

Maple Grove Township
Zoning Ordinance

[Annotated]
of September 13, 1983,
as amended through January 1, 2003

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INTRODUCTION

A Permanent Zoning Ordinance of Maple Grove Township, Manistee County, Michigan, was adopted by the Maple Grove Township Board at a regular meeting held on the 8th day of November, 1977, and pursuant to the provisions of Public Act 181, of 1913, as amended, notice is hereby given that the Township Board of the Township of Maple Grove has adopted amendments to said Permanent Zoning Ordinance and the Zoning Map of Maple Grove Township. The text of the Maple Grove Township Permanent Zoning Ordinance, as amended, is herein set forth in its entirety, and attached to same is a copy of the Amended Zoning Map of Maple Grove Township and said Zoning Ordinance and Zoning Map by the terms of same become effective immediately.

MAPLE GROVE TOWNSHIP MANISTEE COUNTY, MICHIGAN PERMANENT ZONING ORDINANCE

An Ordinance to amend an Ordinance entitled "Maple Grove Township Permanent Zoning Ordinance", which Ordinance is enacted under Public Act 181, of 1913, as amended, to establish and define Zoning Districts and regulations governing unincorporated portions of Maple Grove Township, Manistee County, Michigan.

THE TOWNSHIP BOARD OF MAPLE GROVE TOWNSHIP, MANISTEE COUNTY, MICHIGAN,
HEREBY ORDAINS:

ARTICLE 1 - PREAMBLE

101. Title:

This Ordinance shall be known as the Maple Grove Township Permanent Zoning Ordinance.

[Annotation: This ordinance was recodified, by amendment adopted August 9, 1995, effective August 10, 1995 at 12:01am, which resulted in renumbering Articles and Sections as well as relocation of some Sections.]

102. Purpose:

The fundamental purposes of this Ordinance are:

- A. To promote the public health, safety, morals, and general welfare.
- B. To encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land.
- C. To provide regulations and restrictions that increase the safety and security of home life, that preserve and create a more favorable environment; that stabilize and enhance property and civic values; that provide for a more uniform land-use pattern; that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, recreation, schools, public buildings, housing, light, air, water supply, sewage sanitation, and other public requirements;
- D. To avoid the congestion, disorder, and danger which often is inherent in unregulated municipal development;
- E. To provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends;
- F. To prevent overcrowding of land and undue concentration of population; In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this objective, the Township is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, that protect the common rights and interests within each district, that preserve the general rights and interest of all, and by further regulations to limit the location, use and occupancy of buildings, structures, and land to be used for trade, industry, residential, or other purposes, and the location, height, bulk of buildings and other structures, including the percentage of lot occupancy and coverage, street, road or highway set-back lines, sizes of yards, and other open spaces that reserves to the substantial majority the right of approval on changes and/or amendments to a less restrictive use.

103. Legal Basis:

This Ordinance was enacted pursuant to Public Act 184 of 1943, as amended (being the Township Zoning Act, M.C.L. 125.271 et seq.). The continued administration of this Ordinance, amendments to this Ordinance, and all matters concerning operation of this Ordinance shall be done pursuant to Public Act 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.), hereafter referred to as the "Zoning Enabling Act".

[Annotation: This Section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

106. Codification:

This Ordinance is codified by use of articles and sections, and organized in the following manner. Section numbers and article numbers not used in this Ordinance, or skipped, are reserved for future use.

- A. Article 1-9 for introductory material for this Ordinance.
 1. Article 1 for basic legal clauses such as but not limited to title, citation, purposes, legal basis, effective date, explanation of scope and codification.
 2. Article 5 for definitions of words and uses which are used in this Ordinance.
- B. Article 10-19 for general regulations applicable to all of the land under jurisdiction of this Ordinance.
 1. Article 10 for general regulations which are applicable in all zoning districts. This article is further subset as follows:
 - a. Sections 1000-1099 for general provisions;
 - b. Sections 1100-1199 for water related environmental regulations;
 - c. Sections 1200-1299 for solid waste related environmental regulations;
 - d. Sections 1300-1399 for land and other environmental regulations;
 - e. Sections 1400-1499 for parcel and setback regulations;
 - f. Sections 1500-1599 for vehicle access, road and parking regulations;
 - g. Sections 1600-1699 for aesthetic (sign, viewshed, sex oriented businesses) regulations;
 - h. Sections 1700-1799 for structure (not dwelling) regulations;
 - i. Sections 1800-1899 for dwelling and residential regulations;

- j. Sections 1900-1999 for other special purpose general regulations which are not classified above;
 - k. Article 16 for standards for specific possible conditional and special uses.
 - 2. Article 18 for establishment of the zoning map and definition of zoning districts.
 - C. Articles 20-79 for each zoning district, further organized as follows with articles 20-69 organized from least interest to most intense.
 - 1. Articles 20-29 for environmental, historic and other special zoning districts with each zoning district organized from least intense to most intense;
 - 2. Articles 30-39 for agricultural, forestry, rural and rural residential zoning districts with each zoning district organized from least intense to most intense;
 - 3. Articles 40-49 for residential zoning districts with each zoning district organized from least intense to most intense;
 - 4. Articles 50-59 for commercial zoning districts with each zoning district organized from least intense to most intense;
 - 5. Articles 60-69 for industrial zoning districts with each zoning district organized from least intense to most intense;
 - 6. Articles 70-79 for overlay districts.
 - D. Articles 80-89 for permit process and procedures.
 - 1. Article 80 for nonconformities;
 - 2. Article 82 for administration of the Ordinance;
 - 3. Article 83 for permit procedures;
 - 4. Article 85 for conditional uses procedures;
 - 5. Article 86 for special uses procedures;
 - 6. Article 88 for planned unit development procedures.
 - E. Articles 90-99 for Ordinance administration.
 - 1. Article 94 for site plan review process;
 - 2. Article 96 for appeals board;
 - 3. Article 98 for Ordinance amendment, validity, enforcement and penalties.

[Section 2 added by amendment January 17, 2001.]

ARTICLE 5 - DEFINITIONS

501. Purpose; Rules of Interpretation: For the purpose of this Ordinance, certain terms are herewith defined. The following rules will apply when interpreting this Ordinance:

- A. When not consistent with the context, words used in the singular manner include the plural number, and words in the plural number include the singular number.
- B. The word "person" shall mean an individual, Partnership, corporation, or their agents.
- C. The word "shall" is always mandatory and not merely directory; the word "may" is permissive.
- D. Words used in the present tense includes the future tense.
- E. Any word not defined, shall be interpreted within its common and approved usage, and further reference for definition by classification in specific or general categories not defined herein, may be contained in the publication, "Standard Industrial Classification Manual" of 1972, as amended or updated, Office of Management and Budget, Washington, D.C.
- F. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Board of Appeals.

[Annotation: This Section re-organized and sub-section F. added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

502. Definitions:

Accessory Building or Structure:

A supplementary building or structure on the same lot or parcel of land as the main building, or part of the main building occupied by or devoted exclusively to an accessory use, but such use shall not include any building or structure used for dwelling, residential, or lodging purposes, or sleeping quarters for human beings.

Accessory Use:

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings on the premises.

Adult Book and/or Video Store:

An establishment having, as a substantial or significant portion of its stock in trade, computer services, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" hereinafter defined.

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Live Entertainment Establishments Regardless of Whether Alcoholic Beverages May or May Not be Served:

Establishments which include a nightclub, bar, restaurant, or similar commercial establishment, which features (a) persons who appear nude or in a "state of nudity" or "semi-nude"; and/or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities";

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Motion Picture Theater:

An enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Mini Motion Picture Theater:

An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Panorams:

An establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "specified sexual activities" or "specified anatomical areas".

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Paraphernalia/Novelty Store:

An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.

[Annotation: Definition added by amendment, effective January 17, 2001]

Agricultural Use:

A use of any land or structure for the purpose of production of grain, vegetables, orchards, nurseries, livestock, or poultry, dairying, forestry, or other lawful crops and animal husbandry.

Alley:

A public or legally-established private right-of-way, not more than thirty (30) feet wide, which primarily provides secondary vehicular access to the rear or sides of properties otherwise abutting upon a street, road, or highway.

Altered:

Any change in the location or use of a building, or any change in the supporting members of a building such as load-bearing walls, columns, beams, posts, girders, and similar components, or any change in size or location of the roof or exterior walls.

Ambient:

Means the sound pressure level exceeded 900/0 of the time or Lgo.

[Annotation: Definition added by amendment, effective _____ 2012]

Anemometer Tower:

Means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a Utility Grid Wind Energy System.

[Annotation: Definition added by amendment, effective _____ 2012]

ANSI:

Means the American National Standards Institute.

[Annotation: Definition added by amendment, effective _____ 2012]

Apartment Building:

A dwelling designed for three (3) or more housing units or occupied by three (3) or more families with separate housekeeping, cooking, and bathroom facilities for each housing unit.

[Annotation: Definition added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

Automobile or Trailer Sales Area:

An open area used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Basement and Cellar:

A basement is that portion of a building or structure partly below the grade but so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. A cellar is that portion of a building or structure partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Billboard or Advertising Sign:

Any structure or portion thereof upon which a sign or advertisement is posted or painted as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court, church, or public office notices.

Boat House:

Any structure used for the temporary or permanent storage of a boat or boats for private use.

Boat Livery:

Any premises on which boats or floats of any kind are kept for the purpose of renting, leasing, sale, storage, or providing use thereof to persons other than the owners for a charge or fee.

Building:

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall include tents, awnings, vehicles, whether mounted or on wheels, and situated on private property and used for the purposes ascribed.

Building Permit/Land Use Permit:

A standard for: issued by the Maple Grove Township Building Inspector and the Zoning Administrator or their agents, upon application by an owner or his agent, for the proposed construction of a structure and/or the use of land in compliance with the provisions of this Ordinance.

Building, Principal:

A structure in which is conducted the principal use of the premises on which it is situated.

Cabin:

Any building, tent, or similar structure which is maintained, offered, or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, motels, lodging houses, or tourist homes.

Cabin Court or Cabin Park:

Any tract or parcel of land on which two or more cabins, as herein defined, are maintained, offered, or used for dwelling or sleeping quarters for transients.

Communication Tower Facilities:

A facility, which includes transmitters, antenna structures, towers, and other types of equipment necessary for, but not limited to, providing radio broadcasts, television broadcasts, dispatching, wireless services and all commercial mobile services including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are radio and television broadcasting stations, repeater stations, radiotelephone, telegraph, cable television receiver stations, dispatching. Personal Communications Systems (PCS), cellular radiotelephone services, and paging [48-4899]. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers. Communication tower facilities does not include antennas and their towers at a person’s home for his personal use for television and radio reception, and citizen band or HAM radio hobby activity.

[Annotation: Definition added by amendment January 17, 2001]

Corner Lot:

A lot on which at least two (2) adjacent sides abut for their full length upon a street or road, provided that such two (2) sides intersect at an angle of not more than one-hundred thirty-five (135) degrees.

dB(A):

Means the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

[Annotation: Definition added by amendment, effective _____ 2012]

Decible:

Means the unit of measure used to express the magnitude of sound pressure and sound intensity.

[Annotation: Definition added by amendment, effective _____ 2012]

District:

An area, section, or zone of Maple Grove Township, Manistee County, Michigan, for which zoning regulations are prescribed.

Drive-In Business:

Business establishments so developed that their retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons in the motor vehicle rather than within a building or structure.

Driveway:

Access to a parcel of land.

Duplex:

A dwelling designed for two (2) housing units or occupied by two (2) families only, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Ordinance.

[Annotation: Definition added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

Dwelling:

Any building or structure, or part thereof, designed or used as a residence, home, or sleeping place of one (1) or more persons containing one (1) or more rooms.

- a. One-Family Dwelling -- A dwelling occupied by but one (1) family, and so designed or arranged as to provide living, cooking, and sleeping accommodations for one (1) family only. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons.
- b. Two-Family Dwelling (Duplex) _ A dwelling occupied by two (2) families living independently of each other, and so designed or arranged as to provide separate living, cooking, and sleeping accommodations. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons in each unit.
- c. Multiple-Family Dwelling (Apartment Buildings) -- a dwelling occupied by three (3) or more families, living independently of each other, and so designed or arranged as to provide separate living, cooking, and sleeping accommodations. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons in each unit.
- d. Temporary Dwelling -- Cabins, tents, trailers, garages, and basements, if used for human occupancy, are designated as temporary dwellings. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons in each unit.

Erected:

Signified built, constructed, reconstructed, moved upon, including any physical operations on land required

for a building. Excavations, fill, drainage, and the like shall be considered part of the erection.

Existing Building:

An existing building is a building existing in whole or in part, whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

Family:

Two (2) or more persons related by bonds of consanguinity, marriage, or legal adoption. A family shall be deemed to include domestic servants and gratuitous guests.

Farm:

- a. All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant, farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, Piggeries, or stockyards, shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land.
- b. Farm Building as used in this Ordinance, is any building or structure other than a dwelling, moved upon, maintained, used, or built on a farm which is essential to and customarily used in the pursuit of agricultural activities.
- c. Farm Operation as used in this Ordinance, means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to: marketed produce at authorized road stands or farm markets, noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.
- d. Farm Product as used in this Ordinance, means those Plants and animals useful to man and includes but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, apiaries, and similar specialized agricultural products.

Floor Area:

- a. Unless otherwise designated within the provisions of this Ordinance, floor area shall be considered as the first floor area, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or enclosed or unenclosed porches.
- b. Floor area of a Mobile Home shall be considered as resulting from the exterior measurements at the floor level (Length times width exclusive of tongue) plus any original construction roll-out/tip-out extension. Commonly referred to dimensions, i.e.: 32 X 50, are over the road dimensions and will not be used in computation of Floor Space to satisfy requirements of this Ordinance.

Garage (Private and Commercial):

- a. A private garage is any building or part thereof, accessory or otherwise, for storage of motor vehicles, or trailer coaches, or recreational vehicles, where no servicing or storage for a fee is conducted.
- b. A commercial garage is any garage, other than a private garage or garage operated by a municipality, used for the storage, repair, greasing, washing, rental, sales, servicing, adjusting, or equipping of automobiles, cars, motor driven vehicles, trailers, trailer coaches, or recreational vehicles, for remuneration, hire, or sale where any such vehicle or engine may be fueled, repaired, rebuilt, or reconstructed and including undercoating, or overall painting when conducted in an enclosed booth.

Gasoline Service Station:

Any land, building, or structure where gasoline or any other motor fuel, or lubricating oil or grease for operating motor vehicles, or other internal combustion engines, is offered for retail sale to the public, or retail sale of accessories, or where greasing, changing of oil, or repairing minor parts or accessories. Permissible uses do not include the storage of automobiles, major overhaul or replacing engines, bodies, fenders, or painting motor driven

vehicles, trailer coaches, or recreational vehicles; or work involving noise, glare, fumes, or smoke greater than normally found in such a facility.

Greenbelt:

As used in this Ordinance, means a strip of land contiguous to any stream, lake, wetland, or flood plain; or around or between certain land use areas as may be specified in this Ordinance; and shall consist of wherever possible natural vegetation native to the land use area, such as grass, deciduous and/or coniferous trees. The purpose of the Greenbelt is to maintain or improve air quality, stabilize soils, increase groundwater filtration, erosion control, decrease wind velocity, reduce noise, and create zones of privacy.

Hazardous Substances:

One or more of the following:

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the comprehensive environmental response, compensation and liability act of 1980, Public Law 96-510,94 Stat. 2767.
- C. "Hazardous waste" as defined in P.A. 64 of 1979 (being MCL 299.501 to 299.551, the Hazardous Waste Management Act).
- D. "Petroleum" as defined in P.A. 478 of 1988 (being MCL 299.831 to 299.850, the Leaking Underground Storage Tank Act).

[Annotation: Definition added by amendment, August 9, 1995, effective August 10, 1995 at 12:01am.]

Home Occupation:

Any occupation, profession, or service conducted by a member of a family residing on the premises, and is incidental to the residential use of the dwelling unit or its accessory buildings, and is not noticeable in any form from outside the dwelling unit except that an unlighted nameplate or sign, not exceeding four (±) square feet, and in keeping with the character of the structure and neighborhood, may be placed on the front of the structure; and, providing further, that said occupation does not require any change in the external character of the structure. Clinics, hospitals, boarding house rooms, barber or beauty shops, tea rooms, animal boarding establishments, servicing or dismantling of machinery or vehicles of any kind, or the production of any kind of animals, shall not be deemed a home occupation.

Host or Hostess Establishments:

Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

[Annotation: Definition added by amendment, effective January 17, 2001]

Hotel:

Any building where lodging, with or without meals, is furnished to transients or resident guests for compensation, and containing more than four (4) sleeping rooms, wherein a restaurant may or may not be located.

IEC:

Means the International Electrotechnical Commission.

[Annotation: Definition added by amendment, effective _____ 2012]

Industrial Building:

A building housing a manufacturing process.

Institution Building:

A building occupied by a municipal or non-profit corporation or non-profit establishment for public use.

ISO:

Means the International Organization for Standardization.

[Annotation: Definition added by amendment, effective _____ 2012]

Junk Yard:

Any establishment or premises where worn-out or discarded material is bought, kept, sold, or stored.

Lease Unit Boundary:

Means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.

[Annotation: Definition added by amendment, effective _____ 2012]

Lodge:

A building for use as a meeting place for members of private clubs, service clubs, veterans organizations, and other fraternal or religious organizations.

Lot or Parcel:

Any portion, piece, or division of land.

Lot or Parcel Lines:

Lot or parcel lines are the Property lines bounding the lot or parcel.

Lot Area:

The total horizontal area within the lot or parcel lines, as defined, of a lot or parcel. For lots or parcels fronting or lying adjacent to streets or roads, lot or parcel area shall be that area within lot or parcel lines separating the lot or parcel from the street or road right-of-way, and not measuring from the centerline of said street or road.

Lot or Parcel Depth:

The mean, horizontal distance from the front street line to the rear line.

Lot, Mobile Home:

A parcel of land for the placement of a single mobile home for the exclusive use of its occupants.

Lot or Parcel of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Manistee County, Michigan, or a parcel described by metes and bounds, and the deed thereof having been recorded in the Office of the Register of Deeds, Manistee County, Michigan.

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 hands, feet, scalp, face, neck or shoulder. This definition shall not be construed to include the practices of massage therapists who meet one or more of the following criteria:

1. Proof of graduation from a school of massage licensed by the State of Michigan;
2. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;
3. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
4. A current occupational license from another state.

[Annotation: Definition added by amendment, effective January 17, 2001]

Mobile Home:

A dwelling, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan Public Act 419 of 1976, as amended, (being the Mobile Home Commission Act, M.C.L. 125.1101 et. seq.) and administrative rules promulgated thereunder.

[Annotation: Definition amended May 8, 2000.]

