



ZONING ORDINANCE

HOPE TOWNSHIP, BARRY COUNTY, MICHIGAN

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Section 1.0 **TITLE**

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

Section 1.1 **AUTHORITY**

This Ordinance has been enacted pursuant to the provisions of the Township Zoning Act (P.A. 184 of 1943), as amended, the Michigan Zoning Enabling Act (P.A. 110 of 2006) and the Township Planning Act (P.A. 168 of 1959), as amended.

Section 1.2 **PURPOSE**

In the interest of the public health, safety, comfort, convenience and general welfare, the purpose of this Zoning Ordinance is to establish zoning districts within the unincorporated portions of the Township of Hope, within which districts the use of land for agriculture, forestry, recreation, residences, industry, commercial trade, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated, or prohibited; and for such purposes, this Ordinance may divide portions of Hope Township into districts of such number, shape, and area as may be deemed best suited to carry out the provisions of the Acts cited above; and to adopt within each district, provisions designating and limiting the location, height, number of stories, and the size of dwellings, buildings, and structures that may hereafter be erected or altered including manufactured housing, tents, and alternative housing and the specific uses for which dwellings, buildings, and structures may hereafter be erected, altered, or used; for the regulation of the area of yards, courts, and other open spaces; that sanitary, safety, and protective measures shall be required for such dwellings, buildings, and structures; for the designation of the maximum number of families which may be housed in buildings, dwellings, and structures including tents, manufactured housing, and alternative housing; to provide for a method of amending said Ordinance; to provide for the administering of the Ordinance; to provide for conflicts with other acts, ordinances, or regulations; to provide for the collection of fees for the furtherance of the purposes of this Ordinance; to provide for the organization, procedure, and appeals procedure of the Hope Township Planning Commission and the Hope Township Board of Appeals; and to provide penalties for the violation of this Ordinance.

ARTICLE II **RULES FOR TEXT - DEFINITIONS**

Section 2.0 **RULES APPLYING TO TEXT**

When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number, and words used in the plural number include the singular. The word "**shall**" is always mandatory and not merely directory. Terms not herein

defined shall have the meanings customarily assigned to them.

Section 2.1 **DEFINITIONS**

For the purpose of this Ordinance, the following terms and words are defined as follows:

ACCESSORY BUILDING OR STRUCTURE: A subordinate building or structure, excluding a mobile home, devoted to an accessory use and located on the same premises with a main structure. An accessory structure attached to a main structure shall be considered part of the main structure. A mobile home may not be used as an accessory building. Parcels or lots of land that are under the same ownership and contiguous to one another may be considered the same "premises" for purposes of this provision. Parcels or lots of land that are under the same ownership and would be contiguous to one another except for an intervening public or private right-of-way may also be considered the same "premises" for purposes of this provision.

ACCESSORY USE: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

ALTER OR ALTERATION: Any change, improvement, or repair to the structure that results in a change or modification to the exterior dimension of said structure. Roofing, siding, insulation, etc. shall not be construed to be a change in the exterior dimension.

ALTERNATIVE HOUSING: Any type of housing that is different from the conventional house, but which will meet the intent of the applicable codes and regulations, as determined by the Building Inspector.

APARTMENT: A room or suite of rooms, including bath and culinary accommodations, intended and designed for use (separate from other family units) by a single family.

BAR/NIGHTCLUB/TAVERN: Any establishment, or portion thereof, where malt, vinous, or spiritous liquors are sold for consumption on the premises, and which has no food sales or in which food sales are relatively insignificant.

BASEMENT: That portion of a building below the first floor joists, at least half of whose floor to ceiling height is below the level of the adjacent ground, including walkout basements. This refers to conventional homes, only, and not to bermed or earth-sheltered homes.

BILLBOARD: A sign which calls attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

BERM: A mound of earth used to reduce noise, or a pile of earth against the wall of a structure to increase the insulating factor of the wall.

BOAT LAUNCHING FACILITIES: An improved area (e.g. graveled, paved) abutting a body of water regularly used for introducing watercraft into and/or removing watercraft from the body of water.

BOARDING HOUSE/ROOMING HOUSE/BED & BREAKFAST: A dwelling in which lodging or meals, or both, are furnished to guests for compensation.

BUILDING: A structure erected on site, a manufactured home or manufactured structure, or a premanufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT: The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the decline of mansard roofs; and to the average height between eaves and ridge for gables, hip and

gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE: A line beyond which the foundation, wall or any enclosed porch, vestibule, or other portion of a building shall not project, excluding roof overhangs.

CABIN: A detached building which is used for seasonal occupancy as a dwelling or sleeping quarters, but not including motels.

CARE HOME: Rest and nursing homes, convalescent homes, and boarding houses for the aged and/or infirm.

CATTERY/KENNEL: Any place where more than three (3) cats over six (6) months of age or more than three (3) dogs over six (6) months of age are kept overnight (regardless of whether or not the animals are owned by the owner or occupant of the subject premises) and which is not an animal hospital.

CONVENIENCE STORE: A store selling general merchandise, gasoline, etc.

DECK/PATIO: Appendage to a building without walls or roof.

DWELLING, SINGLE-FAMILY: A building containing not more than one dwelling unit complying with all of the following standards:

- a. It has a core area of living space of at least 20'x20' in size.
- b. It has a minimum square footage of 720 square feet on the main level.
- c. It is firmly attached to a permanent basement or foundation of the same perimeter dimensions as the dwelling or to a slab floor, properly protected from frost action.
- d. It complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation in and connected to the 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 24CFR3280, and as from time to time such standards may be amended. Additionally, it shall meet or exceed all applicable roof snow load and strength requirements.
- e. It is connected to a water supply and sewage facility approved by the Health Department.
- f. Any additions shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation or slab as required herein.
- g. It satisfies all applicable area regulations for the zoning district in which it is located.
- h. In the event it is a mobile home as defined herein, it shall be installed with the wheels removed. Additionally, it shall not have any exposed towing mechanism, undercarriage or chassis.

DWELLING, TWO-FAMILY: A building containing two dwelling units.

DWELLING, MULTIPLE-FAMILY: A building containing three or more dwelling units.

DWELLING UNIT: A building, or portion thereof, designed for residential occupancy by one family.

EARTH SHELTERED/UNDERGROUND BUILDING: A structure that is sheltered by earth against the walls and/or roof.

ESSENTIAL SERVICES: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or any governmental agency of underground or overhead distribution, collection, and/or transmission of gas, electricity, steam, water, communication systems, or supply or disposal systems, including poles, wires, drains, sewers, pipes,

conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including buildings, towers, substations, and regulator stations. Nothing in this Ordinance shall be construed to permit the erection, construction, or enlargement of any above ground structure except utility poles, pole mounted transformers, wires, and pedestal boxes not exceeding four square feet by six feet in height, except as otherwise permitted in this Ordinance.

FAMILY: A family is defined as:

a. an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling; or

b. a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, and shall also not include any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.

FAMILY BUSINESS: A business which is incidental to the principal residential use of the property and not a home occupation or roadside stand, subject to the following conditions and limitations:

a. the business shall be located on the same parcel with the family residence; the business shall be consistent with the character of the immediate area;

b. no outdoor storage shall be allowed unless the same cannot be reasonably stored within a building or structure; such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties;

c. no services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premise;

d. if the business creates noise, smoke, odor, or requires outside lighting other than normal household lights that are discernible beyond the boundaries of the parcel on which the business is conducted, it will not be allowed to operate between the hours of 10:00 p.m. and 6:00 a.m.;

e. one (1) sign relating to the business may be permitted on the premises; the sign shall not exceed eighteen (18) square feet in area and shall not be lighted; regulations in Article IX apply;

f. there shall be no physical expansion of the business without the approval of the Planning Commission;

g. in addition to those family members of a residence who reside on the parcel, no more than four (4) other individuals may work at any one time on the premises in connection with the family business;

h. adequate off-street parking must be available for employees, customers, and any other person or persons visiting the business; regulations in Article XIII apply;

i. the Planning Commission may limit the family business to a particular type of business; the Planning Commission may impose additional conditions and regulations as it deems necessary to adequately protect residents and property owners and the values of adjoining properties.

FARM: All the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner or his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute the type of farming being performed; and, for the purpose of this Ordinance, farms may be considered as including establishments operated as bonafide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairy farms, apiaries, and other similar activities. The words "agriculture" and "farming" shall be considered as synonymous.

Hope Township has adopted the Right to Farm Act, P.A. 93 of 1981 as amended.

FARM BUILDING: Any building or structure, other than a dwelling, used or maintained on a farm which is essential and customarily used on farms in the pursuit of agricultural activities.

GROUNDWATER: Water beneath the land surface.

GREENBELT: A strip of land which is planted and maintained with grass, trees, bushes, flowers, and similar vegetation.

HAZARDOUS WASTE: means waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste does not include material which is solid or dissolved material in domestic sewage discharge, or solid or dissolved material in an irrigation return flow discharge, or industrial discharge which is a point source subject to permits under Section 402 of the Clean Water Act of 1977, 33 U.S.C. 1342 or is a source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, Chapter 1073, 68 Stat. 919.

Hope Township has adopted the Hazardous Waste Management Act, Act 64 of 1979, as amended.

HIGH WATER LINE: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

HOME OCCUPATION: Occupations conducted within a dwelling, garage, or accessory building by the resident or residents of the same, complying with the following conditions and limitations:

A. are operated within the dwelling and may be operated within a garage or accessory building located upon the premises upon approval of the Planning Commission;

B. are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; one assistant will be allowed at any given time on the premises, with not more than sixty (60) hours accumulated by all assistants within any seven (7) day period;

C. the premises shall have no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any non-residential purpose; noise, smoke, odor, outdoor storage, electrical disturbance or lighting from a home occupation shall not be discernible beyond the boundaries of the property on which the home occupation is conducted; traffic and parking generated by a home occupation shall be at a level consistent with the residential character of the area; any accessory building(s) used for a home occupation shall be of a size and nature consistent with the residential character of the area;

D. no article or service is sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupation;

E. any such home occupation shall be subject to annual inspection by the Building Inspector and/or Zoning Inspector of the Township and may be terminated by order of such inspector whenever the same fails to comply with the Zoning Ordinance;

F. the Planning Commission shall have the authority to determine whether or not the proposed use complies with the Zoning Ordinance and does not interfere with the health, safety, and general welfare of the neighborhood.

INOPERABLE MOTOR VEHICLE: Any motor vehicle which is unlicensed, dismantled, wrecked, or which can not be operated under its own power, which is kept or stored outside a structure.

JUNK: Any worn out or discarded material.

JUNKYARD/SALVAGE YARD: Any land or building(s) used for commercial storage and/or sale of discarded materials, including automobiles and other machinery, but not to be used as a sanitary landfill or solid waste disposal area as defined and made licensable under Act 641, P.A. 1978, as amended.

LOT/PARCEL/TRACT: A piece of land described in a recorded plat or by metes and bounds.

LOT AREA: The total horizontal area included within lot lines. Where the front or side line is the center line of the street or lies in part or in whole in the right-of-way, the lot area shall include that part of the lot in use or to be used as the street or street right-of-way.

LOT DEPTH: The distance between front and rear lot lines measured in the mean direction of the side lot lines.

LOT WIDTH: Distance between the side lot lines measured at the building setback line.

MOBILE HOME: A structure, transportable in one or more sections, which is built upon a chassis and designed to be used as a residence with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three 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 incidental to the occupancy of a mobile home.

NON-CONFORMING BUILDING OR STRUCTURE: Any building or other structure which does not comply with the applicable regulations for the district, either at the effective date of this Ordinance or as a result of subsequent amendment thereto.

NON-CONFORMING LOT OF RECORD: A lot of record that is non-conforming because of a lack of the required number of acres, minimum number of square feet, or other dimensional criteria either at the effective date of this Ordinance or as a result of subsequent amendment thereto.

NON-CONFORMING USE: Any use, whether a building, structure, or tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

PLANNED UNIT DEVELOPMENT (PUD) A parcel of land, other than a plat or a mobile home park, developed under single ownership or control as a separate neighborhood or community unit. The development shall, except as provided in the following sentence, contain a mixture of housing types and shall be based on an approved plan which allows flexibility of design not available under conventional zoning requirements. This definition shall also include a parcel, other than a plat or mobile home park, having more than one single-family dwelling and/or two-family dwelling upon it.

PORCH:

A. **UNENCLOSED:** An appendage to a building with a floor, roof, and supporting posts only.

B. **ENCLOSED:** An appendage to a building with foundations, floor, roof, and enclosed sides of glass, screening, etc.

RESTAURANT: A public eating place providing full menu table service, and which may have incidental sales of alcoholic beverages.

