

Lilley Township Zoning Ordinance Newaygo County, Michigan

Adopted January 10, 2000
(with amendments through September 24, 2009)

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Chapter 1 Title and Purpose

Section 1.01 Preamble

In accordance with the authority and intent of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, the Township desires to provide for orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or the energy conservation. The Township further desires to assure adequate sites for industry, commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure adequate space for the parking of vehicles for customers and employees using commercial, and industrial areas; to assure that all uses of land and buildings within the Township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township. (amended 11/12/07)

Section 1.02 Enacting Clause

The Township of Lilley, County of Newaygo, State of Michigan, ordains:

Section 1.03 Short Title

This Ordinance shall be known as the “Zoning Ordinance of The Township of Lilley,” and will be referred to herein as “the Ordinance.”

Section 1.04 Scope

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by Covenant, deed or other private agreement unless repugnant hereto.

Section 1.05 Control

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

Chapter 2 Definitions

Section 2.01 Construction of Language

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The masculine form of a word shall also mean the feminine, and vice versa.
- G. The word “occupied” includes arranged, designed, built, altered, converted to, rented, and leased.
- H. The words “zone” and “district” are the same, meaning a Zoning District as herein defined.
- I. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.
- K. Whenever this Ordinance makes reference to a federal, state, county, or township ordinance, law or act, that ordinance, law or act is presumed to include any amendments. (amended 11/12/07)

Section 2.02 Definitions - A

ACCESSORY BUILDING (ACCESSORY STRUCTURE) - A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use,

for example, a private garage. When attached to a main building, the ACCESSORY BUILDING shall be considered part of the main building, for determining setbacks only.

ACCESSORY USE, OR ACCESSORY - A use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An ACCESSORY USE shall be located on the same lot as the principal use.

ADULT FOSTER CARE FACILITY - A facility defined as an “ADULT FOSTER CARE FACILITY” by the Adult Foster Care Facility Licensing Act, Act 218 of 1979, as amended, having as its principal function the receiving of adults for foster care, and licensed by the State under the act. An “adult foster care facility” includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

- A. **FAMILY HOME** - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE FAMILY HOME licensee shall be a member of the household, and an occupant of the residence.
- B. **SMALL GROUP HOME** - A private residence with the approved capacity to receive more than six (6) but not more than twelve (12) adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE SMALL GROUP HOME licensee shall be a member of the household, and an occupant of the residence.
- C. **LARGE GROUP HOME** - A private residence with the approved capacity to receive more than twelve (12) but not more than twenty (20) adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE LARGE GROUP HOME licensee shall be a member of the household, and an occupant of the residence.

(amended 11/12/07)

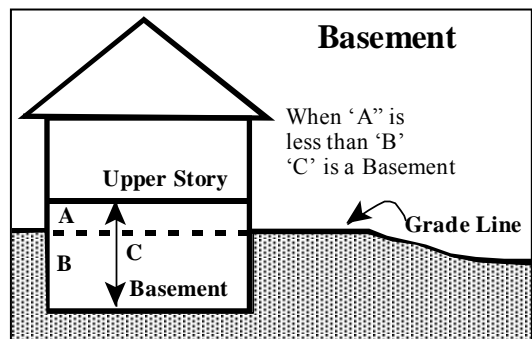
AGRICULTURE - Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

ALLEY - Any dedicated public way other than a street which provides only secondary access to abutting property, and is not intended for general traffic circulation.

ANIMAL HUSBANDRY - A branch of agriculture concerned with the care of domestic animals and fowl.

Section 2.03 Definitions - B

BASEMENT - A portion of a building partly below the average grade, that portion being more than one-half (1/2) of its height below the average grade. A basement shall not be counted as a story.



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

BILLBOARD - A sign which advertises an establishment, product, service, or activity, not available on the premises on which the sign is located.

BOARD - The Lilley Township Board.

BOARD OF APPEALS, OR ZONING BOARD OF APPEALS - The Zoning Board of Appeals of Lilley Township.

BOAT HOUSE - A structure located on or near any body of water, used to store boats or other like equipment.

BREEZEWAY - A covered structure connecting an accessory building with the principal building making the two (2) structures, one (1).

BUFFER STRIP - A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING - An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

BUILDING, PRINCIPAL - A building in which the main use of the premises is conducted on which the building is situated.

BUILDING HEIGHT - See "HEIGHT OF BUILDING"

BUILDING LINE - A line parallel to the street line formed by the face of the building or touching that part of a building closest to the road. For the purposes of this Ordinance, a minimum building line is the same as the front setback.

BUILDING OFFICIAL, OR BUILDING INSPECTOR - The person designated by the Township Board to administer the provisions of the adopted Building Codes for Lilley Township.

BUILDING SITE - This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

Section 2.04 Definitions - C

CAMPGROUND - A facility for camping with sites for tents, trailers and/or camping recreational vehicles, which is either open to the general public for a fee or is operated by a bona fide non-profit organization, church, or similar organization. Hunting camps, camping by one family or a group of family or friends shall not be considered a campground and shall be deemed fully subject to Section 3.17, of this Ordinance.

CERTIFICATE OF OCCUPANCY - A document signed by an authorized Township official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE FACILITY - A facility licensed under the Child Care Organizations Act, PA 116 of 1973. A CHILD CARE FACILITY does not include a Sunday School, a Vacation Bible School, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services. CHILD CARE FACILITY includes:

- A. DAY CARE CENTER - A facility, other than a private residence, licensed by the State, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
- B. FAMILY DAY CARE HOME - A private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- C. GROUP DAY CARE HOME - A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.
- D. FOSTER FAMILY HOME - A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- E. FOSTER FAMILY GROUP HOME - A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

(amended 11/12/07)

CHURCH - A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

CLUB - An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL USE - Any use connected with, or work intended for financial gain.

COMMERCIAL STORAGE WAREHOUSE - A building or buildings used primarily as a commercial business for the storage of personal goods and materials of individuals or households, but not limited to these groups. COMMERCIAL STORAGE WAREHOUSES are commonly referred to as “mini-storage units.”

COMMUNITY CENTER - A building either owned and maintained publicly, or in cooperation under an owners association or manufactured home park owner, that is generally open to the public or members to rent or as a safe haven in case of a natural or other disaster.

Section 2.05 Definitions - D

DAY CARE CENTER - See “CHILD CARE FACILITY.”

DRIVE-THROUGH FACILITY - A business so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in their motor vehicle, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DWELLING UNIT - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other rooms or DWELLING UNITS which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the DWELLING UNIT and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY - A building containing three (3) or more individual dwelling units.

DWELLING, SINGLE FAMILY DETACHED - A building containing only one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building on a single lot containing two (2) attached dwelling units.

Section 2.06 Definitions - E

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

ESSENTIAL PUBLIC SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term “ESSENTIAL PUBLIC SERVICES” shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

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

Section 2.07 Definitions - F

FAMILY - A person living alone in a single dwelling unit, or two (2) or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. "FAMILY" does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

FAMILY DAY CARE HOME - See "CHILD CARE FACILITY"

FARM - Any parcel or the contiguous neighboring or associated parcels operated as a single unit which is used for raising agricultural products, livestock, poultry, or dairy products as a significant source of income for the owner-operator, manager, or tenant farmer, carried on by his own labor or with the assistance of members of his household or hired employees. FARMS may include a single family dwelling, and may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, stock yards, or sand and gravel pits shall not be considered farms.

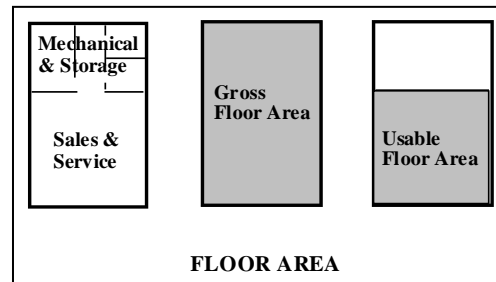
FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD PLAIN - All areas adjoining a lake, stream, river, creek, or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board, or by the Michigan Department of Environmental Quality where it has jurisdiction.

FLOOR AREA, GROSS - The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA, LIVING SPACE - The area in a dwelling unit computed by measuring the horizontal dimensions of all floors of a building from the outside walls, excluding any room or space not having a clear height of seven (7) feet six (6) inches, the basement, unenclosed porches and patios, terraces, breezeways, carports, verandas, and attached accessory buildings.



FLOOR AREA, USABLE (For the purposes of computing parking) - That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of "USABLE FLOOR AREA." Measurement of USABLE FLOOR AREA shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE - The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement. For waterfront lots, FRONTAGE is the continuous linear distance of that portion of parcel abutting a lake, river or stream at the ordinary high water mark.

Section 2.08 Definitions - G

GRADE - The gradient, the rate of incline or decline expressed as a percent. (A rise of twenty (20) feet in a horizontal distance of eighty (80) feet would be expressed as a grade of twenty-five (25) percent.)

GRADE, AVERAGE - The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

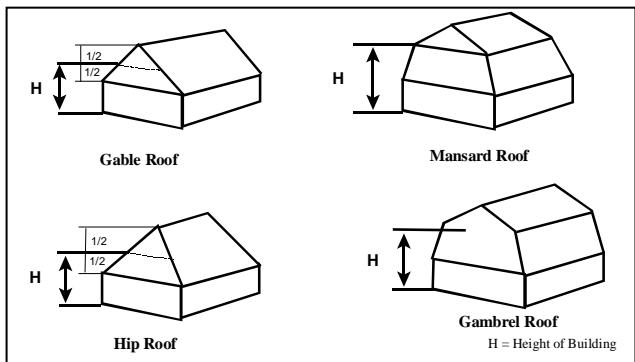
GREENBELT - A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance. (See also BERM and BUFFER STRIP).

GROUP DAY CARE HOME - See "CHILD CARE FACILITY"

Section 2.09 Definitions - H

HEAVY EQUIPMENT - Equipment and vehicles to tow or haul other vehicles, or to perform construction, earth moving, or landscaping duties.

HEIGHT OF BUILDING - The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.



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

HOSPITAL - An institution providing health, services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL/MOTEL - A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Section 2.10 Definitions - I

INDUSTRY - A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

INTENSIVE LIVESTOCK OPERATIONS - An operation where live animals or poultry are concentrated or restricted on a site, to an area more limited than to natural feeding habitats and containing one or more of the following (A and/or B):

- A. A total of four hundred (400) dairy cattle (all classes); five hundred (500) slaughter or feeder cattle; one thousand two hundred (1,200) swine (each weighing 55 pounds or more); three hundred (300) horses; five thousand (5,000) sheep or lambs; twenty seven thousand (27,000) turkeys; fifty thousand (50,000) laying hens or broilers (with continuous overflow watering); fifteen thousand (15,000) laying hens or broilers (with a liquid manure system); or a combination of the above equal to or exceeding five hundred (500) animal units; or
- B. A population per acre of at least four (4) dairy cattle (all classes); five (5) slaughter or feeder cattle; twelve (12) swine (55 pounds or more); three (3) horses; fifty (50) sheep or lambs; two hundred fifty (250) turkeys; five hundred (500) laying hens or broilers; or a combination of the above equal to or exceeding five (5) animal units per acre.
- C. For the regulations applicable to INTENSIVE LIVESTOCK OPERATIONS, the term “per acre” shall mean the total contiguous acreage under the control of the applicant.
- D. For the purpose of this Ordinance, one (1) animal unit shall be equivalent to one thousand (1,000) pounds of live body weight.

Section 2.11 Definitions - J

JUNK - Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances.

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

Section 2.12 Definitions - K

KENNEL - Any lot or premise on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred, sold, or treated for commercial purposes.

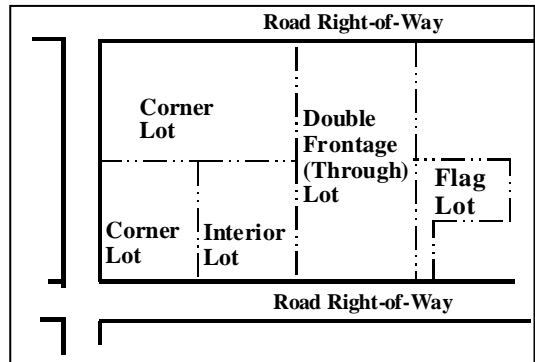
Section 2.13 Definitions - L

LARGE SCALE RESIDENTIAL DEVELOPMENTS - No land division, plat, mobile home park, site condominium or development establishing or involving eleven (11) or more lots, parcels, mobile home or trailer sites or site condominium units shall occur or be developed unless approved as a planned unit development.

LIGHTING, SOURCE OF - The source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

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

LOT - A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A LOT may or may not be specifically designated as such on public records. A LOT may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual LOT which does not meet the requirements of this ordinance:



- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A Building Site as defined in this Ordinance in connection with a site condominium project.

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

LOT, FLAG - A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

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

LOT, THROUGH - Any interior lot having frontage on two (2) parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT, WATERFRONT - A lot having a property line abutting a shoreline.

LOT AREA - The total horizontal area within the lot lines. For the purposes of this Ordinance, where the front lot line is the centerline of the right-of-way or private easement, or a portion of the lot lies in part of the right-of-way or easement, that portion of the lot shall not be considered to calculate the required LOT AREA.

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

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

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

- A. FRONT LOT LINE - In the case of a Flag Lot or Interior Lot, it is the line separating the lot from the street. In the case of a Corner Lot or Through Lot, it is that line separating said lot from either street. In the case of a Waterfront Lot, it is the line separating the lot from the body of water.
- B. REAR LOT LINE - The lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- C. SIDE LOT LINE - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a SIDE STREET LOT LINE. A side lot line separating a lot from another lot is an INTERIOR SIDE LOT LINE.

LOT OF RECORD - A parcel of land, the dimensions of which are shown on a document or map on file with the Newaygo County Register of Deeds, which actually lawfully existed as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof, as of the date of enactment of this Ordinance.

LOT WIDTH - The horizontal straight line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines.

Section 2.14 Definitions - M

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

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

MASTER PLAN - The “Basic Land Use and Growth Plan” currently adopted by Lilley Township, including written proposals indicating the general physical development of the Township, and any unit or part of such Plan and any amendment to such Plan.

Section 2.15 Definitions - N

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the Zoning District in which it is located.

NONCONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the Zoning District in which it is located.

NONCONFORMING USE - A use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the Zoning District in which it is located.

NURSING HOME - A nursing care facility licensed as a "NURSING HOME" by the State under the Public Health Code, Act 368 of 1978. A "NURSING HOME" as defined by this section shall include "extended care facility" and "convalescent home." (amended 11/12/07)

Section 2.16 Definitions - O

OFF-STREET PARKING LOT - A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OFFICE - A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, and equipment for current use in the office business, including personnel engaged in executive, administrative, professional, political, informative, research or clerical duties, and other similar related or incidental furniture equipment or personnel connected or concerned with the performance of a service.

OPEN AIR BUSINESS - Retail sales establishments operated substantially in the open air, including:

- A. Utility truck or trailer, motor vehicle, boats, recreational vehicles, or home service equipment sales or rental.
- B. Outdoor display area for sale or rent of recreation vehicles, manufactured homes, swimming pools, farm implements, commercial construction equipment, and similar goods.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards.

OPEN SPACE - Any space suitable for growing vegetation, recreation, or gardens, but not occupied by buildings or structures.

Section 2.17 Definitions - P

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

PERSONAL SERVICE ESTABLISHMENT - A commercial business conducting services that are performed primarily on the premises.

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

PLANNING COMMISSION - The Lilley Township Planning Commission. (amended 11/12/07)

PRIVATE PARK AND SPORTS AREA - An area utilized by private or institutional clubs or organizations to provided noncommercial outdoor recreation facilities such as golf courses, archery ranges, recreational camps, picnic grounds, ball fields, and beach access.

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

PUBLIC WATER - The supply of potable water from a municipal department, board, or commission authorized to furnish such, or a private firm or corporation permitted to provide such service via a community system. All public water systems shall meet the minimum standards of the local, State, and Federal agencies regulating drinking water.

Section 2.18 Definitions - R

RECREATIONAL VEHICLE OR EQUIPMENT - Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, **RECREATIONAL VEHICLE** shall also mean:

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

RECYCLING CENTER - An area where used or discarded materials are brought, then disassembled or separated, then stored, baled, packed, or handled for sale or exchange to be re-processed into another useful product. These materials include, but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass, and plastic.

RESIDENTIAL DISTRICT - This term shall include the AG, RR, MDR, and MHP Districts, and any residential uses within an approved Planned Unit Development District.

RESIDENTIAL SALE - A temporary event where household goods are sold by the occupants and owners of a property, or by their relatives.

ROAD, PRIVATE - Any roadway or drive which is not a dedicated public road right-of-way and which provides or in intended to provide the primary means of ingress/egress to two (2) or more lots, or two (2) or more buildings, dwelling units, structures, or combination thereof, whether created by private road right-of-way, agreement, license, lease, joint ownership, easement, or prescription. Any and all extensions, additions or branches of or to a private road shall be considered part of the primary private street which abuts the private road. The term **PRIVATE ROAD** shall also include the following:

- A. An access serving one (1) parcel, if that parcel does not have the requisite amount of frontage on a public road as required by this ordinance;
- B. Where two (2) or more parcels share or utilize a common access drive, except in cases where each lot has the required frontage on a public road; or
- C. A PRIVATE ROAD shall also include a path, drive, trail, or street which is privately built and maintained and which is located on a public road right-of-way or easement.

ROAD, PUBLIC - A public dedicated right-of-way controlled and maintained by the Newaygo County Road Commission, Michigan Department of Transportation, or the U.S. Department of Transportation, which affords the principal means of access to abutting property.

ROAD, SECONDARY - On a corner lot, it is the road adjacent to the street side yard.

ROADSIDE STAND - A temporary building or structure operated for the purpose of selling produce raised on the same premises, by the property owner or their family.

Section 2.19 Definitions - S

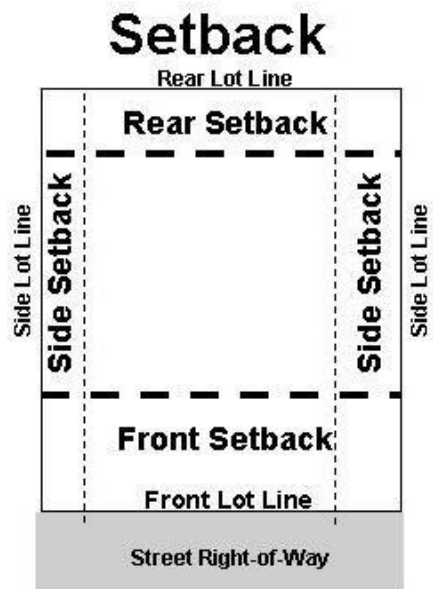
SALVAGE YARD - An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA - An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SETBACK - The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SEXUALLY ORIENTED BUSINESSES - The term shall include adult bookstores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. **ADULT BOOKSTORE** - A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.
- B. **ADULT LIVE ENTERTAINMENT THEATER** - A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”



LSL Planning

- C. **ADULT MOTION PICTURE THEATER** - A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.
- D. **MASSAGE PARLOR** - Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:
1. Proof of graduation from a school of massage licensed by the State of Michigan;
 2. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; in addition three (3) references from massage therapists who are professional members of a massage association referred to in this section;
 3. A certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
 4. A current occupational license from another state.
- E. **SPECIFIED ANATOMICAL AREAS** - Are defined as:
1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- F. **SPECIFIED SEXUAL ACTIVITIES** - Are defined as:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy;
 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SHORE LAND - The land, water, and land beneath the water which is in close proximity to the shoreline of a lake or designated waterway.