Mobile Home Park:

A parcel of land under the control of a person upon which three (3) or more mobile 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 mobile home and which is not intended for use as a temporary trailer park. Said park shall be subject to provisions of the Michigan Mobile Home Commission Act, Act 119, of Public Acts of 1976, as amended.

Motel:

A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space but not kitchen or cooking facilities, where each unit has a private entrance.

Non-Conforming Building:

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

Non-Conforming Use:

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

On-Site Wind Energy system:

Means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

[Annotation: Definition added by amendment, effective _____, 2012]

Open Dance Hall:

An establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment.

[Annotation: Definition added by amendment, effective January 17, 2001]

Open Space, Required:

The yard space of a lot or parcel which is established by and between the street, road, or thoroughfare, or the lot or parcel lines and the required setback line which shall be open, unoccupied, and unobstructed by any structure or any part thereof from the ground to the sky, except as otherwise permitted in this Ordinance.

- a. Front Open Space Required _ The required open space extending the full width of the lot or parcel and to a depth equal to the required setback line measured horizontally at right angles to the front lot or parcel line.
 - 1. Corner Lot or Parcel Open Space requirement shall be considered as front open space along the two (2) intersecting streets or roadways bounding the corner or parcel lot.
- b. Rear Open Space Required -- The required open space extending the full width of a lot or parcel and to a depth equal to the required setback line, measured horizontally at right angles to the rear lot or parcel line.
- c. Side Open Space Required _ The required open space extending from the required front open space to the required rear open space and of a width equal to the side required setback line measured horizontally at right angle to the side lot or parcel line.

Park:

Any non-commercial recreation area.

Person:

A human being, body of persons, corporation, partnership, or other legal entity recognized by law as the subject of rights and duties.

Planned Unit Development (PUD):

Terms such as cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Public Meeting Place:

Any building or outdoor area where numbers of persons congregate from time to time for educational, religious, social, or recreational purposes, including but not limited to, schools, libraries, clubs, lodges, community buildings, churches, theaters (indoor or outdoor), places of amusement, and other similar assemblages.

Public Utility:

Any person, firm or corporation, municipal department or board, duly authorized to furnish and furnishing under government regulation, to the public or its members, transportation, water, gas, electricity, telephone, steam, telegraph, sewage disposal, or other services.

Restaurant:

A business located in a building wherein food, beverages, or meals are prepared, served, and sold for consumption on or off the premises.

Retail/Wholesale Commercial Establishment:

A store, market, shop, or other structure in which commodities are sold, traded, or offered in small or large quantities, to public or restricted clientele at retail or wholesale including but not limited to grocery and general stores, meat markets, hardware, lumber, supply houses, public garages, and automobile service stations.

Roadside Stand:

A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family, and its use shall not be deemed a commercial activity.

Rubbish or Junk:

The miscellaneous materials resulting from housekeeping, mercantile establishments, trades, manufacturing, and offices, including other waste matter such as slag, stone, broken concrete, fly ash, tin cans, glass, scrap metal, rubber, paper, rugs, chemicals, auto parts, junked cars, or any similar or related combinations thereof.

Sanitary Land Fill or Dump:

Any parcel of property which is set aside for the principal purpose of permitting either private or public abandonment of refuse, rubbish, or junk.

Setback:

The minimum horizontal distance between the lot line or road right-of-way, whichever is closest to a wall of a building, excluding steps and unenclosed porches.

Setback Line:

Lines established adjacent to streets or highways or roads or stream edge or lake edge or wetland edge or Flood Plain edge or property line, whichever is closest to the wall of the building, for the purpose of defining limits within which no building or any part thereof shall be erected or permanently maintained.

Shadow Flicker:

Means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as, but not limited to, a window at a dwelling.

[Annotation: Definition added by amendment, effective _____ 2012]

Sign:

An inscribed board or space serving for advertisement and/or information.

Specified Anatomical Areas:

Human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernible state of tumescence, even if opaquely covered.

[Annotation: Definition added by amendment, effective January 17, 2001]

Specified Sexual Activities:

Includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. The display of human genitals in a state of sexual stimulation, arousal or tumescence;
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

[Annotation: Definition added by amendment, effective January 17, 2001]

Sound Pressure:

Means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

[Annotation: Definition added by amendment, effective _____ 2012]

Sound Pressure Level:

Means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

[Annotation: Definition added by amendment, effective _____ 2012]

Stable, Private:

A building used or to be used by an individual or family for the housing of not more than three (3) horses for the use of the individual or family only and not for hire and to be located not less than one-hundred (100) feet from any adjoining property.

Stable, Public:

A building used for the housing of horses in any manner not included in Section 502 of this ordinance, definition of "stable, private".

Street or Road:

A roadway, including all improvements, pavements, gutters, curbs, sidewalks, parking areas, and greenbelts, contained within the right-of-way, which is either an existing state, county, or township roadway, or a road shown on a plat heretofore approved pursuant to law or approved by official action, or a road on a plat duly filed in the Office of the Register of Deeds, Manistee County, and used and capable of supporting motor vehicle traffic. Right-of-way line assumed to be thirty-three (33) feet each side of centerline unless otherwise designated or unless limited to less by actual usage.

Structure:

Any constructed or erected pieces of material or combinations of materials, the use of which requires location on the ground, including but not limited to buildings, stadia, dwellings, garages, signs and sign boards, towers, poles, antenna supports, standpipes, fences, and other like objects.

Substantial or Significant Portion:

A business or establishment which has:

1. Thirty-five percent or more of its stock, materials, or services provided relating to or describing "specified sexual activities", and/or "specified anatomical areas"; and/or
2. Thirty-five percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or
3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to "specified sexual activities" and/or "specified anatomical areas".

[Annotation: Definition added by amendment, effective January 17, 2001]

Tavern:

Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises.

Thoroughfare:

A roadway, street, or highway contained within the limits of a right-of-way, having a high degree of continuity throughout a municipality or geographic region and used Primarily for the conveyance of large volumes of vehicular traffic.

Tourist Cabin-Court:

- a. Any building, tent, or similar structure with or without kitchen facilities, which is maintained, offered, or used, for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include structures commonly designated as hotels, lodging houses, motels, or tourist homes.
- b. A tourist court or park is any tract or parcel of land on which two (2) or more cabins as herein defined are maintained, offered, or used for dwelling or sleeping quarters for transients.

Tourist Home:

Primarily a family dwelling where lodging, with or without meals, is provided or offered for compensation, chiefly on an overnight basis and mainly to transients.

Trailer:

A vehicle which can be drawn on a highway and is used for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in P.A. 300 of 1949, as amended, (being Michigan Motor Vehicle Code, M.C.L. 257.1 - 257.82), and including camping units, tents, or any other temporary dwellings. (The term, as used in this Ordinance, shall be synonymous with, but not limited to Camper, Travel Trailer, Motor Home, Trailer Coach, Recreational Vehicle, or Slid-in Camper.)

[Annotation: Definition amended, effective May 8, 2000]

Trailer Park:

(Synonymous Terminology .. Campgrounds)

Any parcel or tract of land under the control of any person, on which are situated three (3) or more trailers, or which is offered to the public for the establishment of overnight or temporary living accommodations, regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility

used or intended for use incident to the parking or occupancy of trailers, and shall be subject to the Michigan Mobile Home Park Act 243, of public Acts of 1959, as amended.

Transfer of Ownership or Control of a Sexually Oriented Business:

Includes any of the following:

1. The sale, lease or sublease of the business or establishment;
2. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
3. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

[Annotation: Definition added by amendment, effective January 17, 2001]

Use:

The purpose for which land or premises, or a building thereon is designed, used, arranged, or intended, or for which it is occupied or maintained, let, or leased.

Utility Grid Wind Energy System:

Means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as, but not limited to, a SCADA tower, electric substation. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid.

[Annotation: Definition added by amendment, effective _____ 2012]

Wind Energy System:

Means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also On Site Wind Energy System and Utility Grid Wind Energy System.

[Annotation: Definition added by amendment, effective _____ 2012]

Wind Site Assessment:

Means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

[Annotation: Definition added by amendment, effective _____ 2012]

Yard:

A space open to the sky between a building and the lot lines of the premises on which it is located, unoccupied, or unobstructed, except for encroachments specifically permitted under sections of this Ordinance. In measuring a yard as hereinafter provided, the measurements shall be the minimum horizontal distances between lot lines and a parallel line drawn through the nearest point of the main building or accessory building or any projections thereof.

- a. Front Yard: A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the main building or accessory building or projection thereof.
- b. Rear Yard: A yard extending across the full width of the lot and lying between the rear lot line and the rear of the main building and any projections thereof except steps, unenclosed balconies, Patios, or unenclosed porches.
- c. Side Yard: A yard between the side lot line and the nearest line of the main building or accessory building attached thereto or projection thereof extending from the front yard to the rear yard, or in the absence of either such yards, to the front or rear lot line, as the case may be, except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.
- d. Waterfront Yard: A yard any part of which abuts on a lake, stream, or any natural or artificial water course.

ARTICLE 10 - GENERAL PROVISIONS

1001. Scope:

Except as hereinafter provided, no building, lot, land, or part thereof shall be used, altered, constructed, or reconstructed, nor shall alterations be made in any existing buildings in Maple Grove Township except in conformity with the provisions of this Ordinance which apply to the zone in which it is located.

1002. Compliance with the State Construction Code Act of 1972, as amended:

All construction in Maple Grove Township shall be done in compliance with a Nationally recognized building code as specified in Michigan Act 230 of 1972, being the Michigan Construction Code Act of 1972, as amended and as same may be amended from time to time. Further, the construction code inspector shall obtain a copy of a land use permit issued under this Ordinance, as part of a construction permit application.

101. Environmental, water:

1010. Compliance with Manistee County Sanitary Code, as amended:

Every structure or device hereinafter erected or moved upon any premises and designed, used, or intended for human habitation shall conform to the rules and recommendations of the Department of Public Health of the State of Michigan and the Manistee County Sanitary Code. The Zoning Administrator shall issue a Land Use Permit to an applicant providing the intended use is in accordance with the provisions of this Ordinance, so that a Septic/Well Permit may be issued by the Manistee County Health Department. Applicant shall notify the Maple Grove Township Zoning Administrator when septic/well system has been approved by the Inspector. If the Land

Use Permit is issued for Commercial/Industrial purposes, a Plumbing Inspection by a State Plumbing Inspector is also required.

1011. Sanitation and Water Supply Systems:

For the public health, safety, and general welfare of the inhabitants of Maple Grove Township, sanitation, sewage disposal, septic tank, waste disposal, and water supply systems shall be of ample capacity for purposes intended and shall be designed, located, and constructed in strict conformity with applicable Ordinances, Laws, and Sanitary codes set forth by the State of Michigan, Manistee County, and Maple Grove Township.

1012. Hazardous Substance Groundwater Protection:

- A. All businesses and facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generate hazardous substances:
 - 1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - 2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,shall comply with the following groundwater protection requirements.
- B. Groundwater Protection requirements:
 - 1. Groundwater Protection, generally:
 - a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, flood plains, groundwater, street slopes, and natural and man-made drainage systems.
 - b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 - c. General purpose floor drains and storm drains shall be:
 - (1) connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements, or
 - (2) authorized through a state groundwater discharge permit, or
 - (3) connected to a public sewer system.
 - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
 - e. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-ground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.
 - f. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Manistee-Mason District Health Department.
 - g. If the site plan includes territory within a Wellhead Protection Overlay Zone submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.
 - 2. Above-ground Storage
 - a. Primary containment of hazardous substances shall be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.

- b. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:
 - (1) sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, or
 - (2) shall be at least as great as volumes required by state or county regulations, or
 - (3) shall, if not protected from rainfall, contain a minimum of
 - (a) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus
 - (b) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus
 - (c) the volume of a 6 inch rainfall.
 - c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
 - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
 - e. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
 - f. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.
3. Underground Storage
- a. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality.
 - b. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

[Annotation: Entire section on hazardous substance groundwater protection added by amendment, August 9, 1995, effective August 10, 1995 at 12:01am.]

102. Environmental, Solid Waste:

103. Environmental, Land/Other:

1030. Removal of Soil, Sand, Clay, Gravel, and Other Material or Resources:

- A. Except for the purpose of accessory excavation of buildings to be located upon land in Maple Grove Township, top soil, sand, clay, gravel, or other materials or resources, except oil and gas, shall not be removed from any premises in any Zoning District except under a Special Land Use Permit issued by the Maple Grove Township Planning Commission, subject to conditions as specified under Section 8601 *et. seq.* of this Ordinance, which may be issued in appropriate cases upon filing of an application and payment of fee, accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect, or leave the surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or for other land uses permitted in the District in which such removal occurs.
- B. In addition to the Special Land Use Permit, a Soil Erosion and Sedimentation Control Permit, obtainable from the Manistee County Building and Soil Erosion Control Department, is required whenever any earth movement change of over one (1) acre in size or any earth movement change within five hundred (500) feet of a body of water.

1031. Gas, Oil, and Mineral Resources:

Notwithstanding the provisions of this Ordinance, the extraction of subterranean natural resources shall be permitted provided:

- A. That disruption of the surface of natural vegetation as a consequence of the exploration or production of much resource shall be restored to a state similar to that existent before such exploration or production was begun within thirty (30) days of termination of such exploration or production
- B. Structures used to produce or store subterranean resources shall, if located on a site for more than ninety (90) days, be concealed or painted to harmonize rather than contrast with the natural surroundings.
- C. All engines, motors, pumps, or related equipment shall be so situated as to reduce noise nuisance factor to acceptable levels.

104. Parcel & Setback Regulations:

1040. Height:

No building or part thereof, shall be erected or altered to a height exceeding two and one-half (2.5) stories or thirty-five (35) feet except that non-dwelling buildings other than accessory buildings may be erected or altered to a height not exceeding fifty (50) feet when approved by the Maple Grove Township Planning Commission. Antennas or towers to be erected to more than fifty-five (55) feet above ground level shall require Special Use permit.

105. Vehicle Access/Roads/Parking:

1050. Traffic Visibility at Corners:

No use, structure or plant material, such as parking spaces, fences, signs, berms, hedges, or planting of shrubs, which obstructs safe vision at a road corner, shall be located, erected or maintained within a triangular area formed by a line connecting two points:

- A. Forty (40) feet from the point of the intersection of the two front property lines adjacent to a road, or
- B. The two road right-of-way lines, or
- C. A line parallel to and thirty-three (33) feet to the side of the center lines of the used lanes of travel of the two roads,

whichever creates the larger triangular area.

[Annotation: This Section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

1051. Road:

Every road which provides or may provide access to and from another road for three (3) or more dwelling units or principal buildings on separately owned parcels shall meet the following conditions:

- A. Be constructed in a good and workmanlike manner within the right-of-way which is established by duly recorded conveyance and which is not less than sixty-six (66) feet in width, dedicated to the public.
- B. Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage by such means as two foot deep ditches constructed parallel to and on either side of the street, or by use of curb and gutter with a storm sewer system; and by sloping the sides of the street from the center thereof, or by other effective methods.
- C. Shall be constructed according to standards as may be adopted by the Manistee County Road Commission.
- D. Shall be a public road.

[Annotation: This Section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

1052. Driveway Design.

1053. Vehicular Parking Spaces, Access and Lighting:

- A. For each principal building or establishment hereafter erected or altered and located on a public road in any land use district, including buildings and structures principally used as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions identified below. The parking spaces called for in this section shall be considered minimum requirements under this Ordinance and in the case of more than one use on a parcel, the minimum shall be the sum of the required parking for each use:
 - 1. Single Family Dwellings, Duplexes, Multiple Family Dwellings (Apartments): Two (2) parking spaces for each family unit occupying the site.

2. Hotels, Motels and Lodging Places: One (1) parking space for every three (3) bed-spaces of legal sleeping capacity.
 3. Nursing Home, Personal Care Facilities, Hospitals and Similar Institutions: One (1) parking space for every four (4) beds, plus one (1) parking space for each employee or staff member during any shift.
 4. Public Meeting Places; Open Dance Hall, Theatres, Auditoriums or other places of public assembly: One (1) parking space for every four (4) seats of legal capacity.
 5. Professional Service Offices (i.e. Insurance, Real Estate, Legal, Dentists, Physicians): One (1) parking space for every two hundred (200) square feet of floor area; provided, however, that medical/dental offices shall provide at least three (3) parking spaces for each physician/dentist.
 6. Taverns; Restaurants: One (1) parking space for every three (3) seats of legal capacity.
 7. Any other Retail Commercial Establishment: One (1) parking space for every one hundred (100) square feet of floor area.
 8. Any other Service; Wholesale Commercial Establishment: One (1) parking space for every two hundred (200) square feet of floor area.
- B. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed at the establishment during any shift shall be provided. Adequacy of parking shall be based upon the anticipated density of use of the establishment or premise by patrons, employees or residents and by reference to the standards contained in Section 1053.A. The Zoning Administrator shall establish the number of parking spaces required in the Land Use Permit.
- C. A parking space shall be a minimum of ten (10) feet by twenty (20) feet, with center and cross aisles being a minimum of twenty (20) feet wide.
- D. Approval for the location of all exits and entrances to the site shall be obtained from the County Road Commission for all roads. Such approval shall also include the design and construction of exits and entrances to protect public safety, ensure adequate drainage and other public requirements.
- E. Parking areas required under this section, and publicly owned parking lots, shall not be used for the storage or continuous parking of recreational vehicles, motor vehicles, or trailers without a current license plate, and junk for more than a twenty-four (24) hour period.

[Annotation: This Section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

106. Aesthetics, Signs:

1060. Signs:

The following provisions pertaining to the erection and maintenance of signs within the unincorporated limits of Maple Grove Township will apply:

- A. Such advertising sign or display shall comply with the statutes of the State of Michigan.
- B. Such advertising sign or display shall not be erected or placed within three hundred (300) feet of any dwelling existing at the time said sign or display is erected or moved to such location, provided such dwelling is used exclusively for residential purposes, and further provided, that, should a residential dwelling be erected within the three hundred (300) feet limitation area, the permit shall be revoked and the owner of the sign or agent thereof shall be notified in writing of the revocation and, said notification shall direct removal of said sign within ninety (90) days of date of notification.
- C. Such advertising sign or display shall not be erected or placed within three hundred (300) feet of an existing sign or display.
- D. The dimensions of signs or displays shall be determined by overall dimensions including trim and placement from street, road, or thoroughfare right-of-ways, measured on a line ninety (90) degrees horizontally to the right-of-way line, shall be in accordance with the following:
 1. Up to fifty (50) square feet - shall not be less than fifteen (15) feet from right-of-way.
 2. Fifty through one hundred fifty (50-150) square feet - shall not be less than twenty-five (25) feet from right-of-way.