RIGHT-OF-WAY: A street, alley, thoroughfare, or easement permanently established for persons or vehicles.

SANITARY LANDFILL/SOLID WASTE DISPOSAL SITE: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means for whatever purpose, of trash, sewage, refuse, or waste material of any kind as defined and made licensable under Act 641, P.A. 1978, as amended.

SETBACK: The minimum horizontal distance that a building or structure is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

SIGN: Any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing which displays numerals, letters, words, trademarks, or any other representational use for direction or designation of any person, firm, organization, place, product, service, business, or industry, which is located upon any land or building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

SIGN AREA: The surface of any structure used to convey the message exclusive of the necessary supports or any appurtenances required by the Building Code. The area of open sign structures consisting of letters or symbols without a solid surface in between shall be calculated as the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign which is constructed back to back as a single unit shall be calculated according to the surface of one side only.

SITE CONDOMINIUM: (See Planned Unit Development).

SPECIAL EXCEPTION USE: Permission to use property in a manner other than permitted in a particular zoning district as outlined in the Ordinance.

STABLE-BOARDING: Building(s) used or to be used by an individual for housing horses owned by said individual, primarily for the use of himself and his immediate family.

STABLE-PUBLIC: Building(s) used or to be used for the housing of horses used for hire by the owner or operator thereof.

STREET: Public or private property which affords the principal means of vehicular access to abutting property including roads and highways but not including an alley.

STRUCTURE: Except as provided in the following sentence, anything constructed, erected, or to be moved to or from any premises which is permanently located above, on, or below the ground. Fences, wells and septic systems shall not be deemed structures for purposes of this Ordinance.

SUBDIVISION: A plat or area which shall be platted as required by Act 288, P.A. 1967, as amended.

THROUGH LOT: Lot in which both the front yard and back yard abut a road. Yard-Road Front requirements shall apply.

TRAVEL TRAILER and RECREATIONAL VEHICLE or UNIT: A vehicle type structure, other than a manufactured home, primarily designed as temporary living quarters for recreational camping or travel use, which has its own power or is mounted on or drawn by another vehicle which is self-powered as defined by MCLA 333.12501.

TRAVEL TRAILER PARK/CAMPGROUND: Any site, lot, field, or tract upon which three (3) or more occupied recreational vehicles or tents are or may be located, whether free of charge or for revenue purposes, including any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such Travel Trailer Park/Campground.

VACANT LOT: A lot that does not contain a structure.

VARIANCE: The grant to a petitioner by the Zoning Board of Appeals of permission to vary from the strict application of this Ordinance, except as pertaining to a use as provided for in this Ordinance.

YARD-ROAD FRONT: That part of the lot lying between the main building and the street upon which said lot abuts, or the designated street for frontage purpose in the event of a corner lot. In the case of a through lot, yards abutting each street will be considered as front yard.

YARD-LAKE FRONT: That part of the lot lying between the main building and the lakeshore upon which said lot abuts. In such cases, the street side becomes the rear yard.

YARD-REAR: That part extending across the full width of the lot between the rear lot line or the right-of-way line to the nearest line of the building.

YARD-SIDE: That part extending from the front yard to the rear yard between the side lot line, or the right-of-way line and the nearest line of the building.

ARTICLE III **THE PLANNING COMMISSION**

Section 3.0 **ESTABLISHMENT AND MEMBERSHIP**

There shall be a Planning Commission as provided for by the Township Planning Act, Act 168, P.A. 1959, and the Michigan Zoning Enabling Act, Act 110 P.A. 2006, as it may from time to time be amended. The membership, powers and duties shall be as prescribed by law.

Section 3.1 **DUTIES OF THE PLANNING COMMISSION**

In addition to those provided by law, the Planning Commission will:

- A. create and revise the Land Use Plan;
- B. review and decide upon applications for Special Exception Use Permits;
- C. review Site Plans for all but single and two family dwellings;
- D. recommend to the Township Board amendments to the Zoning Ordinance.

Section 3.2 **GENERAL PROVISIONS FOR THE PLANNING COMMISSION**

- A. The Planning Commission shall consist of five (5) members, as appointed by the Hope Township Board, with staggered terms of three (3) years.
- B. The approval of any request or decision shall be by a majority of the members present.
- C. Either the affected member or the Planning Commission may disqualify the member from a vote in which he or she has a conflict of interest.
- D. Members may be removed by the Township Board for non-performance of duty or misconduct in office, upon written charge following a public hearing.
- E. Compensation of members of the Planning Commission shall be determined by the Township Board.
- F. A Chairman and a Secretary shall be elected by the Planning Commission members. Minutes of the meetings shall be kept by the Secretary, or someone designated by the Secretary, and also filed with the Township Clerk and the Building Inspector and Zoning Administrator.
- G. The Township Clerk or his/her appointee shall post notices of Planning Commission meetings.
- H. The decisions of the Planning Commission shall be carried out by the Building Inspector or Zoning Administrator or any other Township Officer designated to do so.

ARTICLE IV **SPECIAL EXCEPTION USE**

Section 4.0 **SPECIAL EXCEPTION USE STANDARDS**

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses within the various zone classifications, which are designated as Special Exception Uses in this Ordinance.

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

With this in mind, such Special Exception Uses shall not be allowed within the particular zone in which they are listed unless and until the

Planning Commission is satisfied that the same, as they are being, or will be, conducted under the conditions, controls, circumstances and safeguards proposed therefor and imposed by said Commission:

A. would be compatible with the other uses expressly permitted within said Zoning District, with the natural environment, and with the capacities of public services and facilities affected by the Special Exception Use;

B. 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;

C. would not be detrimental or injurious to the public health, safety, morals, and general welfare of the community;

D. would encourage the use of lands in accordance with their character and adaptability.

Such Special Exception Uses shall not be allowed within the particular zone in which they are listed unless and until the Planning Commission is satisfied that the standards required by the Planning Commission for the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

The burden of proof of facts which might establish a right to a Special Exception Use Permit under the foregoing standards shall be upon the applicant.

Section 4.1 **SPECIAL EXCEPTION USE PROCEDURE**

A. Application for Special Exception Use Permit shall be filed with the Zoning Administrator and forwarded to the Planning Commission. The applicant shall attach to the application a Site Plan containing plans and specifications on their data or explanatory material required by the Ordinance, and also a statement outlining the methods by which the Use will comply with the conditions specified for each grant of Special Exception Use. (See Article V). At the time of filing a request for the Special Exception Use Permit, the applicant shall pay the fee determined by the Township Board to help defray expenses in connection with the application.

B. 1. The Planning Commission shall schedule a public hearing upon the request. Notice of the Public Hearing shall be given in accordance with applicable statutory requirements.

2. A notice of public hearing on the application shall be published in a newspaper circulated in the Township.

3. Notices of the request and public hearing shall be sent by First Class mail to the applicant and owners and occupants of all parcels of land located within 300 feet of the boundaries of the property in question, as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than four dwelling units or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure. Notice shall be published and mailed not less than 5 nor more than 15 days before a public hearing.

C. The Planning Commission shall, at a Planning Commission meeting immediately following the public hearing, either grant, deny, or table a request for such Special Exception Use Permit and shall state its reasons for its decision in the matter. The Planning Commission may impose such additional conditions, limitations, and requirements deemed necessary for the general welfare, protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the Special Exception Use is proposed will be observed. All conditions, limitations, and requirements upon such permit as granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Building Inspector and Zoning Administrator.

D. The Planning Commission shall:

1. have the right to limit the duration of a Special Exception Use where the same is of a temporary nature;

2. have the right of annual review of compliance with the conditions and limitations imposed upon such use, if any. Any use failing to comply with such conditions and limitations may be terminated by action of the

Planning Commission after a public hearing.

E. The Site Plan and specifications, and all conditions, limitations, and requirements imposed by the Planning Commission shall be recorded with the Township and shall be incorporated as part of the Special Exception Use Permit. Violations of any of these conditions, limitations, and requirements, at any time, will cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.

F. Any property which is the subject of a Special Exception Use Permit, which has not been used for a period of one year (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 Exception Use Permit was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classifications, and the permit for such Special Exception Use shall thereupon terminate.

G. To insure compliance with the Zoning Ordinance and any conditions, limitations, or requirements 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, irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation, or requirements conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six (6) months 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 work progresses.

H. No application for a Special Exception Use which has been denied, wholly or in part, by the Planning Commission may be resubmitted for a period of one year from the date of denial, except on the grounds of newly discovered evidence or proof of changed conditions.

ARTICLE V **SITE PLAN REVIEW**

Section 5.0 **PROJECTS REQUIRING SITE PLAN REVIEW**

In order to provide for cooperation and consultation between the Planning Commission and a land developer, the following projects will require that a detailed Site Plan be reviewed by the Planning Commission prior to issuance of a permit for building or use:

A. all applications for Special Exception Use Permit (see Article IV);

B. all buildings except single family dwellings and their accessory buildings in the AR,RR and RL zoning districts; [NOTE: Single family dwellings and their accessory buildings in the AR, RR and RL zoning districts require a Site Plan be reviewed by the Zoning Administrator and/or Building Inspector that shows the lot size, building dimensions, true distance to roads and lot lines, location of driveways, and any other information which is required within reason by the Zoning Administrator and/or Building Inspector for purposes of determining Zoning Ordinance compliance.]

Section 5.1 **INFORMATION TO BE INCLUDED IN THE SITE PLAN FOR REVIEW**

All of the following information shall be included in the submitted Site Plan:

A. effects of the finished grade of the project upon drainage and topography in relation to the surrounding properties and public roads;

B. effects of the project on groundwater supplies and on ground and surface water contamination;

C. effects of the project on necessitating sanitary or storm sewers that may not exist at the time of the request or may not be needed at that time in the project area;

D. impact of the project upon schools, public utilities, essential services, and various governmental services that are available at the time of the request or which may be needed due to the project;

E. the location, shape, area, and dimension of the lot, lots, or acreage to be used and the total area in the development project; the proposed exterior building dimensions, including height, setbacks, floor area of

dwelling units, and total number of units;

F. the location and provisions for water and sewage facilities; provisions for screening garbage areas and other unsightly areas, refuse storage and collection; general storage areas; loading and unloading areas;

G. conservation measures such as the conserving of top soil and trees, green waterways, or other means for protection from erosion of the drainage routes of surface water run-off;

H. noise reduction by such means as berms and plantings; any nuisance that may arise from the project such as noise, fumes, electrical disturbances, exterior lighting, or the need for screening the project from already existing uses, and any other annoyance or nuisance factors the Planning Commission may consider that is reasonable;

I. safety features such as pedestrian walkways over busy thoroughfares, access by emergency vehicles to each structure, width of streets to allow for parking and safe passage of traffic, sufficient off-street parking facilities, pedestrian and motor vehicle circulation within the project, and safe access to and egress from the project;

J. proof of financial ability to complete the project and the manner by which the project will be financed;

K. name and address of applicant(s) and owner(s) of property;

L. legal description of parcel;

M. a drawing showing adjoining parcels with all existing buildings;

N. the Planning Commission shall have the right to waive any of the informational requirements of this section when it determines that the nature of the proposed development is such that the other information submitted with the plan is sufficient to determine compliance with the standards in Section 5.2 C;

O. such other information regarding the development area that may be required by the Planning Commission to determine conformance with this Ordinance.

Section 5.2 **REVIEW PROCESS**

A. Application for Site Plan Review shall be filed, along with the required fee, with the Zoning Administrator who will forward the application and the Site Plan to the Planning Commission.

B. The notice of hearing procedure outlined in Section 4.1(B) shall be followed for a Site Plan Review Hearing.

C. The scheduled public hearing shall be held, at which time the Planning Commission will review the Site Plan and endeavor to insure the following:

1. that the Site Plan is consistent with all regulations in the Zoning Ordinance;

2. that the general health, safety, and welfare of the Township will be protected;

3. that all adverse effects to the owner and occupants of the subject parcel and all surrounding parcels which will result from the proposed project will be minimized.

Section 5.3 **AUTHORITY GOVERNING THE USE IF APPROVED**

A. If the Site Plan is approved, the applicant and the applicant's project shall come under the authority and law which is applicable for that particular project, provided that all conditions placed on the Site Plan by the Township Planning Commission and all provisions of this Ordinance are or will be met by the applicant, except those parts of the Ordinance which are specifically exempt on the permit.

B. To insure compliance with the Zoning Ordinance and any conditions, limitations, or requirements 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, irrevocable bank letter of credit, or surety bond covering the estimated cost of furnishing such conditions, limitations, or requirements conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six (6) months 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.

C. All amendments and restrictions placed on the Site Plan by the Planning Commission shall become part of that Site Plan upon approval by the Planning Commission.