SIGN - A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

SIGN, OUTDOOR ADVERTISING - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.

SIGNIFICANT NATURAL FEATURE - A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SPECIAL LAND USE - A use which is subject to approval by the Planning Commission. A "SPECIAL LAND USE" may be granted when specified by this Ordinance. A permitted SPECIAL LAND USE is not a nonconforming use.

STABLE - Shall mean either:

- A. Private STABLE - A building where horses are kept for the personal enjoyment of the property owner without remuneration.
- B. Public STABLE - A building where horses for hire, sale, or boarding are kept, for remuneration.

STATE HIGHWAY - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation.

STATE LICENSED RESIDENTIAL FACILITY - A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Licensing Act, Act 218 of 1979, or the Child Care Licensing Act, Act 116 of 1973, and provides residential services for six (6) or fewer persons under 24-hour supervision or care. State Licensed Residential Facilities include:

- A. Adult Foster Care Family Homes.
- B. Foster Family Care Homes.
- C. Foster Family Group Homes.

(amended 11/12/07)

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

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

STRUCTURE - Any constructed, installed, erected or placed item or material or combination of materials or items in, on or upon the ground having a fixed location, including, but not limited to, buildings, sheds, towers, signs, swimming pools, animal enclosures, garages, accessory buildings, portable enclosures, decks, patios, docks, platforms, satellite dishes, gazebos, tennis courts and storage bins, but excluding lawful fences, sidewalks and paving on streets, driveways or parking areas. The definition of

STRUCTURE also excludes retention walls and seawalls, as well as steps, decks or patios where no portion of such step, deck or patio is located more than six (6) inches above the natural grade nor closer than five (5) feet to any lot line.

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

SWIMMING POOL - Any structure located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A "SWIMMING POOL" shall be considered an accessory structure for purposes of computing lot coverage.

Section 2.20 Definitions - T

TEMPORARY USE - See Section 2.21, "USE, TEMPORARY."

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

Section 2.21 Definitions - U

USE - The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

USE, PRINCIPAL - The main, primary, or predominate use of the premises.

USE, TEMPORARY - A use or building permitted to exist during period of construction of the main building or use, or for special events.

Section 2.22 Definitions - V

VEHICLE REPAIR - Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

VEHICLE SALES AREA - An area used for the display, sale or rental, of new or used automobiles in operable condition.

VEHICLE SERVICE STATION - Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including "vehicle repair" as defined herein.

VEHICLE WASH - A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

VILLAGE OF BITELY - That portion of Lilley Township consisting of the West half of Section 27, the East half of Section 28, the East half of Section 33, and the West half of Section 34. This area is recognized only as a physical location with no governmental autonomy. The governing body for this area is the Lilley Township Board.

Section 2.23 Definitions - W

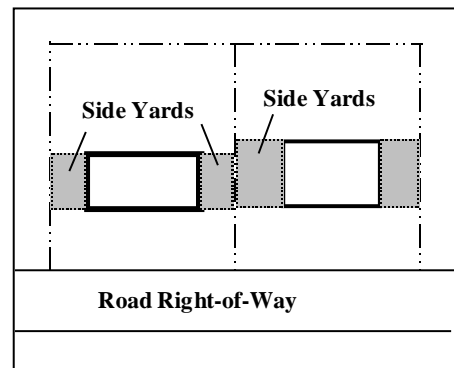
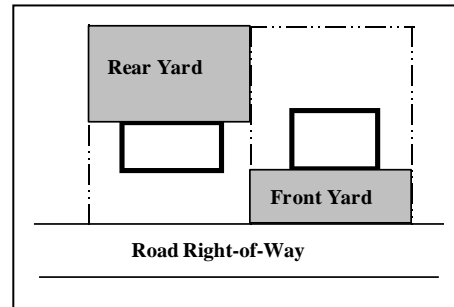
WASTE DUMPSTER - A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Section 2.24 Definitions - Y

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

- A. FRONT YARD - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.
- B. REAR YARD - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard shall be opposite the street frontage of the principal street.
- C. SIDE YARD - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



YARD, REQUIRED - The required yard shall be that set forth as the minimum yard setback requirements for each district.

Section 2.25 Definitions - Z

ZONING ACT – The Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006. (amended 11/12/07)

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

ZONING DISTRICT - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

ZONING PERMIT - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Chapter 3 General Provisions

Section 3.01 Essential Public Services

The erection, construction, alteration or maintenance of Essential Public Services shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

Section 3.02 Main Building or Use

No more than one (1) main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, or multiple family dwellings contained within a single integrated complex, sharing parking and access, or manufactured homes in a licensed manufactured home park.

Section 3.03 Required Area or Space

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.
- C. Computation for minimum lot area, frontage, and width shall not include lands or areas used for private access easements granted to other property for purposes of establishing or maintaining a private road, land located under or comprising a public road right-of-way or land or bottomlands located under a lake, stream, or river.
- D. No property access easement or device or lake, stream or river access easement or device shall be created except in compliance with this ordinance and prior to formal approval by the Township.

Section 3.04 Required Access

Any lot created shall have frontage upon an improved public street or approved private road for a distance equal to the minimum lot width requirement in the zoning district where the property is located. Lots with frontage on a cul-de-sac shall be permitted to have less street or road frontage, but in no case less than forty (40) feet of such frontage. For lots on a cul-de-sac, the lot width at the front setback line, or in the case of waterfront lots, the rear setback line, and beyond shall satisfy the minimum lot width requirement of the zoning district in which the lot is located.

Section 3.05 Water and Sanitary Sewer Service

No structure for human occupancy shall be erected, altered, or moved and used in whole or part for dwelling, commercial, industrial or recreation purposes unless provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial and industrial waste. Such installations and facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the Michigan Department of Environmental Quality, Newaygo County Health Department, Lilley Township Subdivision Regulations, Lilley Township Building Code, and other applicable ordinances of Lilley Township and Newaygo County. (amended 11/12/07)

Section 3.06 Illegal Dwellings

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Township building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area living space for the district in which it is located.

Section 3.07 Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks

Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, (effective June 15, 1976) as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, upon inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are, or may be adopted by the Township. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by Township codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum floor area living space, required yard and maximum building height requirements of the zoning district in which it is located.
- D. If the dwelling unit is a manufactured home, the wheels and tongue shall be removed prior to placement on a foundation.

- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation shall have a wall of the same perimeter dimensions as the dwelling unit, and shall be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall have a horizontal dimension across the front, side, and rear elevation of at least twenty (20) feet.
- H. Storage area shall be provided within the dwelling unit of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic, or attached garage.
- I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
- J. No building which has been wholly or partially erected or assembled on any premises located within or outside the Township of Lilley, shall be moved to or placed upon any other premises in the Township without full compliance with the provisions of this Ordinance in the same manner as a new building.
- K. The pitch of the main roof of the dwelling unit shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
- L. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or side of the dwelling unit.
- M. Notwithstanding the foregoing, replacement of an existing manufactured home that does not meet the requirements for minimum floor area, minimum horizontal elevation dimensions, roof pitch and roof overhang dimensions, and exterior door requirements with a similar manufactured home shall be permitted, provided that all of the following are met:
 - 1. The replacement home shall not be less nonconforming than the home that is being replaced.
 - 2. The replacement shall be certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, (effective June 15, 1976) as required by Sec. 3.07, A, above, and found to be in excellent condition, safe and fit for residential occupancy by the Building Inspector and/or Zoning Administrator prior to being permitted.
 - 3. All other applicable requirements of this Ordinance and building codes are satisfied; and
 - 4. The existing manufactured home shall be removed from the Township within thirty (30) days of occupancy of the replacement home. (amended 11/12/07)

Section 3.08 Projections Into Yards

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four (4) feet into a required front, rear, or side yard.
- B. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning may project no further than ten (10) feet into a required front yard, no further than fifteen (15) feet into a required rear yard, and shall not project into a required side yard. However, in no case shall any portion of a porch, deck, balcony, or awning be placed closer than five (5) feet to any front or rear lot line.
- C. Any porch, terrace, deck, or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

Section 3.09 Building Height Exceptions

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, television and radio receiving antennas less than one hundred (100) feet in height, and penthouses or roof structures housing necessary mechanical appurtenances.

Section 3.10 Required Greenbelts/Buffers

In order to provide protective screening for residential areas adjacent to or near non-residential areas, a landscaped greenbelt shall be provided along the district boundary line by the non-residential property owners.

- A. Such greenbelt shall be a strip of at least twenty (20) feet in width which is planted and maintained with evergreen trees at least five (5) feet in height at the time of planting, and fifteen (15) feet on-center; or a compact hedge of evergreen shrubs at least four (4) feet in height, situated so as to provide an effective sound and visual buffer.
- B. For each three (3) evergreen trees, or each forty-five (45) feet of linear frontage, one (1) deciduous tree shall be planted in the greenbelt. Such trees may be planted in a row, or planted in a single location. Further, such deciduous trees shall have a two (2) inch caliper measured six (6) inches from ground level, and the trees shall be properly maintained.
- C. The portion of the greenbelt not covered by trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance. Any dead trees should be replaced by the property within four (4) months written notice from the Zoning Administrator
- D. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
- E. The buffer shall not in any way cause a vision hazard at a road intersection, or driveway.

- F. Where it is determined by the Zoning Administrator that insufficient area is available to provide the required greenbelt or that such vegetation screen would be ineffectual, a six (6) foot high sight-obscuring fence or wall may be substituted. However, evergreen trees, evergreen bushes, and/or deciduous trees shall be planted on the residential side of the fence at a ratio of one (1) tree or four (4) evergreen bushes for each forty-five (45) feet of fence length.

Section 3.11 General Lighting and Screening Requirements

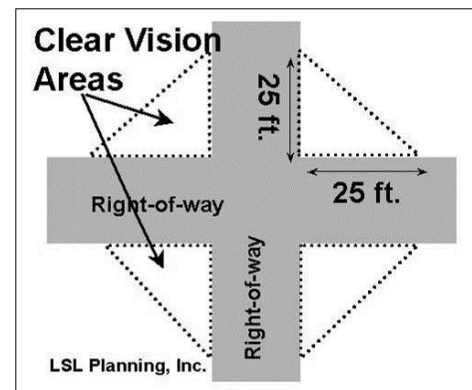
All lighting upon any premises, regardless of the zoning district, shall be so arranged that such lighting does not produce any glare which is nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

Section 3.12 Corner Lots

- A. A corner lot shall have two (2) front lot lines: a principal front lot line, and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
- B. General Provisions
1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three (3) front setbacks, the remaining setback shall be a rear setback.
 2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line
- C. Commercial and Industrial Zoning Districts. For a corner lot which is completely within a GC or LI district, the setback along the secondary lot line(s) shall not be less than twenty (20) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

Section 3.13 Clear Vision

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall prohibit the planting of shrubbery which will achieve a height at maturity of more than thirty (30) inches.



- B. No plantings shall be established in any required front yard which, in the opinion of the Zoning Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
- C. No plantings, landscaping, fences, or other structures or obstacles, except mailboxes, shall be placed in any road right-of-way.

Section 3.14 Accessory Buildings and Uses
(amended 9/24/09)

- A. Accessory Buildings - General.
 - 1. Where an accessory building is attached to a main building, it shall conform to all setback requirements of this Ordinance applicable to the main building.
 - 2. Accessory buildings shall not be located in any front yard on lots of less than three (3) acres, and accessory buildings shall not be located in the required front yard on lots of three (3) acres or more.
 - 3. Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure; provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed one (1) year.
 - 4. One (1) accessory buildings less than one hundred (100) square feet in area, shall be permitted on any single lot with a main building, in addition to the permitted accessory buildings regulated under this Section.
 - 5. No accessory structure may be used for dwelling purposes.
- B. Accessory buildings shall not be permitted on a lot or parcel which does not have a main use or building, except for the following:
 - 1. The Township Board may authorize the construction of an accessory structure in the AG, RR, LDR or MDR districts prior to construction of the residential dwelling, provided that:
 - a. a building permit has been issued for the dwelling;
 - b. a letter of credit or other legal surety acceptable to the Township in an amount equal to 110% of the construction value of the accessory structure is submitted and kept active for the life of the project;
 - c. the applicant certifies in writing that the principal dwelling shall be complete and an occupancy permit issued within one (1) year after Township Board approval, and permits the Township to draw upon the letter of credit or other surety and remove the accessory structure in the event of noncompliance.

- d. In the event that an occupancy permit is not issued for the principal dwelling within the one (1) year period, the Township Board may draw upon the letter of credit or other surety to cover the cost of removing the accessory structure. The Township Board may, at its discretion, allow for a reasonable extension of the time limit, provided that the applicant shows that the dwelling will be completed in a timely manner.
 - 2. The Township Board, after recommendation by the Planning Commission, may authorize a Special Land Use Permit to allow a garage, barn, pole building or similar building as a principal use on a non-waterfront lot in the AG, RR, LDR or MDR districts, subject to the procedures and requirements of Chapter 20, Section 20.07, NN.
 - 3. One (1) accessory structure may be located upon a lot no greater than three hundred (300) feet from a lot containing a principal structure, provided that:
 - a. The lot containing the accessory structure is under the same ownership as the lot containing the principal structure.
 - b. No other structure (principal or accessory) is located upon the lot containing the accessory structure.
 - c. The lot that contains the accessory structure may not be a waterfront lot.
 - d. The accessory structure shall meet the same setback requirements as a principal structure.
- C. Residential Accessory Buildings. Buildings that are accessory to a residence shall be permitted within the AG, RR, LDR, MDR, and MHP Districts or with any residential use, provided that the following restrictions are met:
 - 1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
 - 2. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
 - 3. No detached accessory building shall be located closer than one-half (½) the required setback for the side and rear yard in the district in which the accessory building is located.
 - 4. Height. On any residential lot less than three (3) acres in area, no accessory building shall exceed twenty (20) feet in height. On any residential lot three (3) acres in area or greater, no accessory structure shall exceed twenty-five (25) feet in height.
 - 5. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.
- D. Accessory Uses - General.
 - 1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
 - 2. An accessory use must be in the same zoning district as the main use on a lot.

3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.
 4. Accessory uses shall not be permitted in the front yard.
- E. Residential Accessory Buildings. Accessory buildings shall be permitted within the AG, RR, LDR, MDR, and MHP Districts or with any residential use provided that the following restrictions are met:
1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
 2. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
 3. No detached accessory building shall be located closer than one-half (½) the required setback for the side and rear yard in the district in which the accessory building is located.
 4. No accessory building shall exceed sixteen (16) feet in height.
 5. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.
- F. Other District Accessory Buildings. Accessory buildings shall be permitted within the WR, VC, GC, and LI Districts provided the following restrictions are met:
1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
 2. Detached accessory buildings shall meet all setback requirements as for principal buildings, for the zone district in which they are located.
 3. No detached accessory building shall be located nearer than eighteen (18) feet to any other building on the property.
 4. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.
 5. Private boat docks accessory to residential uses may be permitted under the provisions outlined in this subsection:
 - a. One (1) private boat dock per dwelling shall be permitted for each single family and two-family dwelling unit.
 - b. No more than one (1) boat slip per dwelling unit shall be permitted for multiple-family dwellings.
 - c. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for

compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot.

- d. Boat docks shall be not longer than twenty-five (25) feet in length measured from the shoreline.
- e. Docks shall be designed, constructed, and maintained to blend with natural surroundings. The use of natural, native materials is encouraged.
- f. One (1) boat dock shall be permitted on a private waterfront park for each fifty (50) feet of frontage, for the use of the park owners or their guests.

G. No boathouses shall be permitted on waterfront lots.

Section 3.15 Fences

(amended 11/12/07)

- A. Fences in residential districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence, unless restricted elsewhere in this Ordinance.
- B. Fences erected in any front yard, including the lake-facing front yard on waterfront lots, in any district, except in the Industrial Districts, shall not exceed thirty-six (36) inches in height. Fences within any front yard shall be of a type which is not more than fifty (50) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. In the Industrial Districts, fences in the required front yard shall not exceed thirty-six (36) inches in height.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless in the AG district, and used in connection with a bona fide farm operation.
- D. Fences in nonresidential districts which enclose storage lots or other areas requiring security may contain barbed wire. The total height of fences in any non-residential district shall not exceed six (6) feet, unless otherwise permitted in this ordinance, as with a Special Land Use, for example.
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision area as outlined in Section 3.13.
- G. Fences may be erected along the property line.
- H. Fences shall be constructed of wood or chain link. The Zoning Administrator may approve other materials provided they are in keeping with the character of the neighborhood.

Section 3.16 Swimming Pools

Private pools shall be permitted as an accessory use within the rear or side yards only. Private swimming pools must meet the following requirements:

- A. There shall be a distance of not less than ten (10) feet from adjoining property line and the outside of the pool wall or appurtenant structures that are accessory to it.

- B. There shall be a distance of not less than ten (10) feet between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located in the front yard.
- D. The pool shall be kept clean with a water filtration system.
- E. If electrical service, drop conductors, or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- F. No swimming pool shall be located in an easement.
- G. All pool areas shall be accessible to emergency services personnel in the event of an emergency.
- H. Other standards:
 - 1. For all yards containing below ground swimming pools:
 - a. The yard shall have an enclosed fence not less than four (4) feet in height surrounding the pool with a gate.
 - b. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open.
 - c. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
 - 2. For all yards containing above ground swimming pools:
 - a. The yard shall be completely enclosed by a fence not less than four (4) feet in height, unless the outer wall of the above ground pool which completely encircles the swimming pool is forty-two (42) inches high above the ground level adjacent to the pool.
 - b. The forty-two (42) inch wall height must be maintained continuously at all points along the side wall that surrounds the pool.
 - c. The gate and/or stairs shall be of a self-closing and latching type and must be in operable conditions at all times.
 - 3. If the entire pool area is enclosed by a fence forty-eight (48) inches high, then these provisions may be waived by the Zoning Administrator upon inspection and approval.

Section 3.17 Temporary Dwellings or Structures and Seasonal Dwellings

Unless as may otherwise be exempted in this Ordinance, all temporary dwellings or structures and seasonal dwellings shall not be occupied unless a permit has been issued by the Zoning Administrator.

A. Permits.

1. Each permit shall specify the location and use for such temporary dwelling or structure, and shall be valid for a period of not more than twelve (12) calendar months, unless otherwise provided for herein.
2. Upon applying for a temporary dwelling or structure permit, the applicant shall pay a fee as determined by the Township Board, to the Zoning Administrator. A fee shall also be collected by the Township, for any extensions requested by the applicant, and granted by the Zoning Administrator.
3. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months, or less, at the same location and for the same purpose.
4. Each application for a temporary dwelling or structure shall include the information required as outlined in Chapter 17, for Site Plan Review, except for those requirements that may be waived by the Zoning Administrator.