3. Over one hundred fifty (150) square feet - shall not be placed less than the setback required by this Ordinance for any building hereafter erected in the zoning district concerned.
- E. Temporary signs or displays non-illuminated pertaining to the sale, lease, or rent of a building shall be limited to a size not exceeding twelve (12) square feet and shall be placed not less than one-half (0.5) the depth or required front yard from lot line. Such signs or displays shall be removed as soon as the premises are sold, leased, or rented.
- F. Bulletin boards or churches, schools, libraries, or other public buildings shall be permitted providing such is located on the premises thereof and is placed so as not to obstruct the view of traffic from the sidewalks, driveways, roadways, or adjoining property.
- G. Agricultural displays and roadside stands shall be permitted Provided such is located on a farm not less than twenty-five (25) feet from road right-of-way with adequate parking area for prospective customers clear of the right-of-way and such display and sales are limited to products of that farm.
- H. One identification sign of not more than twenty-four (24) square feet may be erected on the premises as part of any business or activity conducted thereon in any district, except that signs related to home occupations shall be controlled by the provisions of Section 502 of this ordinance, definition of "home occupation".
- I. Signs, displays, billboards, and other commercial forms of advertising media may be erected and maintained within the unincorporated areas of Maple Grove Township by application to the Maple Grove Township Planning Commission and filed with the Zoning Administrator, for a Special Use Permit. Such approval, if granted, shall be for an initial period of one (1) year and may be extended thereafter upon approval of said Commission. Fees for application and extensions shall be as established by the Maple Grove Township Board. Any State of Michigan or federal regulations contrary to the provisions set forth herein shall supercede determinations or rules of the Maple Grove Township Planning Commission set forth pertaining to signs.

107. Structure regulations:

1070. Temporary Dwellings:

No tent, trailer, trailer coach, motor home, camper, or other temporary structure shall be employed as a dwelling unit except as hereinafter provided.

- A. Such temporary structures may be used to house campers at a Trailer Park in compliance with all appropriate provisions of the Michigan Mobile Home Park Act, being Act 243 of Public Acts of 1959, as amended.
- B. Temporary structures may be used on a residential site by the owner or tenant for his own use for purposes of housing guests provided such occupancy does not exceed thirty (30) days in any one calendar year and provided further than not more than one (1) such structure is used for this purpose. Compliance with Section 1010 of this Ordinance shall precede occupancy of any such structure.
- C. Structures used as temporary dwellings for the purpose of housing Migrant Farm Workers for seasonable crops shall only be used for that purpose and shall be so constructed as to conform to the standards set forth in the MIGRANT FARM WORKERS ACT of the State of Michigan.
- D. A garage, basement, trailer coach, or mobile home may be utilized as a dwelling by the owner of a premises during the period when a dwelling conforming to the provisions of this Ordinance for the Zoning District in which located is in the process of erection and completion on the same lot. Compliance with Section 1010 of this Ordinance shall precede occupancy of any such dwelling. Additionally, Trailer coaches or mobile homes, when authorized for temporary dwellings will be blocked, leveled, adequately anchored, and skirted within thirty (30) days following approval for occupancy.
- E. Temporary dwellings shall meet the following standards:
 1. They shall be totally self-contained or have a proper septic facility setup that meets County Sanitary Code.
 2. They shall comply with all setback requirements of this Ordinance in the land use District in which permitted.
 3. The use of said dwelling shall not be contrary to public health, safety, or welfare.

4. They must comply with all applicable building and fire codes.
5. The use of temporary dwellings shall be limited to one (1) year beginning with the issuance of a temporary dwelling permit by the Zoning Administrator. The permit may be renewed for not more than one (1) year at a time upon approval of the Township Zoning Administrator for good cause shown. Good cause shall be limited to reasonable delay in the construction of the permanent dwelling beyond the control of the owner such as unavailability of materials, labor strikes, inclement weather or fires.
6. A Building Permit shall be required prior the installation and use of the temporary dwelling.
 - a. Temporary dwelling permits, when approved, shall be limited to twelve (12) months, beginning with the issuance date of the permit therefor.
 - b. The permit may be renewed yearly for not more than two (2) additional years following expiration of original time period upon approval of the Maple Grove Township Zoning Administrator for good causes shown.
 - c. Fees for initial and subsequent permit issuances shall be as established by the Maple Grove Township Board.
7. Temporary Dwellings may be used as part of a campground licensed by the Michigan Department of Public Health.
8. Temporary Dwellings may be used for temporary recreation on a non-commercial/no rental basis by tourists, campers and sportsmen in public land where such activity is allowed by State or Federal regulations or on privately-owned land not to exceed a period of nine (9) months in a calendar year.
9. Application for the erection, placement, and use of temporary dwelling structures shall be made in writing to the Maple Grove Township Zoning Administrator.

[Annotation: Entire sub-section added by amendment adopted September 12, 1986.]

- F. Application for the erection, placement, and use of temporary dwelling structures shall be made in writing to the Maple Grove Township Zoning Administrator.

1071. Accessory Buildings and Structures:

- A. No accessory building or structure shall be allowed on any parcel on which there does not also presently exist a principal or main building or structure, unless construction of the accessory building or structure occurs contemporaneously with the construction of the principal or main building or structure. This limitation shall not apply to accessory buildings or structures located on farms.
- B. All accessory buildings and structures shall be in the side yard or rear yard, except as follows:
 1. When built as part of the main building;
 2. In land use districts where land abuts a body of water, in which case accessory buildings and structures necessary for the enjoyment of the water, such as boathouses, docks, and erosion control devices may be placed in the waterfront yard and within the waterfront setback line; and
 3. In the Forest Recreation and Ag-Residential Districts, accessory buildings and structures may be located in a front yard provided the parcel in question is larger than one (1) acre in size and a front yard setback is observed which is two times (x2) the normal front yard setback for the land use district in question; otherwise, accessory buildings and structures shall be located only in the side or rear yards. Nothing in this section shall be construed as modifying any other applicable requirement for the parcel in question, including, but not limited to, lot size or dimensions, road frontage or size of accessory building or structure.
- C. An accessory building attached to the principal building shall be made structurally a part thereof and shall comply, in all respects, with the requirements applicable to the principal building.
- D. An accessory building and structure, unless attached and made a part of the principal building, shall not be closer than ten (10) feet to the principal building and shall meet all setback requirements of the land use district in which it is erected, moved, altered or used, unless otherwise expressly provided in this Ordinance.

- E. All accessory buildings and structures shall be anchored to the ground and shall conform to all applicable building code regulations.
- F. The requirements of this section shall apply to all accessory buildings and structures, permanent or temporary, including additions to or modifications of, existing accessory buildings or structures, and whether or not such accessory buildings or structures or additions or modifications require the issuance of a land use permit.

[Annotation: Section 1071 added by amendment, effective December 22, 2002.]

1072. Communication Tower Facilities (Permitted Use):

- A. Wireless Communication Facilities may locate in any zoning district, as a permitted use, if:
 - 1. Located on an existing building or structure, or is otherwise hidden from view by being incorporated in an existing building, or if it co-locates on an existing tower, and the purposed height does not require lighting by FCC and/or FAA regulations, and;
 - 2. Shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used);
 - 3. Shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.
- B. Any other private or individual television/radio reception/transmitter tower shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.

[Annotation: This section added by amendment January 17, 2001.]

108. Dwelling/Residential Standards:

1080. Dwellings:

No person shall use, occupy or permit the use or occupancy of a structure as a dwelling, or duplex, which does not comply with dwelling standards of this Ordinance, or standards of the State of Michigan and United States Department of Housing and Urban Development, whichever is applicable, within any district, except in a designated mobile home park, and except as hereinafter provided. All dwelling structures shall comply with the following minimum standards:

- A. No dwelling or duplex shall hereinafter be erected which shall have less than six hundred (600) square feet and an area of the structure which is at least twenty (20) by twenty (20) feet.
- B. Dwelling or duplex shall comply in all respects with the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being M.C.L. 125.1501 et. seq. including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan building code, then and in that event such federal or state standard or regulation shall apply.
 - 1. Foundations: It shall be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and shall have the same perimeter dimensions of the dwelling, except cantilevers, and constructed of such materials and type as required in the said State Construction Code for dwellings, or, in the case of mobile homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis;
 - 2. Framing, structural, insulation shall comply with the State Construction Code, or in the case of mobile homes, shall comply with the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same;
 - 3. Final finished: shall comply with the said State Construction Code.

- C. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- D. Every dwelling hereinafter erected shall have a roof slope of at least three inches of vertical rise for each foot of horizontal distance (3 on 12 pitch) or steeper. In no case, however, shall the pitch be less steep than the manufacturer's recommendation for the shingles used on the roof. The Appeals Board may grant a variance to slope requirements here, Section 9603.A notwithstanding, if compatible architecturally with the existing neighborhood.
- E. It shall contain only additions or rooms or other areas which are constructed with similar quality workmanship to, or of better quality, than the original structure. Further, it shall include permanent attachment to the principal structure as long as such attachment does not include a bearing load on a mobile home.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality than, the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- G. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in this Ordinance pertaining to such parks.
- H. All construction required by this section shall be commenced only after a construction permit has been obtained in accordance with the applicable construction code provisions and requirements.

[Annotation: This section amended May 8, 2000.]

1081. Second Dwelling on a Parcel:

[Annotation: This section added by amendment March 1991; effective March 28, 1991.]

- A. The purpose of this section is to provide for placement of a second dwelling on a parcel, that would not otherwise be allowed by this Ordinance --recognizing a need for extended members of family to take residence near their home, but in separate living quarters-- due to age, illness, or handicap such that they cannot care for themselves; while at the same time protecting the character of a single family neighborhood.
- B. A second dwelling may be placed on the same parcel where a dwelling already exists if the following conditions are met:
 1. The application for a use permit shall include a site plan.
 2. The second dwelling shall comply with all applicable construction, height, yard and setback regulations of this Ordinance.
 3. The distance between the principal and second dwelling shall be equal to twice the side yard setback required in the respective district.
 4. The second dwelling shall be located in the rear yard.
 5. The second dwelling is on a parcel with frontage on a public road, with a driveway adequate to provide off-road parking for two dwellings (at least, but not limited to, three parking spaces), which has access to public road or alley.
 6. Occupancy of one of the two dwellings shall be only by family members or extended family members who are over 65 years old or handicapped and not able to fully care for themselves.
 7. The design of the second dwelling shall be a moveable structure and shall be temporary, to be removed within 90 days when no longer occupied by qualified resident (see Section 1081.B.6 of this ordinance.) Before a permit is issued, the applicant shall provide security to cover removal costs. Such security shall be in the form specified in Section 8603.G of this Ordinance.

8. The application shall include a medical doctor's written statement the individual is handicapped or elderly and not able to fully take care of one's self. The permit, when issued, shall indicate it is a temporary permit and not transferable to another individual.

109. Other Special Purpose:

1090. Mobile Home Park or Trailer Coach Park:

- A. The materials required for License Application under the Mobile Home Park Act, being Act 243 of Public Acts of 1959, as amended, or the Mobile Home Commission Act, being Act 119, of Public Acts of 1976, as amended, whichever is applicable, shall be submitted along with an application in writing to the Maple Grove Township Planning Commission and filed with the Zoning Administrator. Said application shall be accompanied by a preliminary site plan showing the location, layout, general design, and a general description of the project. A fee, as established by the Maple Grove Township Board, shall accompany said application.
- B. The following standards are hereby established and shall be adhered to in the site planning and review:
 1. The location and operation of said park shall not tend to produce noise, annoyance, or prove otherwise injurious to the surrounding neighborhood; nor be inimical to public health, safety, or general welfare of the community.
 2. Such park shall be provided with not more than one (1) safe entrance from and one (1) safe exit to the public street, road, or thoroughfare.
 3. Said park shall be adequately buffered from adjoining properties through the use of walls, fences, or other construction, which shall be kept in good repair at all times. Shrubs and trees may be used in conjunction with the aforementioned buffers; but, they shall be maintained in a neat, clean, and attractive manner, trimmed and/or pruned so as to preclude use of, for access to, or from said park.
 4. Said park shall have a well-lit perimeter road with the outer edge of right-of-way setback of twenty-five (25) feet. Setback space may be utilized in providing off-street parking for tenants and guests. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided. The park shall be adequately lit during darkness.
 5. Said park shall in all ways comply with Act 119, Public Acts of 1976, as amended, and all pertaining rules in regard to internal roads, driveways, on-site Parking, vehicular circulation and pedestrian circulation systems.
- C. The Maple Grove Township Planning Commission shall follow procedures set forth in Section 8805 of this ordinance, in arriving at its decision, to approve or disapprove said Application.
- D. An annual renewal fee, as established by the Maple Grove Township Board, shall be due upon the anniversary date of said Permit.

1091. Airport Zoning:

All lots, tracts, and parcels of land in Zoning Districts contiguous to the boundaries of the Kaleva Airport shall be restricted as to land use and height structures authorized as set forth in Public Act 259, State of Michigan, of 1959, as amended, defined as the "Tall Structure Act". Specifically, as set forth in subject Act, no person shall erect, add to the height of, or replace any structure within any area lying five hundred (500) feet on either side of the centerline of a runway or landing strip for a distance of two (2) miles from the nearest boundary of the public use airport which will result in a structure extending higher than the height determined by the ratio of one (1) foot measured vertically from the established airport elevation to each twenty (20) feet of distance measured horizontally, between such nearest boundary of such airport and the structure.

1101. On-site Use Wind Energy Systems and Anemometer Tower. An On-site Use Wind Energy System is an accessory use which shall meet the following standards:

1. Designed to primarily serve the needs of a home, farm, or small business.
2. Shall have a tower height of 66 feet or less.
3. Property Setback: The distance between an On-site Use Wind Energy System and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

4. Sound Pressure Level: On-site Use Wind Energy Systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
5. Construction Codes, Towers & Interconnection Standards: On-site Use Wind Energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use Wind Energy Systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, Mel 259.431 et. seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, Mel 259.481 et. seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-site Use Wind Energy System shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
6. Safety: An On-site Use Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

1102. Utility Grid Wind Energy System, On-Site Use Wind Energy System over 66 Feet High, and Anemometer Towers over 66 Feet High.

A Utility Grid Wind Energy System, On-site Use Wind Energy System over 66 feet high, and Anemometer Towers over 66 feet high shall meet the following standards in addition to the general special use standards (Section 8608 of this ordinance):

A. Property Setback:

1. Anemometer Tower setback shall be the greater distance of the following:

The setback from property lines of the respective zoning district;
The setback from the road right-of-way; and
A distance equal to the height of the tower from property lines or from the lease unit boundary, whichever is less.

2. Utility Grid and On-site Use Wind Energy System setback shall be the greater distance of the following:

The setback from property lines of the respective zoning district;
The setback from the road right-of-way; and
A distance equal to the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less.

3. An operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.

B. Sound Pressure Level: The sound pressure level shall not exceed 55 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

C. Safety: Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road

access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

D. Post-Construction Permits: Construction Codes, Towers and Interconnection Standards: Shall comply with all applicable state construction and electrical codes and local building permit requirements.

E. Pre-Application Permits:

1. Utility Infrastructure:

Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, MCL 259.431 *et. seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, MCL 259.481 *et. seq.*), and local jurisdiction airport overlay zone requirements. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid Wind Energy Systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

2. Environment:

A. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.

B. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, Mel 324.101 *et. seq.*) (including but not limited to:

i. Part 31 Water Resources Protection (Mel 324.3101 *et. seq.*)

ii. Part 91 Soil Erosion and Sedimentation Control (Mel 324.9101 *et. seq.*)

iii. Part 301 Inland Lakes and Streams (Mel 324.30101 *et. seq.*),

iv. Part. 303 Wetlands (Mel 324.30301 *et. seq.*),

v. Part 323 Shoreland Protection and Management (Mel 324.32301 *et. seq.*),

vi. Part 325 Great Lakes Submerged Lands (Mel 324.32501 *at. seq.*), and

vii. Part 353 Sand Dunes Protection and Management (Mel 324.35301 *et. seq.*)

as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.

F. Performance Security: Performance security, pursuant to Section 8611 of the Ordinance, shall be provided by the applicant for making repairs to public roads damaged by the construction of the wind energy system.

G. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions, and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

H. The following standards apply only to Utility Grid Wind Energy Systems:

1. Visual Impact: Utility Grid Wind Energy System projects shall use tubular towers and all Utility Grid Wind Energy Systems in a project shall be finished in a single, non-reflective

matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades; Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's Plan.

2. Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact Analysis.

3. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.

4. Decommissioning: A planning commission approved decommissioning plan indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.

5. Complaint Resolution: A planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.

6. Electromagnetic Interference: No Utility Grid Wind Energy System shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid Wind Energy System shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

4. The Ordinance shall be amended to add to Article 34, Section 3403, a new subsection P. (Forest Recreation Wildlife Wetlands):

P. On-site Wind Energy System.

5. The Ordinance shall be amended to add to Article 37, Section 3703 a new subsection P. (Agricultural-Residential District AG-1):

P. On-site Wind Energy System.

6. The Ordinance shall be amended to add to Article 40, Section 4003 a new subsection E. (Single Family Residence):

E. On-site Wind Energy System.

7. The Ordinance shall be amended to add to Article 45, Section 4502 a new subsection F. (Multi-Family Residence):

6. On-site Wind Energy System

8. The Ordinance shall be amended to add to Article 50, Section 5003 a new subsection L. (Commercial-Residential District)

L. On-site Wind Energy System

9. The Ordinance shall be amended to add to Article 60, Section 6003 a new subsection R (Industrial District):

R. On-site Wind Energy System.

10. The Ordinance shall be amended to add a new Article 11:

9408. Site Plans for Anemometer Tower, Utility Grid Wind Energy System, and On-site Use Wind Energy System.

In addition to the requirements for a site plan found in Article 94 of the Ordinance, site plans and supporting documents for Anemometer Tower, Utility Grid Wind Energy System, and On-site Use Wind Energy Systems which are over 66 feet high shall include the following additional information:

- A. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
- B. Proof of the applicant's public liability insurance for the project.
- C. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
- D. The phases, or parts of construction, with a construction schedule.
- E. The project area boundaries.
- F. The location, height and dimensions of all existing and proposed structures and fencing.
- G. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- H. All new infrastructure above ground related to the project.
- I. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- J. For Utility Grid Wind Energy Systems only:

- 1. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI 812.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI 81.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
- 2. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- 3. A copy of an Environmental Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 4. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

(Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.)

(At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered

Species Protection Law.)

(The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.)

5. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.

6. A second site plan, which includes all the information found in Article 94 of this Ordinance, and shows the restoration plan for the site after completion of the project which includes the following supporting documentation:

The anticipated life of the project.

The estimated decommissioning costs net of salvage value in current dollars.

The method of ensuring that funds will be available for decommissioning and restoration.

The anticipated manner in which the project will be decommissioned and the site restored.

7. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

8. This Ordinance shall have an effective date of seven (7) days after the date of publication in a newspaper of general circulation for Manistee County.