Section 5.4 **DEVELOPMENT PLAN REQUIREMENTS**

A. No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zoning districts where a development plan is required, unless a development plan is submitted to the Hope Township Planning Commission and the Zoning Administrator and approved by the Hope Township Planning Commission.

B. A development plan shall be required for all industrial and commercial developments for which site plan review is required.

C. Any approval shall be valid for one year; and, if physical development of the project has not been started within the year, a new application must be filed.

D. Three (3) copies of the development plans, drawn to scale, shall be filed with the Zoning Administrator and shall contain the following information:

DATA REQUIRED: A map scaled not more than 1"=100' indicating:

1. property dimensions and legal description, including angles, lot area, and an arrow pointing North;

2. a vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use, including land uses on the opposite side of any public thoroughfare(s);

3. present zoning of the subject property and adjacent property including the names and addresses of adjacent property owners within three hundred (300) feet of the proposed use - (applies to Special Exception Uses only);

4. location and dimensions of all existing and proposed structures, open areas, walls, fences, screen planting, and/or other landscaping and lighting;

5. existing and proposed sewer, water and other utility lines plus location and type of sewage treatment facility and water source;

6. required setbacks of the zoning district and percentage of total project area to be covered by buildings;

7. the intended use, size, shape, location, height, and floor area of proposed buildings and finished ground and basement grades, both horizontal and vertical;

8. natural features such as woodlots, wetlands, streams, county drains, lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered;

9. existing public right-of-way and private easements of record;

10. proposed streets, driveways, malls, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways, and sidewalks, and the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles.

Development Plans for residential projects (multiple family developments) shall include the following additional information:

11. minimum floor area for dwelling units in multiple family developments;

12. total number of units proposed;

13. number of bedrooms per unit in multiple family developments;

14. area to be used for open space and recreation;

15. description of any deed or plat restrictions contemplated;

16. indication of the site's natural drainage pattern and any plan to alter or modify natural drainage, including proposed use of retention or detention ponds, or similar on-site drainage systems;

17. Retention Plan: in the event of retention or detention of storm water on-site, the petitioner must submit a complete retention plan which

includes a design sketch at a readable scale, and all hydrogeological data used in preparing said design, i.e. rainfall assumptions, runoff coefficients, storage needs, etc.

The following additional information is required only and/or when the project under consideration involves one (1) acre or more of land; entails (as part of an ongoing activity) the storage, transfer or discharge of any potentially hazardous or toxic substances or is located in a vulnerable groundwater area as determined by the Zoning Administrator and/or the local Health Department.

Hazardous or toxic substances shall be terms used to generally describe hazardous wastes including but not limited to the following:

- gasoline
- kerosene
- fuel oil
- motor oil
- diesel fuel
- mineral spirits
- brake fluid
- transmission fluid
- anti-freeze
- petroleum based degreasers
- petroleum based cleansers
- radioactive wastes
- infectious wastes
- strippers
- paint
- varnish
- thinners
- solvents
- pesticides
- insecticides
- herbicides
- hazardous wastes as defined by Act 64 of 1979, as amended
- compounds on the Michigan Critical Materials List

18. the site shall be located on a topographic map, 7.5 minutes series if available;

19. a complete description of any materials to be used, stored, produced, or disposed of which are classified as critical materials under the Michigan Critical Materials Register or as hazardous waste under the Michigan Hazardous Waste Management Act (64, of P.A. of 1979). Included in this description shall be details of how these materials are stored and the measures which are to be utilized to prevent leaks, spills, or other incidents which might pollute surface or groundwaters. Facilities which require a Pollution Prevention Plan (PIPP) under Part 5 Rules of Act 245, P.A. of 1929 must submit an approved PIPP to the Planning Commission prior to occupancy;

20. provide certification that only haulers licensed under P.A. 64 of 1979 shall be used to transport any critical or hazardous materials into or out of the proposed site;

21. such other information regarding the development area that may be required by the Planning Commission to determine conformance with this Ordinance;

22. the Planning Commission shall have the right to waive any of the informational requirements of this section when it determines that the nature of the proposed development is such that the other information submitted with the plan is sufficient to determine compliance with the requirements of this Ordinance.

ARTICLE VI ZONING BOARD OF APPEALS

Section 6.0 ESTABLISHMENT AND MEMBERSHIP

There shall be a Zoning Board of Appeals as provided for by Act 110, P.A. 2006, as amended.

Section 6.1 DUTIES OF THE ZONING BOARD OF APPEALS

- A. Hear and decide upon:
1. requests for interpretation of the provisions of this Ordinance;
 2. appeals where it is alleged by the applicant that there is an error in the refusal of any order, requirement, decision, or determination, made by the Zoning Administrator;
 3. requests for a Variance.
- B. Interpretation of the boundaries of the Zoning District Map.

Section 6.2 GENERAL PROVISIONS FOR THE ZONING BOARD OF APPEALS

- A. The Zoning Board of Appeals shall consist of five (5) members, as appointed by the Hope Township Board of Trustees, with staggered terms of three (3) years.
- B. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant and any matter upon which the Board is required to pass upon or to grant a variance.
- C. Either the affected member or the Zoning Board of Appeals may disqualify the member from a vote in which he or she has a conflict of interest.
- D. Members may be removed by the Township Board for non performance of duty or misconduct in office, upon written charge following a public hearing.
- E. Compensation of members of the Zoning Board of Appeals shall be determined by the Township Board.
- F. A Chairman and a Secretary shall be elected by the Zoning Board of Appeals members. Minutes of the meetings will be kept by the Secretary or someone designated by the Secretary and also filed with the Township Clerk and the Building Inspector and Zoning Administrator.
- G. The Township Clerk or his/her appointee shall post notices Of Zoning Board of Appeals meetings.
- H. The decisions of the Zoning Board of Appeals shall be Carried out by the Building Inspector or Zoning Administrator or any other Township Officer designated to do so.
- I. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called by the Chairman of the Zoning Board of Appeals or his/her designee to serve as a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called by the Chairman of the Zoning Board of Appeals or his/her designee to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

ARTICLE VII VARIANCE AND APPEALS

Section 7.0 VARIANCE STANDARDS

- A. When it can be shown that a practical difficulty would exist if the strict non-use requirements of this Ordinance (lot area, width, setbacks, building height, etc.) were applied to a specific building project, the Zoning Board of Appeals may grant a Variance from these requirements.
- B. The practical difficulty must be particular to the subject parcel of land and may not be self-imposed or the result of an earlier action by the

applicant. If the parcel of land could be reasonably built upon in conformance with the requirements of this Ordinance by simply relocating or redesigning the building(s), a Variance shall not be granted.

C. A Variance shall not be granted when it will alter or conflict with the intent of this Ordinance.

D. The Variance granted shall be the minimum necessary to provide relief for the practical difficulty of the applicant.

Section 7.1 **VARIANCE PROCEDURE**

A. Application for Variance shall be filed with the Zoning Administrator and forwarded to the Zoning Board of Appeals. The applicant shall submit a Site Plan to be reviewed by the Zoning Board of Appeals containing plans and specifications on their data or other explanatory material required by the Ordinance. (See Article V) At the time of filing a request for Variance, the applicant shall pay the fee determined by the Township Board by resolution to help defray expenses in connection with the application.

B. 1. The Zoning Board of Appeals shall schedule a public hearing upon the request.

2. Notices of the request and public hearing shall be sent by First Class mail to the applicant and the owner(s) and occupant(s) of all parcels of land located within 300 feet of the boundaries of the property in question, as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. Notification need not be given to more than one occupant of a structure, except if a structure contains more than four dwelling units or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure. Notice shall not be mailed less than 5 nor more than 15 days before the public hearing.

C. The Zoning Board of Appeals shall, at a Zoning Board of Appeals meeting immediately following the public hearing, either grant, deny, or table a request for such Variance and shall state its reasons for its decision in the matter. The Zoning Board of Appeals may impose such additional conditions, limitations, and requirements deemed necessary for the general welfare, protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the Variance is proposed will be observed. All conditions, limitations, and requirements upon which any such Variance is granted shall be specified in detail by the Zoning Board of Appeals in its decision and shall be filed with the Building Inspector and Zoning Administrator.

D. The Site Plan and specifications, and all conditions, limitations, or requirements imposed by the Zoning Board of Appeals shall be recorded with the Township and shall be incorporated as a part of the Variance Permit. Violations of any of these conditions, limitations, and requirements, at any time, will cause revocation of said permit and said Variance shall cease to be lawful.

E. To insure compliance with the Zoning Ordinance and any conditions, limitations, or requirements imposed by the Zoning Board of Appeals as necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and future inhabitants of the proposed project or project area, the Zoning Board of Appeals may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond covering the estimated cost of furnishing such condition, limitation, or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township at the time of issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six (6) months to be completed, the Zoning Board of Appeals may authorize a rebate of any cash deposit in reasonable proportion to the ratio of work completed as the work progresses.

F. Requests for Variance must be acted upon by the Zoning Board of Appeals within 45 days of when all pertinent data is received, unless the Zoning Board of Appeals can give sufficient reason(s) why it cannot do so.

G. No application for a Variance which has been denied, wholly or in part, by the Zoning Board of Appeals may be resubmitted for a period of one

year from the date of denial, except on the grounds of newly discovered evidence or proof of changed conditions.

H. A decision by the Board of Appeals granting a Variance shall be valid for a period of one year, during which time a building permit must be obtained and erection, set-up, or alterations commenced. After one year the Variance shall become null and void.

Section 7.2 APPEALS OF DECISIONS MADE BY THE BUILDING INSPECTOR OR ZONING ADMINISTRATOR

A. Appeals must be made to the Zoning Board of Appeals by any aggrieved person within 21 days of the decision of the Building Inspector or Zoning Administrator.

B. The application, notice, and hearing procedure outlined in Section 7.1 shall be used in the case of an appeal.

ARTICLE VIII NON-CONFORMING USES, STRUCTURE, AND LOTS

The following regulations shall control uses in existence at the time of passage of this Ordinance.

Section 8.0 NON-CONFORMING PROVISIONS

A. Lawful non-conforming uses or structures may be continued, but shall not be extended, added to, or altered unless such extension, alteration, or addition does not increase the extent of the nonconformance. Notwithstanding this, a building that is a lawful non-conforming structure because a portion of it encroaches upon a required property line set-back may be extended, added to or altered so long as (1) no portion of the building extends closer to the subject property line than the existing encroachment and, (2) the building extension, addition or alteration does not encroach upon the required set-back areas for any other property lines (e.g., a lawful non-conforming single-family dwelling that encroaches five (5) feet into a required rear yard set-back area may have an addition constructed to it that also encroaches five (5) feet into the required rear yard set back area provided the addition conforms with front yard set-back, side yard set-back and all other provisions of the Zoning Ordinance).

B. Nothing in this Ordinance shall prevent the repair, reinforcement, or reconstruction of a non-conforming building, or part thereof, rendered necessary by wear and tear, deterioration, fire, explosion, accident, or any other act of God or the public enemy. Such repair, improvement, or reinforcement shall include no enlargement.

C. If the non-conforming use of any land or structure shall terminate

for a continuous period of time exceeding two (2) years, without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission, such use shall not be reestablished without a Special Exception Use Permit. Without said permit, any future use of that land and/or structure shall be in conformity with this Ordinance.

D. When a non-conforming use or structure has been destroyed or damaged by more than 50% of its value by windstorm, fire, explosion, or any act of God or the public enemy, such use or structure shall not be continued or rebuilt unless the damaged or destroyed portion of the structure is rebuilt or repaired according to the requirements of this Ordinance.

Section 8.1 **TEMPORARY NON-CONFORMING RESIDENCE USE PERMIT**

A. The Building Inspector shall have the authority to issue a Temporary Non-Conforming Residence Use Permit allowing a non-conforming mobile home, basement, or other temporary or partial structure to be used for dwelling purposes for a period of not more than two (2) years. The applicant must erect, reconstruct, or complete a permanent dwelling on the premises within two (2) years.

B. The applicant shall first obtain a building permit for the construction or reconstruction of a permanent dwelling upon the premises.

C. The applicant shall pay the fee for a Temporary Non-Conforming Residence Use Permit as determined by the Township Board by resolution to help defray expenses in connection with the application.

D. The applicant shall commence construction or reconstruction of the permanent dwelling within sixty (60) days after issuance of the Temporary Non-Conforming Residence Use Permit. The Permit expires in sixty (60) days unless construction or reconstruction has commenced.

E. The temporary non-conforming residence shall be located upon the premises where the permanent dwelling is being built and must be connected to proper, safe sewage disposal facilities in accordance with the requirements of the Health Department.