B. Types of dwellings or structures allowed by this Section.

1. Temporary construction office building, storage building, or storage yard for construction materials and equipment during construction of a permanent building may be permitted, under the following conditions:
 - a. The requirements of Section 3.17 A have been met.
 - b. Extensions shall only be granted if such building or yard is still incidental and necessary to construction at the site where it is located.
2. Temporary sales office or model home that is both incidental and necessary for the sale or rental of real property in a new subdivision, condominium project, or other housing project may be permitted, under the following conditions:
 - a. The requirements of Section 3.17 A have been met.
 - b. Extensions may only be granted if the Zoning Administrator determines that such office or model home is still incidental and necessary for the sale or rental of real property in said residential project.
3. Temporary dwellings in any Residential District may be permitted for a period of not more than eight (8) calendar months, however, permits may be renewed by the Zoning Administrator for one (1) additional successive period of two (2) calendar months, or less, at the same location and for the same purpose only after the Zoning Administrator finds the following conditions outlined below to be true:
 - a. The temporary dwelling is a manufactured home meeting the United States Department of Housing and Urban Development regulations entitled, "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.

- b. The temporary dwelling is for the use and occupancy of the property owner, and his or her family while they are constructing a permanent residence at the same location.
 - c. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary dwelling permit.
 - d. The temporary dwelling meets the water and sewer requirements of the Public Health Department, and all other applicable County ordinances.
 - e. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
 - f. The applicant has signed an agreement of understanding of the requirements for removal of temporary dwellings as outlined below.
 - i. The temporary dwelling shall be removed upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, whichever occurs first.
 - ii. The temporary dwelling may be removed by the Township upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, and any costs incurred by the Township in carrying out this provision shall be charged to the property owner. If the property owner does not pay the charges within six (6) months of the first billing notice, said charges shall become a lien on the property, and recorded as provided for by law.
4. One (1) seasonal dwelling may be permitted on vacant lots within the WR, AG, RR, and MDR Districts, provided the following standards are met:
- a. The seasonal dwelling shall be:
 - i. A wheeled vehicle, licensed and registered;
 - ii. Such vehicle shall be in compliance with the Michigan Motor Vehicle Code; have properly inflated tires; and have working turn signals and brake lights.
 - b. The seasonal dwelling shall be designed for sleeping and camping, and shall contain, at a minimum, portable sanitary facilities.
 - c. The seasonal dwelling shall not be occupied for a period more than forty-five (45) consecutive days. Occupation for longer periods constitutes a temporary dwelling and the standards in Subsection 3.17, B, 3, shall be met.
 - d. The dwelling shall not be located in the required front or side yard.
 - e. Where possible, access to the parcel where the seasonal dwelling is located shall be limited to one (1) driveway.

- f. As outlined in Section 22.06, a performance guarantee may be required to ensure the proper removal of the seasonal dwelling following the expiration of the permit, or upon finding, in the opinion of the Zoning Administrator, the seasonal dwelling is a nuisance, and is detrimental to adjacent property, and property owners.
- g. Camper trailers shall not be stored within ten (10) feet of a building, and shall not be stored in a way that will be a nuisance to neighboring properties.

(amended 11/12/07)

- C. In considering authorization for any temporary dwelling or structure, the Zoning Administrator shall consider the following standards:
 - 1. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants, or adjacent properties;
 - 2. That, in the case of occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 - 3. That the structure does not impact the nature of the surrounding neighborhood;
 - 4. That access to the use, area, or structure is located at the least offensive point on the property; and
 - 5. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.
- D. A performance guarantee may be required as outlined in Section 22.06, to ensure the proper removal of the temporary dwelling or structure, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.
- E. The Zoning Administrator may attach reasonable conditions to temporary dwellings or structures to ensure the standards of this Section are met.

Section 3.18 Reserved for Future Use

Section 3.19 Home Occupations

- A. Home occupations may be approved by the Zoning Administrator, only after receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section.
- B. Two (2) other people, other than members of the immediate family residing on the premises may be engaged in such occupation, provided adequate off-street parking for the employees are available in addition to that required for the dwelling.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit or the equivalent area in an accessory building, shall be used in the conduct of the home occupation.

- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of principal building where the home occupation takes place.
- E. The home occupation shall be operated entirely within an enclosed structure.
- F. No goods shall be sold from the premises which have not been produced from the conduct of the home occupation.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street, and not in the required front yard.
- H. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- I. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used in the conduct of the home occupation.
- J. The essential residential character of the dwelling, in terms of use and appearance, shall not be changed by the occurrence of the home occupation.
- K. The home occupation shall be subject to annual inspections by the Zoning Administrator, and may be terminated if it is found to no longer comply with this Section.
- L. Instruction in music, crafts, or fine art, within a dwelling, by a member of the family residing in the dwelling, shall be considered a home occupation and shall be subject to the requirements for a home occupation.

Section 3.20 Residential Sales

Residential sales shall require a Zoning Permit issued by the Zoning Administrator. Such permits shall be valid for no more than five (5) days for every six (6) calendar months, for a property.

Section 3.21 Keeping of Animals

- A. The keeping of dogs shall be permitted as an accessory use in any Residential District as outlined below:
 - 1. Kennels may be permitted as indicated in Chapters 5 - 12.
 - 2. Keeping of dogs for personal enjoyment without remuneration:
 - a. A maximum of two (2) dogs per household.
 - b. For non-commercial kennels to house working dogs, a minimum of one (1) acre shall be required for the first two (2) dogs, and an additional one (1) acre shall be

required each dog after the first two (2), with a maximum of five (5) dogs permitted on any one (1) parcel.

3. A litter of dogs may be kept on the property for a period of four (4) months after birth. However, no more than two (2) such litters shall be allowed in any consecutive twelve (12) month period.
 4. Kennels may be permitted as indicated in Chapters 5-12.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, pigeons, and poultry is prohibited in the LDR, MDR and MHP districts. Keeping animals is permitted with the following restrictions in the WR, AG, and RR zoning district. EXCEPTION farms as defined in this Ordinance may operate customarily:
1. A minimum lot size of five (5) acres shall be required for the first two (2) animal units, and one (1) acre for each additional animal unit.
 2. For this subsection, one (1) animal unit shall be equal to the following:
One (1) horse, donkey, mule, or cow;
Two (2) pigs;
Ten (10) sheep or goats;
Twenty (20) poultry or pigeons; and
Twenty (20) rabbits.
 3. An accessory building used to house, feed or shelter the animals shall not be nearer than fifty (50) feet to any property line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
 4. Any grazing or exercise area shall not be nearer than fifty (50) feet to any property line.
- C. Dangerous animals such as lions, tigers, bears, or similar animals shall not be kept or bred in the Township.

Section 3.22 Private Roads

- A. Purpose. The Township has determined that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of private roads. These provisions have been enacted to insure that:
1. Proposed private roads will not be detrimental to the public health, safety, or general welfare.
 2. Proposed private roads will not adversely affect the long term development policies of Lilley Township.
 3. Private roads will be designed and constructed with adequate width, road surface, and grade to insure safe passage and maneuverability of private vehicles, as well as police, fire, ambulance, and other safety vehicles.

4. Private roads will be constructed so as to protect against or minimize soil erosion, and prevent damage to the lakes, rivers, streams, wetlands, and natural environment of Lilley Township.
- B. The following terms found in this Section shall be defined as outlined below. Terms not herein defined shall have the meaning customarily assigned to them.
1. Certificate of compliance - A document signed by an authorized Township official as a condition precedent to the commencement of opening a private road which acknowledges that such road complies with the provisions of this Ordinance.
 2. Cul-de-sac - A road with a single, common ingress and egress, with a turnaround at the end.
 3. Design professional - A registered land surveyor or certified civil engineer.
 4. Existing features - Any buildings, structures, trees or other vegetation, or significant topographical changes.
 5. Frontage - The continuous linear distance of that portion of a parcel abutting upon a public or private road right-of-way or easement.
 6. Parcel - A tract of land which can be legally described with certainty, and is capable of being located by survey.
 7. Road commission - The Newaygo County Road Commission.
 8. Road surface - The portion of the right-of-way treated for safe passage of all types of motorized vehicles that meet the minimum standards outlined in this Ordinance.
 9. Significant natural features - A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.
- C. Application Procedure. The application packet for the construction of a Private Road shall be submitted to the Zoning Administrator. The application packet shall contain the following to be considered a complete packet:
1. An application form supplied by the Township, completed by the applicant.
 2. Payment of a fee for such permits shall be submitted. Such fee shall be established by the Township Board from time to time by resolution.
 3. Ten (10) copies of a site plan prepared by a design professional, drawn to scale, shall be submitted. Such site plan shall include the following:
 - a. The precise location of the private road.
 - b. Road grade.
 - c. Road route.
 - d. Road elevation.
 - e. Road dimensions.

- f. A written legal description of the right-of-way.
- g. Existing features within three hundred (300) feet of the proposed road.
- h. Other roads within three hundred (300) feet of the proposed road, and any road to which the proposed road connects.
- i. Location of public utilities.
- j. Location of lakes, rivers, streams, wetlands, and significant natural features within one hundred (100) feet of the proposed road.
- k. Any proposed extensions to the road, or additional phases of construction.
- l. A small map to illustrate the proposed road location in relation to the existing Township road system.

D. Review Procedure.

- 1. The application packet shall be forwarded to the Township Board, at the next scheduled meeting. The Board shall then schedule a public hearing within forty (40) days of their receipt of the application packet.
- 2. The Township Board shall hold a public hearing on the application.
 - a. Prior to the hearing, the Township shall cause a notice to be published in a newspaper with general circulation in the Township, such notice shall indicate that the Board will hold a public hearing regarding the proposed private road, including the proposed road location (by approximate common address), where the hearing will take place, the date and time of the hearing, and an address where comments may be sent regarding the request.
 - b. Further, the same notice shall be sent, or personally delivered to all property owners adjacent to the properties to be served by the proposed road, as indicated by the last tax assessment roll.
 - c. Said notices shall be published and sent not less than fifteen (15) days prior to such hearing.
- 3. The Board shall consider the application based on the standards outlined in Subsection E, of this Ordinance.
- 4. The Township Board may request the Planning Commission review the private road application, and make a recommendation. The Planning Commission shall use the same standards as outlined in Subsection E, in making their recommendation.

E. Design Requirements. The construction of private roads shall comply with the following standards:

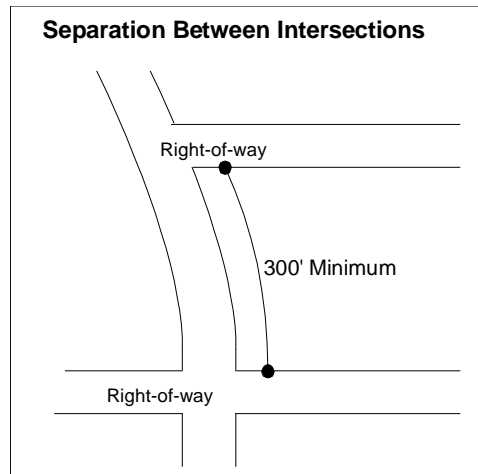
- 1. No private road shall extend for a distance more than two thousand six hundred forty (2,640) feet in length from the nearest public road right-of-way, without a second direct access available from another public road. Said distance shall be measured along the centerline of the private road.
- 2. All private roads shall have a recorded permanent right-of-way and easement with a minimum width of sixty-six (66) feet. Such easement shall also provide for public and private utilities.

3. The road surface shall follow as closely as practicable, the centerline of the right-of-way. The Board may permit variations if the applicant can demonstrate that adhering to the strict letter of the Ordinance will diminish the rural character of the area, or will result in the removal or degradation of significant natural features.
4. The road surface width shall meet the standards outlined below:

Number of parcels the private road serves	Road surface width and surface treatment
Two (2) to three (3) parcels	Twelve (12) foot wide gravel
Four (4) to six (6) parcels	Sixteen (16) foot wide gravel, with at least six (6) inches of compacted gravel.
Seven (7) to ten (10) parcels	Twenty-two (22) foot wide gravel, with at least eight (8) inches of compacted gravel.
Eleven (11) or more parcels	Twenty-two (22) foot wide paved asphalt.

5. A road shoulder at least four (4) feet wide, and shall be constructed on each side of the road surface.
6. Roadside ditches shall be at least twenty-four (24) feet apart, have a minimum depth of eighteen (18) inches, and a minimum width at the bottom of twenty-four (24) inches.
7. In any case, the road, including the surface and shoulders, shall be constructed to meet the road commission specifications for local roads.
8. The maximum longitudinal road grade shall not exceed six percent (6%), however, if the applicant produces written justification satisfactory to the Township Board, that an increase in the road grade will not adversely affect public safety and the design of the road system(s), then ten percent (10%) grade may be permitted.

9. The layout of the private road and the intersections of the private road with any other road shall be such that clear vision and safe turning and travel in all directions at the posted speed limit is assured, as determined by the proper authority. The minimum distance between intersections shall not be less than three hundred (300) feet, as measured along the right-of-way line.



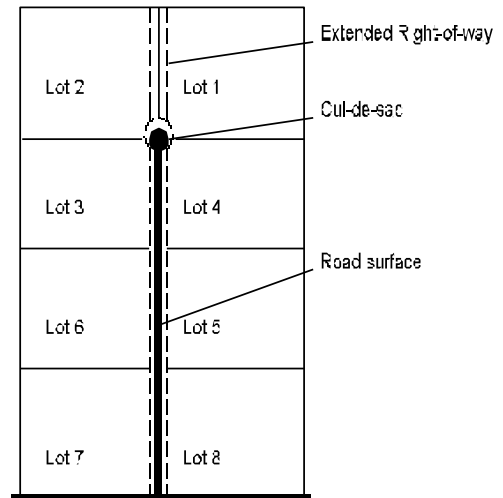
10. The private road shall be constructed with storm water run-off culverts and drainage contours as is required by the Newaygo County Drain Commission, if the Township engineer determines construction with such systems would promote the Purpose of this Ordinance.
11. All roads may be named by the applicant, however, the road commission is not obligated to approve said road name if it is the same as, or in their opinion closely resembles an existing road name. The street addresses shall be posted in a conspicuous place at the entrance to the private road.

12. Stop signs shall be provided, by the applicant, at the intersection of the private road and any other road. All signs shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices.

13. Frontage.

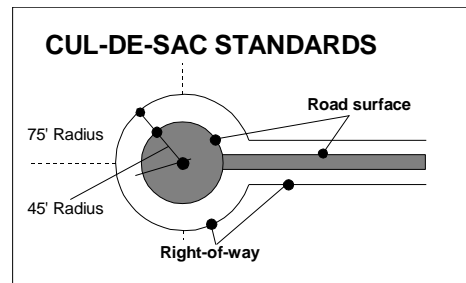
- a. Parcels utilizing a private road shall have frontage on the private road for a distance equal to, or greater than the minimum lot width required for the Zoning District in which the parcel is located.
- b. If the road surface ends at the parcel, and the lot has access to the road by a cul-de-sac or continuous loop, then the frontage shall be not less than one hundred (100) feet.
- c. The right-of-way shall continue the entire length of the end lot(s), for possible future development. If the applicant can demonstrate that no future development can take place because of soil type or topography, for example, then the Board may waive this requirement.

Required Right-Of-Way Extension



14. A cul-de-sac, or a continuous loop shall be required at the end of any dead-end private road. The cul-de-sac shall have minimum radius of seventy-five (75) feet, and a road surface radius of forty-five (45) feet.

15. All existing private roads shall be made to comply with these standards if another private road connects to it, it is extended, or if additional lots are created adjacent to it, and to be served by it.



16. At the initiation of a property owner(s) being served by the private road, or the Board, private road rights-of-way may be vacated after a public hearing as outlined under Section 3.22, D, parts 1, 2, and 4. However, a public utility easement shall be maintained where the right-of-way was abandoned.

F. Maintenance and Repairs.

- 1. Private roads shall be maintained in manner that complies with the provisions of this Ordinance.
- 2. All private roads shall be continuously maintained in such way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township and are readily accessible to, and usable by emergency vehicles in all types of weather.

3. All costs for maintenance and repair of the private road shall be the responsibility of the property owners served by the private road.
 4. The applicant shall provide the Township Board with a recordable Private Road Maintenance Agreement with provisions that the road will be regularly maintained, repaired, and snow plowed, so as to insure that the provisions of this Ordinance are complied with, and it shall indicate the responsible parties for carrying out the private road maintenance. Such agreement shall be reviewed and approved beforehand by the Township Attorney. The approved agreement must be signed by all property owners and shall be recorded with the Newaygo County Register of Deeds records prior to the beginning of road construction.
- G. Effect of Approval. The private road approval shall not become effective until the applicant provides the following:
1. A letter indicating acceptance of all conditions of approval made by the Board.
 2. A letter indicating that by applying for or securing a permit to construct the private road they shall indemnify and will hold the Township harmless from any and all claims for personal injury or property damage arising out of the use of the private road, or of the failure to properly construct, maintain, use, repair, and replace the private road.
 3. Prior to the beginning of road construction, the Board may require as a condition of approval, the applicant to provide a performance guarantee, in accordance with following:
 - a. As a condition of approval, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and the users of the proposed development. Such features or components, hereafter referred to as “improvements.”
 - b. Performance guarantees shall be processed in the following manner:
 - i. Prior to the issuance of a Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Township Supervisor. The amount of the performance guarantee shall be one hundred percent (100%) of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 - ii. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
 - iii. Upon receipt of the required performance guarantee, a Permit for the subject development shall be issued, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.

- iv. The Township Treasurer will refund to the developer portions of the performance guarantee, only after written notice from the Township Supervisor, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
 - v. When all of the required improvements have been completed, the applicant shall send written notice to the Township Supervisor of completion of said improvements. Thereupon, the Township Supervisor shall cause a final inspection to be made of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth.
 - vi. A record of authorized performance guarantees shall be maintained by the Township Clerk.
- 4. Private road construction is to be completed within one (1) year of approval by the Board. Failure to complete private road construction within one (1) year shall render said approval null and void.
 - 5. Upon completion of the private road, the applicant shall provide a letter signed by their design professional indicating the private road has been constructed to meet the standards outlined in this Ordinance.

H. Permits.

- 1. The Board may elect to have all design and construction plans, and maintenance agreements or other covenants reviewed by the Township attorney, engineer, and/or planner prior to consideration of the application for the private road permit.
- 2. No Building Permits shall be issued for construction of any building or structures on lots or condominium units served by a private road until construction of the private road as approved by the Board has been completed and certificate of compliance has been issued.
- 3. A driveway permit shall be obtained from the road commission prior to issuance of any Building Permit.
- 4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Newaygo Drain Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
- 5. It shall be the applicant's responsibility to obtain all applicable State and Federal permits for the road construction.

Section 3.23 Nonconforming Lots of Record, Uses, and Buildings and Structures

A. Intent.

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Section to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Non-conforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Section that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

B. Nonconforming Lots of Record

1. Where a lot of record which is lawfully in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for single family residential purposes, subject to approval of water supply, and sanitary sewer or septic system by the County Health Department, or other proper agency having jurisdiction.
2. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.
3. An otherwise conforming single-family home on a nonconforming lot that has been destroyed may be reconstructed upon the same footprint without changing the nonconforming status of the lot, provided that the replacement structure is not more nonconforming than was the prior structure. (amended 11/12/07)

C. Nonconforming Uses.

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. No part of any nonconforming use shall be moved unless such movement eliminates the non-conformity.

3. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
 - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use may be changed to another non-conforming use provided that all of the following determinations are made by the Planning Commission:
 - a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use.
 - b. The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

D. Nonconforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by up to one half (½) the distance required by this Ordinance. Only in these cases may the non-conforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
 - b. Should a nonconforming building or structure be destroyed to an extent of more than fifty (50) percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.