[Annotation: Definition added by amendment, effective _____ 2012]

ARTICLE 18 - LAND USE DISTRICTS

1801. Land Use Districts:

The unincorporated portion of Maple Grove Township, Manistee County, Michigan, is divided into the following Land Use Districts:

- A. Rural Districts:
 - 1. Forest, Recreational, Wildlife, Wetland, FR-I.
 - 2. Agricultural - Residential, AG-I
- B. Residential Districts:
 - 1. R-I, Single Family,
 - 2. R-II, Multiple Family,
 - 3. R-III, Multiple Family.
 - 4. Commercial - Residential, CR-I.
- C. Industrial Districts:
 - 1. Industrial - Residential, IR-I.
- D. Overlay Districts:
 - 1. Wellhead Protection Overlay District

[Annotation: District added by amendment, effective January 8, 1998.]

1802. Zoning Map:

The Land Use Districts into which each parcel of land in the unincorporated portion of Maple Grove Township are bounded on a map entitled, "Zoning Map of Maple Grove Township, Manistee County, Michigan", which "Zoning Map" and the contents thereof are hereto attached and incorporated herein by reference.

[Annotation: The zoning map was amended to add the boundaries of the Wellhead Protection Overlay District, effective January 8, 1998.]

1803. Interpretation:

Unless otherwise indicated, the boundary lines of said Districts shall be interpreted as following along section lines or customary division lines of sections, such as quarter or eighth lines, or the centerlines of roads, thoroughfares or highways, or waterways, or the waters edge of

water bodies, or the boundaries of incorporated areas, recorded plats or subdivisions, or property lines of legal record on the date of enactment of this Ordinance or amendments thereto, or the extension of any of said lines. All questions concerning the exact location of boundary lines of any district not clearly shown on the Zoning Map shall be determined by the Maple Grove Township Board of Appeals consistent with the purpose of this Ordinance.

ARTICLE 34 - FOREST, RECREATIONAL, WILDLIFE, WETLAND (FR-I)

[Annotation: Zoning classification 3458.]

3401. Purpose:

This zone is intended for the preservation of forests, recreational area, and wetlands from unplanned development and to protect and enhance their unique characteristics.

3402. Permitted Uses:

- A. Single and Multiple-Family Dwellings as authorized in R-I and R-II Districts.
- B. Off-Street Parking for currently-licensed automobiles and light trucks.
- C. Storage of Off-Road Vehicles (ORV's), boat/trailer, camp trailers, snowmobiles, and motor coaches home-owned and used by persons residing on the premises, any and all of which shall be parked or stored in the rear yard.
- D. Farming, raising livestock, poultry, and the production of crops.
- E. Nurseries and greenhouses.
- F. Tree farms, production and harvesting of forest crops, and the harvesting of native or wild crops permitted by law.
- G. Home Occupations.
- H. Office or studio of a professional or service person residing on the premises including veterinarians.
- I. Wildlife reserves.
- J. Private club or camp for outdoor recreation.
- K. Buildings, structures, and uses incidental to and necessary for any of the above permitted uses.

3403. Permitted Uses by Special Use Permit:

- A. Establishment for the conduct of commercial activities.
- B. Forest industries, sawmills, maple syrup reducing plants, and charcoal plants.
- C. Mobile Home Parks and Trailer Coach Parks.
- D. Parks and Playgrounds.
- E. Trailer Coaches subject to provisions of Section 107.B of this ordinance.

- F. Landing fields for aircraft.
- G. Mobile Homes subject to provisions of Section 1080 or 1070 of this ordinance.
- H. Riding Stables.
- I. Mines, quarries, and gravel pits.
- J. Junk Yards.
- K. Planned Unit Development (P.U.D.).
- L. Petroleum storage, refining, or processing, including the extraction of certain chemical by-products.
- M. Kennels/Pet Shops, subject to Act 339 of the Public Acts of 1919, as amended, and Act 287 of the Public Acts of 1969, as amended, or as said Acts may be amended from time to time, State of Michigan.
- N. Temporary Dwellings subject to the minimum required standards set forth in Section 1070.E of this ordinance.

[Annotation: Added by amendment, September 12, 1986.]

- O. Communication Tower Facilities

[Annotation. Added by amendment January 17, 2001.]

3404. Minimum Required Standards:

- A. Minimum Lot Size - Five (5) acres.

[Annotation: The minimum lot size increased from 30,000 square feet to five (5) acres by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- B. Minimum Side Yard - Twenty-five (25) feet.
- C. Minimum Rear Yard Setback - Twenty-five (25) feet.
- D. Minimum Setback from Street or Roadway - Thirty-five (35) feet.
- E. Minimum frontage on public street, highway or road - One-hundred Sixty-five (165) feet.
- F. Setback from nearest High Water of Stream, Lake, or Wetland - Forty-five (45) feet.
- G. The Minimum Setback of Forty-five (45) feet from the nearest High Water of Stream, Lake or Wetland must include at least ten (10) feet of Greenbelt on Stream, lake, or wetland area.
- H. Minimum Width of Driveway - Sixteen (16) feet.
- I. There shall be no construction allowed on Wetland or Flood Plains unless permitted by the Michigan Department of Environmental Quality (MDEQ).
- J. Kennels/Pet Shops shall be constructed, maintained, and licensed, in accordance with the provisions of the cited Public Acts of the State of Michigan (see Section 3403.M of this ordinance).
 - 1. Site Plan and Building Plan shall be submitted along with the Land Use Permit Application to the Maple Grove Township Planning Commission thru the Zoning Administrator.
 - a. The required Plans shall follow the Standards set forth in Part 3, of Regulations No. 151, Department of Agriculture, State of Michigan, as may be amended from time to time, promulgated per authority of Act 287, of the Public Acts of 1969, as amended.

[Annotation: The minimum lot size and other standards revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

ARTICLE 37 - AGRICULTURAL-RESIDENTIAL DISTRICT (AG-I)

[Annotation: Zoning classification 3364.]

3701. Purpose:

This zone is intended for preservation of agricultural land, and to protect it from unplanned development.

3702. Permitted Uses:

- A. Farming, including horticulture, tree farming, and the raising of livestock, poultry, and the production of crops.
- B. Sale of farm products produced mainly on the premises.
- C. Farm machinery sales and service establishments.
- D. Home Occupations.
- E. Office or studio of a professional or service person residing on the premises - including veterinarians.
- F. Buildings, structures and uses incidental to and necessary for any of the above permitted uses, and hired farm labor of the owners or operators of the farm.
- G. Single-family dwellings or mobile homes for owners or operators of farms permitted in section 3702.A of this ordinance.

3703. Permitted Uses by Special Permit:

- A. Establishments for the conduct of commercial activities.
- B. Forest industries and sawmills.
- C. Mobile home parks and trailer coach parks.
- D. Parks, playgrounds, and churches.
- E. One (1) single-family dwelling per farm in addition to the principal farm dwelling and other structures listed in Section 3702.F of this ordinance. If single-family dwelling is a mobile home, provisions of Section 1080 of this ordinance are applicable.

- F. Landing fields for aircraft.
- G. Riding stables.
- H. Quarries and/or gravel pits.
- I. Junk yards.
- J. Hospitals or nursing homes
- K. Accessory uses, buildings and structures, customarily incidental to any of the above uses.
- L. Planned Unit Development (P.U.D.).
- M. Kennels/Pet shops, subject to Act 339 of the Public Acts of 1919, as amended, and Act 287 of the Public Acts of 1969, as amended, or as said Acts may be amended from time to time, State of Michigan.
- N. Temporary Dwellings subject to the minimum required standards set forth in Section 1070.E of this ordinance.
[Annotation: Added by amendment, September 12, 1986.]
- O. Communication Tower Facilities.
[Annotation: Added by amendment January 17, 2001.]

3704. Minimum Required Standards:

- A. Lot size - Five (5) acres.

[Annotation: The minimum lot size increased from one (1) acre to five (5) acres by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- B. Minimum frontage on public street, highway or road - One-hundred sixty-five (165) feet'.
- C. Front Yard Setback for all structures -Thirty-five (35) feet.
- D. Side Yard Setback - Twenty-five (25) feet.
- E. Rear Yard Setback - Twenty-five (25) feet.
- F. Floor area for dwelling (except housing for migrant workers) - Six hundred (600) square feet.
- G. Driveway width (clear area) - Sixteen (16) feet.
- H. Setback from nearest High Water of Stream, Lake, or Wetland - Forty-five (45) feet.
- I. The Minimum Setback of Forty-five (45) feet from the nearest High Water of Stream, Lake or Wetland must include at least ten (10) feet of Greenbelt on Stream, lake, or wetland area.
- J. Kennels/Pet shops shall be constructed, maintained, and licensed, in accordance with the provisions of the cited Public Acts of the State of Michigan (see section 3703.M of this ordinance).
 - 1. Site plan and building plan shall be submitted along with the Land Use Permit Application to the Maple Grove Township Planning Commission thru the Zoning Administrator.
 - a. The required plans shall follow the standards set forth in Part 3, of Regulation No. 151, Department of Agriculture, State of Michigan, as may be amended from time to time, promulgated per authority of Act 287 of the Public Acts of 1969, as amended.

[Annotation: The minimum required standards revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

ARTICLE 40 - SINGLE-FAMILY RESIDENTIAL (R-I) DISTRICT

[Annotation: Zoning classification 4541.]

4001. Permitted Uses:

- A. Single-Family Dwellings.
- B. Off-Street Parking for currently-licensed automobiles and light trucks.
- C. Storage of "Off-Road Vehicles" (ORV's), boats, camp trailers, slide-in campers, snowmobiles, and motor homes, owned and used by persons residing on the premises, any or all of which shall be parked or stored in the rear yard.
- D. Home Occupations as defined in Section 502 definition of "home occupation".
- E. Office or Studio of Professional or Service Person residing on the premises.
- F. Mobile Homes.
- G. Any structure or use which is clearly accessory to the permitted use.

4002. Permitted Uses by Special Permit:

- A. Schools, churches, and organizational buildings, all of which are to meet height requirements as contained in Section 1059 of this ordinance.
- B. Publicly-owned parks and playgrounds.
- C. Planned Unit Development (P.U.D.).
- D. Temporary Dwellings subject to the minimum required standards set forth in Section 1070.E of this ordinance.

[Annotation: Added by amendment, September 12, 1986.]

4003. Minimum Required Standards:

- A. Lot Size - Two and one-half (2 ½) acres.

[Annotation: The minimum lot size increased from one 100' x 200' to 2 ½ acres by amendment adopted September 10, 2007, effective

October 4, 2007 at 12:01am.]

- B. Minimum frontage on public street, highway or road - One-hundred sixty-five (165) feet.
- C. Front Yard Setback - Thirty-five (35) feet.
- B. Side Yard Setback (including accessory buildings) - Twenty-five (25) feet.

- C. Rear Yard Setback (including accessory buildings) - Twenty-five (25) feet.
- D. Driveway Width (clear area) - Sixteen (16) feet.
- E. Floor Area - Six hundred (600) square feet of floor area on first floor level.
- F. Setback from nearest High Water or Stream, Lake, or Wetland - Forty-five (45) feet.
- G. The Minimum Setback of Forty-five (45) feet from the nearest High Water of Stream, Lake or Wetland must include at least ten (10) feet of Greenbelt on Stream, lake, or wetland area.

[Annotation: The minimum required standards for parcels revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

ARTICLE 44 - MULTIPLE-FAMILY RESIDENTIAL (R-II) DISTRICT

[Annotation: Zoning classification 4341.]

4401. Permitted Uses:

- A. Single-Family Dwellings.
- B. Two-family Dwellings (Duplex).

[Annotation: The term "Multiple-Family" replaced with "Two-Family" by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- C. Parking for currently-licensed automobiles and light trucks.
- D. Storage of off-road vehicles (ORV's), boats, camp trailers, slide-in campers, and motor homes, snowmobiles, owned and used by persons residing on the premises, any or all of which shall be parked or stored in the rear yard.
- E. Home Occupations as defined in Section 105.02 of this ordinance, definition of "home occupations".
- F. Office or Studio of Professional or Service Person residing on the premises.
- G. Mobile Homes.
- H. Any structure or use which is clearly accessory to the permitted use.

4402. Permitted Uses by Special Permit:

- A. Schools, churches, and organizational buildings, all of which are to meet Height Requirements as contained in Section 1059 of this ordinance.
- B. Publicly-owned parks and playgrounds.
- C. Planned Unit Development (P.U.D.)
- D. Temporary Dwellings subject to the minimum required standards set forth in Section 1070.E of this ordinance.

[Annotation: Added by amendment, September 12, 1986.]

4403. Minimum Required Standards:

- A. Lot Size -- Two and one-half (2 ½) acres

[Annotation: The minimum lot size changed from 200' x 200' or 10,000 square feet to 2 ½ acres by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- B. Minimum frontage on public street, highway or road - One-hundred sixty-five (165) feet.
- C. Front Yard Setback -- Thirty-five (35) feet.
- D. Side Yard Setback (including Accessory Buildings) -- Twenty-five (25) feet.
- E. Rear Yard Setback (including Accessory Buildings) -- Twenty-five (25) feet.
- F. Driveway Width (clear area) -- Sixteen (16) feet.
- G. Floor Area -- Six-hundred (600) square feet per family unit.
- H. Setback from nearest High Water or Stream, Lake, or Wetland - Forty-five (45) feet.
- I. The Minimum Setback of Forty-five (45) feet from the nearest High Water of Stream, Lake or Wetland must include at least ten (10) feet of Greenbelt on

Stream, lake, or wetland area.

[Annotation: The minimum required standards for parcels clarified and revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

ARTICLE 45 - MULTIPLE-FAMILY RESIDENTIAL (R-III) DISTRICT

[Annotation: Zoning classification 4341.]

4501. Permitted Uses:

- A. Single-Family Dwellings.
- B. Two-Family Dwellings (Duplex)

[Annotation: Multiple-Family Dwellings (Apartments deleted as a permitted use by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.)

- C. Off-Street Parking for currently licensed automobiles and light trucks.
- D. Storage of Off-Road vehicles (ORV's), boats, camp trailers, slide-in campers, snowmobiles, and motor homes owned and used by persons residing on the premises, any or all of which shall be parked or stored in the rear yard.
- E. Home occupations as defined in Section 502 of this ordinance, definition of "home occupation".
- F. Office or studio of professional or service person residing on the premises.
- G. Mobile homes.
- H. Any structure or use which is clearly accessory to the permitted use.

4502. Permitted Uses by Special Permit:

- A. Schools, churches, and organizational buildings all of which must meet R-III maximum height requirements.
- B. Publicly-owned parks and playgrounds.
- C. Planned Unit Development (P.U.D.).
- D. Temporary Dwellings subject to the minimum required standards set forth in Section 1070.E of this ordinance.
- E. Multiple-Family Dwellings. (Apartment Buildings).

[Annotation: Multiple-Family Dwelling added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

[Annotation: Section added by amendment, September 12, 1986.]

4503. Minimum Required Standards:

- A. Lot Size -- Two and one-half (2 ½) acres.

[Annotation: The minimum lot size changed from 200' x 200' or 10,000 square feet to 2 1/2 acres by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- B. Minimum frontage on public street, highway or road - One-hundred sixty-five (165) feet.
- C. Front Yard Setback -- Thirty-five (35) feet.
- D. Side Yard Setback (including Accessory Buildings) -- Twenty-five (25) feet.
- E. Rear Yard Setback (including Accessory Buildings) -- Twenty-five (25) feet.
- F. Driveway Width (clear area) -- Sixteen (16) feet.
- G. Floor Area -- Six-hundred (600) square feet per family unit.
- H. Setback from nearest High Water or Stream, Lake, or Wetland - Forty-five (45) feet.
- I. The Minimum Setback of Forty-five (45) feet from the nearest High Water of Stream, Lake or Wetland must include at least ten (10) feet of Greenbelt on Stream, lake, or wetland area.

[Annotation: The minimum required standards for parcels clarified and revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

ARTICLE 50 - COMMERCIAL-RESIDENTIAL DISTRICT (CR-1)

[Annotation: Zoning classification 4585.]

5001. Purpose:

This zone is intended for the use of commercial activity in keeping with the standards of preservation of natural surroundings and maintaining liveable area so that it will be both beneficial and properly maintained for future use, assuring adequate light, air, privacy, and regular sanitation service to insure health and welfare of its occupants.

5002. Permitted Uses:

- A. Single and multiple-family dwellings as authorized in R-I and R-II.
- B. Parking:
 - 1. Residential off-street parking with a minimum of two (2) parking spaces per family unit.
 - 2. Commercial off-street parking with a minimum of one (1) vehicle space for each fifty (50) square feet of usable floor space.
- C. Office or studio of professional or service person residing on the premises, excluding veterinarians.
- D. Personal service establishments, such as barber shops and beauty parlors.
- E. Gasoline service stations.
- F. Storage garages.
- G. Salesrooms and repair shops for automobile vehicles, home, and farm equipment.
- H. Indoor theaters, bowling alleys, taverns, night clubs, and similar facilities of recreation.
- I. Pick-up shops for laundry and dry-cleaning.
- J. Newspaper and magazine distributing stations.
- K. Signs or other advertising display of a sign not exceeding six (6) square feet for

each lot when pertaining to the sale, rental, or use of the premises on which the sign is located. Large signs for general advertising shall not be permitted except upon the approval of the Zoning Administrator based on the requirements set forth in Section 1060 of this ordinance.

- L. Home occupation.
- M. Mobile homes.
- N. Accessory uses, buildings and structures customarily incidental to any of the above permitted uses. Provided, however, that the location, erection, and use shall not be detrimental to the public health, safety, or general welfare, or to the character of the neighborhood wherein it is proposed to locate such use.
 - 1. Accessory Buildings - to be used solely as such.
 - 2. Accessory Buildings for Residential/Commercial - One (1) parking stall in garage or car port unit and one (1) storage compartment 7 x 10 per unit.
 - 3. Accessory Buildings for Multiple-Family - Same as above.

5003. Permitted Uses by Special Permit:

- A. Retail Establishments.
 - B. Restaurants and other food serving establishments.
 - C. Motels, hotels, rooming houses, and tourist homes.
 - D. Trailer parks and tourist courts on approval of the Maple Grove Township Planning Commission.
 - E. Multiple-family dwellings as authorized in R-III.
 - F. Residential/Commercial Complex.
 - G. Churches, schools, organizational buildings and publicly-owned parks and playgrounds.
 - H. Other commercial uses may be permitted upon approval by the Maple Grove Township Planning Commission.
 - I. Planned Unit Development (P.U.D.).
 - J. Temporary Dwellings subject to the minimum required standards set forth in Section 1070.E of this ordinance.
- [Annotation: Added by amendment, September 12, 1986.]
- K. Sexually Oriented Businesses. Sexually oriented businesses including any of the following or any combination of the following:
 - 1. Adult book and/or video store
 - 2. Adult motion picture theater
 - 3. Adult mini motion picture theater
 - 4. Adult paraphernalia/novelty store
 - 5. Massage parlor
 - 6. Host or hostess establishments
 - 7. Open dance hall
 - 8. Adult live entertainment establishments regardless of whether alcoholic beverages may or may not be served
 - 9. Adult panorams

[Annotation: Section K added by amendment January 17, 2001.]

