldg</td>
</tr>
</tbody>
</table>

N/A  Not Applicable

Note: Greenhouses are exempt from the above but are limited in size to 50% of the parcel area. Greenhouses proposed to occupy more than 50% of the parcel shall be considered by the planning commission as a special use.