- c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
- 2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- 3. A single-family home that has been destroyed may be reconstructed upon the same footprint without changing the nonconforming status of the home if both the lot and use of the property are conforming.
- E. The Township may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.
- F. Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal uses and shall be discontinued upon written notification from the Zoning Administrator.

Section 3.24 Flood Plain

The flood plain area of lakes, ponds, rivers, and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official U.S. or Michigan, public agency responsible for defining and determining flood plain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

Section 3.25 Site Condominiums

- A. The minimum Building Site area, width, and required yard setbacks shall conform to the requirements of the zoning district in which the project is located.
- B. The living space floor area per unit shall conform to the requirements of the zoning district in which the project is located.
- C. All sites shall be required to use public utilities if located and available within three hundred (300) feet of the property boundary of the overall development. If public facilities are not available within three hundred (300) feet of the property boundary, individual systems may be permitted subject to approval by the Health Department, or a private community on-site system may be permitted subject to approval by the Health Department.
- D. All Building Sites shall have access to, and required frontage on, a public or approved private road.

Section 3.26 Riparian Access

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

- A. In all districts, there shall be at least one hundred (100) feet of lake, river or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit utilizing or accessing the lake, river or stream frontage; provided however, the above minimum frontage requirements shall not supersede frontage requirements which may be greater as provided elsewhere in this ordinance.
- B. In all zoning districts, no lake or river access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional, nonresidential or nonagricultural uses or purposes unless such use complies with the requirements of the zoning district in which it is located, and further, such use is also approved as a special land use or planned unit development.
- C. The lake, stream and river access and use regulations contained in this section shall be fully applicable to all planned unit development and special land use projects or developments.
- D. In addition to the above limitations, no easement, private park, common area or lot or access property abutting or adjoining a lake or river shall be used to permit access to the lake, river or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is permitted in the zoning district in which it is located and furthermore such use must also be approved as a special land use or planned unit development.
- E. The minimum water frontage requirements of this section shall be doubled if more than 50% of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan law.
- F. For purposes of meeting the minimum required water frontage as mentioned above, water frontage around the shore of an island shall not be included.
- G. These water access regulations shall be in addition to and shall not negate any of the restrictions or other requirements of this Zoning Ordinance or the zoning district involved, or of any other Township ordinance.
- H. No more than one dock shall be utilized per lot.
- I. No canal or channel shall be created which expands, touches, or ties into any lake, stream, or river. No channel, canal or similar waterway or device shall be dug, constructed, dredged, enlarged or created out of or that connects to any lake, river, creek or stream, nor shall the size, location or surface area of any lake, river, creek or stream be increased or altered by digging, dredging or excavation upland from the ordinary high water mark of the lake, river, creek or stream; provided, however, that this section shall not apply to the following:
 - 1. any lawful dredging occurring on existing lake bottom lands which are lakeward of the ordinary high water mark of the lake;
 - 2. the lawful creation or enlargement of a pond which does not abut or connect into an existing lake; or
 - 3. the lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such existing channel or canal is not enlarged or expanded.

Section 3.27 Unwholesome Substances

- A. No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped, or accumulated by any person in any body of water, or on or under any land, private or public, in the Township, unless such place has been designated as a public dumping ground by the Township, or unless such substance is housed in a completely enclosed building and in a safe and sanitary manner.
- B. For purposes of this Section only, the term “unwholesome substance” shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, stone, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, ashes, clinkers, cinders, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public.
- C. For the purposes of this Section only, the term “automobile body” shall be defined to mean any vehicle which (1) is unable to be driven upon a street under its own power and/or (2) which lacks all of the necessary component parts to make it operable and serviceable as a vehicle.
- D. For purposes of this Section only, the term “trailer body” shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of the necessary component parts to make it operative and serviceable as a trailer to be pulled as such on a street.
- E. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers or other soil conditioners as part of a farm operation.
- F. No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Newaygo County Health Department.
- G. No boxes, barrels, waste wood, lumber, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat or rodent harborage.

Section 3.28 Residential Uses in Commercial Districts

Residential uses shall not be permitted in the commercial districts; provided, however, that a residential use or a combined residential-commercial use may be permitted in the VC (Village Center) zoning district if a special land use is obtained from the Planning Commission under the terms of Chapter 20. If such a special land use is granted, all use (other than the residential use prohibition), dimension, sign and other applicable requirements of the commercial district shall apply to the residential use or the combined residential-commercial use.

Section 3.29 Land Divisions

No lot, parcel, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other requirements of the Lilley Township Zoning Ordinance, as amended. All land divisions, splits, or boundary reconfiguration of platted lots and unplatted parcels shall meet the requirements of the Lilley Township Zoning Ordinance, as amended, and the requirements of the Land

Division Act, Act 288 of 1967. No land division, lot split, creation of an access easement, or reconfiguration of boundary lines shall occur until and unless a land division permit has been obtained from the Zoning Administrator or such other person as may be designated from time to time by resolution of the Township Board. No permit for a land division shall be issued until and unless the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, access easements or parcels, fully complies with the requirements of this Ordinance, as amended, and all other applicable Township ordinances. Fees for a land division permit shall be set as determined from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application is accompanied by a survey done by a registered land surveyor or engineer showing all resulting lots or parcels, easements (if any), and full legal descriptions. The Township may waive the requirement of a survey in a given case for good cause shown by the applicant. No permit for division of a platted lot or lots, or reconfiguration of boundary lines for a platted lot or lots, shall be issued until and unless such land division is also approved by the Township Board. No platted lot shall be partitioned or divided into more than four (4) parts. (amended 11/12/07)

Section 3.30 Categories of Uses Not Designated

Where this ordinance is silent concerning the location or permissibility of a given use, the Planning Commission may decide into which zoning district that use shall be placed and such use shall then only be allowed in that district as a special use. Notwithstanding the preceding, no business, commercial or industrial use shall be allowed except in a business, commercial, industrial, or planned unit development district.

Section 3.31 Certain Large Scale Residential Developments

Certain large-scale residential developments (See definition Section 2.13) shall be developed only as planned unit developments (“PUD”) in accordance with Chapter 15, of this Ordinance. The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope and impact of such development. The requirements of this section shall apply whether such development involves simple land divisions, platted subdivisions, site condominium units, a mobile home park or any other type of land division, conveyance or development resulting in eleven (11) or more lots, parcels, site condominium units, mobile home or trailer sites or other land divisions.

Chapter 4 Zoning Districts - General

Section 4.01 Districts Established

For the purposes of this Ordinance, Lilley Township is hereby divided into the following zoning Districts:

Zoning District Designation		Chapter
WC	Waterfront Conservation District	5
WR	Wilderness Recreation District	6
AG	Agricultural District	7
RR	Rural Residential District	8
LDR	Low Density Residential District	9
MDR	Medium Density Residential District	10
MHP	Manufactured Home Park District	11
VC	Village Center District	12
GC	General Commercial District	13
LI	Light Industrial District	14
PUD	Planned Unit Development	15

Section 4.02 District Boundaries

- A. Boundaries - The boundaries of the districts listed in Section 4.01 are hereby established as shown on the Lilley Township Zoning Ordinance Map, which is part of this Ordinance.
- B. Interpretation of District Boundaries - Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, roads, highways, or alleys shall be construed to follow such centerlines.
 - 2. Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines or Township limits.
 - 3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 - 4. Boundaries indicated as parallel to or extensions of features indicated in Section 4.02, B, 1, 2, and 3, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Administrator shall interpret the district boundaries.
6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.

Section 4.03 Zoning of Vacated Areas

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between, unless the Township Board shall otherwise designate.

Chapter 5

Waterfront Conservation (WC) District

Section 5.01 Purpose

- A. The WC District is a supplementary and overlay district which applies to designated lands, simultaneously with any of the other Zoning Districts as established in this Ordinance, hereinafter referred to as the “underlying Zoning District.” Lands included in the WC District are all such lands located within three hundred (300) feet of the centerline of all streams, creeks, and along the waterfront and shorelines of the Township. Such lands are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Lilley Township.
- B. It is the intent of the WC District to provide regulations in addition to those contained in the underlying Zoning District pertaining to lands located along the waterfront and shoreline areas of the Township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties, and to ensure that the structures and uses in this District are compatible with, and protect these unique attributes. Where specific requirements of the WC District vary or conflict with the regulations contained in the underlying Zoning District, the more strict requirement shall govern.

Section 5.02 Permitted Uses

No land or buildings where the regulations of the WC District have been added to the underlying Zoning District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Permitted Uses in the underlying Zoning District.
- B. Public parks.

Section 5.03 Special Land Uses

No land or buildings in the RR District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 15:

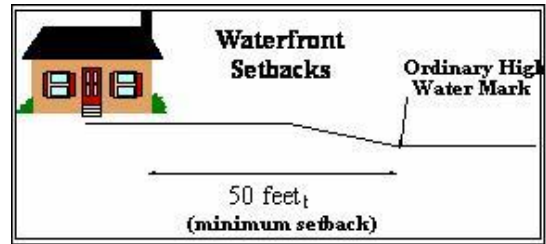
- A. Special Land Uses permitted in the underlying Zoning District.
- B. Public or private boat launches.
- C. Marinas, if the underlying zoning district is the GC (General Commercial) district.

Section 5.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Additional setbacks and lot widths for structures.
 - 1. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of fifty (50) feet from a shoreline or ordinary high water mark. Exception: for every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary

high water mark new structures may be placed five (5) feet closer to the shoreline or ordinary high water mark. However, no structure shall be located closer than thirty (30) feet to the shoreline or ordinary high water mark.



2. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four (4) feet between the finished grade level and high ground water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high ground water line, only under the following conditions:
 - a. No material is allowed to enter the water either by erosion or mechanical means.
 - b. The fill material is of a pervious nature, such as gravel or sand.
 - c. Any necessary permits shall have been acquired as required by the laws of Newaygo County, the State of Michigan, and the rules and regulations of the Department of Natural Resources of the State of Michigan. It shall be unlawful to alter the shoreline of any river or creek in the Township by soil removal or fill.
 - d. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

B. Vegetative Strip.

1. A strip twenty (20) feet wide bordering the bank, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.
2. Within this strip, a space of not greater than twenty five (25) feet in width may be selectively trimmed and pruned to allow for the placement of private boat docks, and for a view of the waterway, with the approval of the Zoning Administrator.
3. The Zoning Administrator may allow limited clearing for the vegetative strip only when required for construction of a permitted building or structure outside the vegetative strip. However, the land cleared shall be returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

C. General Provisions outlined in Chapter 3.

D. Site Plan Review as may be required in accordance with Chapter 17.

E. Off-Street Parking as may be required in accordance with Chapter 18.

F. Signs are permitted in accordance with the requirements of Chapter 19.

G. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as indicated, in the underlying district, and as outlined in Schedule of District Regulations, Chapter 16.

Chapter 6 Wilderness Recreation (WR) District

Section 6.01 Purpose

This district is intended primarily to provide areas where forests, lakes, wetlands, and other naturally landscaped environments can be conserved and protected for recreational and hunting uses. In addition, it is intended to preserve and protect the wildlife and their habitat for future generations to enjoy, as our predecessors did.

Section 6.02 Permitted Uses

No land or buildings in the WR District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Wildlife habitat reservations and preserves.
- B. Public recreation and sporting uses.

Section 6.03 Special Land Uses

No land or buildings in the WR District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. A single family dwelling as an accessory use to another Special Land Use.
- B. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs, for the exclusive use of its members.
- C. Public or private campgrounds.
- D. Mining of natural resources, excluding forest related programs.

Section 6.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

Wilderness Recreation (WR) District	
Minimum Lot Size	40 acres
Minimum Lot Width	660 feet
Front Yard Setback	100 feet
Side Yard Setback	100 feet
Rear Yard Setback	100 feet
Maximum Height	35 feet
Maximum Lot Coverage	1%

Chapter 7 Agricultural (AG) District

Section 7.01 Purpose

This District is intended to provide for the continuation of the existing general farming and related activities in the Township. The regulations for this District recognize the need to conserve and protect existing farms, and to provide areas where agriculture is best suited. Further the regulations of this Chapter shall be used to discourage untimely and scattered residential and commercial development in areas where food production is taking place.

Section 7.02 Permitted Uses

No land or buildings in the AG District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Crop farming and fruit orchards.
- B. Animal or fowl husbandry.
- C. Single family detached dwellings.
- D. State licensed residential facilities.
- E. Essential public services.
- F. Family day care homes. (amended 11/12/07)

Section 7.03 Special Land Uses

No land or buildings in the AG District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. Greenhouses and nurseries.
- B. Riding stables.
- C. Mining of natural resources, excluding forest related programs.
- D. Agricultural processing and warehousing.
- E. Planned unit developments.
- F. Kennels.
- G. Veterinary hospitals and clinics.
- H. Deer and elk farms.
- I. Intensive livestock operations.
- J. Group day care homes. (amended 11/12/09)
- K. Shed, pole barn or similar storage buildings as a principal use on non-waterfront lots. (amended 9/24/09)

Section 7.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.

- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

Agricultural (AG) District	
Minimum Lot Size	20 acres, except as noted in subsection 7.04, F, below.
Minimum Lot Width	330 feet, except as noted in subsection 7.04, F, below.
Front Yard Setback	30 feet
Side Yard Setback	30 feet
Rear Yard Setback	30 feet
Maximum Height	35 feet
Maximum Lot Coverage	10%
See also footnotes (a) and (g) in Section 16.02.	

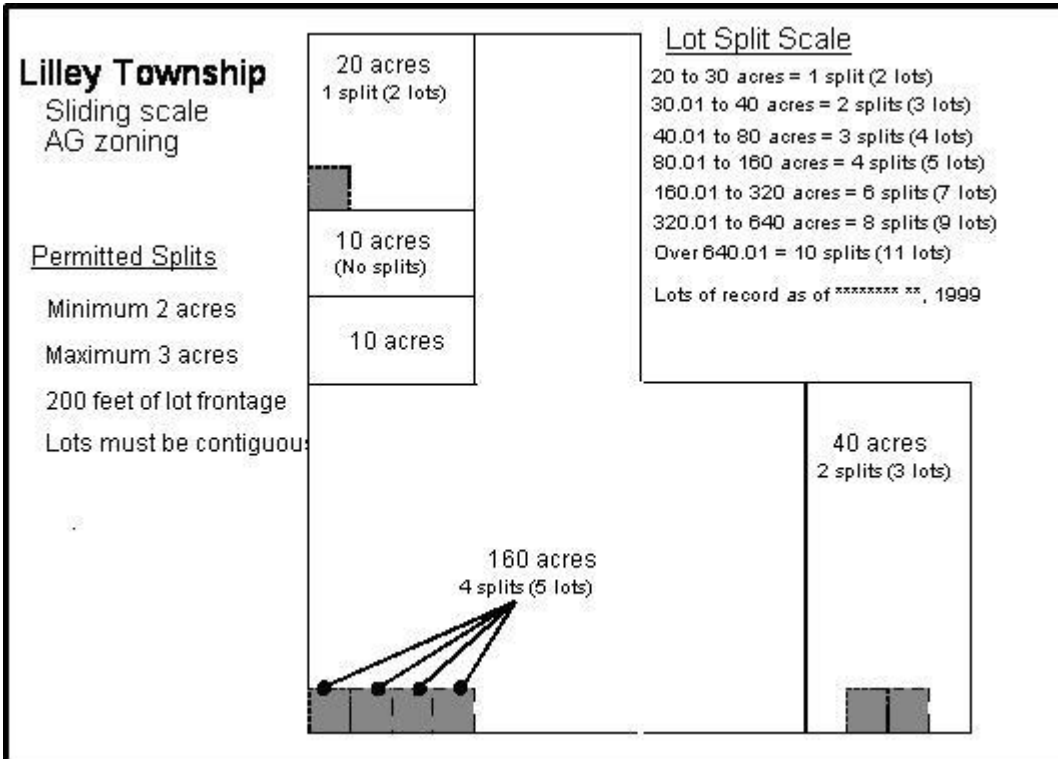
- F. Permitted minimum lot area reductions:

1. For each parcel of ten (10) acres or more existing as of the date of adoption of this Ordinance, additional non-farm lots may be created as outlined below.
 - a. For each parcel having between 20 and 30 acres, one (1) non-farm split shall be permitted.
 - b. For each parcel having between 30.01 acres and 40 acres, two (2) non-farm splits shall be permitted.
 - c. For each parcel having between 40.01 acres and 80 acres, three (3) non-farm splits shall be permitted.
 - d. For each parcel having between 80.01 acres and 160 acres, four (4) non-farm splits shall be permitted.
 - e. For each parcel having between 160.01 acres and 320 acres, six (6) non-farm splits shall be permitted.
 - f. For each parcel having between 320.01 acres and 640 acres, eight (8) non-farm splits shall be permitted.
 - g. For each parcel having over 640.01 acres, ten (10) non-farm splits shall be permitted.
2. Any lot created according to the above requirements shall be at least two (2) acres, and no greater than three (3) acres in areas and shall have a minimum of two hundred (200) feet of public road frontage. The permitted lots shall be contiguous.

Lot split scale for lots of record

Parcel size:

20 to 30 acres	= 1 split (2 lots)
30.01 to 40 acres	= 2 splits (3 lots)
40.01 to 80 acres	= 3 splits (4 lots)
80.01 to 160 acres	= 4 splits (5 lots)
160.01 to 320 acres	= 6 splits (7 lots)
320.01 to 640 acres	= 8 splits (9 lots)
over 640.01 acres	= 10 splits (11 lots)



Chapter 8

Rural Residential (RR) District

Section 8.01 Purpose

This District is intended to provide for single family residential living environment in a rural setting, free from other uses that are incompatible with residential uses. The regulations for this district for large residential parcels to sustain a healthy on-site water supply, and liquid wastewater disposal. The District provides for large rural parcels, near agricultural and recreational lands. Through this District, very low density residential development will be permitted, having the advantage of rural character and recreational value nearby.

Section 8.02 Permitted Uses

No land or buildings in the RR District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential facilities.
- C. Essential public services.
- D. Family day care homes. (amended 11/12/07)

Section 8.03 Special Land Uses

No land or buildings in the RR District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. Greenhouses and nurseries.
- B. Kennels.
- C. Public parks and recreation areas.
- D. Veterinary hospitals and clinics.
- E. Group day care homes.
- F. Churches.
- G. Planned unit developments.
- H. Public or private schools.
- I. Municipal buildings.
- J. Two family dwellings.
- K. Shed, pole barn or similar storage buildings as a principal use on non-waterfront lots. (amended 9/24/09)

Section 8.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.

- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

Rural Residential (RR) District	
Minimum Lot Size	10 acres
Minimum Lot Width	330 feet
Front Yard Setback	30 feet*
Side Yard Setback	30 feet*
Rear Yard Setback	30 feet*
Maximum Height	35 feet*
Maximum Lot Coverage	10%
See also footnotes (a) and (g) in Section 16.02.	

* For principal building only. See Sections 3.14 and 3.15, for requirements for accessory buildings and fences, respectively.

Chapter 9

Low Density Residential (LDR) District

Section 9.01 Purpose

This District is intended to provide for single family residential living environment and to foster stable, high quality neighborhoods free from other uses that are incompatible with residential uses. The regulations for this district provide large enough parcels to sustain a healthy on-site water supply and liquid wastewater disposal. The District provides for the orderly transition of land from agricultural to low density residential uses, without straining the land, or requiring public services or utilities, even if they exist, or are planned. Through this District, low density residential development will be permitted through the construction and occupancy of single family dwellings on large suburban lots.