5004. Minimum Required Standards:

- A. Minimum Lot Size:
 - 1. Residential - Two and one-half (2 ½) acres per single family dwelling.

[Annotation: The minimum lot size changed from 20,000 square feet to 2 ½ acres per single family dwelling by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

 - 2. Residential-Multiple-Family Dwelling (Duplex or Apartment

Buildings) - Ten-thousand (10,000) square feet per family unit.

[Annotation: The minimum lot size reduced from 15,000 square feet per family unit by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- 3. Residential-Commercial - Sixty-thousand (60,000) square feet.
- B. Minimum frontage on public street, highway or road - One hundred sixty-five (165) feet.
- C. Minimum Setbacks for Residential and Multiple-Family Dwellings:
 - 1. Front Yard - Thirty-five (35) feet from right-of-way.
 - 2. Side Yard - Twenty-five (25) feet from side lot lines.
 - 3. Rear Yard - Twenty-five (25) feet from rear lot lines, including buildings.
- D. Minimum Setbacks for Commercial structures with Residential facilities:
 - 1. Front Yard - One hundred (100) feet from right-of-way.
 - 2. Side Yard - Twenty-five (25) feet from side lot lines.
 - 3. Rear Yard - Thirty (30) feet from rear lot lines, including buildings.
- E. Minimum Setbacks for Commercial Buildings:
 - 1. Front Yard - one hundred (100) feet in depth. (The depth is considered to be the distance from the highway right-of-way to the nearest point of the front exterior wall.) Where there are adjacent commercial uses with a lesser front yard, there shall be permitted a front yard equal to the average of all existing commercial uses.
 - 2. Side Yard - Twenty-five (25) feet which shall be required along exterior lot lines except on the side of the lot abutting upon the lot used for dwelling purposes.
 - 3. Rear Yard - Thirty (30) feet to be required except where commercial zone abuts on the residential zone.
- F. Minimum driveway width (clear) - Sixteen (16) feet.
- G. Minimum floor area:
 - 1. Single Family - Six hundred (600) square feet.
 - 2. Multiple Family - Six hundred (600) square feet per family unit.
- H. Maximum Height for Commercial Buildings - Thirty-five (35) feet.
- I. Minimum Size of Commercial Buildings - Eight hundred (800) square feet on the first floor area.
- J. Setback from nearest High Water or Stream, Lake, or Wetland - Forty-five (45) feet.
- K. The Minimum Setback of Forty-five (45) feet from the nearest High Water of Stream, Lake or Wetland must include at least ten (10) feet of Greenbelt on Stream, lake, or wetland area.

[Annotation: The minimum required standards for parcels clarified and revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

5005. Prohibited Uses:

- A. Any use which produces or causes obnoxious odors, fumes, dust, smoke, or waste.
- B. Any use which is or may be dangerous, noise some, or hazardous to the surrounding public and/or property, or any use which is in violation of or results in violation of any County, State, or Federal rule, regulation, or statute.

ARTICLE 60 - INDUSTRIAL-RESIDENTIAL DISTRICT (IR-I)

[Annotation: Zoning classification 6865.]

6001. Purpose:

This zone is intended for the use of industrial activity, maintaining control over pollution, excessive noise, danger factors, etc. with a careful balance of ensuring that the zone will be adequately maintained for the beauty and safety of its occupants.

6002. Permitted Uses:

- A. Warehouses, storage buildings and yards, lumber and coal yards, bulk plants, terminal facilities for truck and railroad lines, laundry and dry-cleaning plants, and dairies.
- B. Small industrial shops used and operated for fabricating, assembling, developing, and processing of such a character as not to be or become obnoxious odors, flames, dust, smoke, noise or vibration, or by reason of the accumulation of unsightly waste materials on the premises.
- C. Personal service establishments such as barber shops and beauty parlors.
- D. Gasoline service stations.
- E. Storage garages.
- F. Salesrooms and repair shops for automobile vehicles, home and farm equipment.
- G. Indoor theaters, bowling alleys, taverns, night clubs, and similar facilities of recreation.
- H. Pick-up shops for laundry and dry-cleaning.
- I. Newspaper and magazine distributing stations.
- J. Signs or other advertising display of a sign as specified in CR-I, number 11.
- K. Single-family dwellings - excluding mobile homes.
- L. Parking for currently-licensed automobiles.
- M. Storage for vehicles owned and used by persons residing on the premises, any or all of which shall not be parked or stored in the front or side yard.
- N. One (1) currently-licensed trailer coach owned or used by persons residing on

- premises and said trailer shall not be parked or stored in the front or side yard.
- O. Home occupation.
- P. Office or studio of a professional or service person residing on the premises, excluding veterinarians.
- Q. Accessory use buildings and structures customarily incidental to any of the above permitted uses.
- R. Temporary Dwellings subject to the minimum required standards set forth in section 1070.E of this ordinance.

[Annotation: Added by amendment, September 12, 1986]

6003. Permitted Uses by Special Permit:

- A. Multiple Homes (R-II and R-III).
- B. Motels.
- C. Retail establishments not listed above.
- D. Churches, schools, organizational buildings and publicly-owned parks and playgrounds.
- E. Establishments for serving food and/or beverages.
- F. Slaughter houses and/or stockyards.
- G. Cement, lime, and plaster manufacturing or processing.
- H. Sand/Gravel mining and loading operations to be in progress in all land-use districts and to be considered a non-conforming use.
- I. Coal tar products manufacture or use.
- J. Crematory.
- K. Bone distillation or reduction.
- L. Petroleum storage, refining, or processing, including the extraction of certain chemical by-products.
- M. Gas manufacture.
- N. Junk yards and automobile-wrecking establishments.
- O. Boiler works, forging works, rock-crushing plants or other industries likely to cause noise and vibration.
- P. Milk products plants.
- Q. Other commercial or industrial uses may be permitted upon approval by the Maple Grove Township Planning Commission.

6004. Uses Prohibited:

- A. Any use which produces or causes obnoxious odors, fumes, dust, smoke, or waste.
- B. Any use which is or may be dangerous, noise some, or hazardous to the surrounding public and/or property, or any use which is in violation of or results in violation of any County, State, or Federal rule, regulation or statute.

6005. Minimum Required Standards:

- A. Lot Size of Industrial District - a minimum of one (1) acre.
- B. Yard Requirements - No building or structure shall be erected or altered so that it shall be located nearer than one hundred (100) feet from the nearest right-of-way line of highway side lot lines, or rear lot lines.
- C. Building Size - No building or structure shall be erected or altered with an area less than eight hundred (800) square feet.
- D. Off-Street Parking - A minimum of one (1) vehicle space for each fifty (50) square feet of usable floor space.
- E. Maximum Height - Thirty-five (35) feet.
- F. Minimum Floor Area - Eight hundred (800) square feet.

- G. Minimum lot width throughout - One hundred (100) feet.
- H. Setback from nearest high water or stream, lake, or wetland area - (15) feet.
- I. The minimum setback of forty-five (15) feet will include ten (10) feet of greenbelt on Stream, lake, or wetland area.

ARTICLE 76 - WELLHEAD PROTECTION OVERLAY DISTRICT

7601. Area Affected:

Every parcel of land which lies in whole or in part within Wellhead Protection Overlay Zone as depicted on the Official Zoning Map around public Type I water wells is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone. The regulations of this Overlay Zone are in addition to any regulations in the underlying Land Use Districts, however these regulations supercede all conflicting regulations of the underlying Land Use District to the extent of such conflict but no further.

7602. Wellhead Protection Zones:

As shown on the Official Zoning Map, there shall be three concentric sectors within this Overlay Zone:

- A. Sector A shall be an area around the water well intended to be protected by this Overlay Zone which is entirely within the include territory in the Village of Kaleva, and not included on the Maple Grove Township zoning map.
- B. Sector B shall be the next largest area around the water well, as shown on the Official Zoning Map, intended generally to include, at a minimum, an area necessary for a one year zone of protection for the well.
- C. Sector C shall be the remainder of this Overlay Zone outside of Sectors A and B, as shown on the Official Zoning Map, intended generally to include, at a minimum, a ten year zone of protection for the well.

7603. Sector B Land Use Restrictions:

The underlying zoning district notwithstanding, no person shall use land within sector A or B for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector B of this overlay district, except as follows. All uses listed in section 7603.C of this Ordinance shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.

- A. The uses listed in section 7603.C of this Ordinance shall be prohibited except when one of the two following conditions exist:

1. The use is a facility (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generates hazardous substances:
 - a. in quantities less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - b. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,
 - or
 2. The business and facilities use, store or generate hazardous substances
 - a. above the amounts established in section 7603.A.1, and
 - b. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.
- B. If the proposed uses listed in section 7603.C of this Ordinance are not prohibited pursuant to section 7603.A of this Ordinance, then it shall be considered a special use pursuant to Section 8601 *et. seq.* [11.5] of this Ordinance.
- C. Affected Land Uses:
1. Any use listed in Section 7604 of this Ordinance
 2. Dwellings, Duplexes, Apartment buildings which are connected to on-site sewage disposal and include more than one (1) living unit per twenty thousand (20,000) square feet of land area.
 3. Agricultural Production-Crops, Agricultural Production-Livestock [01-0299] (farm) vehicle maintenance and chemical storage areas; tanks for mixing chemicals; power washing; nitrate contamination due to over fertilizing; pesticide and herbicide infiltration
 4. Lawn care [0782] (threats from pesticides and containers with residues; improper disposal of washout water)
 5. Any Manufacturing [D: 20-3999] that uses: (category includes any business which uses chemical solvents or petroleum-based products)
 - a. Petroleum and coal products (fossil fuel storage; solvent storage and use; blending of materials; outdoor storage piles; large tanks; bulk storage)
 - b. Chemicals and allied products, including paints (chemical storage, use and production; equipment cleaning; industry has made major improvements; management and disposal of hazardous chemicals is the concern)
 - c. Rubber and miscellaneous plastic products (raw materials; hazardous substances; machine shops)
 - d. Furniture manufacturing and refinishing (threats due to chemical solvents, oil-based paints, lacquers, varnishes, etc.)
 - e. Primary metal industry; fabricated metal products (threats due to solvents, strong acid or alkaline solutions, paints, cyanide solutions, and oils; much variation among businesses; floor drains; gondolas with dripping parts; dip tanks; cutting oils; messy products are a concern)
 - f. Electronic and other electric equipment, including metal plating and finishing (threats due to plating solutions, plating sludge, solvents and still bottoms; management and disposal of acids and other hazardous wastes; floor drains are a concern)

- g. Food processing and food products (processing wastes; caustics from in-line cleaning; wastewater disposal; brine storage; outdoor storage of pulp and other organic wastes)
 - h. Lumber and wood production (chemical treatment of wood; chemical storage)
 - i. Apparel and textile products (hazardous substances; equipment cleaning)
 - j. Paper and allied products; pulp and paper manufacturing (materials storage; pulp waste)
 - k. Printing and publishing (storage and use of chemicals; equipment cleaning; engraving; silk screen residues)
 - l. Leather and leather products (storage and use of hazardous substances)
 - m. Stone, clay and glass products (storage and use of hazardous substances)
 - n. Electronic and other electric equipment (hazardous substances; equipment cleaning; machine shops)
 - o. Other manufacturing or processing which uses chemical solvents, oils, and/or chemicals
 - p. Mining, including iron ore and sand and gravel excavation (spoil disposal; equipment maintenance)
 - q. Oil and gas well drilling and production (threats due to drilling mud, oils, and brine solutions; dehydrating gas condensate)
- 6. Rail Transportation [40] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)
 - 7. Local and Interurban Passenger transit [41] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)
 - 8. Trucking and Courier services (except. air [421]) (chemical solvents used in vehicle maintenance, paints, thinners, etc.)
 - 9. Trucking terminal facilities [423] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)
 - 10. Transportation by Air [45] e.g. airports (threats due to chemical solvents used in vehicle and aircraft maintenance and de-icing, etc.)
 - 11. Electric Services [491] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).
 - 12. Combination Utility Services [493] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).
 - 13. Sewerage systems [4952] (wastewater treatment plants and sludge application sites) (Improper septage waste application)
 - 14. Refuse Systems [4953] (hazardous waste treatment or disposal, sanitary landfills, recycling facilities, hazardous material recycling, used oil collection sites)
 - 15. Chemicals and Allied Products [516]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)
 - 16. Petroleum and Petroleum Products [517] (fuel oil tanks; spills and leaks; transfer of product increases potential for spills)
 - 17. Paints, Varnishes and supplies [5198]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)

18. Gasoline service stations [554] without vehicle maintenance (spilled fuel runs off to nearby ditch; public drips oil and gasoline; leaking underground tanks)
19. Disinfecting and pest control services [7342] (pesticides and containers with residues)
20. Building Maintenance Services, NEC [7349] (small leftover amounts of paints and solvents; improper disposal of hazardous materials; container washout; soaps and rinse water)
21. Photo finishing laboratories [7384] (chemical use and disposal; should be connected to sewer)
22. Miscellaneous repair services [76] (e.g. small engine and electrical equipment repair (solvents; oils; leaks and spills)
23. Reupholstery and Furniture Repair [764], including antiques (threats due to chemical solvents, ignitable or oil-based paints, varnishes, shellac, washing on bare ground; some very small businesses)
24. Golf courses [7922 and 7997] vehicle maintenance and chemical storage areas; tanks for mixing chemicals; power washing; nitrate contamination due to over fertilizing; pesticide and herbicide infiltration
25. Medical and Dental Laboratories [807] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a concern; should not pour chemicals down the drain)
26. Research, Development and Testing Services [873] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a concern; should not pour chemicals down the drain)
27. Home occupations which are auto repair, furniture refinishing, and pesticide applicators.
28. Municipal and state garages for highway and public works departments (vehicle maintenance and chemical storage areas; underground storage tanks; de-icing salts, including storage and application)

7604. Sector C Land Use Prohibitions:

The underlying zoning district notwithstanding, no person shall use land within sector A, B or C for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector C of this overlay district, except as follows. All uses listed in section 7604.C of this Ordinance shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.

- A. The uses listed in section 7604.C of this Ordinance shall be prohibited except when one of the two following conditions exist:
 1. The use is a facility (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generates hazardous substances:
 - a. in quantities less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - b. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,or
 2. The business and facilities use, store or generate hazardous substances
 - a. above the amounts established in section 7604.A.1, and

- b. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.
- B. If the proposed uses listed in section 7604.C of this Ordinance are not prohibited pursuant to section 7604.A of this Ordinance, then it shall be considered a special use pursuant to Section 860 *et. seq.* (11.5) of this Ordinance.
- C. Affected Land Uses:
 - 1. Oil and Gas drilling [13]
 - 2. Chemicals and Allied Products [28]
 - 3. Petroleum and Coal Products [29]
 - 4. Metal Services, NEC [347]
 - 5. Electronic and other equipment [36]
 - 6. Scrap and Waste Materials [5093]
 - 7. Automotive Dealers & Service Stations [55] EXCEPT:
 - a. gasoline service stations [554]
 - 8. Laundry, Cleaning & Garment Services [721]
 - 9. Auto Repair, Services and Parking [75]
 - 10. Other types of facilities that use, store or manufacture hazardous substances

7605. Conflicting Federal or State Regulations:

The regulations of this Overlay Zone are not intended to conflict with any law or administrative regulation, on groundwater protection, of the United States, the State of Michigan or any agencies thereof.

7606. Nonconforming Land Uses in this Overlay Zone:

If a land use exists within this Overlay Zone on the date this section takes effect which is not permitted within the respective sector of this Overlay Zone then;

- A. Such nonconforming use of land shall not be moved in whole or in part to any other portion of such land, added to, extended, reconstructed, structurally altered or expanded during its life, Section 80 notwithstanding.
- B. Nothing herein shall prevent the completion of structures for a land use which shall have been diligently prosecuted prior to the passage of this section.
- C. Nothing herein shall prevent the normal repair, reinforcement, rehabilitation of a structure.

ARTICLE 80 - NON-CONFORMING USES

8001. Existing Building, Dwelling, and Land Use:

The lawful use of any building or structure, and of any land or premise as existing and lawful at the time of enactment of this Ordinance or in case of an amendment to this Ordinance, then at the time of such amendment, may be continued on such terms as hereinafter provided although such use does not conform with the provisions of this Ordinance or Amendment thereto.

8002. Non-Conforming Uses:

- A. The lawful use of any building or structure and of any land or premise existing prior to the effective date of this Ordinance, may be continued, if such use of building or structure entails no original construction, alteration, or enlargement thereof, does not constitute a public nuisance or endanger the public health, safety, or welfare.
- B. If the non-conforming use of any building, structure, land or premise is changed to a conforming use, such use shall not hereafter be reverted to any non-conforming use.

8003. Acquiring Non-Conforming Uses:

- A. If the non-conforming use of any building, structure, land, premise, or part thereof, is abandoned for a continuous period of one (1) year, then any future use of said building, structure, land, premise, shall conform in its entirety to the provisions of this Ordinance for the Zoning District in which situated.
- B. Maple Grove Township may acquire, by purchase, condemnation, or otherwise; private property or an interest in private property for the removal of non-conforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships. The elimination of the non-conforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. Maple Grove Township Board may institute and prosecute proceedings for condemnation of non-conforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as

amended, being Sections 213.21 to 213.11 of the Michigan Compiled Laws or other applicable statute.

8004. Non-Conforming Uses and District Boundary Change:

When district boundaries shall hereafter be changed, resulting in a non-conforming use, then said non-conforming use may still be continued, but subject to all other provisions of this section.

8005. Alteration:

Nothing in this Ordinance shall prevent the repair, enforcement, improvement, or rehabilitation of non-conforming buildings, structures, or parts thereof existing at the effective date of this Ordinance or amendment thereto, rendered necessary by wear and tear, providing the extent of aggregate cost shall not exceed fifty (50) percent of the value as determined by a qualified appraiser unless said building is changed to a conforming use; nor prevent compliance with the provisions of the Building Code or Housing Law of the State of Michigan relative to the maintenance of buildings or structures, provided such alteration, repair, improvement, or remodeling shall not increase the original total floor space.

8006. Building Damage:

Nothing in this Ordinance shall prevent the construction, repair, or restoration of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy subsequent to the date of this Ordinance or amendment thereto, providing the aggregate cost of such reconstruction, repair, or restoration shall not exceed seventy-five (75) percent of its appraised value and such reconstruction, repair, restoration shall take place within a period of one (1) year from time of occurrence. The Maple Grove Township Zoning Administrator may grant a maximum of two (2) one-year (1 yr.) extensions for completion of said reconstruction, repair, or restoration upon application by the owner, and that said use be identical with the non-conforming use permitted and in effect immediately preceding the damage incurred. Nothing in this Ordinance shall prevent the razing of any building or structure by the owner thereof, upon application to the Zoning Administrator. Buildings or structures, conforming or non-conforming, damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, determined to be a threat to the public health, safety, and welfare, shall, by resolution passed by the Maple Grove Township Board, be condemned and the owner thereof shall be directed to repair or raze same. Copy of said Resolution shall be furnished to the appropriate Building Inspector, and the Manistee County Soil Erosion Department, for the purpose of supporting application for Building or Tear Down Permit.