F. The temporary non-conforming residence must comply with all pertinent codes. In the case of a mobile home being used as the temporary non-conforming residence, the mobile home shall comply with the requirements of the "Mobile Home Construction and Safety Standards." The Building Inspector shall make an inspection of all temporary non-conforming residences to make sure that all pertinent codes are met before a Temporary Non-Conforming Residence Use Permit shall be issued.

G. If, at the expiration of the two (2) year period, the permanent dwelling has not been completed in accordance with the requirements of this Ordinance, the Building Inspector may, upon:

1. a showing of hardship and good cause beyond the control of the owner, and
2. payment of the required additional fee, as determined by the Township Board, grant an extension to the Temporary Non-Conforming Residence Use Permit for an additional period not to exceed six (6) months.

H. The Temporary Non-Conforming Residence shall cease to be used as a dwelling upon the completion and occupancy of the permanent dwelling upon the premises. Any mobile, Temporary Non-Conforming Residence shall be removed from the premises within thirty (30) days following:

1. expiration of the Temporary Non-Conforming Residence Use Permit, or
2. completion and occupancy of the permanent dwelling upon the premises, whichever comes first.

Section 8.2 **NON-CONFORMING LOTS OF RECORD**

Lots that are non-conforming at the time of passage of this Ordinance, or subsequent amendment thereto, because of a lack of the number of acres, minimum number of square feet, or other dimensional criteria, shall be allowed to be built upon provided that:

A. the lot was legally established by recorded deed, land contract, or other legal document prior to the effective date of this Ordinance;

B. at least fifty percent (50%) of the side and rear yard requirements can be met (see 10.1 C);

C. a structure to be located on the lot shall be no closer to any roadway or lakeshore than a straight line connecting the nearest building

(other than a boathouse) on each side of the lot. If there is no such building within 300' of one of the side lot lines of the lot, then the point for beginning the line on that side of the lot shall be that point of the side lot line that intersects with the minimum required setback for conforming lots in that zoning classification.

D. potable water supply and proper, safe sewage disposal facilities can be provided in accordance with the requirements of the Health Department.

ARTICLE IX SIGNS AND BILLBOARDS

Section 9.0 SIGNS AND BILLBOARDS

Signs and billboards advertising goods, products, services, or activities sold, produced, rendered, or available from or upon the premises or off the premises:

- A. shall not be less than:
 1. eight (8) feet above any sidewalk or passageway for pedestrians;
 2. thirteen feet six inches (13'6") above any passage for vehicle traffic;
- B. shall be maintained in a neat and attractive manner;
- C. shall not constitute a traffic hazard;
- D. shall not constitute a nuisance or annoyance to the neighborhood by reason of lighting, noise, electrical disturbance, or other emissions, or unreasonable size;
- E. shall not be constructed or installed until a permit has first been obtained therefore from the Building Inspector;
- F. shall be located not less than one-half the required building setback distance from the street right-of-way line abutting the property, and shall be located not less than ten (10) feet from the side line of the property. Notwithstanding the foregoing, a sign in the "CL", "C-1", "C-2", "C-3", or "I" zoning district may be located not less than ten (10) feet from an abutting right-of-way.
- G. shall meet all State and Federal requirements for signs along those respective roadways. Billboards may only be erected in a Commercial Zoning District and may not exceed 100 square feet in area and shall be setback no less than seventy-five (75) feet from any abutting street right-of-way. A permit shall not be issued for advertising signs, directional signs, or billboards until the Building Inspector is satisfied that the sign can and will be constructed in a safe, sturdy, and durable manner with proper bracing, anchorage, and foundation. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- H. no billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway;
- I. no billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.

Section 9.1 SIGN SIZE OTHER THAN BILLBOARDS

A. In the RL and RR Zoning Districts, a sign not exceeding four (4) square feet in area shall be permitted containing the name and home occupation of the occupant of the premises;

B. In all zones a temporary sign shall be permitted pertaining to the construction, lease, hire, or sale of a building or premises not to exceed eight (8) square feet in area;

C. In the AR Zone, a sign not exceeding eighteen (18) square feet in area shall be permitted advertising permitted services rendered or offered upon or from the premises where the same is situated;

D. In AR and C Zoning Districts, directional signs are permitted if such sign is not located on public right-of-way, is within fifty (50) feet of an intersection, directs people to a business or public attraction located within the Township, has an area not more than twelve (12) square feet, is unlighted and not reflectorized, is maintained in a neat and attractive manner, and does not create a traffic hazard. No more than three (3) such signs shall be permitted at any one intersection;

E. In all Zoning Districts except MHP Zoning Districts (see Article XX for regulations in MHP Zoning Districts) collective signs not exceeding twelve (12) square feet shall be permitted listing organizations, churches, etc., for the purpose of a public directory, or listing the names of people residing in a plat or subdivision;

F. In all Zoning Districts except MHP Zoning Districts, signs Regarding no dumping, no hunting, no parking, etc., not exceeding two (2) square feet, shall be allowed.

G. A business, church or institution in the "C" Zoning Districts (i.e., "CL", "C-1", "C-2", and "C-3") or in the "I" Zoning District shall be permitted not more than one sign having an area not greater than 100 square feet identifying or advertising a business, organization, product or service located on the same premises on which the sign is located.

Section 9.2 SIGNS FOR SPECIAL OCCASIONS

A. Temporary political signs shall be permitted in all Zoning Districts, provided that all such signs are removed within fifteen (15) days following an election or event.

B. Special decorative displays or signs used for holidays, public demonstrations, or promotions of civic welfare or charitable purposes may be allowed in all zoning districts for not more than sixty (60) days preceding the day of the event or election and must be taken down no more than fifteen (15) days after same.

Section 9.3 POWER OF THE BUILDING INSPECTOR OVER SIGNS

The Building Inspector shall determine the safety, nuisance factor, etc., of any sign.

ARTICLE X AREA AND SETBACK REGULATIONS

Section 10.0 GENERAL REGULATIONS

No buildings shall be erected, nor any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot, area, and building regulations hereinafter designated for the zone in which such building or open space is located except as otherwise specifically provided for in this Ordinance. No yard or other open space provided about any building for the purpose of complying with the provisions of this Article shall be considered as a yard or open space for any other building.

Section 10.1 AREA REQUIREMENTS

A. Every dwelling hereafter erected shall contain not less than 720 square feet of floor area on the main level, exclusive of garage or other non-residential areas.

B. The minimum width and size of lots on which buildings or structures may be placed is listed at the end of each Zoning District.

Section 10.2 SETBACK REQUIREMENTS

A. In no event shall a setback be less than 20 feet from a county or state road right-of-way.

B. Every dwelling or structure shall comply with applicable setback requirements listed for the zoning district within which it is located.

C. One-story waterfront boat houses used exclusively for boating and bathing facilities may be constructed immediately adjacent to the sideline of a lot as long as the view of any neighboring property will not be obstructed, as determined by the Building Inspector.

D. Yard encroachments are listed in Section 13.3.

E. No building, structure, or fence to be used for the purpose of housing or intensive feeding of livestock, poultry, or other commercially-raised animals shall be erected within 100 feet of the boundary of property zoned RL, RR or MHP.

F. Setback regulations regarding flood-hazard areas or areas near or along water bodies are listed in Article XI.

Section 10.3 MOVING OF BUILDINGS

The moving of a building to a different location shall be considered the same as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

Section 10.4 INTERSECTION VISIBILITY

On a corner lot in any district, no fence, wall, hedge, sign, parked vehicle, or other structure or planting shall obstruct vision between the heights of two (2) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distance from their point of intersection. Such heights of clear vision area shall be measured from the elevation of the street center lines at their point of intersection.

Article XI **REGULATIONS FOR FLOOD-HAZARD AREAS**

Section 11.0 **THE NATIONAL FLOOD INSURANCE PROGRAM**

The Federal Insurance Administration (FIA) provides low-cost flood insurance through a program coordinated by the Michigan Department of Natural Resources. By joining this program, Hope Township agrees to uphold the regulations of the program and prevent further development in flood-hazard areas.

Section 11.1 **THE OFFICIAL FLOOD-HAZARD MAP**

The Official Map of flood hazard areas (which are subject to a one percent or greater chance of flooding) is the Flood Hazard Boundary Map (FHBM) provided by the FIA, dated February 6, 1984. The Base Flood Line, which is the presumed height of a 100 year flood and which is the line on the FHBM delineating the Flood Hazard Areas, is not very detailed on this map, nor is it necessarily accurate.

Section 11.2 **DISCLAIMER OF LIABILITY**

A. Because of an inaccurate map, the unpredictable nature of floods, and the possibility of unwise or unauthorized activities or land use by man, the Township Government and its salaried or unsalaried officers, agents, and Board members shall not be liable for any damages to, or loss of life, livestock, or other property due to flooding.

B. Neither does the FHB Map nor this Ordinance imply that areas outside the Flood Hazard Area will be free from flood damage.

C. Furthermore, approval of the use of land in Flood-Hazard areas, or in areas that are questionable as to their flood-hazard nature, shall not be considered a guarantee or warranty of safety from flood damage.

Section 11.3 **DEVELOPMENT AND BUILDING PERMITS FOR FLOOD HAZARD AREAS**

A. Development, including the erection of structures and placement of manufactured homes, within a Flood Hazard area shall not occur except upon issuance of a Zoning Compliance Permit. This permit shall not be issued until all necessary permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, P.A. of 1929, as amended by Act 167, P.A. of 1968. Where a development permit cannot be issued prior to the issuance of a Zoning Compliance Permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

B. The following information may be requested of the applicant seeking the permit by the Building Inspector or Zoning Administrator, the Planning Commission, or the Zoning Board of Appeals: the elevation in relation to mean sea level of the floor, including the basement, of all structures; where floodproofing will be employed, the elevation in relation to mean sea level to which a structure will be floodproofed; where floodproofing will be employed, a certificate from a registered professional engineer or architect that the floodproofing criteria of this Ordinance will be met; a description of the extent to which any watercourse will be altered or relocated as a result of proposed development; any additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.

C. Manufactured homes shall not be placed in a designated floodway, as determined by the Michigan Department of Natural Resources. Manufactured homes which are sited within a floodplain shall have installed an anchoring system in compliance with R125.1605 to R125.1608 of the Mobile Home Commission Rules.

Section 11.4 **VARIANCE AND RESOLUTION OF DISPUTES REGARDING FLOOD-HAZARD AREAS**

A. Variances in Flood-Hazard Areas shall be granted by the Zoning

Board of Appeals only upon the showing of good and sufficient cause; a determination that failure to grant the Variance would result in exceptional hardship to the applicant; and determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances. The Variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

B. The Zoning Board of Appeals may attach conditions to the granting of a Variance to insure compliance with the standards contained in this Ordinance.

C. Where mapping disputes arise to the location of the Flood-Hazard Area Boundary, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location based upon the most current floodplain studies issued by the FIA or the best floodplain information.

Section 11.5 **SETBACK REGULATIONS FOR FLOOD HAZARD AREAS**

A. Any building constructed on a lot abutting a lake, stream, pond, or marsh shall be set back at least fifty (50') feet from the high water line or to the edge of the floodplain, whichever is greater, except those buildings in existence at the time of the passage of this Ordinance. Where the majority of the property abutting said water line within 300 feet of both sides of a vacant lot has been built upon at the time of the passage of this Ordinance, any structure located on the lot shall be no closer than a straight line connecting the nearest building (other than a boathouse) on each side of the lot. If there is no such building within 300' of one of the side lot lines of the subject lot, then the point for beginning the line on that side of the subject lot shall be that point of the side lot line that intersects with the minimum required setback for conforming lots in that zoning classification. Where construction will take place at higher elevations above the water, the Zoning Board of Appeals may reduce the setback.

B. One-story boat houses used exclusively for boating and bathing facilities may be constructed at the high water shoreline, but not over the water. However, docks, together with temporary boat shelters which are dismantled during the winter months, may be constructed out into the water beyond the said high water shoreline not more than 100 feet from said shoreline.

Section 11.6 **GENERAL STANDARDS FOR DEVELOPMENT IN FLOOD-HAZARD AREAS**

A. All new construction and substantial improvements within a Flood-Hazard Area, including the placement of pre-fabricated buildings, manufactured homes, and any additions thereto, shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure, and shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.

C. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

D. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

E. Adequate drainage shall be provided to reduce exposure to flood hazards.

F. The Building Inspector or Zoning Administrator shall review development proposals to determine compliance with the standards of this Article.

G. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.

H. The flood-carrying capacity of any altered or relocated watercourse (including County drains under the jurisdiction of the Drain

Commissioner) not subject to State or Federal regulations designed to insure flood-carrying capacity, shall be maintained.

I. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.

J. All new construction and substantial improvements of non-residential structures shall have either the lowest floor, including basement, elevated to or above the base flood level; or be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are satisfied, and shall indicate the elevation to which the structure is floodproofed.

K. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 11.7 **ADMINISTRATION OF THE FLOOD-HAZARD AREAS**

A. It is the duty of the Building Inspector and Zoning Administrator to protect the Flood-Hazard Area from development that would increase the flood hazard to others by increasing the height of flooding over what it would be without that development, and from contamination of water.

B. These duties include, but are not limited to, the notification of adjacent communities, the FIA, and the DNR of the proposed alteration or relocation of any watercourse; verification and recording of the actual elevation in relation to the mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the Flood-Hazard Area, and the elevation to which the structure was floodproofed; the recording of all certificates of floodproofing, and written notification to all applicants to whom Variances are granted in a Flood-Hazard Area indicating the terms of the Variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk; the recording of all Variance notifications and Variance actions together with the justification for each Variance; collecting and making available to the public all records and maps pertaining to the National Flood Insurance Program; and obtaining and utilizing the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the FIA.

Section 11.8 **CONFLICTS WITH OTHER REGULATIONS OR ORDINANCES**

Conflicts between the requirements of this Article, and other requirements of this Ordinance or any other Ordinance, in regards to floodplains and flood-hazard areas, shall be resolved in favor of this Ordinance, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases, the more stringent requirements shall be applied.

ARTICLE XII **PARKING REGULATIONS**

Section 12.0 **MINIMUM PARKING SPACES REQUIRED**

In all Zoning Districts each vehicle parking space shall be not less than 200 square feet and not less than ten (10) feet wide, exclusive of driveway and aisle space, as follows:

A. single, Two, and Multi-Family Dwellings: two parking spaces for each dwelling unit;

B. boarding, Rooming, and Special Care Houses: two parking spaces for the family owning or operating the home and one additional parking space for each rental unit;

C. office Buildings and Retail Stores: one parking space for each 200 square feet of floor area;

D. manufacturing Buildings: one parking space for each two employees

on the maximum shift;

E. Libraries, Museums, Post Offices: one parking space for each 150 square feet of floor area;

F. Theaters, Auditoriums, Stadiums, Churches: one parking space for each three seats;

G. Roadside Stands: two parking spaces;

H. Schools: one space for each employee;

I. Motels and Tourist Homes: one parking space for each separate unit;

J. Restaurants, Night Clubs, Taverns, Dance Halls, Assembly Halls: one space for each two seats or for every two persons permitted in such establishment as determined by the Fire Marshall or Township building official;

K. Apartment Units: two spaces per unit.

Section 12.1 **OTHER PARKING REGULATIONS**

A. Except for one and two family dwellings, a site plan showing the required parking and loading spaces, including the means of access and interior circulation, shall be provided at the time of application for a building permit.

B. No parking area, parking space, or loading space which exists at the time this Ordinance becomes effective, or which subsequently thereto is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance upon the premises.

C. No parking space shall be closer than five (5) feet from any property line.

D. All off-street parking facilities shall be drained in such a way as to prevent any damage to abutting properties or public streets.

E. All lighting fixtures used to illuminate any off-street parking area shall be arranged so as to reflect the light away from any adjoining or nearby residential lot.

F. Space for all necessary loading and unloading operations for any commercial, industrial, or other use must be provided in addition to the required off-street parking area. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

G. Every resident shall be permitted to park one (1) recreational vehicle in the rear or side yard if space permits.

H. Any new business must provide adequate turn around to enable vehicles to drive forward upon leaving the premises.

Section 12.2 **PARKING AND/OR STORAGE OF INOPERABLE MOTOR VEHICLES, OR PARTS THEREOF, TRACTOR TRAILERS AND UNLICENSED MOTOR VEHICLES**

No person, firm, institution or corporation shall park or store or permit to be parked or stored outside of a fully enclosed building on any parcel of land within the Township any motor vehicle, tractor trailer, or motor vehicle parts unless one or more of the following conditions exist:

A. such vehicle or tractor trailer is currently and validly licensed for operation upon the public streets, is operable, and has all of its main component parts attached; "main component parts" shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body, or essential parts of the engine, and all such other parts or equipment as are necessary for the vehicle or tractor trailer to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended;

B. such vehicle, tractor trailer, or parts are located in a duly licensed and properly zoned junk yard or car dealer's lot or storage yard, where such use or operation is legally authorized under the Hope Township Zoning Ordinance, and is conducted in conformance therewith;

C. such vehicle or tractor trailer is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop legally authorized under the Hope Township Zoning Ordinance and applicable State law;

D. such vehicle or tractor trailer, although temporarily inoperable

because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets; provided that the premises shall not contain any such vehicle or tractor trailer outdoors for longer than fourteen (14) days in any one calendar year, calculated on a cumulative basis for the same or different vehicles or tractor trailers and notwithstanding that no one such vehicle or tractor trailer remains upon the premises for more than the fourteen (14) day period;

E. such vehicle, tractor trailer, or parts are fully screened by natural objects, plantings, fences, or other similar means from the view of persons standing on (1) adjoining public or private roads and (2) the ground level of adjoining properties;

F. such vehicle is an agricultural vehicle and is used or usable for agricultural purposes on the premises where located. "Agricultural vehicle" means a motor vehicle or conveyance designed and intended for agricultural use;

G. such vehicle or tractor trailer (a) is operable, (b) has all of its main component parts attached, (c) is for sale by the owner or occupant of the premises, and (d) is posted with a "For Sale" sign. This provision shall be limited to allowing the outdoor storage of one such vehicle or tractor trailer per lot or parcel at any one time and shall only permit the outdoor storage of such vehicle or tractor trailer for no more than thirty days;

H. a Special Exception Use Permit therefore is first obtained from the Hope Township Planning Commission, which permit shall be granted only in cases of special hardship beyond the control of the applicant, where special peculiar circumstances exist, where the spirit and purpose of these regulations are observed, and shall be limited to the time period specified on the Permit;

I. "tractor trailer" shall for purposes of this Section be defined as a semi-tractor and/or a trailer designed to be attached to and hauled by a semi-tractor.

ARTICLE XIII **GENERAL PROTECTIVE REGULATIONS**

Section 13.0 **LIGHTING**

Any lighting shall be aligned so as not to produce a nuisance to adjoining or nearby residential property, or to the traveling public on public roadways.

Section 13.1 **SCREENING REQUIREMENTS**

Screening by walls, fencing, plantings, berms, or other means may be required:

A. between residential areas and abutting commercial or industrial areas for either new construction or where a complaint is brought by residents of property abutting commercial or industrial areas existing before this Ordinance became effective;

B. for any unsightliness on any premises in any district which is considered reasonably objectionable and in need of screening.

Section 13.2 **GRADES AND RUN-OFF**

A. No property shall be filled or graded so as to cause a discharge of surface water run-off onto abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed, existing grades on adjacent property shall have priority.

B. Leaching pond(s) or holding pond(s) to handle maximum water run-off may be required when large buildings or parking lots are constructed.

Section 13.3 **YARD ENCROACHMENTS**

The yard requirements of all Zoning Districts are subject to the following permitted encroachments:

A. ground level terraces, patios, walkways, and similar structures may project into a yard as required herein, provided that such structure be unroofed and without walls or other continuous enclosures;

B. unenclosed porches, decks, or above ground swimming pools may project into a required yard a distance not to exceed eight (8) feet, provided that such porch, deck, or above ground swimming pool shall not be permitted within five (5) feet of any lot line. Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof;

C. roof overhangs, chimneys, flues, belt courses, leaders, sills, pilasters, cornices, and similar features may project into any required yard a maximum of 24 inches;

D. unenclosed and unroofed fire escapes, outside stairways, and balconies may project into a required yard a maximum of five (5) feet, provided that such structure shall not be permitted within five (5) feet of any lot line.

Section 13.4 HEIGHT RESTRICTIONS

The height of all structures shall be restricted to the following:

- A. Agricultural-Rural Residential, State Land, Natural River Districts: 50 feet except for agricultural silos and grain handling equipment;
- B. Commercial Districts: 50 feet;
- C. RL, RR and Mobile Home Park Districts: 35 feet for dwellings. Detached garages shall not exceed one story or 16 feet at the sidewall; and
- D. chimneys, utility poles, and television and microwave towers shall be exempt from height restrictions in all zones.

Section 13.5 LOT ACCESSIBILITY

No building shall be built or placed on a lot unless the lot abuts on a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 66 feet, except where an access easement of record of lesser width existed prior to the adoption of this Ordinance. All regulations contained in this Ordinance shall apply to such easements of record in the same manner as if the same were dedicated streets. (See Section 10.2)

Section 13.6 FENCING

- A. No fence, wall, other than necessary retaining wall, or other screening structure located within the side or front yard of a lot in any RL or RR zoning district, excluding a Mobile Home Park zone, (other than the front yard of a waterfront lot) shall exceed six (6) feet in height.
- B. No fence, wall or other screening structure located within a lake-front yard shall exceed four (4) feet in height.
- C. No fence, wall, or other screening structure located within a rear yard of a lot in a RL or RR zoning district, excluding a Mobile Home Park zone, shall exceed eight (8) feet in height.
- D. There shall be no electric fences allowed in any RL or RR zoning district or residential platted area. There shall be no barbed wire, spiked fence, or similar fences allowed in a RL zoning district or residential platted area, excluding a Mobile Home Park zone.
- E. All walls, fences, screenings must be made of conventional-type materials.

ARTICLE XIV HEALTH, SANITATION, AND GENERAL WELFARE

Section 14.0 HEALTH AND SANITATION

A. Every residential structure hereafter built or placed on any lot, parcel, or tract shall be provided with a potable water supply and safe sewage facilities as required by the rules and regulations of the Health Department of this County and any commission, agency, or special district created to provide or regulate the aforementioned services.

B. No outside toilets shall hereafter be built or placed on any lot, parcel, or tract except as may be allowed by the County Health Department.

C. All toilets, cesspools, septic tanks, sewers, or any other alternative and approved methods of sewage disposal shall be constructed and maintained according to the latest regulations of the Health Department of the County and State and of any commission, agency, or special district created to supervise, regulate, or provide these services and/or facilities.

D. No open ditch, drain, pond, lagoon, or other device or operation shall be produced, used, or maintained by any person, firm, association, corporation, institution, municipality, or authority which shall be a menace to or endanger the health, comfort, or well-being of the residents or users of this Township or surrounding territory. No sewage or contaminating material shall be produced, used, or maintained by any person, firm, association, corporation, institution, municipality, or authority which shall harbor mosquitoes, larvae, or disease-carrying insects or which shall produce obnoxious odors.

Section 14.1 DUMPING AND BURNING OF WASTES

A. No public dumping shall be permitted except as provided for by the Township and/or licensed by the State of Michigan. No person, firm, association, corporation, institution, municipality, or authority shall dump, deposit, leave, or abandon within this Township any scrap or waste material, including the leakage from the storage of petroleum or petroleum products. The dumping of toxic wastes is expressly prohibited. The Township Board may levy fines for violations of this Section.

B. The outdoor storing, parking, accumulating, or placing of junk, discarded material, building materials, metal, or solid waste of any kind is hereby prohibited, except in approved and authorized solid waste disposal facilities or salvage yards. (Also see Section 12.2)

C. The filling of marshes and wetlands with discarded materials and wastes, or soil, gravel, clay, or sand is forbidden by State Law, which regulations are adopted as a part of this Ordinance.

Section 14.2 REGULATIONS CONSTITUTING A HABITABLE DWELLING

A non-conforming (under 720 square feet on the main level) mobile home, basement, or other temporary or partial structure may be used for dwelling purposes on a temporary basis during the construction or reconstruction of a permanent dwelling upon the premises for a period not to exceed one (1) year with the granting of a Temporary Non-Conforming Residence Use Permit as outlined in Section 8.1.

Section 14.3 GENERAL SAFETY REGULATIONS

A. Any swimming pool which has an apron less than 48 inches above ground level at any point shall be enclosed by a fence, wall, or other structure which shall be at least four (4) feet high as measured on the outside. Any opening under the fence shall not be more than four (4) inches high. Any gates for the enclosure shall be self-closing and have a latch on the pool side of the fence. Any other swimming pools need not be fenced,

provided that the steps can be raised out of reach of small children or secured by an enclosure and gate as mentioned herein.

B. Repair, clean-up, or removal of damaged, destroyed, or abandoned buildings, structures, accessory buildings, or manufactured homes will be the responsibility of the property owner. Repair, clean-up, or removal of same must be completed within six (6) months of the occurrence of the damage. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

C. Methane gas digesters may emit some odors and fumes. Therefore, such digesters should be placed so as to present the least possible hazard to nearby residences, buildings, or premises.