Section 9.02 Permitted Uses

No land or buildings in the LDR District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential facilities.
- C. Essential public services.
- D. Family day care homes. (amended 11/12/07)

Section 9.03 Special Land Uses

No land or buildings in the LDR District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. Greenhouses and nurseries.
- B. Public or private campgrounds.
- C. Kennels.
- D. Public parks and recreation areas.
- E. Golf courses and country clubs.
- F. Veterinary hospitals and clinics.
- G. Group day care homes.
- H. Churches.
- I. Planned unit developments.
- J. Public or private schools.
- K. Municipal buildings.
- L. Two family dwellings.
- M. Riding stables.
- N. Shed, pole barn or similar storage buildings as a principal use on non-waterfront lots. (amended 9/24/09)

Section 9.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.

- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

Low Density Residential (LDR) District	
Minimum Lot Size	2 acres
Minimum Lot Width	200 feet
Front Yard Setback	30 feet*
Side Yard Setback	30 feet*
Rear Yard Setback	30 feet*
Maximum Height	35 feet*
Maximum Lot Coverage	20%
See also footnotes (a) and (g) in Section 16.02.	

* For principal building only. See Sections 3.14 and 3.15, for requirements for accessory buildings and fences, respectively.

Chapter 10

Medium Density Residential (MDR) District

Section 10.01 Purpose

This District is intended to provide areas for the preservation and establishment of residential neighborhoods. Lot sizes are small, and may eventually allow for public sewer and water service. The district will promote a higher density residential environment, at the same time preserving those natural features that are important to the character of the Township.

Section 10.02 Permitted Uses

No land or buildings in the MDR District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential facilities.
- C. Essential public services.
- D. Family day care homes. (amended 11/12/07)

Section 10.03 Special Land Uses

No land or buildings in the MDR District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. Group day care homes.
- B. Adult foster care group homes.
- C. Churches.
- D. Public or private schools.
- E. Public parks and recreation areas.
- F. Planned unit developments.
- G. Municipal buildings.
- H. Two-family dwellings.
- I. Multiple family dwellings.
- J. Retail convenience shopping and personal service establishments.
- K. Office buildings.
- L. Shed, pole barn or similar storage buildings as a principal use on non-waterfront lots. (amended 9/24/09)

Section 10.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may be required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.

- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

Medium Density Residential (MDR) District	
Minimum Lot Size	15,000 square feet
Minimum Lot Width	100 feet
Front Yard Setback	30 feet*
Side Yard Setback	10 feet*
Rear Yard Setback	30 feet*
Maximum Height	25 feet*
Maximum Lot Coverage	30%
See also footnotes (a), (b), and (g) in Section 16.02.	

* For principal building only. See Sections 3.14 and 3.15, for requirements for accessory buildings and fences, respectively.

Chapter 11

Manufactured Home Park (MHP) District

Section 11.01 Purpose

Consistent with the Township's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all people, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to permit additional variety in housing opportunities and choices.

Section 11.02 Permitted Uses

No land or buildings in the MHP District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. State licensed manufactured home parks.
- B. State licensed residential facilities. (amended 11/12/07)
- C. Essential public services.
- D. Family day care homes. (amended 11/12/07)

Section 11.03 Special Land Uses

No land or buildings in the MHP District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 20:

- A. Public parks and recreation areas.
- B. Community Centers.
- C. Group day care homes. (amended 11/12/07)

Section 11.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.

Section 11.05 General Requirements

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land shall be illegal in Lilley Township, irrespective of the requirements of any other ordinance of Lilley Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.

- C. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.
- D. The Planning Commission and Township Board shall consider the conformance of the manufactured home park with the adopted rules of the Mobile Home Commission of the State of Michigan and the following additional standards:
1. Whether the proposal is in accordance with the Lilley Township Master Plan.
 2. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 3. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
 4. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
 5. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.
- E. Manufactured Home Sales.
1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
 2. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development, provided the development permits the sale.

Chapter 12

Village Center (VC) District

Section 12.01 Purpose

This District is intended to provide areas for the establishment and continuation of retail sales and personal service uses, catering to the residents of Lilley Township. The uses in the District will remain small in scale, and will be the heart of Bitely. Maintaining the rural setting and ensuring appropriate safety components, will limit potential negative impacts resulting from large-scale commercial uses. This District is intended to be located in the unincorporated Village of Bitely.

Section 12.02 Permitted Uses

No land or buildings in the VC District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Retail sales uses conducted entirely within an enclosed building where no assembly, treatment, or manufacturing takes place on site.
- B. Banks, credit unions, and other financial institutions with no drive-through facilities.
- C. Restaurants with no drive-through facilities.
- D. Personal service uses including but not limited to, barber shops and beauty salons, shoe repair, electronics repair, or dry cleaning and laundry service.
- E. Indoor recreational and entertainment facilities, including but not limited to, theaters, bowling lanes, billiard parlors, taverns, and skating rinks.
- F. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- G. Health and physical fitness clubs.
- H. Essential public services.

Section 12.03 Special Land Uses

No land or buildings in the VC District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 20:

- A. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- B. Churches.
- C. Vehicle service establishments.
- D. Gasoline stations.
- E. Funeral homes and mortuaries.
- F. Veterinary hospitals and clinics.
- G. Municipal buildings.
- H. Bait houses and sport shops.
- I. Self-serve laundry mats.
- J. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- K. Dwellings on the same premises as a non-residential use.
- L. Two-family dwellings. (amended 11/12/07)
- M. Multiple family dwellings. (amended 11/12/07)

Section 12.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may be required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

Village Center (VC) District	
Minimum Lot Size	20,000 square feet
Minimum Lot Width	100 feet
Front Yard Setback	15 feet*
Side Yard Setback	10 feet*
Rear Yard Setback	30 feet*
Maximum Height	35 feet*
Maximum Lot Coverage	40%

* For principal building only. See Sections 3.14, 3.15, and 14.02, for requirements for accessory buildings, fences, and off-street parking areas, respectively.

Chapter 13

General Commercial (GC) District

Section 13.01 Purpose

This District is intended to provide areas for the establishment of retail sales and personal service uses, catering to the general public, as well as the residents of Lilley Township. The uses in the District will remain small in scale to be well integrated into a rural setting, and possess appropriate traffic safety components which will limit potential negative impacts resulting from adjacent non-residential uses. These areas will be generally located along the State Highway.

Section 13.02 Permitted Uses

No land or buildings in the GC District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Retail sales uses conducted entirely within an enclosed building where no assembly, treatment, or manufacturing takes place on site.
- B. Office buildings.
- C. Banks, credit unions, and other financial institutions with no drive-through facilities.
- D. Restaurants with no drive-through facilities.
- E. Personal service uses including but not limited to, barber shops and beauty salons, shoe repair, electronics repair, or dry cleaning and laundry service.
- F. Indoor recreational and entertainment facilities, including but not limited to, theaters, bowling lanes, billiard parlors, taverns, and skating rinks.
- G. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- H. Health and physical fitness clubs.
- I. Essential public services.

Section 13.03 Special Land Uses

(amended 11/12/07)

No land or buildings in the GC District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 20:

- A. Hotels and motels.
- B. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- C. Churches.
- D. Vehicle service establishments.
- E. Gasoline stations.
- F. Vehicles sales areas.
- G. Vehicle wash establishments.
- H. Lumber yards and building material sales areas.
- I. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades. (Excluding storage yards for equipment and supplies).
- J. Funeral homes and mortuaries.
- K. Veterinary hospitals and clinics.
- L. Transportation terminals.
- M. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.

- N. Commercial outdoor recreation facility.
- O. Wireless communication towers and radio and television broadcast towers.
- P. Commercial storage warehouses (Mini-Storage Units).
- Q. Planned unit developments.
- R. Municipal buildings.
- S. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- T. Bait houses and sport shops.
- U. Self-serve laundry mats.
- V. Billboards.
- W. Public or private campgrounds.
- X. Two-family dwellings.
- Y. Multiple family dwellings.

Section 13.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

General Commercial (GC) District	
Minimum Lot Size	2 acres
Minimum Lot Width	300 feet
Front Yard Setback	50 feet*
Side Yard Setback	30 feet*
Rear Yard Setback	30 feet*
Maximum Height	35 feet*
Maximum Lot Coverage	30%
See also footnotes (e), (f), and (g) in Section 16.02.	

* For principal building only. See Sections 3.14, 3.15, and 14.02, for requirements for accessory buildings, fences, and off-street parking areas, respectively.

Chapter 14

Light Industrial (LI) District

Section 14.01 Purpose

This District is intended primarily for light industrial uses and the processing, fabrication, and assembly of goods or products to be sold to the general public generally at a different location. These areas will provide manufacturers with sites close to primary roads for ease of transportation and away from residential areas to minimize potential incompatibilities. Due to the lack of potential for the Township to provide public utilities like water and sanitary sewer, the uses that locate in this District should be limited to low density industrial uses that would not depend heavily on extensive public services.

Section 14.02 Permitted Uses

No land or buildings in the LI District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, accessory to an industrial use.
- B. Research and development facilities, including production activities.
- C. The manufacture, compounding, processing, packaging, warehousing, or treatment of products such as:
 - 1. Foodstuffs (except slaughterhouses or other similar uses),
 - 2. Cosmetics,
 - 3. Pharmaceuticals,
 - 4. Pottery or other ceramic products,
 - 5. Monuments,
 - 6. Glass products,
 - 7. Musical instruments,
 - 8. Toys,
 - 9. Furniture,
 - 10. Electrical appliances and electronic instruments,
 - 11. Signs,
 - 12. Light sheet metal products.
- D. Laboratories (experimental, film, research, or testing).
- E. Converted paper and paper board products.
- F. Printing, publishing, and allied industries.
- G. Office buildings.
- H. Essential public services.

Section 14.03 Special Land Uses

No land or buildings in the LI District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 20:

- A. Salvage yards and recycling centers.
- B. Sexually oriented businesses.

- C. Transportation terminals.
- D. Warehousing facilities.
- E. Wireless communication towers and radio and television broadcast towers.
- F. Commercial storage warehouses (Mini-Storage Units).
- G. Retail sales accessory to a permitted use.
- H. Tool, die, gauge, and machine shops.
- I. Vehicle service establishments.
- J. Gasoline stations.
- K. Lumber yards and building material sales areas.
- L. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- M. Commercial outdoor recreation facility.
- N. Planned unit developments.
- O. Storage yards for contractor's equipment.
- P. Billboards.
- Q. Two-family dwellings. (amended 11/12/07)
- R. Multiple family dwellings. (amended 11/12/07)

Section 14.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Chapter 17.
- C. Off-Street Parking as may required in accordance with Chapter 18.
- D. Signs are permitted in accordance with the requirements of Chapter 19.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 16.

Light Industrial (LI) District	
Minimum Lot Size	2 acres
Minimum Lot Width	300 feet
Front Yard Setback	50 feet*
Side Yard Setback	30 feet*
Rear Yard Setback	30 feet*
Maximum Height	45 feet*
Maximum Lot Coverage	35%
See also footnotes (d), (e), (f), and (g) in Section 16.02.	

* For principal building only. See Sections 3.14, 3.15, and 14.02, for requirements for accessory buildings, fences, and off-street parking areas, respectively.

Chapter 15

Planned Unit Development (PUD) District

Section 15.01 Description and Purpose

- A. The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) main building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD), is intended to permit and control the development of planned areas for various compatible uses allowed by this Zoning Ordinance, and for other exceptional uses not so provided.
- B. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.
- C. Under this chapter, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations affecting public health, safety and general welfare of the people of the surrounding area.

Section 15.02 Objectives, Qualifying Conditions, and Basis of Determination (amended 11/12/07)

- A. The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning, and development of such planned development:
 - 1. To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural features.
 - 2. To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units, or working/shopping outlets.
 - 3. To encourage developers to use a more creative and imaginative approach in the development of areas.
 - 4. To encourage underground utilities that can be more efficiently designed when master planning a larger area.
 - 5. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned, and approved by the Township.

6. To promote flexibility in design and permit planned diversification in the location of structures.
 7. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
 8. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
 9. To insure a quality of construction commensurate with other developments in the Township.
- B. Any proposed PUD must meet the following qualifying conditions:
1. The tract of land for which a PUD application is received must be in either one (1) ownership, or the subject of an application filed jointly by the owners of all affected properties.
 2. The property that is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area, unless specified elsewhere in this subsection.
 3. To be considered as a Residential PUD the proposed development must fulfill at least one (1) of the following conditions:
 - a. The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings;
 - b. The PUD site exhibits significant natural features encompassing at least twenty percent (20%) of the land area of the PUD, which will be preserved as a result of the plan.
 - c. The PUD is designed to preserve in perpetuity at least twenty percent (20%) of the total area of the site for open space.
- C. Basis of Determination - Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this subparagraph, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.
1. General Standards - The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards, and shall approve a Planned Unit Development only upon a finding of compliance with each of the following standards:
 - a. Meets the Objectives and Qualifying Conditions of Section 15.02;
 - b. The standards of review for Site Plan Review in Chapter 17;
 - c. The applicable standards of Section 15.04, 15.05, or 15.06, as applicable; and
 - d. The applicable standards as may be established elsewhere in this Ordinance.
 2. Conditions - The Planning Commission may impose conditions with the approval of a Planned Unit Development which are necessary to insure compliance with the standards for approval stated in this subsection, and any other applicable standards contained in this

Ordinance. Such conditions shall be considered an integral part of the PUD approval, and shall be enforced by the Zoning Administrator.

Section 15.03 Application Procedures

(amended 11/12/07)

- A. An application for a PUD shall be submitted in accordance with the requirements of this chapter.
- B. The application for a PUD shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 15.02, and other criteria imposed by this Ordinance affecting the PUD under consideration.
- C. Review and Approval - The Planning Commission shall review the application for a PUD, the site plan, and other materials submitted in relation to the application at a public hearing, following notice of at least fifteen (15) days prior to the meeting date, in accordance with the Zoning Act. After such review, the Planning Commission may recommend denial, approval, or approval with conditions. The Planning Commission shall consider the PUD application in accordance with the purpose of this chapter, and the criteria for approval stated in Section 15.02. Other standards contained in this Ordinance that relate to the PUD under consideration, including those for Site Plan Review will also be considered by the Planning Commission. The Planning Commission shall prepare a report stating its conclusions on the request for a PUD, the basis for its recommendation, any conditions relating to an affirmative recommendation, or reasons for a recommendation of denial, and this report shall be forwarded to the Township Board for review upon its decision.
- D. The Township Board shall consider the recommendation of the Planning Commission, and may, at its discretion, hold an additional public hearing, provided that notice requirements are met in accordance with the Zoning Act. The Township Board may approve, approve with conditions, or deny the request. If approved, the property in question shall be considered to be rezoned to the Planned Unit Development District and shall be so designated on the official Zoning Map.

Section 15.04 Residential Planned Unit Development

- A. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, for a Residential PUD:
 - 1. Single-family detached dwellings.
 - 2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the PUD.
 - 3. Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the PUD.
 - 4. Permitted Uses in the GC District, subject to the standards noted for non-residential uses in the PUD, Section, 15.04, F, and the requirements of the GC District.
- B. Except as noted in Section 15.04 I, the maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed.

If the PUD lies in more than one (1) Future Land Use category, the number of dwelling units shall be calculated on a proportionate basis.

- C. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area, and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
- D. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, unless the Planning Commission finds that slight deviations from those standards is necessary for the site to meet the objectives of this Section.
- E. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 15.04, G.
- F. Non-Residential Uses.
 - 1. All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD project's developable area.
 - 2. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 - 3. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood or the PUD.
 - 4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 - 5. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
- G. Open Space - At least twenty percent (20%) of the site must be set aside, and designated as open space. Open space provided in the PUD shall meet the following conditions and requirements:
 - 1. Additional open space may be established to separate use areas within the PUD.
 - 2. Open space areas shall be large enough, and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
 - 3. Open space may be provided where significant natural features may be preserved, or be used for passive or active recreation.

4. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
 5. Designated open space shall be set aside by means of a conveyance approved by the Township Board. The conveyance shall state and outline:
 - a. that the open space is protected from all forms of development except as shown on the approved site plan;
 - b. that the open space shall not be changed to another use without the consent of the Township;
 - c. the proposed allowable use of the designated open space;
 - d. that the designated open space is maintained by the parties who have an ownership interest in the open space;
 - e. the scheduled maintenance of the open space; and,
 - f. that the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the Township for such maintenance shall be assessed against the property owners.
- H. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
- I. Open space preservation incentive - In order to preserve the maximum amount of open space, for Residential PUDs, an increase in the total number of dwelling units may be permitted, according to the following requirements:
1. PUDs providing at least thirty-five percent (35%) of open space in an undisturbed state shall be entitled an additional ten percent (10%) of the number of dwelling units otherwise permitted by this Section.
 2. PUDs providing between thirty-six percent (36%), and fifty percent (50%) of open space in an undisturbed state shall be entitled an additional twenty percent (20%) of the number of dwelling units otherwise permitted by this Section.
 3. PUDs providing fifty-one percent (51%) of open space in an undisturbed state, or more, shall be entitled an additional twenty five percent (25%) of the number of dwelling units otherwise permitted by this Section.
 4. All open space provided under these provisions shall meet the following criteria:
 - a. The open space shall not be part of any building lot included in the development.
 - b. The open space shall be in contiguous areas, and shall not be of an unusual shape, configuration, or other conditions that would make the open space largely unusable.
 - c. Open space shall meet the requirements of Sec. 15.04, G.
- J. Lots shall be of an adequate width and area to provide each lot with a safe water source and adequate room for a safe and functioning septic system. The County Health Department shall have final approval of lot size.

Section 15.05 Commercial PUDs

- A. The minimum area required for a parcel to be considered as a Commercial PUD shall be not less than five (5) contiguous acres.
- B. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, for a Commercial PUD:
 - 1. Retail Businesses where no treatment or manufacturing is required.
 - 2. Personal service establishments which perform services on the premises:
 - a. small appliance, television, radio, or watch repair shops,
 - b. tailor shops,
 - c. beauty salons or barber shops,
 - d. photographic studios, and
 - e. self-service laundries and pick-up dry cleaners.
 - 3. Banks, credit unions, and other financial institutions.
 - 4. Office buildings.
 - 5. Restaurants, and private clubs, provided such restaurants shall not offer drive-through facilities.
 - 6. Accessory buildings and uses customarily incidental to the foregoing uses.
- C. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.
- D. Open space for a Commercial PUD, shall submit a conveyance as outlined in Section 15.04, G, 5.

Section 15.06 Industrial PUDs

- A. The minimum area required for a parcel to be considered as an Industrial PUD shall be no less than ten (10) contiguous acres.
- B. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, for an Industrial PUD:
 - 1. Industrial manufacturing operations and operations for the servicing, compounding, assembly, or treatment of articles or merchandise.
 - 2. Research and development facilities, including production activities which shall be limited to fifty (50) percent of the floor area of the building.
 - 3. Warehousing, including refrigerated and general storage.
 - 4. Motor freight, truck, and warehousing business.
 - 5. Any accessory offices, shipping, receiving, and warehousing with a permitted principal use.
 - 6. Related essential public services ancillary to the Industrial PUD.
 - 7. Accessory buildings and uses customarily incidental to the foregoing uses.
- C. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.