8007. Completion of a Non-Conforming Building or Structure:

Nothing in this Ordinance or amendment thereto shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted for a period of thirty (30) days prior to the effective date of this Ordinance or amendment thereto, and which will be completed within two (2) years after said effective date.

- A. No basement, cellar, garage, or any incomplete structure in use as a dwelling at the time of the effective date of this Ordinance shall be used as a dwelling unless such building or structure has been brought to the state of completion within two (2) years after the "Notice to Complete", has been issued by the Zoning Administrator.

8008. Non-Conforming Uses, Record of:

Immediately after the effective date of this Zoning Ordinance or amendments thereto, the Zoning Administrator for the Township of Maple Grove shall prepare a record of all non-conforming uses and occupations of lands, buildings, and structures, including tents, and mobile

homes, existing at the time of such Ordinances or Amendments. Such record shall contain the names and addresses of the owners of such non-conforming use and of any occupant, other than owner, the legal description of the land, and the nature and extent of use. The Maple Grove Township Planning Commission shall review the record and submit its report to the Maple Grove Township Board as they deem advisable for the maintenance of the public health, safety, and general welfare. The record of non-conforming use of the Planning Commission shall be filed in the Office of the Township Clerk and the Zoning Administrator, which record shall constitute prima facie evidence of the number and extent of the non-conforming use on the effective date of this Ordinance or any amendment thereto. A copy of non-conforming use report shall be furnished by the Zoning Administrator to the property owner and occupant. The record of non-conforming uses shall be reviewed and revised on a continuing basis.

ARTICLE 82 - ADMINISTRATION

8201. Zoning Administrator:

The provisions of this Ordinance shall be administered by the Zoning Administrator, who shall be appointed by the Maple Grove Township Board, for such term and subject to such conditions, at such rate of compensation as said Board shall determine, and the duty of enforcement thereof shall rest with such administrative official or officials as shall be authorized therein by law. The administrative official(s) shall, for the purpose of this Ordinance, have the power of police officers.

8202. Duties:

It shall be the duty of the Zoning Administrator to receive applications for land use permits, and issue or deny same, to inspect buildings, structures, or land use to determine compliance with the land use permits issued and/or compliance with this Ordinance or variances thereof which may have been granted, and shall be in charge of the enforcement of the provisions of this Ordinance.

ARTICLE 83 - PERMITS

8301. Use Permits:

- A. Any person planning to erect, alter, or move any building or structure, or establish a new use of any premises in any Land Use District in Maple Grove Township shall file an application in writing with the Zoning Administrator a "Land Use Permit."
- B. Where the premises concerned in the application shall be of ten (10) acres or less, the application shall be accompanied by a certificate signed by the record owner of the premises and the applicant that the premises do not constitute nor result from a division of land in violation of the Michigan Subdivision Control Act.
- C. Such "Land Use Permit" shall be of multiple copies issued as follows: Two (2) to the applicant, one (1) of which he is to post in a prominent place on the site for which the Permit was granted until construction is completed; one (1) to the Township Supervisor; one (1) to the Building Inspector; and one (1) to be retained in the files of the Zoning Administrator as a part of the permanent Township files.
- D. "Land Use Permit" shall be valid for a period of two (2) years from date of issue provided construction is within twelve (12) months from said date. All construction must be completed within two (2) years from the date of commencement and the Zoning Administrator is hereby authorized to renew the Land Use Permit for a period of one (1) year, if necessary, upon payment of an additional fee in an amount determined by resolution of the Maple Grove Township Board.
- E. The administrator shall require that the application include the form, copies of plans, specifications and such other information as he may deem necessary. Such other information shall include, but not be limited to:
 - 1. A site plan, drawn to the specifications of section 9404 and 9405 of this Ordinance.
 - 2. The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
 - 3. A concise statement of all operations and uses which will be conducted

- on the land and buildings.
4. A concise statement of the services, if any, to be offered to the public, if applicable.
 5. Any other information required by this Ordinance.
 6. A non-refundable fee. The fee shall be established from time to time by the Township Board.
 7. An escrow, if applicable, for complex applications in an amount which shall be collected in escrow to pay for all costs of professional review expenses of engineers, community planners, lawyers, and any other professionals whose expertise the Commission values and hires to review an application. The amount of escrow shall be established from time to time by the Township Board, or the amount shall be estimated by the Administrator for the particular application. The applicant shall receive a copy of the statement of fees for those professionals who worked on the application. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Permit. If any unexpended balance remains in the escrow it shall be returned to an applicant.
 8. A copy of any other necessary permits required prior to a Construction Code Permit or a copy of a written agreement for, or written intent for concurrent approval for those permits.

[Annotation: Added by amendment August 9, 1995, effective August 10, 1995 at 12:01am.]

- F. The Zoning Administrator shall, within fifteen (15) days from date of receipt of an application, advise the applicant if additional documentation or evidence is required and shall within thirty (30) days of receipt of all required documentation, inform the applicant of the granting or denial of a "Land Use Permit."

8302. Other Requirements:

Before issuing a "Land Use Permit", the Zoning Administrator shall have the power to make an "on-site" inspection, require the applicant to furnish as supporting data, evidence of Title, inspection reports from the County Planning Department, the Soil Conservation District, the Manistee Health Department, or other administrative bodies, when the Zoning Administrator believes it to be in the interest of the public health, welfare, or safety to require such reports. Any conditions or recommendations of alteration to proposed land use by such reports shall be included in the "Land Use Permit" if issued. The Zoning Administrator shall also require such other data such as plat plans, site surveys, building plans to scale, and any other documentary deemed necessary to ascertain application conformance with the requirements of this Ordinance.

8303. Land Use Permit Fees:

The Maple Grove Township Board shall by resolution, establish a Schedule of Land Use Permit Fees and make it available to the Zoning Administrator.

8304. Essential Public Services:

- A. Any public services and landfill operated by Maple Grove Township shall continue to be operated and maintained subject to the provisions of this Ordinance and applicable State and/or County regulations.
- B. Nothing herein contained shall waive the necessity of any utility to obtain franchises and comply with the provisions of any other law or ordinance.

8305. Permit Exemptions:

- A. Section 8302 notwithstanding, a zoning permit or fee is not needed under this section for the following uses. Nothing in this section exempts or requires construction permits, other than required by P.A. 230 of 1972, as amended (being the State Construction Code Act, M.C.L. 125.1501 et. seq.).
1. Only exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.
 2. Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this Ordinance and used for commercial or industrial purposes, not for any modification to such building in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.
 3. The erection, construction, alteration, or maintenance by the public utilities or municipal departments or commissions of overhead or underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service to individual customers/clients, but not including regional, long distance, interstate distribution or collection systems. Wireless communication facilities shall not be deemed a public utility facility under this section.
 4. Temporary buildings or any structure not fastened to a foundation, and which is considered personal property for property tax purposes and which is less than one hundred (100) square feet in size.
 5. Open space.
 6. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.
 7. Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.
 8. Harvesting of timber as part of a forest management activity when part of a forest management plan.
 9. Hedges, arbors, trees, gardens, plants, shrubs.
 10. Sidewalks, driveways to dwellings, duplexes, apartment buildings.
 11. Domestic animal shelters.
 12. Accessory structures to dwellings and duplexes which are constructed by minors or children for purposes of play by the same minors and children including, but not limited to, playhouses, dollhouses, treehouses, forts, hideouts, bike ramp and so on, so long as such accessory structures adhere to setback requirements of this Ordinance.
 13. Hunting structures such as but not limited to duck blinds, deer blinds, tree stands.
 14. Personal property sales.
 15. Signs which indicate land is private property, trespassing is not allowed, hunting or other specific activities are not allowed.
 16. Accessory buildings and structures containing 80 square feet or less, which are accessory to a conforming residential structure or farm;

accessory buildings and structures between 81 and 149 square feet shall require a land use permit but not a building permit unless otherwise required by law.

[Annotation: Subsection 16 added by amendment, effective December 22, 2002.]

- B. Notwithstanding Section 8301, a temporary or permanent accessory structure shall not require a Construction Code Permit under this Ordinance provided such structure is less than 150 square feet in size, is similar in construction to the principal structure on the parcel and is suitably anchored against wind damage.

[Annotation. This section amended May 8, 2000.]

ARTICLE 86 - SPECIAL USE PERMITS

8601. Purpose:

The purpose of this Section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses.

- A. In establishing Land Use Districts, as set forth in this Ordinance, it is recognized that there is need to provide a controllable and reasonable flexibility in the requirements for certain land uses, while allowing practical latitude for the investor; and, at the same time, maintain adequate provisions for the security of the health, safety, convenience, and general welfare of the inhabitants of Maple Grove Township. In order to accomplish such a dual objective, provision is hereby made to allow for issuance of Special Land Use Permits.
- B. Special Uses are those uses of land which are not essentially incompatible with the uses permitted in a Zoning District, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent land usages.
- C. The Standards for approval and requirements provided for under provisions of this Section shall be in addition to those required elsewhere in this Ordinance which are applicable to the Land Use under consideration.
- D. This Section hereby authorizes the Maple Grove Township Planning Commission, in its absolute discretion, to issue Special Land Use Permits, provided:
 - 1. The proposed use is one listed as a Special Land Use for that District in which said use is proposed to be located; and
 - 2. The Maple Grove Planning Commission is satisfied, before approving a Special Land Use Permit request that
 - a. the standards of the District in which the Special Land Use is to be located are fulfilled; and
 - b. that the Special Land Use, under the conditions, controls, limitations, circumstances and safeguards proposed therefor, and imposed by the Planning Commission, would be

compatible with other uses expressly permitted within said district, with the natural environment and the capacities of public service and facilities affected by the land use; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability and that the standards required by the Planning Commission for the allowance of such Special Land Use, can and will, in its judgement, be met at all times by the Applicant. The burden of proof of facts which might establish a right to a Special Land Use under the foregoing standards shall be upon the Applicant.

8602. Required Information:

Information Required in Application:

- A. An application for Special Use Permit shall include:
 - 1. The applicant's name and address.
 - 2. A signed affidavit that the applicant is the owner, or has an ownership interest, or is acting on the owner's behalf.
 - 3. The address and legal description of the property.
 - 4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8603.E of this Ordinance.
 - 5. A detailed site plan as specified in Section 9406 of this Ordinance.
 - 6. A complete description of the proposed development including: Areas of the site, the number of parcels or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, and related material as applicable.
 - 7. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.
 - 8. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
 - 9. Evidence of having received or having an agreement for, or concurrent approval for, any other necessary permits required prior to a Construction Code Permit.
- B. In addition, the applicant may be required to furnish:
 - 1. Elevations on all buildings, including accessory buildings.
 - 2. An environmental assessment.
 - 3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
- C. The applicant shall certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely

fashion, if the Special Use Permit is approved.

8603. Special Land Use Procedure:

- A. All applications for Special Land Use Permits shall be filed with the Zoning Administrator, in quadruplicate, and shall include the documents, above set forth, together with the fee, in accordance with the Schedule of fees adopted by the Maple Grove Township Board, to cover the cost of processing the application. No part of the fee shall be refundable.
- B. If the application is complete and in the proper form, the Zoning Administrator shall notify the Planning Commission which shall schedule and hold a hearing upon the request.
- C. The Zoning Administrator shall notify the following persons of the application being considered, so that notice is sent not less than fifteen (15) days before the date the application will be considered and the notices sent to:
 - 1. The applicant.
 - 2. The owner of the property, if different.
 - 3. The owners of all real property within three-hundred (300) feet of the boundary of the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 - 4. Occupants of any structures within three-hundred (300) feet of the boundary of the property for which the approval has been requested, regardless of whether the owner and property is located in Maple Grove Township or not. 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. In the case of a single structure containing more than four (1) 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.
 - 5. The general public by publication in a newspaper which circulates in Maple Grove Township.
 - 6. The members of the Planning Commission.Except as provided in paragraph 5., the notice to other persons shall be mailed or personally delivered. If the name of the occupant of any property required to be given notice is not known, the term "occupant" may be used in making notification under this Section 8603.C.
- D. The notice required under Section 8603.C. shall include:
 - 1. The nature of the Special Land Use Permit being requested.
 - 2. The property(ies) for which the request has been made.
 - 3. A listing of all existing street addresses (if any) within the property(ies) which is(are) the subject of the Special Land Use.
 - 4. The location where the application documents can be viewed and copies prior to the date the application will be considered.
 - 5. The date, time and location of the public hearing on the application.
 - 6. The address at which written comments should be directed prior to the Planning Commission's consideration of the Special Land Use Permit request.
 - 7. For members of the Planning Commission only, a complete copy of the

Special Land Use Permit application and supporting documents in the record.

- E Following such hearing, the Planning Commission shall either grant or deny a permit for such Special Land Use and shall reduce its decision to writing which includes a statement of findings and conclusions relative to the Special Land Use that specifies the basis for the decision and any conditions imposed. All conditions upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Zoning Administrator of the township. Any conditions upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- F The Planning Commission shall have the right to limit the duration of a Special Land Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions imposed upon such use. Any use failing to comply with such conditions may be terminated by action of said Planning Commission after a hearing upon application of any aggrieved party.
- G The plot plan and specifications and all conditions imposed by the Planning Commission shall be recorded with the township and shall be incorporated as a part of the Special Land Use permit. Violations of any of these at any time shall cause revocation of said permit and said special land use shall cease to be a lawful use.
- H Any property which is the subject of a Special Land Use Permit which has not been used for a period of Sixty (60) days (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such Special Land Use Permit was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special land use shall thereupon terminate.
- I To insure compliance with the zoning ordinance and any conditions imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check, or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition which is conditioned upon the faithful completion of the project. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the Project will take more than Ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

[Annotation: The procedures prescribed in the Section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

8604. Special Land Use - Specific Standards:

- A. Communication Tower Facilities

1. Communication Tower Facilities may be permitted by special use permit pursuant to Section 8601 et seq. of this Ordinance provided said use:
 - a. Shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line or leased area boundary. The setback standard may be reduced by up to fifty percent (50%), if the construction plan, the tower, and its guying/anchoring system are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties.
 - b. All guy wires/cables and anchors shall meet the zoning setback standards of the district.
 - c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
 2. The following standards will be required for all Communication Tower Facilities:
 - a. Wireless Communication Facilities may be permitted if it is found that there is no reasonable opportunity for them to be built as a permitted use in compliance with Section 1072 of this Ordinance. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure.
 - b. The proposed height meets FCC and/or FAA regulations.
 - c. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a fence to prevent unauthorized access to the tower.
 - d. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a "stealth" design.
 - e. All new towers shall be constructed in such a manner so as to provide co-location of at least five additional antennae. Depending on tower height, additional co-located antennae may be required by the Commission. These antennae sites shall be made available at a fair market value on a need for basis to anyone wanting to mount commercial communication equipment. This commitment shall be reflected as a condition in the special use permit for the tower. No new construction will be approved, unless it can be demonstrated that space on existing towers is unavailable or unsuitable.
 - f. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 - g. All communication tower facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).
- B. Sexually Oriented Business
1. Purpose. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other

businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial and industrial zones of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

2. Conditions. In order to obtain and retain a special use permit for operation of a sexually oriented business regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:
 - a. A special use permit must be acquired through the special use procedures as described in this Section;
 - b. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this Section shall not be located within 1,000 feet of two other such regulated uses as defined by this Section, nor within 300 feet of any residentially zoned district, school, daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
 - c. The regulated uses, as defined by this Section, shall only operate between the hours of 8 a.m. and 10 p.m.;
 - d. There shall be a manager on the premises at all times;
 - e. No one under the age of 18 shall be allowed onto the premises by the on site manager of the regulated use;
 - f. If a transfer of ownership or control occurs the existing special use permit shall be considered void. A new permit shall be applied for in advance of the proposed transfer;
 - g. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to “specified sexual activities” or “specified anatomical areas”, shall be displayed so as to be visible from the street or exterior of the building of the regulated use

[Annotation: This section added by amendment January 17, 2001.]

[Annotation: Part 3 of Section 8604.B. deleted by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

ARTICLE 88 - PLANNED UNIT DEVELOPMENT (P.U.D.)

8801. Purpose:

The purpose of this Section is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the township; and encourage the use, reuse and improvement of existing sites and buildings when the uniform regulations contained in other zoning districts do not provide adequate protection and safeguards for the site and surrounding area. This district is intended to accommodate developments with the mixed or varied uses, sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purpose above.

8802. Permitted Uses:

- A. All residential uses; all business, service and professional offices; all light manufacturing; and all commercial uses or any combination of uses may be permitted in a planned unit development, and accessory uses allowed in land district regulations.
- B. Any PUD which includes uses which are not permitted or specially permitted in the underlying zoning district will require a zoning amendment in addition to the approval of an administrative permit under this Article.
- C. Any PUD which increases the density or size of any use or uses beyond what is permitted or specially permitted in the underlying zoning district will require a zoning amendment in addition to the approval of an administrative permit under this Article.

[Annotation: Parts B. and C. of this Section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

8803. PUD - Planned Unit Development Regulations and Standards for Approval:

The following provisions shall apply to all PUD zoning classifications:

- A. Ownership: The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

8804. Establishment, Amendment Procedure:

A PUD zoning classification shall be established, amended or removed pursuant to the Procedure set forth in the applicable sections of this Ordinance and the additional procedures set forth in this Section, provided, however, that a PUD zoning classification may be initiated only by a Petitioner.

8805. Standards for Approval:

Based upon the following standards, the Planning Commission, after its review, may deny or approve the proposed Planned Unit Development.

- B. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, or any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment. This beneficial effect for the Township (not the developer) shall be one which could not be achieved under any other single zoning classification.
- C. The uses proposed shall be consistent with the land use plans adopted by the township.
- D. Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The Planning Commission may, if deemed appropriate, require for Planned Unit Developments, more or less open space than that required by this Zoning Ordinance.
- E. Off-Street Parking sufficient to meet the minimum required in any zoning district in which the Planned Unit Development will be located.
- F. Landscaping shall be provided so as to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- G. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested, and well-defined circulation within and to the district shall be provided.
- H. Major natural, historical and architectural features of the district shall be preserved.

8806. Material To Be Submitted:

The applicant for any PUD zoning classification shall submit the following technical and/or graphic materials together with the application for a PUD classification approval.

- I. A PUD development plan --detailed site plan as specified in Section 9406 of this Ordinance, which also shows all uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, and total open space.

[Annotation: Changed by amendment, August 9, 1995, effective August 10, 1995 at 12:01am.]

- J. The PUD development plan shall indicate the entire contiguous holdings of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed, which plan shall exhibit any unusual problems of topography, utility services, land usage of land ownership; said plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or the land development regulations.