D. Solar energy devices must be placed so as to not reflect sunlight to a dangerous degree.

E. Any working or abandoned quarry or mining site whose sides are deemed precipitous and dangerous, and/or subject, or very likely to be subject, to cave-ins and whose sides are near a residential area, presenting danger to those residents, may be required to be fenced far enough back to allow for reasonable erosion or cave-ins. The residents and the quarry or mining site owner may be required to share in the cost of the fencing if the quarry or mine existed before the residences.

Section 14.4 **ABANDONED JUNKYARDS OR WASTE DISPOSAL SITES** that are not used for that purpose for a least one (1) year must receive a Special Exception Use Permit in order for that site again to be used for a junkyard, waste disposal site, or sanitary landfill. (See Section 14.6 for conditions that apply.)

Section 14.5 **THE KEEPING OF ANIMALS**, such as domestic household pets as well as for commercial purposes, is permitted provided that the number of said animals, or the specific way they are being housed and/or cared for, does not endanger the health, safety, or welfare of said animals and/or inhabitants within the dwelling or the immediate neighborhood, and is not a nuisance or annoyance to the neighbors due to odors, noise, flies, insects, or rodents attracted to them, and said animals are not allowed to trespass on the property of others. Animal's excreta and/or dead animals must be disposed of properly. These requirements are in addition to Section 10.2 Item E and Section 2.1 Cattery/Kennel.

Section 14.6 **SOLID WASTE DISPOSAL AREAS**

All Solid Waste Disposal Areas are prohibited in Hope Township except as stipulated in Section 17.1 Item G. The following limitations and conditions shall apply specifically to each Solid Waste Disposal Area, unless County or State laws or regulations on any particular requirement are more restrictive and then such more restrictive regulations shall apply:

A. **LOCATION**

All Solid Waste Disposal Areas:

1. shall be no closer than 300 feet to any body of water;
2. shall be located on a state highway or county primary road, as defined by the Barry County Road Commission, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the applicant may be required to construct and/or improve to Michigan State Highway specifications, a road to accommodate the truck traffic necessitated by the operations as a condition of such operations, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the Solid Waste Disposal Area. Under no circumstances shall trucks use private drives or private access routes from the applicant's property which are within one hundred (100) feet of any residence;
3. shall provide sufficient setback from all property lines and private property, but shall be no closer than 100 feet to interior boundary lines, nor closer than 300 feet to any domicile, nor closer than 100 feet to adjacent public right-of-ways or property lines. Such disposal areas shall at no time be permitted where adjoining lateral support for the maintenance of adjoining land is not maintained;
4. any processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. If located

within 500 feet of a residence, it shall be obscured by a suitable barrier, not less than eight (8) feet high, with 75% screening. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling, loading, and transportation of equipment.

B. GENERAL REGULATIONS

1. Any sanitary landfill located within the boundaries of the Township, whether publicly or privately owned, shall be open to Township residents, property owners, and businesses during established business hours, at a rate competitive with other landfills in Southwestern Michigan.

2. The Solid Waste Disposal Area shall be fenced with an eight (8) foot high chain link fence which shall be located along the exterior boundaries of the property. The entrance to the disposal area shall have a gate which shall be closed and locked at all times that the disposal area is not open.

C. NUISANCE ABATEMENT

1. Air pollution and vibration, and their effect upon adjacent properties shall be minimized. Interior and adjoining roads used in the disposal operations shall have their surfaces treated to minimize any air pollution condition.

2. Any lighting shall be aligned so as not to produce a nuisance to adjoining or nearby residential property or to the traveling public on public roadways.

3. All litter shall be collected from the Solid Waste Disposal Area by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.

4. Adequate water supply and facilities equipped with an adapter to fit fire hoses for quick delivery of water to any part of the property for the purpose of extinguishing fires shall be established by the sanitary landfill facility. Capacity shall be such that at least 100 gallons of water per minute can be applied to any fire continuously for at least ten (10) hours. The source of the water shall be indicated on the plans submitted with the application for Special Exception Use.

5. Rodent traps shall be placed every 100 yards around the perimeter of the sanitary landfill, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.

6. A legible copy of all ground water monitoring reports or data filed on behalf of the owner/operator with the Barry County Health Department or the Michigan Department of Natural Resources shall also be filed by the owner/operator with the Township Clerk within three (3) days from the date of the original filing. This duty shall continue until termination and complete reclamation of the Solid Waste Disposal Area.

7. All Solid Waste Disposal Area operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. and 3:00 p.m. Saturdays, Sundays, and legal holidays. A sign stating the hours and which prohibits dumping at other times shall be placed in a conspicuous location at the entrance.

8. Keys for admittance to the disposal area shall be filed with the Township Clerk.

9. Qualified personnel shall be on duty at all times the facility is open to direct the dumping, spreading, compaction, and covering of materials.

D. LIABILITY INSURANCE

All sanitary landfill applicants shall be required to carry, in addition to any and all insurance or bonds required by state law, personal injury and property damage insurance in the amount of not less than four million dollars (\$4,000,000) for each person injured or property damaged or for any injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover personal injury or property damage occurring upon the site of the operations as well as personal injury or property damage occurring upon other properties as the result of conditions or activities existing upon the site. A copy of the insurance policy shall be filed with the Township Clerk prior to issuance of a Special Exception Use Permit hereunder and shall be maintained in effect for a period of not less

than twenty-five (25) years following final closure of the landfill site. The deductible written into the insurance policy shall not exceed five percent (5%) of the per incident limit of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance for any reason.

E. MONITORING THE GROUND WATER

Prior to the commencement of the construction of any sanitary landfill/solid waste disposal area within the Township, the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, water course, and private, residential, agricultural, and commercial water well, a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a half-mile radius of the exterior boundaries of the property acquired for the sanitary landfill. These samples shall contain the exact location from which they were obtained, date and time taken, the name and address of the property owner who owns the land from which the water sample was taken, and the name and address of the principal user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the Township Clerk for the purpose of future reference should there, at some later date, be suspected ground water contamination.

F. CLOSURE OF DISPOSAL AREAS

Reclamation or rehabilitation of Solid Waste Disposal Areas shall be accomplished as soon as practicable following the completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the facility's operations. Completion of reclamation and rehabilitation shall be effected within two (2) years after the termination of the waste disposal facility. Inactivity for twelve (12) consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources Resource Recovery Division, Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.401 et. seq. of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

G. SUBMISSION OF OPERATIONAL AND CLOSURE PLANS

No Special Exception Use Permit for a Solid Waste Disposal Area may be granted hereunder until a plan has been submitted to the Township Planning Commission disclosing compliance with all of the provisions within this Ordinance, or the manner in which compliance will be secured by the applicants. Such plans shall include, among other things, the following:

1. a contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining properties; the contour map shall also show the location of any structures to be established upon the site;

2. the number of acres, and the location of same, proposed to be operated upon within the following twelve (12) month period after commencement of operations;

3. a written statement indicating the type of Solid Waste Disposal Area proposed to be constructed, the nature of the equipment to be used in the operation of the Solid Waste Disposal Area, and the types of materials which will be accepted for deposit and/or processing in the Solid Waste Disposal Area;

4. a map disclosing the location of all lakes, streams, creeks, water courses and public, private, residential, agricultural, and commercial water wells within 1,000 feet of the Solid Waste Disposal Area;

5. a contour map of the tract of land disclosing the final grades and elevations to be established following the completion of the Solid Waste Disposal Area, including the proposed uses then being contemplated for the land, and such other matters as may evidence the bonafide nature of the

reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed Solid Waste Disposal Area;

6. any information required in Section 5.1 of this Ordinance.

H. TRUST FUND FOR THE MITIGATION OF LANDFILL PROBLEMS

A trust fund shall be established at a convenient bank, within the County, chosen by the Planning Commission or Township Board of Trustees. The owner/operator shall agree to pay ten (10) cents per cubic yard of waste disposed of into this trust fund for the life of the Special Exception Use Permit. Expenditures from the trust fund shall be approved by a committee consisting of one citizen appointed by the Township Board, the Township Supervisor, and one representative of the owner/operator. Funds from the trust fund may be used for, but are not limited to, off-site litter control, ground water and surface water monitoring, and payments to adjacent property owners and others, at the discretion of the committee, for damages proven to have been caused as a result of the Solid Waste Disposal Area or its operations. The trust fund shall exist and earn interest for twenty (20) years following closure, and at that time the funds remaining shall be paid to the owner/operator or its successors or assigns if no litigation is in progress against the owner/operator in regards to the operation and maintenance of this facility.

I. FURTHER CONSIDERATION FOR A SOLID WASTE DISPOSAL AREA

A decision by the Planning Commission on an application for a Special Exception Use Permit hereunder shall be based upon a consideration of the following in addition to the criteria set forth within this Ordinance:

1. the most advantageous use of the land, resources, and property;
2. the character of the area in question and its particular suitability, if any, for the particular use;
3. conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area;
4. the protection and preservation of the general health, safety, and welfare of persons within the Township;
5. the scarcity or value of Solid Waste Disposal Areas as compared with the effect upon areas near the proposed Solid Waste Disposal operation.

J. REVIEW

The Planning Commission or Township Board of Trustees may provide for a periodic review of the Solid Waste Disposal Area to ascertain compliance with the conditions and limitations imposed upon the same.

Section 14.7 RIPARIAN LOT USE REGULATIONS

Keyholing, also referred to as funneling, is the practice of allowing by common ownership, easement, license, lease or other written form of conveyance the owners/occupants of a non-waterfront lot or parcel to have access to a lake through a lot or parcel abutting the lake. The result is an increase of the use of the body of water by people who do not live directly on the lake. It is important that the adverse effects of keyholing be minimized as lakes within Hope Township are further developed. For purposes of this Ordinance, a lot or parcel of land used for keyholing purposes shall be deemed a "Riparian Access Lot". Riparian Access Lots shall only be allowed as a special exception use in the "RL" zoning district, subject to the following conditions:

1. If the proposed Riparian Access Lot will serve six or more dwelling units, the applicant shall, prior to the granting of special exception use approval, submit a capacity study of the subject lake. The capacity study will address the quality of the water, the habitat of the lake, and the projected impact of the proposed Riparian Access Lot on the subject lake. The capacity study shall be performed by a qualified expert identified on a list prepared and approved by the Planning Commission or any other party approved by the Planning Commission as being professionally competent to perform the study. The Planning Commission shall have authority to waive the requirement of a capacity study if the Planning Commission determines that given (1) the nature of the subject lake, (2) the nature of the proposed Riparian Access Lot and the properties to be served by the Lot, and (3) the nature of existing development abutting the subject lake, a capacity study is

not needed to determine that the proposed Riparian Access Lot satisfies the standards in this section and in Section 4.0 for the granting of the requested special exception use permit.

2. The Riparian Access Lot shall have a lot depth of at least 150 feet.

3. The Riparian Access Lot shall have not less than (1) 180 feet of water frontage or (2) 50 feet of water frontage for each dwelling unit being served by the Riparian Access Lot, whichever is greater. Water frontage shall be measured by a straight line which connects each side line of the lot at the points where the side lines intersect the high water line.

4. Portions of a Riparian Access Lot consisting of swamp, bog, marsh, or other type of wetland, as commonly defined, shall not be used for riparian access or recreational purposes, but may be counted toward the minimum lot depth, width, and water frontage requirements set forth above.

5. No artificial channel, peninsula, or artificial feature shall be counted in the computation of Riparian Access Lot depth, width, or water frontage.

6. The Riparian Access Lot shall have a buffer strip not less than 15 feet wide along each side lot line. No building or structure of any kind other than fencing shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic, parking, boat ramps, or for storage purposes (including junk, waste, or garbage) or other development purpose of any kind, and shall be preserved to provide a natural barrier between the usable portion of the Riparian Access Lot and adjacent lots.

7. No channel or canal shall be created which touches, expands, or is connected to any lake for the purpose of riparian access.

8. The Riparian Access Lot shall contain no more than one dock for every six dwelling units or fraction thereof being served by the Riparian Access Lot (e.g., one dock shall be allowed if the Lot serves 2-6 dwelling units; two docks shall be allowed if the Lot serves 7-12 dwelling units). Each dock shall be no more than 4 feet in width and 50 feet in length. The Planning Commission shall have authority to approve a greater dock length if it is demonstrated to the Planning Commission's reasonable satisfaction that, because of the lake terrain, a longer dock is needed to reach a navigable water depth.

9. No commercial or business facilities shall be permitted on the Riparian Access Lot.

10. No buildings or structures (except for fencing, trash receptacles, a boat launching ramp, a permitted dock, and outdoor recreational equipment such as swings, slides, and volleyball courts) shall be permitted on the Riparian Access Lot.