- D. Open space in PUDs in an Industrial District.
 - 1. A buffer strip, at least seventy-five (75) feet wide shall surround the site.
 - 2. No development shall be permitted in this buffer strip, except for street, utility easements, or driveways.
 - 3. The buffer strip shall exempt Industrial PUDs from the open space requirements in Section 15.04, G.

Section 15.07 Required Conditions

- A. All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.
- B. Parking is required in accordance with Chapter 18.
- C. Signs are permitted in accordance with the requirements of Chapter 19.

Chapter 16 District Regulations

Section 16.01 Schedule of Regulations

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

Schedule of Regulations*

Zoning Districts (a)	Lot Area	Lot Width	Yard Setbacks			Building Height	Lot Coverage
			Front	Side (g)	Rear		
WC - Waterfront Conservation - See Chapter 5 for specific requirements of this overlay district.							
WR - Wilderness Recreation	40 acres	660 feet	100 feet	100 feet	100 feet	35 feet	1 %
AG - Agricultural (a) (g) (h)	20 acres	330 feet	30 feet	30 feet	30 feet	35 feet	10 %
RR - Rural Residential (a) (g)	10 acres	330 feet	30 feet	30 feet	30 feet	35 feet	10 %
LDR - Low Density Residential (a) (g)	2 acres	200 feet	30 feet	30 feet	30 feet	35 feet	20%
MDR - Medium Density Residential (a) (b) (g)	15,000 square feet	100 feet	30 feet	10 feet	30 feet	25 feet	30 %
MHP Manufactured Home Park (c)	See Chapter 11 for specific requirements						
VC - Village Center	20,000 square feet	100 feet	15 feet	10 feet	30 feet	35 feet	40 %
GC - General Commercial (e) (f) (g)	2 acres	300 feet	50 feet	30 feet	30 feet	35 feet	30 %
LI - Light Industrial (d) (e) (f) (g)	2 acres	300 feet	50 feet	30 feet	30 feet	45 feet	35 %
PUD - Planned Unit Development	See Chapter 15 for specific requirements						

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

Section 16.02 Footnotes to District Regulations

- (a) In all districts where residential uses are permitted either by right, or as a special land use, all dwellings shall contain a minimum floor area in accordance with the following, unless otherwise specified in this Ordinance:
- single family - 750 square feet
 - two-family - 700 square feet for each dwelling unit
 - multiple family - 480 square feet for one (1) bedroom dwellings, for each dwelling unit
 - 600 square feet for two (2) bedroom dwellings for each dwelling unit
 - 700 square feet for three (3) bedroom dwellings for each dwelling unit
 - 700 square feet, plus 100 square feet for each additional bedroom, for dwellings with more than three (3) bedrooms for each dwelling unit
- (b) Lots served by public sanitary sewer and public water may be reduced to a minimum lot area of eight thousand seven hundred twelve (8,712) square feet, and a minimum lot width of sixty-six (66) feet.
- (c) All lots shall be served by public water and sanitary sewer facilities, or by an approved community system.
- (d) In no case shall the minimum required setback be less than the height of the building.
- (e) Where a side or rear yard abuts a Residential District, a buffer shall be provided in accordance with Section 3.10.
- (f) The required front yard shall not be used for off-street parking, except for driveways, and shall be landscaped.
- (g) On corner lots, the required setback along the secondary road shall be the same as the required front yard setback for the district, except in the GC and LI districts where the street side yard setback shall be not less than twenty (20) feet.
- (h) See Chapter 7 Agricultural (AG) District for permitted lot size reductions.

Chapter 17

Site Plan Review

Section 17.01 Site Plan Review Purpose

The purpose of this Chapter is to consider and evaluate the applicant's planned objectives in the utilization of land and to ensure compliance with the regulations of this Zoning Ordinance.

Section 17.02 Uses Subject to Site Plan Review

A Building Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a site plan has been reviewed and approved under the following procedure:

- A. The following uses shall be subject to Site Plan Review in accordance with the provisions of this Section.
 - 1. All land uses, new construction, new uses established, or additions to existing buildings in excess of twenty five percent (25%) of the gross floor area of the main building in the WR, MHP, VC, GC, and LI Districts, except the following:
 - a. Single family dwellings
 - b. Temporary buildings and uses
 - c. Accessory uses or structures
 - 2. Special land uses in any zone district.
 - 3. Any planned unit development.
 - 4. Any land division involving five (5) or more parcels.
 - 5. Any modification, alteration, or change to any of the above.
- B. All uses for which site plan review is not required under Section 17.02, A, 1, shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.

Section 17.03 Application Procedures

- A. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 17.03, C, and 17.03, D, are met, then transmit the application and materials to the Planning Commission.
- B. Review comments shall be submitted by such departments and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered.
- C. An application for Site Plan Review shall consist of the following:
 - 1. An application form provided by the Township, completed by the property owner, or their authorized agent.
 - 2. Ten (10) copies of the Site Plan.

3. Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.
 4. A legal description, including the permanent parcel number, of the subject property and a boundary survey map.
 5. Other materials as may be required by this Section or the Planning Commission.
- D. Site Plan Requirements. Site Plans shall be prepared in a neat and orderly manner, drawn to a scale of not more than one (1) inch equals one hundred (100) feet, showing the existing and proposed arrangement of the site and shall include the following information unless specifically waived by the Planning Commission:
1. Small sketch of properties, streets and use of land within one quarter (1/4) mile of the subject property.
 2. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
 3. All lot lines with dimensions.
 4. Parking lots and access points.
 5. Proposed buffer strips, greenbelts, or screening.
 6. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
 7. Location of any signs.
 8. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property. If no buildings are within one-hundred (100) feet the property lines, the use of the adjacent property shall be indicated.
 9. General topographical features including existing contours at intervals no greater than five (5) feet.
 10. Number of acres allocated to each proposed use and gross area in building, structures, parking, public or private streets and drives, and open space.
 11. Dwelling unit densities by type, if applicable.
 12. Proposed method of providing sewer and water service, as well as other public and private utilities.
 13. Proposed method of providing storm drainage.
 14. Written description of the computation for required parking.
 15. Name, address, and phone number of applicant.
 16. Name, address, phone number, of the individual responsible for preparing the plan.
- E. The Planning Commission shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Planning Commission may request from the applicant additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but is not limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests, and other pertinent information.
- F. The Planning Commission shall approve, deny, or approve with conditions any site plan it reviews based on the requirements of this Ordinance, and specifically the review standards of Section 17.04.
- G. No petition submitted for Site Plan review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the Planning

Commission after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

Section 17.04 Site Plan Review Standards

- A. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
1. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 3. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Lilley Township.
 4. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 5. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of Lilley Township will be met.
 6. The general purposes and spirit of this Ordinance and the Master Plan of Lilley Township shall be maintained.

Section 17.05 Approved Plans and Amendments

- A. Upon approval of the Site Plan, the Township Clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Zoning Compliance Permit; and one (1) copy shall be returned to the applicant.
- B. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.
1. The Planning Commission may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:

- a. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - b. the site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
- C. Should neither of the provisions of Section 17.05, B, 1, be fulfilled, or an extension has expired without construction underway, the Site Plan approval shall be null and void.
- D. Amendments to an approved Site Plan may occur only under the following circumstances:
 - 1. The holder of a valid Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - 2. Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - a. Reduction of the size of any building or sign.
 - b. Movement of buildings or signs less than ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - e. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes required or requested by the Township, Newaygo County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
 - 3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

Chapter 18

Off-Street Parking and Loading Provisions

Section 18.01 General Requirements

- A. Off-street parking for all nonresidential zone districts and uses shall be either on the same lot, or within three hundred (300) feet of the building or use it is intended to serve, as measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- B. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- C. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than forty percent (40%) of the required front yard.
- D. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
- E. No building shall be permitted to change use, be enlarged, or expanded until the required number of spaces have been constructed, or waived under subsection 18.01, H, below.
- F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - 2. Evidence shall be presented by the applicant in support of a lower requirement.
 - 3. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred parking area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
- I. Parking of semi-trucks, including the tractor and trailers, and commercial vehicles exceeding a two and one-half (2-½) ton load capacity shall be prohibited in the MDR and MHP zoning district.

Section 18.02 Parking Lot Design Standards

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

Parking pattern	Two-way aisle width	One-way aisle width	Parking space width	Parking space length
Parallel Parking	18 feet	12 feet	10 feet	25 feet
30-75 degree angle	24 feet	12 feet	9 feet	21 feet
76-90 degree angle	24 feet	15 feet	10 feet	18 feet

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be constructed with a durable and dustless surface resistant to erosion and properly maintained at all times.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of Lilley Township and the Newaygo County Drain Commission.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent properties and roadways.
- F. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one or more of the following:
1. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
 2. Any expansion or addition of a parking lot equal to or greater than twenty five (25) percent of the area of the existing parking lot.
 3. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
 4. Any other change, which in the opinion of the Zoning Administrator constitutes a major change.

Section 18.03 Off-Street Parking Requirements

- A. Required off-street parking spaces are noted in the following table for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.

- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- C. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family and multiple family dwellings	Two (2) for each dwelling unit
Institutional	
Assembly areas, auditoriums, and gymnasiums	Two (2) spaces for: each 5 seats, or each 8 feet of pew length; or, one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Churches	One (1) space for each 3 seats in the main unit of worship; or one (1) space for each 6 feet of pew length, whichever is less.
Group day care homes and group foster care homes	One (1) space for each 4 clients, plus one (1) space for each employee
Schools, elementary and middle	One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One (1) space for each 8 students, plus One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Beauty/barber shop	Three (3) spaces or each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each five-hundred (500) square feet of usable floor area
Hotels and motels	One and one-half (1.5) spaces for each guest room, plus required spaces for any accessory uses
Open air businesses and roadside stands	One (1) space for each two-hundred (200) square feet of indoor usable area, plus one (1) space for each 1,000 square feet of outdoor display area
Personal service establishments	One (1) space for each fifty (50) square feet of usable floor area

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Restaurants - without drive-through facilities	One (1) space for each one-hundred (100) square feet of usable floor area; or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each two-hundred (200) square feet of usable floor area; or one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One (1) space for each two-hundred (200) square feet of usable floor area
Theaters	Two (2) spaces for: each 5 seats; or, one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle wash (self service)	One (1) space for each 5 stalls
Vehicle wash (automatic)	One (1) space for each employee on the largest shift
Video rental stores	One (1) space for each one-hundred (100) square feet of usable floor area, plus one (1) space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one-hundred fifty (150) square feet of usable floor area, plus 3 spaces for each non-drive through automatic teller machine.
Medical and dental offices and clinics	One (1) space for each seventy-five (75) square feet of waiting room area, plus one (1) space for each examining room, dental chair, or similar use area.
Offices not otherwise specified	One (1) space for each three-hundred (300) square feet of usable floor area.
Industrial	
Manufacturing, processing, and research establishments	One (1) space for each 1,000 square feet of gross floor area, plus those spaces required for offices or other accessory uses located on premises.
Warehouses and wholesale	One (1) space for each 2,000 square feet of gross floor area, plus those spaces required for offices located on the premises

Section 18.04 Off-Street Loading Requirements

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading, and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.

- B. In the VC and GC Districts, all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front linear foot of building and shall be computed separately from off-street parking requirements.
- C. LI District:
1. In the LI District, at least one (1) loading space shall be provided for each twenty thousand (20,000) square feet of floor area, or fraction thereof. All loading spaces shall be at least twelve feet by seventy feet (12' x 70'), and a minimum fourteen (14) foot clearance height shall be provided.
 2. Loading spaces shall be off the street, and in the rear yard or interior side yard.
 3. The Planning Commission may defer construction of the required number of loading spaces if the following conditions are met:
 - a. The proposed deferred loading spaces shall be shown on the site plan, and shall be sufficient for construction of the required number of loading spaces in accordance with the standards of this Ordinance.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. Alterations to the deferred loading space area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred loading space area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
 4. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
 5. All dedicated loading spaces shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable and dustless service.

Chapter 19 Sign Regulations

Section 19.01 Purpose

This section is intended to protect and further the health, safety, and welfare of the residents of Lilley Township; to maintain and improve the appearance of Lilley Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.

Section 19.02 Sign Definitions

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that s from the exterior wall of a building.
- B. Awning sign: A sign affixed flat against the surface of an awning.
- C. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- D. Billboard: A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.
- E. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- F. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- G. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- H. Government Sign: A temporary or permanent sign erected by Lilley Township, Newaygo County, or the state or federal government.
- I. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- J. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- K. Marquee Sign: A sign affixed flat against the surface of a marquee.
- L. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- M. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.

- N. Political Sign: A temporary sign used in connection with a noncommercial message or an official Lilley Township, school district, county, state, or federal election or referendum.
- O. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- P. Reader Board: A portion of a sign on which copy is changed manually.
- Q. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- R. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- S. Roof Sign: A sign erected above the roofline of a building.
- T. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- U. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
- V. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- W. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

Section 19.03 General Sign Provisions

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit:
 - 1. Directional signs of six (6) square feet in size or less
 - 2. Government signs
 - 3. Placards
 - 4. Temporary sale signs of four (4) square feet in size or less
 - 5. Window signs
 - 6. Political signs
- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- C. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- D. Signs may be internally illuminated or if externally illuminated, except for home occupation signs, which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.

- E. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- H. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- I. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
- J. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- K. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roofline of a building.

Section 19.04 Exempted Signs

The following signs shall be exempt from the provisions of the Lilley Township Zoning Ordinance, except for the provisions of Section 19.03:

- A. Government signs
- B. Historical markers
- C. Window signs
- D. Memorial signs or tablets
- E. Murals
- F. Signs not visible from any street
- G. Signs for essential services
- H. Placards not exceeding two (2) square feet
- I. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
- J. Flags or insignia of any nation, state, Township, community organization, or educational institution

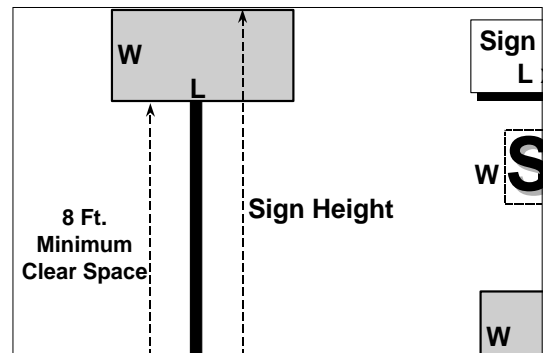
Section 19.05 Non-conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.

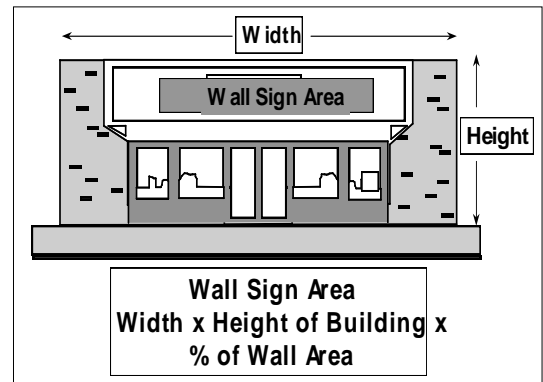
- C. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory to a non-conforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

Section 19.06 Measurement of Signs

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



B. The area of a freestanding or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.



C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

D. For buildings with multiple tenants, the sign areas for wall signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

Section 19.07 Sign Regulations Applicable to All Zoning Districts

A. All ground, wall, and freestanding signs may include reader boards.

- B. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- C. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
- D. Construction signs are permitted within any zone district, subject to the following restrictions:
 - 1. One (1) sign is permitted to be placed on the lot where the construction is taking place to identify contractors, design professionals, lending institutions, etc.
 - 2. The sign shall be no larger than sixteen (16) square feet in area, and not exceed eight (8) feet in height. In a case where two (2) or more firms utilize a sign, the sign shall be no larger than thirty-two (32) square feet in area, and not exceed eight (8) feet in height.
 - 3. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - 4. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
- E. Special event signs, including banner signs, are permitted in conjunction with any permitted nonresidential use, or agricultural use in a residential zone district, subject to the following restrictions:
 - 1. No more than four (4) such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held.
 - 2. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 - 3. Such signs shall have a maximum size of twenty-four (24) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 - 4. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
 - 5. Such signs shall not cause a vision hazard at any road intersection, or driveway.
- F. Directional signs are permitted subject to the following restrictions:
 - 1. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - 2. No such sign shall exceed six (6) square feet in area or three (3) feet in height.
 - 3. Directional signs shall be limited to traffic control functions only.
 - 4. Such signs shall not cause a vision hazard at any road intersection, or driveway.

- G. Residential sale signs are permitted subject to the following restrictions:
1. One (1) sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any side or rear property line.
 2. Such sign shall not exceed six (6) square feet in area.
 3. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
- H. Billboards may be permitted as a Special Land Use in the GC and LI zoning districts in accordance with the requirements of Section 20.07, D. (amended 11/12/07)
- I. Signs in each Zoning District shall be subject to the following regulations:

WR, AG, RR, MDR, and MHP Zoning Districts - Permitted Signs (amended 11/12/07)	
Ground signs for residential subdivisions, manufactured home parks, schools, or other nonresidential uses allowed in the district	
Number	One (1) per major entrance
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than four (4) feet
Signs for home occupations	
Number	Three (3) per lot or parcel
Size	The aggregate size of all permitted signs shall be no greater than two (2) square feet, except in the AG District the aggregate size shall be no more than nine (9) square feet
Location	On wall of principal building facing street, or in front yard in the AG District
Signs for nonresidential uses	
Number	Three (3) per street frontage
Size	The aggregate size of all permitted signs shall be no greater than five (5) percent of the wall area to which the sign is affixed.
Location	On wall of building facing street
Political signs	
Number	Three (3) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for developed properties or lots; sixteen (16) square feet for vacant lots or parcels
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet

VC, GC, and LI Zoning Districts - Permitted Signs (amended 11/12/07)

Ground signs		
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel	
Size	No greater than thirty-two (32) square feet	
Location	Minimum of fifteen (15) feet from any property line	
Height	No higher than six (6) feet	
Freestanding signs		
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel	
Size	No greater than sixty (60) square feet	
Location	Minimum of fifteen (15) feet from any property line	
Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.	
Wall signs		
Number	Three (3) per street frontage	
Size	The aggregate size of all permitted signs shall be no greater than ten (10) percent of the wall area to which the sign is affixed, not-to-exceed a maximum sign area of one hundred (100) square feet.	
Location	On wall of building facing street	
Political signs		
Number	Three (3) per issue or candidate	
Size	No greater than six (6) square feet	
Location	Minimum of fifteen (15) feet from any side or rear property line	
Height	No higher than six (6) feet	
Real estate signs		
Number	One (1) per lot or parcel	
Size	No greater than sixteen (16) square feet	
Location	Minimum of fifteen (15) feet from any side or rear property line	
Height	No higher than six (6) feet	
Gasoline stations		
Ground signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than fifty (50) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than six (6) feet
Freestanding signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than seventy-two (72) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.

VC, GC, and LI Zoning Districts - Permitted Signs (amended 11/12/07)		
Freestanding signs	Additional Sign	One (1) additional sign may be attached to the support column(s) of the freestanding sign. Such sign shall not exceed three (3) square feet, and shall have at least ten (10) feet of ground clearance
Gasoline stations		
Temporary Signs (No permit required)	Number	Two (2)
	Size	No greater than nine (9) square feet each
	Location	Minimum of five (5) feet from front lot line, and fifteen (15) feet from any side or rear lot line
	Height	No higher than four (4) feet
Other permitted signs for gasoline stations	Directional signs or lettering over entrance doors or service bays may only display the type of service taking place in such bay.	
	Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard.	
	One (1) non-illuminated credit card sign not exceeding two (2) square feet in area which may be placed on or near each gasoline pump.	