- K. The applicant shall present material as to the development's objectives and purposes to be served; proposed financing sources; economic feasibility, conformity to plans and policies of the township market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of an expected completion date of the various elements of the plan.
- L. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by Planning Commission in visualizing and understanding the proposal shall be submitted.
- M. Construction and occupancy schedule.
- N. A legal description of the property.
- O. Descriptions of lands to be conveyed, dedicated, or reserved for parks, streets, school sites, and similar public and semi-public uses.

8807. PUD Procedure:

- P. All applications for Planned Unit Development Permits shall be filed with the Zoning Administrator in quadruplicate and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Planned Land Unit Development, together with a fee in accordance with the Schedule of fees adopted by the Maple Grove Township Board to cover the cost of processing the application. No part of the fee shall be refundable.
- Q. The Planning Commission may, if it so desires, hold preapplication conferences before submission of a planned unit development request and submission of preliminary site plans before the public hearing(s).
- R. If the approval of the PUD will require a zoning amendment under Section 8802.B or 8802.C, the approval of such PUD shall follow the procedure prescribed in Section 9803 for amending this Ordinance. In all other cases the procedures prescribed in Section 8807D., E., and F. shall apply.

[Annotation: Part C. added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- D. Upon receipt of a complete application in the proper form, the Planning Commission shall schedule and hold at least one (1) public hearing on the request. The Planning Commission shall notify the following persons of the application being considered, so that notice is sent not less than fifteen (15) days before the date the application will be considered and the notices sent to:
 - 1. The applicant.
 - 2. The owner(s) of the property included in the PUD, if different.
 - 3. The owners of all real property within three-hundred (300) feet of the boundary of the property for which the PUD approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 - 4. Occupants of any structures within three-hundred (300) feet of the boundary of the property for which the PUD approval has been requested, regardless of whether the owner and property is located in Maple Grove Township or not. 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. In the case of a single structure containing more than four (1) 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.

5. The general public by publication in a newspaper which circulates in Maple Grove Township.

6. The members of the Planning Commission.

Except as provided in paragraph 5., the notice to other persons shall be mailed or personally delivered. If the name of the occupant of any property required to be given notice is not known, the term "occupant" may be used in making notification under this Section 8807.D.

E. The notice required under Section 8807.D. shall include:

1. The nature of the PUD for which approval is being requested.
2. The property(ies) for which the PUD request has been made.
3. A listing of all existing street addresses (if any) within the property(ies) which is(are) subject of the PUD.
4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time and location of the public hearing on the application.
6. The address at which written comments should be directed prior to the Planning Commission's consideration of the PUD request.
7. For members of the Planning Commission only, a complete copy of the PUD Permit application and supporting documents in the record.

F. Following such hearing(s), said Planning Commission shall meet for final consideration of its request and shall either grant or deny a permit for such Planned Unit Development and shall state its basis for its decision in the matter. The Planning Commission shall reduce its decision to writing which includes a statement of findings and conclusions relative to the PUD that specifies the basis for the decision and any conditions imposed. The decisions and all conditions upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Zoning Administrator of the township. Any conditions upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; be consistent with the intent and purpose of its zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

G. Any Planned Unit Development failing to comply with the conditions of any permit, may be terminated by action of said Planning Commission after a hearing upon application of any aggrieved party.

H. The plot plan and specifications and all conditions imposed by the Planning Commission shall be recorded with the township and shall be incorporated as a part of the Planned Unit Development permit. Violations of any of these at any time shall cause revocation of said permit and said Planned Development shall cease to be a lawful use.

[Annotation: The procedures prescribed in this Section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

8808. Time for Completion of Development:

The proposed Planned Unit Development District and all proposed buildings, parking spaces, landscaping, usable open space, and amenities must be started within sixty (60) days of the establishment of the district and work must be continued in a reasonably diligent manner and completed within one (1) year of the establishment of the district. Said one (1) year period may be extended if applied for by the petition and granted by Planning Commission in writing following public notice and public hearings. Failure on the part of the owner to secure the written extension shall result in stoppage of all construction.

8809. Guarantee of Completion of Public Improvements:

To assure the completion of the public improvements in the PUD, the developer or his agent shall provide a financial guarantee of performance. This guarantee shall be equal to one hundred twenty (120%) per cent of the estimated construction cost of the public improvements in the PUD. Public improvements shall be taken to mean all improvements which under the plan are to be dedicated or conveyed to the township, or which are to become part of the township system or which the township may become responsible for including such costs as removal or restoration. The financial guarantee shall be filed in one of the following forms:

- A. Bond. The bond shall accrue to the township, be executed by the developer as principal and a corporate surety authorized to do business in Michigan and acceptable to the township as surety, be for a term specified by the Township Board, and shall be otherwise in a form acceptable to the township Attorney and in substance acceptable to the Township Board.
- B. Other. The Township Board may, without public hearing or notice, by resolution, agree to accept a cash deposit, certified check, negotiable bond or irrevocable bank letter of credit as security for the completion of such improvements, on such terms as the Township Board chooses to impose.

8810. Deviations from Approved PUD Site Plan:

- A. Minor changes to a previously approved PUD site plan may be approved by the Zoning Administrator without the necessity of a Planning Commission approval, provided that the proposed revision constitutes a minor alteration and does not alter the basic design or any specific conditions of the plan as agreed upon by the Planning Commission. The Zoning Administrator shall record all such changes on the original PUD site plan and shall advise the Planning Commission of all said minor revisions within fifteen (15) days of said administrative approval. Minor alterations or revisions under this action shall be limited to:
 - 1. Addition or relocation of all fire escapes.
 - 2. Shifting of building heights and elevations, providing such shifting does not exceed ten (10%) per cent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
 - 3. Construction of additional or alteration of approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
 - 4. Shifting of, additions to, or changes in species of landscape materials, provided that such change does not reduce the minimum landscape requirements.
 - 5. Relocation of refuse collection stations.
 - 6. Internal rearrangement of parking lots and curb cut locations provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained and further Provided that such

- rearrangement does not inhibit good traffic flow or circulation.
7. Any decrease in building size or changes in bedroom counts per dwelling unit in no more than ten (10%) per cent of the total number of units.
 8. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
- B. A PUD final phase PUD site plan approval shall be assigned only after Planning Commission approval of the preliminary phase PUD development plan. Any deviation from the approved PUD site plan, except as authorized in Section 8810 of this ordinance, shall be considered a violation of this Ordinance and subject to the penalties stated in this Ordinance.

ARTICLE 94 - SITE PLAN

[Annotation: Entire Article added by amendment, adopted August 9, 1995; effective August 10, 1995 at 12:01am.]

9401. Purpose:

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Commission under the provisions of a Special Use Permit and provides for the option of site plan review by the administrator.

9402. Site Plan Review:

- A. Every application for a zoning permit shall include a site plan, drawn according to the specifications of this article. (A demand for appeal before the Appeals Board shall include a site plan drawn according to the specifications of this article.) The administrator shall review the site plan prior to issuing a zoning permit, or the administrator shall transmit the site plan to the Commission for their review.
- B. There shall be three levels of site plans, for different complexities of proposed land uses:
 1. A Basic Site Plan (Section 9404), for dwellings, additions to dwellings and construction of accessory structures to dwellings. These site plans shall only be subject to review by the Administrator.
 2. A Medium Site Plan (Section 9405), for any permitted use --which is not a dwelling, addition to a dwelling, construction of accessory structures to dwelling-- and for any matter before the Appeals Board which would not need a Detailed Site Plan. The Commission shall publish policy for when a Medium Site Plan --not drawn for purposes

- of an Appeal-- shall be required to be reviewed by the Commission and/or a committee of the Commission, or the Administrator.
3. A Detailed Site Plan (Section 9406), for any Special Use, Planned Unit Development. These site plans shall only be subject to review by the Commission.
- C. Whenever possible site plan review by the administrator and Commission shall be coordinated and done simultaneously with other reviews by the administrator and Commission on the same application.

9403. Optional Sketch Plan Review:

Prior to submitting an application, or site plan, for a zoning permit an applicant may choose to submit a sketch plan for review by the administrator and/or Commission. The sketch plan shall be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed parcel, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting any type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

9404. Required Data for a Basic Site Plan:

The Basic Site Plan shall be a sketch, drawn to scale, or superimposed on an air photo, or superimposed on a survey, of the parcel. The following shall be shown on the Basic Site Plan:

- A. The property, identified by parcel lines and location and size.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale, north point
- D. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- E. The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings and square footage of floor space.
- F. The proposed driveway, if any.
- G. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits.)

9405. Required Data for a Medium Site Plan:

The site plan shall be drawn to scale and shall be on paper which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use.

- A. All the data required for a Basic Site Plan, spelled out in Section 9404 of this Ordinance.
- B. The parcel's legal description.
- C. Boundary dimensions of natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- D. Location dimensions of existing and proposed man-made features such as

- buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines,
- E. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and snow storage areas.
- F. Any proposed alterations to the topography and other natural features shall be indicated.
- G. Any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A description of the proposed development.
- I. A vicinity map showing the location of the site in relation to the surrounding street system.

9406. Required Data for a Detailed Site Plan:

A site plan which shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use. The Commission, upon initial review of the site plan, may act to require any information specifically waived by the administrator to be submitted. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor or community planner (or, if acceptable to the Commission, owner or other qualified individual). Unless so waived, all site plans shall include the following information:

- A. All the data required for a Basic Site Plan, set forth in Section 9404 of this Ordinance and for a Medium Site Plan, spelled out in Section 9405 of this Ordinance.
- B. The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.
- C. The location, proposed finished floor and grade line elevations.
- D. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type.
- E. Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site;
- F. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of topography.
- G. Generalized soil analysis data, which may include data prepared by the Manistee County Soil Conservation District or Manistee County Planning Department regarding the soils and their adaptability to the use. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of soils.
- H. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

9407. Required data for a site plan involving special groundwater protection provisions:

- A. Applicability of this additional site plan content for groundwater protection: Facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generate hazardous

substances:

1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less

shall be subject to site plan review requirements.

B. In addition to all the data required for a Basic Site Plan, set forth in Section 9404, Medium Site Plan set forth in Section 9405, or a Detailed Site Plan set forth in Section 9406, whichever is applicable; the following shall also be shown in the site plan:

1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
3. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
4. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries.
5. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
6. Submission of the "Hazardous Substances Reporting Form for Site Plan Review".
7. Submission of the "State/County Environmental Permits Checklist".
8. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Commission or administrator, whichever is applicable.

9408. Submission of a Site Plan:

Three (3) copies of a site plan shall be submitted with a zoning permit application to the administrator. In the case where a committee of the Commission or the Commission is reviewing the site plan, eight (8) copies of the site plan shall be submitted to the administrator.

9409. Review for Completeness:

The Administrator shall review the site plan received to insure it is complete, and contains all the elements required by this Ordinance. Such finding shall be done concurrently with

similar required findings that a zoning application is complete.

- A. If the site plan is not found to be complete, the administrator shall return the site plan to the applicant with a written list of items needed to make the site plan complete.
- B. If the site plan is found to be complete, the administrator shall:
 - 1. Only as applicable, forward copies of the site plan to the Township Engineer, County Road Commission, Township Department of Public Works, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, Michigan Department of Highways, for their recommendations to be subsequently forwarded with the site plan, and
 - 2. Determine if the site plan is to be reviewed and acted upon by him, and then do so, or
 - 3. Determine if the site plan is to be reviewed and acted upon by the Appeals Board, and then forward the copies of the site plan to each member of the Appeals Board a week prior to their meeting, or
 - 4. Determine if the site plan is to be reviewed and acted upon by the Commission or a committee of the Commission, and then set up a site plan review meeting and forward the copies of the site plans to each member of the Commission (or a committee of the Commission) a week or more prior to the Commission's meeting.

C. Standards for Site Plan Review:

The following standards shall be used by the Commission and administrator to review site plans:

- D. All applicable regulations of this Ordinance which apply generally to all districts, and all applicable regulations of this Ordinance which apply to the specific zoning district, to any conditions imposed with the granting of a Special Use Permit or variance, shall be shown on the site plan as being complied with.
- E. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground unless this requirement is specifically waived by the administrator, Commission or Appeals Board upon review of the site plan.
- F. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the Township and designed in compliance with any applicable federal and state statute, township and county ordinance.

9410. Approval and Compliance:

- A. In cases where the administrator reviews the site plan pursuant to section 9402; within seven (7) days of the site plan being found complete, as specified in section 9409, the Administrator shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- B. In cases where the Commission, or a committee of the Commission, reviews the site plan; within sixty (60) days of the site plan being found complete, as specified in section 9409, the Commission shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- C. The action shall be recorded in a record of the zoning application and shall be filed with the administrator. The administrator or Commission shall notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, shall be given to the applicant, in writing, attached to the rejection. If the administrator or Commission does not act on the site plan, and put its action in writing within the

prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and administrator or Commission mutually agree, the time limit may be extended.

9411. Conditions of Site Plan Approval:

- A. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing.
- B. Reasonable conditions may include conditions necessary to:
 - 1. insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
 - 2. protect the natural environment and conserve natural resources and energy,
 - 3. insure compatibility with adjacent uses of land, and
 - 4. promote the use of land in a socially and economically desirable manner.
- C. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

9412. Security Requirement:

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the administrator or the Commission may require
 - 1. a cash deposit,
 - 2. certified check,
 - 3. irrevocable bank letter of credit or
 - 4. surety bond.in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance.

9413. File Copies:

At least two (2) copies of the site plan, all accompanying documents, record of approval, list of conditions, security shall be kept by the Township for its records.

9414. Zoning Permits:

No zoning permit or Michigan Construction Code building permit, issued pursuant to P.A. 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 *et. seq.*, shall be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

9415. Amendment of Site Plan:

An application may be considered to amend an existing site plan, and shall be handled in the same manner as the initial site plan review prescribed by Section 9401 *et. seq.* of this Ordinance. By mutual agreement between the Township and applicant, minor nonsubstantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit for work authorized by the Special Use Permit.

ARTICLE 96 - APPEALS BOARD

9601. Appeal:

Appeal of a decision by the Planning Commission on any application for a Special Land Use Permit may be taken to the Maple Grove Township Board of Appeals by any elected township official or the owner of property for which approval is being considered and the owners and occupants of all property within three hundred (300) feet of the boundary of the property for which approval is being considered. Any appeal shall be taken in the manner provided in Section 9602 of this Ordinance.

9602. Township Board of Appeals:

- A. There is hereby established the Maple Grove Township Board of Appeals as provided for by Act 181, Public Acts of 1943, as amended, of the State of Michigan. The membership qualifications, terms of office, duties and responsibilities of the Maple Grove Township Board of Appeals shall at all times be in conformance with the statutes in such case made and provided.
- B. A Township Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the Ordinance. The Board of Appeals shall consist of five (5) members; one (1) member shall be a member of the Township Planning Commission. An elected officer of the township shall not serve as chairperson of said Board and an employee or contractor of the

Township Board may not serve as a member or an employee of said Board of Appeals. One (1) member may be a member of the Township Board.

- C. The term of each member shall be three (3) years, except as provided by statute, and until a successor has been appointed and qualified, which successor must be appointed not more than one (1) month after the expiration of the preceding term. Staggered terms shall be effected by the first two (2) appointed members serving for two (2) years and the remaining for three (3) years.
- D. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

[Annotation: Part D. of this Section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9603. Duties of the Maple Grove Township Board of Appeals:

- A. The Maple Grove Township Board of Appeals shall have such powers and shall perform such duties as provided by Statute and as may be set forth in this Ordinance including:
 - 1. The power to hear and decide questions that arise in the administration and interpretation of this Ordinance.
 - 2. The power to hear and decide questions that arise in the interpretation of zoning maps,
 - 3. The authority to grant variances from the strict requirements of this Ordinance, consistent with the standards prescribed in Section 9604.J of this Ordinance.
 - 4. The power to adopt rules governing its procedures sitting as the Board of Appeals.

[Annotation: Part A. of this Section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- B. Procedures shall be established by the Board of Appeals whereby systematic review of all Variances granted is made to ascertain the compliance or default and procedures whereby Revocation of Variance Notices will be made.
- C. Dates and times of regularly scheduled meetings shall be determined by the Board of Appeals and published and posted.
- D. The Board of Appeals shall keep detailed Records and follow procedures as adopted per paragraphs (A)(4) or (B), above, or as may be required in Section 9604.

[Annotation: This section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9604. Appeals:

- A. Appeals to Appeals Board. A demand for a zoning appeal is received by the Zoning Administrator. Appeals can be filed by:
 - 1. Any aggrieved person (including any Applicant); or
 - 2. An officer, department, board, or bureau of the state or local unit of government.
- B. The Appeals Board shall have the authority to:
 - 1. Grant requests for variances under the standards prescribed in 9604.J.
 - 2. Hear appeals concerning:
 - a. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - b. All administrative orders, requirements, decision or determination made the Zoning Administrator or other official or body charged with enforcement of this Ordinance.
 - c. All decisions of the Zoning Administrator.

- d. All decisions concerning site plan review.
 - e. All decisions of the Planning Commission concerning the approval (with or without conditions) or denial of a Special Land Use Permit or PUD Permit.
- C. Upon receipt of a request for variance or demand for appeal, the Zoning Administrator will review the request or demand for appeal to ensure it is complete and the appropriate fee is paid.
- 1. If the request for variance or demand for appeal is not complete, the Zoning Administrator shall return the request for variance or demand for appeal to the party filing the demand with a letter that specifies the additional material required.
 - 2. If the request for variance or demand for appeal is complete the Zoning Administrator and the Chairperson of the Board of Appeal shall establish a date to hold the hearing on the request for variance or appeal.
- D. The filing of an appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator or other body from which the appeal is taken certifies to the Board of Appeals that, by reason of facts stated in the certification, a stay would cause imminent peril of life or property, in which case proceedings may only be stayed by a restraining order issued by the Board of Appeals or the 19th Circuit Court.
- E. The notice of hearing regarding the appeal or variance request shall be published in a newspaper of general circulation within Maple Grove Township and shall be sent to the person requesting a variance or demanding an appeal not less than fifteen (15) days before the date of the hearing on such appeal. In the case of a request for variance, or where the subject of the appeal involves a specific parcel, notice of the hearing will also be sent not less than fifteen (15) days before the date of the hearing to:
- 1. The owner(s) of the property affected by the decision or action that is the subject of the appeal or variance request, if different.
 - 2. The owners of all real property within three-hundred (300) feet of the boundary of the property involved in the decision or action that is the subject of the appeal or variance request, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 - 3. Occupants of any structures within three-hundred (300) feet of the boundary of the property involved in the decision or action that is the subject of the appeal or variance request regardless of whether the owner and property is located in Maple Grove Township or not. 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. In the case of a single structure containing more than four (1) 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.