ARTICLE XV **PLANNED UNIT DEVELOPMENTS (PUD)**

Section 15.0 **INTENT**

The specific requirements as set forth in these sections of the Ordinance assure compliance with objectives deemed essential to the public health, safety, and general welfare of the community. It is recognized that permitting flexibility in the placement and the interrelationship of buildings and uses will foster more creative design and a desirable quality of development. Allowing greater flexibility, however, is possible without sacrificing established values and rights to adequate light, air, safety, and privacy. These sections are further intended to foster efficient and economical use of land, resources, public services or utilities, and energy; encourage useful open space, and promote variety in housing, both in cost and lifestyle. By allowing the dwelling type, density, and open space to vary, yet maintaining those general policies and objectives of the Township Land Use Plan, the PUD concept will allow desirable environmental features to become part of the overall development pattern. Finally, because flexibility is inherent in PUD review, a higher degree of public direction and scrutiny is an essential ingredient in the process.

Section 15.1 **MINIMUM PERFORMANCE OBJECTIVES**

The particular facts and circumstances of each PUD proposal shall be reviewed in terms of the principles established in Section 4.0 as well as those objectives listed below. All proposals:

A. shall minimize the cost of utility and street construction and associated maintenance costs, while adhering to accepted construction standards;

B. shall provide a safe, well-designed circulation system with both internal and external connections for pedestrians, as well as vehicles. Points of conflict within the system shall be minimized and special provisions for pedestrian safety, such as overpasses, are to be encouraged;

C. shall utilize natural characteristics, such as vegetation or topographical characteristics, to protect homes from prevailing winds, provide visual variety, encourage on-site storm drainage retention, promote solar use awareness and other similar benefits;

D. shall enhance and preserve any wildlife habitat areas or identifiable natural features, such as wetlands, swales, ponds, and woodlots or orchards;

E. shall retain on-site for storage and infiltration all stormwater runoff attributed to the proposed development;

F. shall provide for active and/or passive recreation activities in keeping with the character of the development and its open space;

G. shall provide for buffering by the use of plantings, earth berms, or distance between any internal conflicting elements or between adjoining residential uses and on-site features.

Section 15.2 **APPLICATION AND PROCEDURES**

A. **PRELIMINARY SUBMITTAL:** The Planning Commission shall receive the submittal for a proposed Planned Unit Development for initial review and study. Each application shall be accompanied by the following information:

1. name and address of applicant;
2. a statement of the legal interest of the applicant in the affected parcel and the proposed PUD;
3. boundary survey and legal description prepared by a registered land surveyor. Map scale shall not be larger than one (1) inch to fifty (50) feet nor less than one (1) inch to two hundred (200) feet. The map shall show the location of adjacent property and its location in the Township;
4. a topographic map showing all major stands of trees, water bodies, wetlands, areas of unbuildable soils and the like. The map scale shall be the same as the boundary survey;
5. a schematic site plan for the entire parcel at such a detail as to indicate the type and location of the functional uses, densities, and dwelling types; the system of traffic circulation; parking layout and pedestrian pathways and the location and nature of common open space. The site plan shall be the same scale as the boundary survey;
6. an indication of the contemplated means of providing water and sanitary facilities, storm water drainage and retention, and a preliminary indication of grade elevations;
7. a written statement explaining in detail the full intent of the applicant indicating the type and number of dwelling units contemplated, resultant population, acreage tabulations showing distribution of functional areas, and supporting documentation such as, but not limited to, market studies supporting land use requests, and the intended scheduling of completion for the development;
8. a document describing the proposed phasing program for the entire Planned Unit Development, specifically all dwelling units, non-dwelling structures, recreational or other common facilities, and open space improvements;
9. eight (8) copies of the preliminary submittal shall be submitted to the Township by the applicant.

B. **PRELIMINARY APPROVAL**

1. After adequate review and study of the application, the Planning Commission shall hold a public hearing on the application in accordance with the requirements of Section 4.1 (Special Exception Use Procedure).
2. Following the public hearing, the Planning Commission will make a decision to approve or deny the preliminary PUD plan. The motion for approval or denial shall stipulate the Commission's findings, the basis for its decision, and any conditions relating to an approval.
3. Approval of the schematic site plan shall not constitute approval of the final development plan or a phase thereof, but shall only indicate an expression of approval of the schematic layout as a guide to preparation of the detailed site plan.

C. **FINAL SUBMITTAL**

Prior to final approval of the Planned Unit Development or a phase thereof, the applicant shall submit to the Planning Commission eight (8) copies of a final development plan containing the information required under Section 5.4.

D. **FINAL APPROVAL**

1. Following a public hearing noticed in accordance with the provisions of Section 4.1, the Planning Commission shall make a decision to approve or deny the final PUD plan. The motion for approval or denial shall stipulate the Commission's findings, the basis for their decision, and any conditions relating to an approval.
2. Final Planned Unit Development approval may be granted for individual phases of a project.
3. Approval under this Section is based on the plan submitted. Once an area has been included within the Planned Unit Development by having been granted approval, no differing development may take place thereof, except in accordance with an approved amendment thereto.
4. Approval for each project area shall be effective for the

period stated in the final submittal. If development is not completed within this period, further submittals under this Ordinance shall cease until the project in question is completed, or cause can be shown for not completing same.

Section 15.3 **GENERAL RESTRICTIONS AND STANDARDS**

A. **LOCATION:** Planned Unit Developments of allowable size may be located in the AR and RR zoning districts as a Special Exception Use upon approval of the Planning Commission.

B. **USES PERMITTED:** All uses permitted in the AR, RL, and RR zoning districts shall be permitted. Multiple family dwellings shall be allowed in PUD's of twenty (20) acres or larger. Commercial uses permitted in the C-1 and C-2 zoning districts may be permitted in PUD's of forty (40) acres or larger. Commercial development of any nature, excluding multiple family dwellings, shall not exceed three percent (3%) of the total land area of any Planned Unit Development. Land used for non-residential purposes in a PUD shall not be used to determine allowable residential densities.

C. **REQUIREMENTS:** The yard, setback, lot size, height, and frontage requirements of this Ordinance are generally waived for a Planned Unit Development. The Planning Commission, however, may determine that certain setbacks can be established within all or a portion of the site. Further, the Commission may stipulate setbacks for perimeter development adjacent to established residential areas.

D. **DENSITY:** The density (dwelling units per acre) in a Planned Unit Development shall not exceed one dwelling unit per two acres.

E. **SIGN STANDARDS:** All signs in a Planned Unit Development shall be subject to the following requirements:

1. General Regulations For All Signs

a. The erection, construction, location, retention, or placement of any sign in or over a public or private right-of-way shall be prohibited.

b. Signs which are not completely related to the development are prohibited.

c. No roof signs shall be allowed.

d. Any series of flags, flashing and moving signs, fluttering devices, strings of lights, and other similar attention gathering devices are prohibited.

e. All signs which are erected must be related to current use; in the event that the use is discontinued, then the sign must be removed within 180 days of the termination of the use.

2. Permitted Signs

a. One free-standing permanent development sign per entrance to the development shall be permitted not to exceed forty-eight (48) square feet in area for the purpose of identifying the name of the Development; provided, however, that not more than two such signs shall be permitted for the total completed PUD development. As an alternative to one of the foregoing development signs, a directory-type sign not exceeding eighty (80) square feet in area identifying the name of the development and any non-residential uses therein shall be permitted at the entrance which is the primary entrance for more than one non-residential use; provided, that any identification of any individual non-residential use shall not exceed ten (10%) percent of the total area of such directory-type sign. Any such sign shall be within the PUD and where adjacent to any contiguous residential classification or use shall be located at least fifty (50) feet from the interior boundary between the PUD and such residential classification or use.

b. In the event that a directory-type sign is not used as hereinbefore provided, one commercial sign, not exceeding eighty (80) square feet in area and sixteen (16) feet in height, shall be permitted identifying an aggregate of non-residential uses within the development; provided that not more than ten (10%) percent of the total sign area is allocated to any individual non-residential use. This sign shall be within the PUD and at least fifty (50) feet from any boundary of the PUD.

c. Identification nameplates not exceeding twenty (20) square feet in area identifying residential and non-residential uses within the development shall be permitted flat against the wall of a building within the development and at the entrance of each designated parking area for such

building. The total display surface of all such identification nameplates for a particular building within the development shall not exceed twenty (20) square feet in area and shall not consist of more than one such identification nameplate per building and per parking area entrance.

d. Signs of an informational, non-advertising nature, such as street signs and signs concerning public or quasi-public areas shall be permitted.

e. Temporary real estate signs not exceeding six (6) square feet in area nor four (4) feet in height shall be permitted provided no illumination is permitted concerning the same.

3. General Theme: The general theme, plan, or policy for all such signs proposed in a Planned Unit Development shall be submitted with a Sketch Plan to the Planning Commission for its review and approval before any signs are installed. After such review and approval, no signs shall be installed which do not comply with such approved plans. The Commission shall consider compliance with the following criteria before making any decision in this connection:

- a. the aesthetic qualities of any proposal;
- b. the harmonious relationship of signs to buildings and landscaping within and adjacent to the PUD;
- c. the contour of the land and the total acreage involved in the PUD;
- d. the distance of any proposed sign from the boundaries of the PUD and its visibility from adjacent properties or public highways;
- e. the number, quality, character, and location of entrances

ARTICLE XVI **ESTABLISHMENT OF ZONING DISTRICTS**

Section 16.0 **DIVISION OF THE TOWNSHIP OF HOPE**

Hope Township of Barry County, State of Michigan, shall be divided into Zoning Districts, as hereinafter described, within which districts no buildings or premises shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as Permitted Uses or as Special Exception Uses under each separate zoning district classification, and subject to such prior approval as required by this Ordinance.

Section 16.1 MAP OF THE ZONING DISTRICTS

The locations and boundaries of these districts, so established, are shown on the map entitled "Official Zoning Map, Hope Township", which accompanies and is hereby declared to be part of this Ordinance.

Section 16.2 DISPUTES OVER THE ZONE OR ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any of the districts or zones shown on the Zoning Map, the following rules shall apply:

A. zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning Map;

B. where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries;

C. where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries;

D. if subdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps or described in the text of the Ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot;

E. if all or any portion of any public street, alley, right-of-way, easement, or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of the regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

Section 16.3 GENERAL REGULATIONS

A. General regulations apply to all districts except as noted in this Ordinance. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

B. In all districts, all uses and construction must adhere to the Flood-Hazard Regulations (Article XI).

Section 16.4 THE ZONING DISTRICTS OF HOPE TOWNSHIP

The Zoning Districts of Hope Township are:

- AR Agriculture and Rural Residential District
- RL Single Family Residential Lake
- RR Rural Residential
- MHP Mobile Home Park or Plat District
- C-1 General Commercial District
- C-2 Medium Commercial District
- C-3 Heavy Commercial District
- C-L Commercial Lake District
- S State Land
- NR Natural River District
- I Light Industrial District
- OSP Open Space Preservation Overlay District

ARTICLE XVII AR ZONING DISTRICT: AGRICULTURE AND RURAL RESIDENTIAL

Section 17.0 PURPOSE

This zoning district is set aside primarily for agricultural purposes. While recognizing that there exists a need for areas suitable for low density, rural residential living, it is intended that normal farming operations conducted within this district will generally take precedence over further uses permitted; and that the customary noise, dust, odors, and the use of fertilizers and pesticides associated with such operations will be considered a necessary part of such farming activity. If the farm or farm operation existed before a change in the land use or occupancy of the land within one (1) mile of the boundaries of the farm land, the farm or farm operations, that may be the subject of a complaint, shall not be considered to be a public or private nuisance as long as the farm and farm operations conform to normal farm operations, as determined by the Zoning Board of Appeals.

Section 17.1 PERMITTED USES IN THE AR ZONE

Land and/or buildings in the AR Zone shall be used for the following purposes only:

A. farms for both general and specialized farming. The minimum lot area for the keeping of a horse, cow, swine, sheep, goat, llama, ostrich or other animal of comparable size (other than a dog) shall be three (3) acres. One additional such animal may be kept for each additional two (2) acres of land area. There shall be no limit on the number of such animals that may be maintained on parcels eleven acres or more in size, subject to compliance with the general requirements of Section 14.5.