Chapter 20 Special Land Uses

Section 20.01 Purpose

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow practical latitude for the applicant, at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Lilley Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 20.07, as applicable.

Section 20.02 Application Procedures

Application for a Special Land Use permit shall be made to the Zoning Administrator and shall include the following:

- A. Ten (10) copies of a site plan containing the information required by Section 17.03.
- B. A completed application form.
- C. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Township Board.

Section 20.03 Notification, Hearing, and Review Procedures

(amended 11/12/07)

- A. Notification. Upon receipt of an application for a Special Land Use permit, the Zoning Administrator shall cause:
 - 1. One (1) notice of the public hearing for the Special Land Use to be published in a newspaper that circulates in the township not less than fifteen (15) days before the hearing. Notice shall also be sent by mail or personal delivery to all owners of the property that is the subject of the request and property owners and occupants of structures within three hundred (300) feet of the boundary of the property. One (1) copy of the notice shall also be provided to the Township Clerk. The notice shall include:
 - a. The nature and location of the request.
 - b. When and where the request shall be considered.
 - c. When and where the ordinance, request, and pertinent material may be examined.
 - d. When and where written comments shall be received concerning the request.
 - 2. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by

different individuals, partnerships, businesses, or organizations, the occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

- B. Following notice, the Planning Commission shall hold a public hearing on the Special Land Use permit application.
- C. The Planning Commission shall make its recommendation of approval, approval with conditions, or denial of the Special Land Use permit request to the Township Board. The Planning Commission shall base its recommendation upon the review and consideration of materials submitted with the application and the applicable standards of this Chapter.
- D. If the Township Board finds the request meets all required standards, they shall approve the Special Land Use request.

Section 20.04 General Standards for Approval

- A. The Township Board shall approve, or approve with conditions, a Special Land Use permit request only upon a finding that all of the following general standards for approval are complied with:
 - 1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 - 2. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
 - 3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 - 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 - 5. The site plan proposed for such use demonstrates compliance with the specific design standards for the special land use as contained in Section 20.07.
- B. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Township Board minutes.
- C. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 20.05 Conditions of Approval

- A. The Township Board may impose reasonable conditions in conjunction with approval of a Special Land Use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 20.04 and the Specific Design Standards of Section 20.07.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Act.

Section 20.06 Approval Term and Expiration

A Special Land Use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The Special Land Use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the Special Land Use may be imposed as a condition of approval.

Section 20.07 Special Land Use Specific Design Standards

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Adult foster care group homes.
- B. Agricultural processing and warehousing.
- C. Bait houses and sport shops.
- D. Billboards.
- E. Churches.
- F. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs, for the exclusive use of its members.
- G. Commercial outdoor recreation facility.
- H. Commercial storage warehouses (mini-storage units).
- I. Community centers.
- J. Deer and elk farms.
- K. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- L. Funeral homes and mortuaries.
- M. Gasoline stations.
- N. Golf courses and country clubs.
- O. Greenhouses and nurseries.
- P. Group day care homes.
- Q. Hotels and motels.
- R. Intensive livestock operations.
- S. Kennels.
- T. Lumber yards and building material sales areas.
- U. Marinas.
- V. Mining of natural resources, excluding forest related programs.
- W. Multiple family dwellings.
- X. Municipal buildings.
- Y. Office buildings.

- Z. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades. (Excluding storage yards for equipment and supplies).
- AA. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- BB. Public parks and recreation areas.
- CC. Public or private boat launches.
- DD. Public or private campgrounds.
- EE. Public or private schools.
- FF. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- GG. Retail convenience shopping and personal service establishments.
- HH. Retail sales accessory to a permitted use.
- II. Riding stables.
- JJ. Sale of farm implements and commercial construction equipment.
- KK. Salvage yards and recycling centers.
- LL. Self-serve laundry mats.
- MM. Sexually oriented businesses.
- NN. A single family dwelling as an accessory use to another Special Land Use.
- OO. Storage yards for contractor's equipment.
- PP. Tool, die, gauge, and machine shops.
- QQ. Transportation terminals.
- RR. Two-family dwellings.
- SS. Vehicle wash establishments.
- TT. Vehicle service establishments.
- UU. Vehicles sales areas.
- VV. Veterinary hospitals and clinics.
- WW. Warehousing facilities.
- XX. Wireless communication towers and radio and television broadcast towers.

A. Adult foster care group homes.

1. The use may not be closer than 1,500 feet to any of the following:
 - a. Another licensed Foster Care Facility or Group Day Care Home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
 - d. A community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Lilley and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.
3. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
4. Fencing at least fifty-four (54) inches, and no more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
5. All playground equipment, and areas for playing and exercise shall be in the rear yard of the property. This area shall be at least two thousand five hundred (2,500) square feet in size.

6. The property shall be consistent with the characteristics of the neighborhood.
7. One non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.

B. Agricultural processing and warehousing.

1. All buildings shall be setback at least one hundred (100) feet from any property line.
2. Access driveways shall be located no less than seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.
3. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
4. On a site plan provided by the applicant the following information shall be outlined:
 - a. The size, nature, and character of the proposed use.
 - b. The extent of traffic congestion or hazard which would accompany such a use, i.e., the approximate number of trucks entering and exiting the site on a daily basis.
 - c. The frequency of use and hours of operation.
5. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
6. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 3.10.
7. Trash containers shall be enclosed by a structure screened on all sides.
8. The property shall be kept free of litter, and in a sanitary condition.
9. Reasonable and practicable measures shall be taken to minimize the affect of odor, vapor, glare, heat, or smoke from the use, on adjacent properties.

C. Bait houses and sport shops.

1. No outside sales display areas, except as may be permitted as a temporary use (sale).
2. Parking shall be required as for retail stores, in Chapter 18.

D. Billboards. (amended 11/12/07)

1. Two (2) signs may count as a single billboard, if the signs are placed back-to-back
2. Billboards shall not exceed three hundred (300) square feet in area per side.
3. Billboards shall not be greater than twenty five (25) feet in height, nor be stacked or in tandem.
4. One (1) reader board shall be permitted per face of the billboard, not to exceed twelve (12) inches in width.
5. No billboards may be located within one thousand (1,000) feet of another billboard.
6. The billboard may be illuminated, however, such illumination shall be so arranged as to not cause a hazard to drivers on the adjacent roadway.
7. No animation or moving parts may be permitted, nor any flashing lights, or intermittent lights that may simulate movement.
8. No billboard may be located with three hundred (300) feet of a street intersection.
9. Land may not be rezoned simply to accommodate a billboard.
10. No vegetation may be removed to enhance the view to the billboard.

E. Churches.

1. The property location shall be such that at least one (1) side of the property abuts and has access to a county primary road.
2. The parking lot shall be screened with a proper greenbelt in accordance with Section 3.10.

F. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs for the exclusive use of its members.

1. Minimum setback of two hundred fifty (250) feet for firearm ranges, from any property line.
2. Hours of operation for the use of firearm ranges shall be limited to 9:00 a.m. to sundown.
3. Rifle, pistol, and archery ranges shall have adequate backstops.

G. Commercial outdoor recreation facility.

1. Minimum lot size of two (2) acres.
2. All outdoor lighting shall be directed away from, and shall be shielded from adjacent parcels.
3. All adjacent parcels shall be screened with a proper buffer or greenbelt, as outlined in Section 3.10, to afford adjacent property owners protection from noise, light, dust, or other nuisances.
4. Accessory retail sales may be permitted, but limited to the sale of goods specific to the recreation facility.
5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.

H. Commercial storage warehouses (mini-storage units).

1. Minimum lot area shall be two (2) acres.
2. No more than eighty five percent (85%) of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
3. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
 - b. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or treated so as to prevent dust.
4. A six (6) foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of an acceptable material, such as but not limited to, redwood, cinder block, or chain link with slats. The fence must be setback at least thirty (30) feet from the road right-of-way.
5. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in Section 3.10.
6. The facility shall be fully lighted to insure optimal security. Any lights shall be shielded to direct light onto the use establish, and away from the adjacent properties.
7. An office may be permitted on site, but the office area shall be included in calculating the lot coverage.
8. In addition to any standards in this section, outside storage shall also comply with the following:

- a. Must be at the rear of the property, at least one hundred (100) feet from the front property line, and not in any required yard.
 - b. A decorative and aesthetically pleasing fence shall be required with a minimum height of eight (8) feet.
- 9. No toxic, hazardous, or flammable materials may be stored in such a unit.
 - 10. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.

I. Community centers.

- 1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Chapter 18.
- 2. The parcel on which the use is located shall front on at least one (1) side, on a paved or treated road to prevent dust.
- 3. Any outdoor playground equipment shall be enclosed by a fence at least four (4) feet in height. Such play area shall be setback from any residential use at least fifty (50) feet.

J. Deer and elk farms.

- 1. The lot size for such a use shall be at least twenty (20) acres.
- 2. Fences used to confine the animals on the property shall not be more than fifty (50) percent solid, and a sufficient height shall be permitted to ensure the function of the enclosure.
- 3. If the population of the deer, elk, other cervine, or a combination of the aforementioned animals exceeds six (6) per acre, the use must meet the standards of an Intensive Livestock Operation as outlined in Section 20.07, S.

K. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.

- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
- 2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- 3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet which shall be landscaped.
- 4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
- 5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
- 6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- 7. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 3.10.

L. Funeral homes and mortuaries.

1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public street.
4. Access driveways shall be located at least seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

M. Gasoline stations.

1. Pump islands shall be a minimum of thirty (30) feet from any public right-of-way or property line.
2. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
3. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
5. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of twelve (12) feet above the average grade. Lighting in such canopies shall be flush with the underside of the canopy structure.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
7. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.10.
8. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

N. Golf courses and country clubs.

1. Minimum lot size of one hundred (100) acres is required for a regulation eighteen (18) hole golf course, or forty (40) acres for each nine (9) holes of a par-3 style course.
2. The site shall be so planned to provide all access directly onto or from a major paved road.
3. All structures shall be at least one hundred (100) feet from any property line abutting residentially zoned land.
4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
5. The off-street parking area shall be at least fifty (50) feet from any property line abutting residentially zoned land.
6. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted to serve the golf course or country club customers or members.

O. Greenhouses and nurseries.

1. All buildings shall be setback at least one hundred (100) feet from all property lines.

2. Outdoor display areas shall be setback at least fifty (50) feet from all property lines, and shall be limited to an area equal to one-half (½) the square footage all buildings on the lot associated with the use.
3. Outdoor storage shall be limited to the rear yard only, and not be located closer than one hundred (100) feet to the rear lot line.

P. Group day care homes.

Group day care homes shall meet those applicable standards as determined by the Zoning Administrator, for Adult Foster Care Group Homes, in Section 20.07, A.

Q. Hotels and motels.

1. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of twenty (20) feet.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
3. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

R. Intensive livestock operations.

1. The operation shall be located on a parcel of at least forty (40) acres in area, either on a single parcel or contiguous parcels under single ownership.
2. All buildings, structures, enclosed areas, storage or confinement areas for animals, feeding areas (excluding natural grazing areas), and animal waste storage areas and structures (including manure tanks and lagoons) associated with the ILO shall be set back at least three hundred (300) feet from the side and rear property lines, and six hundred (600) feet from the road right-of-way.
3. All buildings, structures, enclosed areas, storage or confinement areas for animals, feeding areas (excluding natural grazing areas), and animal waste storage areas and structures (including manure tanks and lagoons) associated with the ILO shall be setback, at least one thousand (1,000) feet from any non-farm residential dwelling or residential district, and at least one half (½) mile from a concentration of ten (10) or more contiguous residential dwellings on lots of two (2) acres or less, including platted subdivisions or site condominium developments. The future construction of dwellings within the one thousand (1,000) feet setback area after the ILO is established shall not prevent the expansion of such ILO.
4. All buildings, structures, enclosed areas, storage or confinement areas for animals, feeding areas (excluding natural grazing areas), and animal waste storage areas and structures (including manure tanks and lagoons) associated with the ILO shall be located at least one hundred (100) feet from any waterway or flood plain, including wetlands and designated county drains.
5. Such use shall access a county primary road capable of withstanding heavy truck and equipment traffic in all types of weather.
6. All buildings, structures, enclosed areas, storage or confinement areas for animals, feeding areas (excluding natural grazing areas), and animal waste storage areas and structures (including manure tanks and lagoons) associated with the ILO shall be located at least one hundred (100) feet from a water well.

7. Site plans and applications shall be submitted in accordance with the requirements of Section 17.03, and contain the following additional information:
 - a. locations of principal buildings, manure storage areas, drainage, and truck loading/unloading areas and other areas where accessory activities may be conducted.
 - b. separation distances between all facilities and uses associated with the ILO, and: adjacent property lines; on-site water wells; private homes; and any water body or flood plain, including wetlands, streams, or designated county drains.
 - c. An Animal Waste Management Plan containing the following information:
 - i. Upon commencement or expansion of an ILO, the owner of the operation shall submit a written Animal Waste Management Plan (herein referred to as “the Plan”) prepared and signed by a professional agrologist, a person certified to develop such plans (e.g., the Certified Crop Advisor Program of the American Society of Agronomy), or a qualified State agency official (e.g., cooperative extension agent). The Plan shall be prepared using generally accepted agricultural and management practice guidelines including but not limited to adopted procedures prepared by the Michigan Agricultural Commission, Natural Resource Conservation Service (Field Office Technical Guide), and Cooperative Extension Service (Resource Notebook).
 - ii. Components- The Animal Waste Management Plan shall contain a narrative description including necessary drawings, or diagrams as applicable, to include the following:
 - (A) Runoff control and wastewater management methods (for all areas where livestock density precludes sustaining vegetative growth on the soil)
 - (B) Design, construction, operation, and maintenance methods for the treatment, storage, and transportation of animal waste.
 - (C) Method and quantities of manure utilization for crop production based on crop nutrient needs and soil nutrient levels.
 - (D) Specify how excess manure that cannot be used for crop nutrients or another beneficial purpose will be treated to minimize environmental threats.
 - iii. Standards-
 - (A) No livestock waste shall be discharged, allowed to seep or otherwise be released into any surface water or groundwater.
 - (B) Manure and urine storage facilities must be of a sufficient capacity, design and maintenance to store all animal waste until such time as such waste can be transported from the site or used as fertilizer.
 - (C) Storage facilities for manure and related waste must be designed, sited, constructed, maintained, and operated so as to prevent any escape of livestock waste which may cause pollution or degradation of any surface water, groundwater, or soil.

- (D) Field storage of manure shall be sited and contained so as not to cause pollution or degradation of surface water, groundwater or soil.
- (E) No application of livestock waste shall occur to, or on any soil or ground if the meteorological, topographical, soil conditions, or the rate of application of livestock waste, will cause pollution or degradation of surface waters, groundwater, and/or soil; or if such application will cause the livestock waste to seep from the boundary of the particular livestock operation involved.
- (F) Liquid manure that cannot be applied in accordance with nutrient restrictions, or put to another beneficial use must be treated in accordance with waste water treatment standards.
- (G) As a condition of issuance of a Zoning Permit, the applicant shall submit a professional engineers certification to the Zoning Administrator, that the construction, modification, or expansion of a manure storage facility has been properly built, modified, or expanded.

S. Kennels.

1. Buildings wherein dogs are kept, dog runs, and/or exercise area shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
2. Dog runs and/or exercise area, and buildings where the dogs are maintained shall be located in the rear yard only.
3. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area.
4. There shall be a solid wall or solid fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six (6) feet.
5. Parcel shall be five (5) acres or more in size.
6. Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, additional fencing, soundproofing, and sanitary requirements.

T. Lumber yards and building material sales areas.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 3.10.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. Outdoor sales and display areas shall be limited to ten (10) square feet for each linear foot of building frontage.
5. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.

U. Marinas

1. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
2. No building, structure, dock, or parking area which is part of marina shall be located closer than fifty (50) feet to any residential lot line.
3. On-land boat storage areas shall be either inside an enclosed building, or fenced and screened as required in Section 3.10.
4. Accessory restaurants and lounges may be permitted.
5. Accessory retail sales may be permitted.

V. Mining of natural resources, excluding forest related programs.

1. In addition to the standards of this Section, the Planning Commission shall consider the following factors in their consideration of the special land use:
 - a. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed;
 - b. The amount of topsoil, sand, gravel or other such materials which is to be removed;
 - c. The purpose of such removal;
 - d. The effect of such removal on adjoining property;
 - e. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table;
 - f. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
 - g. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources;
 - h. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed;
2. Operations granted a special land use permit by the Planning Commission shall meet the following conditions:
 - a. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity;
 - b. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the District in which the extraction activity is located;
 - c. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property;
 - d. All of the operation shall be screened with a wire screen or uniformly painted wood fence at least six (6) feet in height, with evergreen screen planting on any side adjacent to Residential District or use;
 - e. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be planted with a suitable ground cover sufficient to control erosion.

- f. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.

W. Multiple family dwellings.

1. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of twenty (20) feet.
2. Maximum density for eight (8) dwelling units per acre.
3. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway for any other main building.
4. Buildings shall not be constructed nearer to any other building than a distance equal to one and one-half (1½) times the height of the taller building.
5. Outdoor lighting for parking or activity areas shall be shielded to prevent light from spilling onto any adjacent property.
6. Off-street parking areas shall be hard surfaced.

X. Municipal buildings.

The proposed site shall front upon a paved or treated road so as to prevent dust. All ingress and egress shall be from said thoroughfare.

- Y. Office buildings** shall meet those requirements outlined for “municipal buildings” under section 20.07, X, above.

Z. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.

1. The use shall be in the building where such allied goods and assembled, repaired, altered, or stored.
2. The offices and showrooms shall not occupy more than fifty percent (50%) of the floor area of the building or space the main use occupies.
3. Outside storage shall not be permitted in the required front yard setback area.
4. The wall facing and visible from the primary street shall be used for the main entrance, offices, and display area.
5. Off-street parking shall be required as provided in this Ordinance for office uses, plus required parking for the main use.

AA. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.

1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Chapter 18.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 3.10.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

BB. Public parks and recreation areas.

1. The use shall be located on property with direct access to a public road.

2. Any outdoor activity areas including band shells, pavilions, and picnic areas shall be set back a minimum of fifty (50) feet from all property lines.
3. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
4. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street, and seventy-five (75) feet from the nearest edge of any other driveway.
5. A proper buffer or greenbelt shall be provided and maintained between the subject use, and any adjacent residential uses, as outlined in Section 3.10.
6. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted.
7. All existing and proposed buildings shall be shown.
8. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.

CC. Public or private boat launches.

1. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the lot.
2. No building, structure, dock, or parking area which is part of the boat launch area shall be located closer than fifty (50) feet to any residential lot line.
3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
4. Fourteen (14) off-street parking spaces per ramp, plus off-street queuing space for two (2) vehicles with trailers, per ramp shall be required. The parking area shall be configured in a manner to comply with the following table:

Boat Launching Areas					
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One (1) Tier of Spaces and Maneuvering Lane	Total Width of Two (2) Tiers of Spaces and Maneuvering Lane
30-53 deg.	25 feet	10 feet	45 feet	70 feet	115 feet
54-90 deg.	45 feet	10 feet	45 feet	90 feet	135 feet

DD. Public or private campgrounds.