The notice to specific persons shall be mailed or personally delivered. If the name of the occupant of any property required to be given notice is not known, the term "occupant" may be used in making notification under this Section

- 9604.E.
- F. The notice required under Section 9604.E. shall include:
 - 1. The nature of the appeal or variance being requested.,
 - 2. The property(ies) for which the appeal or variance request has been made.
 - 3. A listing of all existing street addresses (if any) within the property(ies) which is(are) subject of the appeal or variance request.
 - 4. The location where the demand for appeal or variance request can be viewed and copies prior to the date the request or appeal will be considered.
 - 5. The date, time and location of the hearing before the Board of Appeals.
 - 6. The address at which written comments should be directed prior to the hearing.
 - 7. For members of the Board of Appeals, a copy of the demand for appeal or variance, the entire record on the case, the staff report, and the supporting documents in the record.
 - G. The Zoning Board of Appeals may require the applicant, for any variance to submit such surveys, plans, or other information in addition to such information already contained in the record as is necessary for the Zoning Board of Appeals to investigate thoroughly the matters before it.
 - H. The Board of Appeals shall hold a hearing on each request for variance or demand for appeal.
 - 1. Representation at Hearing. Any party or parties may appear in person or by agent or attorney at the hearing.
 - 2. Following the hearing on any request for variance or any appeal, the Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed and may issue or direct the issuance of a permit. A majority vote of the membership of the Board of Appeals is necessary to grant a dimensional variance and rule on any appeal. The decision of the Board of Appeals shall be in writing and reflect the reasons for the decision.
 - 3. Record of Hearing. At a minimum the record of decision shall include:
 - a. A formal determination of the facts.
 - b. The conclusions derived from the facts and reasons for the decision.
 - c. The decision.
 - 4. Within eight (8) days of the decision, the record of the decision shall be certified and a copy delivered by first class mail to the person requesting the variance or demanding the appeal, the Zoning Administrator, and other parties.
 - I. Any person having an interest affected by the decision of the Board of Appeals shall have a right to appeal the decision to the 19th Circuit Court within thirty (30) days after the Board Appeals certifies its decision in writing or approves the minutes of its decision, as provided by law.
 - J. Standards for Variance Decisions by the Board of Appeals. The Board of Appeals shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:
 - 1. A dimensional variance may be granted by the Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

- a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water or topography and is not due to the applicant's personal or economic difficulty.
- b. That the need for the requested variance is not the result of actions of, or conditions created by, the applicant, the current property owner or previous owners of the property.
- c. That strict compliance governing area, setback, frontage, height, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render compliance with those dimensional requirements unnecessarily burdensome.
- d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- e. That the requested variance will not cause an adverse impact on surrounding property values, or the use and enjoyment of property in the neighborhood or district.

[Annotation: The standards for granting variances in this sub-section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

[Annotation: The Board of Appeals procedures revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9605. Variance and Appeal Fees:

The Township Board is hereby authorized to establish by resolution, fees for application for appeals or application for a variance to the Zoning Board of Appeals to be paid to the township with such application or appeals to help defray the cost to the township of such proceedings. Such fees may be altered by subsequent resolution of the Township Board in the discretion of said Board.

ARTICLE 98 -AMENDMENT VALIDITY PENALTIES

9801. Violations and Penalties:

- A. It shall be the responsibility of all architects, contractors, sub-contract builders, and other persons having charge of the erecting, altering, changing, moving, or remodeling of any building or structure, including tents and mobile homes, before commencing or undertaking any such work, to ascertain that proper Land Use and Building, razing, moving, or other required permits have been granted therefor and that such work does not conflict with and is not in violation of the provisions of this Ordinance.
- B. Uses of land, dwellings, buildings, or structures, including tents and trailers used, erected, altered, razed, or converted in violation of this Ordinance or regulations adopted under the authority of the Township Rural Zoning Act, as amended, of the State of Michigan, are hereby declared to be a "Nuisance Per Se". The Maple Grove Township Board, the Maple Grove Township Planning Commission, the Maple Grove Township Board of Appeals, the Maple Grove Township Zoning Administrator, or the Maple Grove Township Attorney, or owners of Real Estate within Maple Grove Township, may institute the necessary legal proceedings to effect compliance with the provisions and terms of this Ordinance.
- C. Enforcement.

1. Nuisance Per Se. Any building or structure which is erected, reconstructed, altered, converted, maintained, or used or any use of land or premises which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance *per se*.
2. Authorized Local Official. The Township Zoning Administrator is hereby designated as the authorized local official to issue municipal civil infraction citations.
3. Violations; Civil Infractions. Any person, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated voluntary association who violates any provision of this Ordinance shall be guilty of a civil infraction. Violation of this Ordinance and its penalties shall be judicially enforced through the 85th Judicial District Court. Enforcement for violations of this Ordinance shall be as follows:
 - a. Unless immediate action is necessary upon the determination by the Township Zoning Administrator that there is a danger to the public health, safety, or welfare, the person violating this Ordinance shall be served personally or through first class mail with a notice of violation requiring that the violation be corrected within thirty (30) days of the notice;
 - b. Upon failure to correct the violation or in cases when immediate action is necessary, a person violating this Ordinance shall be issued a citation requiring their appearance in the 85th Judicial District Court. A person who violates this Ordinance shall be guilty of a civil infraction and shall be fined not less than \$250.00 nor more than \$500.00 plus costs.
[Annotation: The minimum fine increased from \$150.00 by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]
 - c. A person who violates this Ordinance shall be guilty of a civil infraction and when having been previously found responsible or admitted responsibility for a violation of this Ordinance in a civil infraction proceeding within one (1) year immediately preceding the issuance of the second citation, shall be fined not less than \$300.00 nor more than \$500.00 plus costs.
 - d. A person who violates this Ordinance shall be guilty of a civil infraction and when having been found responsible or admitted responsibility for violation of this Ordinance in a civil infraction proceeding on at least two prior occasions within two (2) years immediately preceding the issuance of the third or later citation, shall be fined \$500.00 plus costs.
4. Violations; Civil Action. The Township Board, the Township Zoning Administrator, the Board of Appeals, the Attorney for the Township, or any owner or owners of real estate within the Land Use District in which such building, structure or land is situated, may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate, or remove any building or structure or use, which has been erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance.
5. Cumulative Remedies. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or

admission of responsibility for violation of this Ordinance in a civil infraction proceeding shall not bar a civil action seeking equitable relief beyond the jurisdiction of the 85th Judicial District Court under subsection D, hereof, arising from the same violation.

[Annotation: Paragraph C amended May 8, 2000.]

[Annotation: Paragraph D repealed May 8, 2000.]

9802. Amendments and Supplements:

A. Initiating Amendments; Fee.

1. The Township Board may, from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations established in this Ordinance whenever the public necessity or convenience or the general welfare require such amendment.
2. Amendments may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.
3. Fees. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall, at the time of requesting an amendment, pay a filing fee in the amount set from time to time by resolution of the Township Board.
4. Request for Zoning Amendment: Any request for adoption of a zoning amendment initiated by one or more property owners shall include the following information:
 - a. The name and address of the applicant and of the owner(s) (if different) of the land(s) proposed to be re-zoned (if applicable).
 - b. The street address(es) or other common description of the land(s) proposed to be re-zoned (if applicable).
 - c. Legal description(s) of the land(s) proposed to be re-zoned (if applicable).
 - d. A description of the amendment proposed:
 - (1) Present zoning classification of the land(s) proposed to be re-zoned and the requested zoning classification of the land(s) proposed to be re-zoned; or
 - (2) The present text of the specific Section(s) of the Ordinance proposed to be amended and the requested text amendment(s) to the specific Section(s) of the Ordinance.

B. Amendment Procedure.

1. The procedure for making amendments to this Ordinance shall be in the manner prescribed by Public Act 110 of 2006.
2. The Planning Commission shall consider each proposal for amendment in terms of the factors authorized by the Michigan Zoning Enabling Act, including but not limited to compliance with the current Township adopted plans, the particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Planning Commission may recommend additions or modification to the amendments as originally proposed.
3. When a request for amendment (including a PUD which is handled as an amendment) is initiated and has been initially reviewed by the Planning Commission, the Zoning Administrator shall cause

notification of the request and a public hearing to be given in accordance with Section 9802.B.4 and the Michigan Zoning Enabling Act.

4. Notice Requirements for Text Amendment to Zoning Ordinance:
 - a. Not less than fifteen (15) days before the date set for the public hearing set by the Planning Commission to consider the proposal for amendment of this Ordinance, the Planning Commission shall:
 - (1) Publish notice of the hearing in a newspaper of general circulation in Maple Grove Township.
 - (2) Mail notice of the public hearing, by regular first class mail to each electric/pipeline public utility company, telecommunication service provider and railroad operating within the Township, and manager of each airport within the Township, which has registered with the Township Clerk's for the purpose of receiving notice of public hearings regarding zoning matters.
 - (3) Mail notice of the public hearing, by regular first class mail, to the clerk and chief elected officials or manager of any township, village or county government having property within one (1) mile of the property where the text change will have effect.
 - b. Post notice of the public hearing at the Maple Grove Township Hall at least eighteen (18) hours before the scheduled time of the public hearing if the public hearing is not set for the Planning Commission's regular meeting date.
 - c. The form of notice published, mailed and/or posted under Section 9802.B.4. shall:
 - (1) Describe the nature of the proposed text amendment and that the final outcome of the amendment may be different from that which is being requested.
 - (2) State the time and place for the hearing at which the proposed text amendment will be considered.
 - (3) Indicate the time and place written comments on the proposed text amendment will be received.
 - (4) State the times and places copies of the proposed text amendment may be examined.
 - (5) For members of the Planning Commission only, a copy of the request for the zoning amendment, the draft of the zoning amendments, and supporting documents in the record..
 - d. The affidavits of publication, mailing and posting for all notices shall be filed with the Township Clerk and copies of the same maintained by the Planning Commission.
5. Notice Requirements for Amendment to Re-Zone Property:
 - a. Not less than fifteen (15) days before the date set for the public hearing set by the Planning Commission to consider the proposal for amendment of this Ordinance, the Planning Commission shall:
 - (1) Publish notice of the hearing in a newspaper of general circulation in Maple Grove Township.

- (2) Mail notice of the public hearing, by regular first class mail, to each of the following:
 - (I) The applicant requesting the re-zoning
 - (II) The owner(s) of the property(ies) to which the re-zoning applies, if different.
 - (III) If the re-zoning is for less than eleven (11) adjacent properties: The owners of all real property within three-hundred (300) feet of the property(ies) for which the re-zoning has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 - (IV) If the re-zoning is for less than eleven (11) adjacent properties: The occupants of any structures within three-hundred (300) feet of the property(ies) for which the re-zoning has been requested, regardless of whether the owner and property is located in Maple Grove Township or not. 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. In the case of a single structure containing more than four (1) 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.
 - (3) Mail notice of the public hearing, by regular first class mail to each electric/pipeline public utility company, telecommunication service provider and railroad operating within the Township, and manager of each airport within the Township, which has registered with the Township Clerk's for the purpose of receiving notice of public hearings regarding zoning matters.
 - (4) Mail notice of the public hearing, by regular first class mail, to the clerk and chief elected officials or manager of any township, village or county government having property within one (1) mile of the property where the text change will have effect.
- b. Post notice of the public hearing at the Maple Grove Township Hall at least eighteen (18) hours before the scheduled time of the public hearing if the public hearing is not set for the Planning Commission's regular meeting date.

- c. Form of notice published, mailed and/or posted under Section 9802.B.4. shall:
 - (1) Describe the nature of the proposed zoning amendment (re-zoning) and that the final outcome of the amendment may be different from that which is being requested.
 - (2) State the time and place for the hearing at which the proposed amendment (re-zoning) will be considered.
 - (3) Indicate the time and place written comments on the proposed amendment (re-zoning) will be received.
 - (4) State the times and places copies of the proposed amendment (re-zoning) may be examined.
 - (5) For members of the Planning Commission only, a copy of the request for the zoning amendment (re-zoning), the draft of the zoning amendments, and supporting documents in the record..
 - d. The affidavits of publication, mailing and posting for all notices shall be filed with the Township Clerk and copies of the same maintained by the Planning Commission.
6. Any person receiving notice pursuant to Section 9802.B.4. or B.5. may choose to submit material to the Planning Commission. Such submission shall be delivered to the Planning Commission at or before the hearing on the zoning amendment. Such submissions shall be considered comments and advice to the Planning Commission.
7. [CONDITIONAL RE-ZONING – RESERVED]
8. Hearing and Findings.
- a. The Planning Commission shall hold a public hearing to receive input on the proposed zoning amendment.
 - b. Following the hearing, the Planning Commission shall consider each proposal for amendment to the Ordinance (including a re-zoning). The Planning Commission may recommend any additions or modifications to the original amendment proposed. The Planning Commission will review each proposed for amendment to determine if:
 - (1) It is consistent with the Township Master Plan upon which this Ordinance is based.
 - (2) Whether all of the uses allowed under the proposed re-zoning 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 re-zoning.
 - (4) Whether the uses allowed under the proposed re-zoning would be equally or better suited to the area than uses allowed under the current zoning of the land; and
 - (5) Any other relevant standards set forth in the Michigan Zoning Enabling Act.
9. Submit Recommendation to County Planning Commission: After the Planning Commission holds its public hearing and makes its findings, as described in Section 9802. B.8., the Planning Commission shall submit to the County Planning Commission the:

- a. The text of the proposed amendment to the Zoning Ordinance; and
 - b. Any proposed amendment to the zoning map(s);
for advisory review and recommendation.
10. Submit Recommendation to Township Board. After the Planning Commission holds its public hearing and makes its findings, as described in Section 9802. B.8., and after receipt of any recommendations from the County Planning Commission (or after the expiration of thirty (30) days following the County Planning Commission's receipt of the Planning Commission's recommendation, if no comments or recommendations from the County Planning Commission are received), the Planning Commission shall submit to the Township Board the following:
- a. A summary of the comments received at, or prior to, the public hearing.
 - b. The text of the proposed amendment to the Zoning Ordinance;
 - c. Any amendment to the zoning map(s); and
 - d. Any recommendations from the County Planning Commission.
11. Action by Township Board: After receiving the Planning Commission's recommendation for any amendment to the Zoning Ordinance or zoning map(s), the Township Board shall, at a regular or special meeting called for that purpose, consider the recommendations submitted by the Planning Commission and will vote upon the adoption of the proposed amendment(s). The Township Board may, on its own initiative, elect to hold an additional public hearing regarding any proposed amendment(s) and shall be required to hold such a public hearing upon request of any property owner requesting the same by certified mail to the Township Clerk. Notice of any such public hearing shall be given in the manner as required by Section 9802.B.4 or B.5, as appropriate. If no additional public hearing is requested or required, the Township Board shall either:
- a. Disapprove the proposed amendment, with no further action by the Planning Commission;
 - b. Approve the proposed text, in ordinance form, with or without permissible amendments;
 - c. Refer proposed change(s) or departure(s) from the proposed text of the amendment back to the Planning Commission for further consideration.
12. Referral Back to Planning Commission: In the event the Township Board refers any changes or alterations to the text or substance of the amendments recommended by the Planning Commission back to the Planning Commission, the Planning Commission shall have thirty (30) days after receipt of the proposed change or departure to consider the Township Board's recommendations and send its second report to the Township Board. Upon receiving the second report from the Planning Commission, the Township Board may adopt, adopt with modifications, or not adopt the proposed amendment.
13. Any vote by the Township Board to adopt any amendments shall be by roll call vote of the majority of the members of the Township Board.

[Annotation: This revised to conform to Public Act 110 of 2006 by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9803. Separability:

If any clause, sentence, sub-sentence, paragraph, section, or part of this Ordinance be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

9804. Conflicting Provisions:

All Ordinances, or parts thereof, conflicting with the Provisions of this Ordinance are hereby repealed insofar as same affect this Ordinance.

9805. Effective Date:

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of public peace, health, safety, and general welfare, and are hereby ordered to take immediate effect and be in force from and after the 14th day of September, 1983, in accordance with the statutes in such case made and provided, and this Ordinance is hereby ordered to be published in the manner provided by law.

ADOPTION HISTORY:

Reviewed by the Manistee County Planning Commission August 13, 1983.

Submitted to the Maple Grove Township Board on the 13th day of September, 1983, by the Maple Grove Township Planning Commission.

Approved by the Maple Grove Township Board on the 13th day of September, 1983.

AMENDMENT HISTORY:

Amendment to add Temporary Dwellings as a special use to each zoning district and to add section 9.3(7):

Public hearing held by the Maple Grove Township Planning Commission 7 p.m. July 15., 1986.

Reviewed by the Manistee County Planning Commission: August 20, 1986.

Adopted by the Maple Grove Township Board September, 12, 1986.

Amendment to add "Granny Housing" by adding a new section 3.12:

Public hearing held by the Maple Grove Township Planning Commission May 10, 1991.

Reviewed by the Manistee County Planning Commission: February 1991

Adopted by the Maple Grove Township Board March 1992; effective March 28, 1991.

Amendment to add Site Plan provisions and hazardous groundwater protection provisions:

Public hearing held by the Maple Grove Township Planning Commission: December 7, 1994.

Reviewed by the Manistee County Planning Commission: May 17, 1995.

Adopted by the Maple Grove Township Board August 9, 1995; effective August 10, 1995 12:01am.

Amendment to add Wellhead Protection Overlay Zone:

Public hearing held by the Maple Grove Township Planning Commission: June 4, 1997.

Reviewed by the Manistee County Planning Commission: November 19, 1997.

Adopted by the Maple Grove Township Board December 17, 1997; effective January 8,

1998 12:01am.

Amendment to change Trailer language, add Mobile Home language, and add Civil Infraction language:

Public hearing held by the Maple Grove Township Planning Commission:

Reviewed by the Manistee County Planning Commission: March 23, 2000.

Adopted by the Maple Grove Township Board _____; effective May 8, 2000 12:01 a.m.

Amendment to add Communication Tower language and Sexually Oriented Businesses language:

Public hearing held by the Maple Grove Township Planning Commission: October 18, 2000.

Reviewed by the Manistee County Planning Commission: 30 days elapsed without review

Adopted by the Maple Grove Township Board January 8, 2001; effective January 17, 2001 12:01 a.m.

Amendment to add Accessory Buildings and Structures language:

Public hearing held by the Maple Grove Township Planning Commission: October 2, 2002.

Reviewed by the Manistee County Planning Commission: September 26, 2002.

Adopted by the Maple Grove Township Board December 9, 2002; effective December 22, 2002 12:01 a.m.

Amendment to, among other things, revise minimum required standards for zoning districts and to revise procedures for Special Use Permits, Planned Unit Developments, Board of Appeals and Amendments to conform to Public Act 110 of 2006:

Public hearing held by the Maple Grove Township Planning Commission: August 1, 2007.

Reviewed by the Manistee County Planning Commission: August 30, 2007.

Adopted by the Maple Grove Township Board September 10, 2007; effective October 4, 2007 12:01 a.m.