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of twenty-five (25) campsites.
3. The setback of a campsite, building, or facility from the property line must be at least fifty (50) feet.
4. The property must be screened with six (6) foot fencing or proper greenbelt when adjacent to a residential use, as outlined in Section 3.10.
5. Minimum lot size of ten (10) acres is required for the first twenty-five (25) sites, and one (1) acre for each additional fifteen (15) sites, or fraction thereof.
6. A camp store may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half (1/2) the required amount for retail outlets, as outlined in this ordinance.

EE. Public or private schools.

1. Minimum lot size shall be one (1) acre.
2. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.

FF. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.

1. Security fencing six (6) feet in height shall be required around all outside storage.
2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but to not be visible on adjacent properties.
3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless, and a well-drained surface.
4. A proper buffer or greenbelt shall be required to protect adjacent residential areas, as outlined in Section 3.10.
5. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

GG. Retail convenience shopping and personal service establishments.

1. The off street parking area shall be paved or so treated to be free from dust, and shall be well drained.
2. A proper buffer or greenbelt shall be required to protect adjacent residential areas, as outlined in Section 3.10.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

HH. Retail sales accessory to a permitted use.

1. The retail sales are shall not constitute more than ten (10) percent of the gross floor area of the building in which the sales take place.
2. No outdoor displays shall be permitted.
3. Off-street parking shall be increased by ten (10) percent of that required for the principal use, however in any case, not fewer than three (3) additional spaces shall be required.

II. Riding stables.

1. The minimum lot size shall be ten (10) acres.
2. The maximum horse population shall be limited to one and one-half (1 ½) horses per acre.
3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty (150) feet from any lot line.
4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. Height limitations must be followed for the district.

6. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with County and State health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
7. Off-street parking shall be provided as required in this Ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.
8. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
9. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
10. The riding trail shall not unreasonably affect adjoining property.
11. Additional standards may be imposed by the Planning Commission to maintain the health safety, and welfare of the Township.

JJ. Sale of farm implements and commercial construction equipment.

Such uses may be permitted as a Special Land Use meeting the standards for the GC District, and the general standards for Special Land Uses (Section 20.04).

KK. Salvage yards and recycling centers.

1. For Salvage Yards:
 - a. Requests for a Special Land Use approval for establishment of a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage material to be received, the methods of separation or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
 - b. The site shall abut and have suitable access to a paved County primary road to ensure safe, direct transport of salvage to and from the site.
 - c. No portion of the storage area shall be located within five hundred (500) feet of any residential use or district, or any church, school, park, or cemetery.
 - d. Any outdoor storage area shall be completely enclosed by a fence or wall at least ten (10) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvaged material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates, providing an opening not to exceed twenty-four (24) feet in width. Such gates shall provide access to the storage area for vehicles, but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be of uniform appearance and continuously maintained in good condition and shall contain only approved signs.
 - e. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
 - f. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
 - g. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 - h. Piles of material shall be limited to encompassing not more than three hundred (300) square feet in area, and a twenty (20) foot separation shall be required between each pile.
 - i. All portions of the storage area shall be accessible to emergency vehicles.

- j. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide, with continuous loop drives separating each row of vehicles.
- k. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage. No fluids removed from vehicles shall be applied as a dust control method.
- l. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- m. The property shall be no less than ten (10) acres in size.
- n. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
- o. The Township Board may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Lilley Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

2. For Recycling Centers:

- a. A minimum lot size of five (5) acres is required for the use.
- b. Plans and specifications shall be submitted to the Planning Commission and shall include the following:
 - i. Specific location of the facility shown on a vicinity map.
 - ii. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
 - iii. Legal description and site boundaries.
 - iv. Means of limiting access including fencing, gates, natural barriers, or other methods.
 - v. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the township's waste water treatment facility.
 - vi. The location of all structures and equipment.
 - vii. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
 - viii. The location of existing proposed utilities available to the site.
 - ix. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
 - x. Daily clean up procedures.
 - xi. Other details necessary as required by the Planning Commission.
- c. A facility shall be located not less than five hundred (500) feet from the nearest residential zone and must be screened by a fence of not less than eight (8) feet in height and not less than ninety percent (90%) solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
- d. The site must be located on a major paved or treated County road, and not on residential-or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.

- e. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
- f. Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.
- g. Open burning shall not be carried on in a recycling facility.
- h. The recycling area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
- i. Necessary operations of the recycling center shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
- j. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.

LL. Self serve laundry mats.

- 1. Off-street parking shall be provided at a ratio of one (1) parking space for each three (3) washing machines.
- 2. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
- 3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

MM. Sexually oriented business.

In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in 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 subsection. 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 legitimize activities which are prohibited in other sections of the Zoning Ordinance.

A sexually oriented business shall be permitted if:

- 1. The use is located within a zone district where the use requires Special Land Use approval.
- 2. The use is not located within a one thousand (1,000) foot radius of another such use except that such restrictions may be waived by the Township Board, 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 subsection 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.

- d. That all applicable state laws and local ordinances will be observed.
 - e. Prior to the granting of any waiver as herein provided, the Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
 4. No sexually oriented business shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M., and no such use shall be open on Sundays.
 5. No alcohol shall be served at any sexually oriented business.
 6. No sexually oriented business shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
 7. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
 8. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.

NN. Shed, barn, pole barn or similar storage building as a principal use on non-waterfront lots.
(amended 9/24/09)

1. A special land use permit shall not be granted for a shed, barn, pole barn or similar accessory building as a principal use on a waterfront lot.
2. The minimum lot size shall be three (3) acres.
3. There shall be no more than one (1) shed, barn, pole barn or similar building as a principal use per lot.
4. The structure shall be used only for storage.
5. The structure shall conform to the requirements of Section 3.14, Accessory Structures, except as may be modified by this subsection, and any more restrictive requirement(s) adopted as a condition of approval for the special land use permit.
6. Building Location:
 - a. The building shall meet the setback requirements for a principal building.
 - b. The building shall be arranged on the lot so that future development of a dwelling meeting the requirements of this Ordinance is not precluded. In applying this standard, the Township Board, after recommendation by the Planning Commission, may require the building to be set back from the front lot line as much as necessary to meet this requirement.

7. **Maximum Building Size:** the gross ground floor area of the building shall not exceed 1,600 square feet. The Township Board, after recommendation by the Planning Commission, may require a smaller building size if necessary to preserve the ability of the lot to accommodate a future dwelling.
8. **Building Design:**
 - a. Any side of a building that faces a street shall be similar in style with residential construction and clad with wood, stone, stucco or other decorative material, subject to approval by the Township Board after recommendation by the Planning Commission.
 - b. There shall be no more than two (2) overhead doors (access doors with any dimension greater than twelve (12) feet) on any side of the building that faces a street.
9. The building shall not contain sanitary facilities. Water from on-site wells shall be for washing vehicles or equipment only.
10. **Outside storage:**
 - a. There shall be no outside storage permitted in the front or side yards.
 - b. Outside storage may only be permitted within one (1) completely opaque enclosure located in the rear of and attached to the building, The building shall obscure view of the enclosure from the street. The height of the enclosure wall or fence shall not exceed six (6) feet and shall not utilize electrified or barbed wire.
 - c. No item stored within the enclosure shall be visible above the fence.
 - d. An outside storage enclosure may encroach up to ten (10) feet into a required rear yard, but in no case shall it be located closer than thirty (30) feet from any lot line.
 - e. The area of the outside storage area may not exceed thirty percent (30%) of the gross ground floor area of the building.
11. **Maintenance:** The site and building shall be maintained in a clean condition at all times. Failure to maintain the site in accordance with all Township ordinances shall be grounds for revocation of the special land use.
12. **Seasonal Use:** the owner and his/her guest(s) may use the site for a seasonal dwelling in accordance with the requirements of Section 3.17, B, 4.
13. The Township Board, after recommendation by the Planning Commission, may impose conditions upon the construction and use of the accessory structure, including but not limited to, the following:
 - a. Provision of security lighting;
 - b. Screening, including a berm and/or landscaping along any property line that abuts a residential use, to screen the site from adjoining residences.
 - c. The Township Board may require the owner to show proof of a local agent, with a residence or office within 30 miles of the property in question, who has the responsibility of maintaining the site. The name and contact information for the local agent shall be provided to the Township.

OO. A single family dwelling as an accessory use to another Special Land Use.

The dwelling shall meet the minimum lot area, yard setbacks, living space floor area, and all other standards for a single family dwelling in the MDR District.

PP. Storage yards for contractor's equipment.

Such uses shall meet all applicable provisions, as determined by the Zoning Administrator, for Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades, as outlined in section 20.07, Z.

QQ. Tool, die, gauge, and machine shops.

1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential district or use property line.
2. Access driveways shall be located no less than seventy five (75) feet from the nearest part of the intersection of any street or any other driveway.

RR. Transportation terminals.

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.
4. The lot area used for parking or display shall be paved or treated so as to prevent dust.
5. The parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
6. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.10.
7. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
8. The minimum required lot area shall be two (2) acres with a minimum lot width of two hundred (200) feet.
9. No outside storage shall be permitted. However, storage of licensed and operable vehicles may be permitted in an enclosed fence.

SS. Two-family dwellings.

1. Building setbacks and height requirements shall comply with the requirements for single-family dwellings as required for the District in which the use is located.
2. Two (2) off-street parking spaces shall be provided for each dwelling unit.

TT. Vehicle wash establishment.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.

2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district line.
3. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. Where adjoining residentially zoned or used property, a proper buffer or greenbelt shall be installed and maintained, as outlined in Section 3.10.

UU. Vehicle service establishments.

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district.
2. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
3. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition. This area shall be no larger than five thousand (5,000) square feet.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas as outlined in subsection 4.
5. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
6. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.10.
7. The lot area used for parking shall be graded and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

VV. Vehicle sales areas.

Such uses shall meet all applicable provisions, as determined by the Zoning Administrator, for Vehicle Service Establishments, as outlined in subsection 20.07, TT, above.

WW. Veterinary hospitals and clinics.

Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for Kennels, as outlined in subsection 20.07, S, above.

XX. Warehousing facilities.

1. No parking shall be allowed within fifty (50) feet of a residence, or residential district.
2. The site shall be screened from all adjacent residential uses or districts.
3. All refuse containers shall be screened on at least three (3) sides, and located on a concrete pad.
4. No outdoor storage of any kind shall occur in the parking or site area.
5. No toxic, hazardous, flammable, explosive materials shall be stored or allowed on-site.
6. Security entry shall be required, restricting access to operators and users of the facility.
7. The use must be conducted in a building which fully encloses all activities.

YY. Wireless communication towers and radio and television broadcast towers.

The applicant must demonstrate that the construction of a new tower is necessary to best suit the applicant's needs, rather than placing an antennae on an existing tower, spire, or municipal structure. If the Township Board is convinced no other method is applicable, the following standards must be met:

1. Minimum lot area of one and one-half (1½) acres.
2. The tower and any other related appurtenances, shall be fenced with a six (6) foot high fence.
3. The tower base must be at least one hundred (100) feet from any lot line.
4. The maximum height of the tower shall be three hundred (300) feet.
5. The tower facility shall be equipped to accommodate at least three (3) antennae, to encourage co-location.

Chapter 21

Zoning Board of Appeals

Section 21.01 Membership

- A. Continuation of Present Zoning Board of Appeals - The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in the Zoning Act.
- B. Composition and Terms - The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board for a three (3) year term. One (1) member shall be from the Planning Commission. (amended 11/12/07)
- C. Alternate Members - Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
- D. Vacancies - Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.
- E. Officers - The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.

Section 21.02 Meetings

- A. Meetings - All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary to the Board or their representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
- B. Hearings - The Zoning Board of Appeals shall make no decision regarding a variance except after a hearing is conducted by the Zoning Board of Appeals. Due notice shall be given to all parties to the appeal stating the time and place of such hearing, as outlined in Section 21.06.

Section 21.03 Jurisdiction

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Chapter and the laws of the State of Michigan. The Zoning Board of Appeals shall not have the authority to hear appeals from a decision made in respect to a Special Land Use request. The powers of the Zoning Board of Appeals include:

- A. Hearing of Appeals - To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing the provisions of this Ordinance.
- B. Granting of Variances - A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.
- C. Zoning Ordinance Interpretation - The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provision is uncertain.
- D. Granting of Temporary Uses and Buildings
 - 1. The Zoning Board of Appeals may permit, upon proper application, temporary uses not otherwise permitted in the district. Such temporary uses shall not exceed a duration of six (6), however, the Zoning Board of Appeals may grant one (1) extension, of up to an additional six (6) concurrent months, when appropriate.
 - 2. The Zoning Board of Appeals, in granting permits for temporary uses, shall do so under the following conditions:
 - a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property where the temporary use is permitted.
 - b. The granting of the temporary use shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Zoning Board of Appeals.
 - d. The use shall be in harmony with the general character of the district.
 - e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this Ordinance.
 - f. Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.

3. For temporary buildings, the procedure as outlined in Section 3.17 (Temporary Dwellings or Structures and Seasonal Dwellings), shall be followed.

Section 21.04 Decisions

- A. Procedure - An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Township. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.
- B. Filing - The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:
 1. Project Information, including:
 - a. the applicant's name;
 - b. name of the development;
 - c. the preparer's name;
 - d. north arrow;
 - e. complete and current legal description and size of property in acres; and
 - f. small scale location sketch of sufficient size and scale.
 2. Existing Features
 - a. property lines and dimensions;
 - b. zoning and current land use of applicant's property and all abutting properties and of properties across any public or private road from the site;
 - c. lot lines and all structures on the property, the Zoning Board of Appeals may require buildings and structures within one hundred (100) feet of the site's property lines, also be shown;
 - d. location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed; and
 3. Proposed Construction
 - a. building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
 - b. location and dimensions of parking spaces;
 - c. details of site circulation and access design, including:
 - i. indication of street right-of-way and pavement widths and pavement type;
 - ii. names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and
 - iii. written verification of access easements or agreements, if applicable.

- C. Stay of Proceedings - An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.
- D. Decisions
1. The concurring vote of a majority of the membership of the Board (two [2] members) shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance.
 2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing.
 3. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- E. Record of Actions - For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.
 3. A summary or transcription of all relevant material and evidence presented at hearing; and,
 4. Any conditions attached to an affirmative decision.
- F. Appeals to Circuit Court - The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Township or the Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action. (amended 11/12/07)
- G. Resubmission - No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 2. That new conditions or circumstances exist which change the nature of the original request.

Section 21.05 Conditions of Approval

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Act, and related to the standards by which the decision is reached. (amended 11/12/07)

Section 21.06 Public Notice for Variance Requests

Upon receipt of an application for a non-use, or use variance, the following procedure shall be followed for public notification:

- A. One (1) public notice that a request for zoning variance has been received shall be published in a newspaper which circulates in the township, and shall be sent by mail or personal delivery to the applicant, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If the name of the occupant of a structure is not known, the term “occupant” may be used in making notification.
- B. The notice shall be given not less than fifteen (15) days before the date the variance request will be considered by the Zoning Board of Appeals. (amended 11/12/07)
- C. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. However, in the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- D. The public notice shall include the following information:
 - 1. Describe the nature of the request.
 - 2. Indicate the property which is the subject of the request.
 - 3. State when and where the request will be considered.
 - 4. Indicate when and where written comments will be received concerning the request.

Section 21.07 Variance Procedures

- A. Authority for Variances - The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

B. Granting of Non-Use Variances - A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

C. Granting of Use Variances. A use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that all of the following conditions are met:

1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the Zoning District in which it is located;
2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
 - b. Exceptional topographic conditions;
 - c. Any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary; or

- d. By reason of the use or development of the property immediately adjoining the property in question.
3. That the proposed use will not alter the essential character of the neighborhood.
4. That the variance is not necessitated as a result of any action or inaction of the applicant or his or her agents or affiliates.
5. Prior to Board of Appeals hearing on a request for a use variance, the Board of Appeals shall request the Planning Commission to consider such request, and that it forwards a report to the Board of Appeals.
 - a. The Planning Commission's report may provide an opinion to the Board as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood.
 - b. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

Section 21.08 Fees

The Township Board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Township Treasurer at the time the application for the appeal or variance is filed.

Chapter 22 Administration

Section 22.01 Zoning Administrator

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Township Board. The Zoning Administrator shall have the power to:

- A. Issue Zoning Permits;
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
- C. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 22.02 Permits

- A. Zoning Permits
 - 1. No building, structure, or item shall be erected, altered, or moved, and in no use be commenced, unless a Zoning Permit shall have been issued for such work or use by the Zoning Administrator.
 - 2. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.
 - 3. A record of all Zoning Permits issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
 - 4. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.
- B. Building Permits and Certificates of Occupancy
 - 1. No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Zoning Permit, or Zoning approval for such work has been issued by the Zoning Administrator.
 - 2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.

3. Certificates of Occupancy, as required by the currently adopted Building Code for Lilley Township, shall also constitute certification of compliance with the Zoning Ordinance.
 4. A record of all Certificates of Occupancy issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
- C. Fees for the inspection and issuance of Zoning Permits, Building Permits, or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.
- D. Commencement of Construction. No building or structure shall be commenced, and no clearing or excavation shall begin, until both a Zoning Permit and a Building Permit have been issued.

Section 22.03 Stop Work Orders

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

Section 22.04 Surveys

If the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board, in the performance of their duties under this Ordinance shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on property boundaries or corners) in order to ensure that all requirements of this Ordinance will be met, such survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no Zoning Permit, Building Permit or other Township permit(s) shall be issued or approved until and unless such survey and related information has been provided to the Township.

Section 22.05 Enforcement and Violations

- A. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition is in violation of this Ordinance exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than one hundred (100) dollars nor more than five hundred (500) dollars for the first offense and not less than five hundred (500) dollars nor more than one thousand (1,000) dollars for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law.

For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (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; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

- B. Any building which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance, and is in violation of any of the provisions herein, is hereby declared to be a public nuisance per se.
- C. Each day the violation occurs or continues shall be deemed a separate offense.
- D. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 22.06 Performance Guarantees

As a condition of approval of a site plan review or Special Land Use, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items. Performance guarantees shall be processed in the following manner:

- A. Prior to the issuance of a Zoning Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
- B. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
- C. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a Zoning Permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
- D. The Township Treasurer will refund to the obligor portions of the performance guarantee, only after written notice from the Building Inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
- E. When all of the required improvements have been completed, the obligor shall send written notice to the Building Inspector of completion of said improvements. Thereupon, the Building Inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted,

the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

- F. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 22.07 Amendments

(amended 11/12/07)

- A. Any amendment to this Ordinance, including changes to the boundaries of zoning districts as shown on the official zoning map, shall be done pursuant to the requirements of the Zoning Act.
- B. In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:
 - 1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
 - 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
 - 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
 - 4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

Section 22.08 Conditional Rezoning

(amended 11/12/07)

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.
 - 1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 22.07 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 22.07 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with this Section and the Zoning Act, to deny or approve the conditional rezoning with or without amendments.
- E. **Approval.**
1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an

inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any

failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- G. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in the Zoning Act. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
- J. Amendment of Conditions.
1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- K. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

- L. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 22.08 Fees

The Township Board shall by resolution establish fees for the administration of this ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Township Hall. Such fees may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this ordinance and as to which a fee is prescribed. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to township attorney fees, township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

Section 22.09 Severability

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 22.10 Enactment and Effective Date

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Lilley Township.