B. one single-family dwelling on each parcel (lot).

C. accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and signs as permitted by this Ordinance;

D. road-side stands for the sale of farm produce, seed, and feed;

E. essential services;

F. nurseries and greenhouses;

G. temporary sawmill operations, operating no longer than three (3) months in one location, but allowing for a time extension if need is proven, and complying with Section 26.3;

H. temporary and portable blacktop manufacturing plant, operating no longer than three (3) months in one location, but allowing for a time extension if need is proven, and complying with Section 26.3;

I. boarding, private or public, stables in compliance with Section 26.3;

J. buildings on vacant lots used only for purposes accessory to allowed residential uses.

Section 17.2 **SPECIAL EXCEPTION USES IN THE AR ZONE** listed below may be authorized in this Zone upon issuance of a Special Exception Use Permit in accordance with Article IV:

A. public and private schools, which must have a minimum of 50 feet for side and rear yards;

B. care homes, rural general stores, churches, and cemeteries;

C. public and private camps, campgrounds, golf courses, country clubs, public parks, playgrounds, playing fields, and other public open space for recreational use, and private landing strips;

D. dog kennels, catteries, and veterinary clinics;

E. radio, television, and microwave stations, transmitters, and facilities if in compliance with Section 26.3;

F. junkyards, salvage yards, sanitary landfills, permanent sawmill operations, commercial natural resource extraction or relocation, and gravel processing and quarrying provided that all applicable regulations of the State and of this Ordinance are complied with and Section 26.3 herein;

G. rental residential storage;

H. multiple-family dwellings;

I. family business (see definition in Sec. 2.1);

J. planned unit development.

K. home occupations.

Section 17.3 **AREA REGULATIONS FOR THE AR ZONE**

No building or structure shall hereafter be erected, altered, or enlarged in the AR Zone unless the following yard and lot area requirements are provided and maintained in connection with such building erection, alteration, or enlargement:

A. front yard shall be a minimum of 50 feet except as regulated in Section 8.2;

B. side yard shall be a minimum of 20 feet except as regulated in Section 8.2;

C. rear yard shall be not less than 20 feet except as regulated in Section 8.2;

D. the minimum lot area for use in this Zone shall be one acre with a minimum lot width as measured at the building line of 200 feet and a minimum lot width as measured at the road of 50 feet.

E. the minimum floor area for any dwelling shall be 720 square feet.

ARTICLE XVIII RR ZONING DISTRICT: RURAL RESIDENTIAL

Section 18.0 PURPOSE

The purpose of this zoning district is to provide a stable and sound environment for single-family detached dwellings in a rural environment and to allow two-family and multiple-family dwellings on a restricted, controlled basis consistent with the intended rural residential character of this zoning classification.

Section 18.1 PERMITTED USES IN THE RR ZONE

Land and/or buildings in the RR Zone shall be used for the following purposes only:

- A. one single-family dwelling on each parcel (lot).
- B. accessory uses customarily incidental to the preceding permitted use.
- C. essential services.

Section 18.2 SPECIAL EXCEPTION USES IN THE RR ZONE listed below may be authorized in this Zone upon issuance of a special exception use permit in accordance with Article IV:

- A. home occupations.
- B. two-family dwellings.
- C. multiple-family dwellings.
- D. planned unit development.
- E. other uses which the Planning Commission in its sole reasonable discretion determines are similar in nature to one or more of the uses expressly identified as a Permitted Use of Special Exception Use in this Zoning District.

Section 18.3 AREA REGULATIONS FOR RR ZONE

No building or structure shall hereafter be erected, altered, or enlarged in the RR Zone unless the following yard and lot area requirements are provided and maintained in connection with such building erection, alteration, or enlargement:

- A. front yard of not less than 35' except as regulated in Section 8.2 for non-conforming lots and Section 11.5.A for flood hazard areas.
- B. side yard of not less than 20' on each side of any dwelling or accessory building, except on the street side of a corner lot where a 25' side yard shall be provided and maintained, except as regulated by Section 8.2.
- C. rear yard of not less than 20', except as regulated in Section 8.2.
- D. the minimum lot area for use in this Zone shall be one acre unless the property is served by a public sanitary sewer, in which case the minimum lot area shall be one-half acre. The minimum lot width shall be 130'.

E. floor area for dwellings hereafter erected in this district shall be a minimum of 720 square feet.

ARTICLE XIX RL ZONING DISTRICT: SINGLE FAMILY RESIDENTIAL LAKE

Section 19.0 PURPOSE

The purpose of this zoning district is to provide a stable and sound environment for single-family detached dwellings, Type A, in a lake environment on lots whose area size would result in approximately two dwellings per acre; to restrict uses and activities which are not appropriate in such an area; to accommodate individual private sewer or septic systems; and to protect the ecological balance of the lake system.

Section 19.1 PERMITTED USES IN THE RL ZONE

Land and/or buildings in the RL Zone shall be used for the following purposes only:

- A. one single-family dwelling on each parcel (lot);
- B. publicly-owned (1) parks, (2) playgrounds, (3) swimming areas, and (4) boat launching facilities;
- C. one detached accessory structure other than a garage per dwelling, but not to exceed twelve (12) feet at the sidewall or one story in height;
- D. other accessory uses customarily incidental to the preceding listed uses, including but not limited to off-street parking and signs as permitted by this Ordinance;
- E. essential services;
- F. buildings on vacant lots used only for purposes accessory to allowed residential uses.

Section 19.2 SPECIAL EXCEPTION USES IN THE RL ZONE that may be authorized in accordance with Article XI are:

- A. public buildings;
- B. golf courses or country clubs occupying an area of at least 40 acres;
- C. home occupations;
- D. churches;
- E. two family dwellings;
- F. accessory buildings used as guest houses or dwellings for caretakers and/or other domestic employees when in accordance with other provisions of this Ordinance;
- G. Privately owned boat launching facilities serving only the owners or occupants of two or more dwelling units on lots or parcels having frontage on the subject body of water, subject to the following conditions:
 1. The lot or parcel shall have a buffer strip not less than 15 feet wide along each side lot line. No building or structure of any kind other than fencing shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic, parking, boat ramps, or for storage purposes (including junk, waste, or garbage), or other development purpose of any kind, and shall be preserved to provide a natural barrier between the boat launching facility and adjacent lots.
 2. If the lot or parcel on which the boat launching facility is established has no additional structure upon it (other than a fence or sign), then the lot or parcel shall not be subject to the minimum lot dimension and setback requirements in Section 18.3 or elsewhere in this Ordinance. Instead, the lot or parcel shall have a minimum lot width of 50 feet and a minimum lot depth of 50 feet.
- H. Riparian Access Lots (see Section 14.7).
- I. other uses which the Planning Commission in its sole reasonable discretion determines are similar in nature to one or more of the uses expressly identified as a Permitted Use of Special Exception Use in this Zoning District.

Section 19.3 AREA REGULATIONS FOR THE RL ZONE

Except as provided in Section 19.2F above, no building or structure shall hereafter be erected, altered, or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, erection, or enlargement:

- A. front yard of not less than 35 feet, except as regulated in Section 8.2 for Non-conforming Lots and Section 11.5 A for Flood Hazard Areas.
- B. side yard of not less than 20 feet on each side of any dwelling or accessory building, except on the street side of a corner lot where a 25 foot side yard shall be provided and maintained, except as regulated by Section 8.2;
- C. rear yard of not less than 20 feet, except as regulated in Section 8.2;
- D. the minimum lot area for use in this zone shall be 19,500 square feet with a minimum lot width of 130 feet;
- E. floor area for dwellings hereafter erected in this district shall be a minimum of 720 square feet.

ARTICLE XX MHP ZONING DISTRICT: MOBILE HOME PARK OR PLAT DISTRICT

Section 20.0 PURPOSE

This district is designed solely for mobile home parks and accessory structures and uses normally associated therewith, in accordance with the regulations specified by the State of Michigan Mobile Home Commission Act,

P.A. 96 of 1987, as amended.

Section 20.1 PERMITTED USES IN THE MHP ZONE

- A. Mobile home parks and plats to be used exclusively for mobile homes and those uses customarily incidental thereto.
- B. Essential services.
- C. Signs not exceeding a combined surface area of 32 square feet shall be permitted for the purpose of advertising the park's existence.

Section 20.2 MOBILE HOME PARKS USE REGULATIONS

Mobile Home Parks shall be allowed as a permitted use, subject to the following terms and conditions:

A. all mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions herein;

B. all mobile home parks shall have a minimum of ten (10) acres;

C. setbacks from property lines;

1. mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the mobile home park or mobile home condominium;

2. if mobile homes, permanent buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way line; this rule does not apply to internal roads if dedicated for public use, if the roads do not present a nuisance or safety hazard to the park tenants or condominium owners;

D. the mobile home park shall be developed with sites of 5,500 square feet per mobile home unit; this 5,500 square feet for any one site may be reduced up to 20% provided that the minimum individual site is not less than 4,400 square feet; for each square foot of land gained through the reduction of a site below 5,500 square feet, at least 75% of the land saved shall be dedicated as open space, but in no case shall the open space requirement be less than that required under Rule 125.1946 of the Michigan Administrative Code;

E. the minimum floor area for a mobile home in a mobile home park shall be 720 square feet;

F. buildings housing laundry facilities, offices, restroom or shower facilities, a pool, or the sale of retail goods for the exclusive use of the residents of the mobile home park may be permitted as an accessory use;

G. sites for recreational vehicle or camping accommodations may be provided within a mobile home park for temporary stays not to exceed fourteen (14) days; these sites shall be provided with at least common restrooms, showers, laundry facilities, and water supply; sites for such use shall be separated from the main mobile home park area and adequate greenbelts shall be required to separate such uses;

H. internal roads, alignment, gradient and construction materials shall meet the following requirements:

1. the alignment and gradient of an internal road shall be adapted to the topography and shall be graded for its full width to drain surface water; when grading roads in length, the finish grade of the street shall not be greater than 8% and not less than 0.4% of the length; short lengths with a maximum grade of 12% may be permitted, provided traffic safety is assured;

2. an internal road shall be constructed of materials suitable for subgrades and hard surface in compliance with standards of the American Association of State Highway and Transportation Officials (AASHTO), (1974 edition), adopted herein by reference. Copies are available from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001 or from the Department of Commerce, Corporations and Securities Bureau, Mobile Home Section, P.O. Box 30222, Lansing, Michigan 48909;

3. the park developer may use other suitable materials of equal quality, if approved by the department;

I. preliminary plans for all new mobile home parks or expansions to existing mobile home parks must be submitted to and approved by the Township Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before construction may commence; application for preliminary plan approval shall be made by:

1. filing six (6) copies of the preliminary plan approval with the Township Clerk; and

2. paying a preliminary plan review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information;

3. the preliminary plan must include, but shall not be limited to the following:

a. the name and address of the applicant;

b. the legal description of the subject parcel of land;

c. the area of the subject parcel of land;

d. the present zoning classification of the subject

parcel of land;

e. the number and size of individual mobile home sites and the location of the streets;

f. the proposed location and method of sewage treatment and disposal;

g. the source and location of the water supply and fire hydrants;

h. the location of access to public roads;

i. drainage provisions;

j. site features including all structures, outdoor recreational facilities, walkway, parking, and street frontage;

k. the location, size, and design of all signs to be placed upon the site;

l. the location and general description of all screening to be retained or established on the site;

m. the preliminary plan shall show the location of the site in relation to the surrounding street system, and shall identify the existing uses and zoning of adjacent properties;

n. the preliminary plan shall be of a scale not greater than one inch equals twenty feet, not less than one inch equals two hundred feet; however, of such size and accuracy that the Planning Commission can readily interpret the plan;

o. the preliminary plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan;

J. property which is subject to preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission;

K. the Township Planning Commission shall have the right and authority to require the mobile home park's developer to file with the Township Clerk at the time of Township approval of a preliminary plan for a new mobile home park or for expansion of an existing mobile home park, a performance bond or bank letter of credit in such amounts as may be determined by the Planning Commission to be necessary to insure the development of the site in accordance with the approved preliminary plans thereto, conditioned upon such proper construction and development; such bonds, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which is a reasonable percentage of the estimated total cost of construction and site development; the bond shall be for the purpose of securing the completion of improvements considered necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and adjacent residents and property owners; the Planning Commission shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required.

ARTICLE XXI **CL ZONING DISTRICT: COMMERCIAL LAKE**

Section 21.0 **PURPOSE**

This zoning district is designed to permit certain commercial activities congruent with a lake setting.

Section 21.1 **PERMITTED USES**

Land and/or buildings in the "CL" zone may be used for the following uses only:

1. convenience stores;
2. restaurants;
3. bait and tackle stores;
4. rental of boats or other water craft with five (5) or less horsepower motors;
 - A. ships stores;
 - B. offices;
7. accessory buildings and uses customarily incidental to the preceding listed permitted uses;

Section 21.2 **SPECIAL EXCEPTION USES IN THE CL ZONE** that may be authorized in accordance with Article IV are:

1. marinas;
2. rental of boats or other water crafts with greater than 5 horsepower motors;
3. charter boat services;
4. training establishments for water-related recreational activities (e.g., swimming, snorkeling)
5. other uses which the Planning Commission in its sole reasonable discretion determines are similar in nature to one or more of the uses expressly identified as a Permitted Use of Special Exception Use in this

Zoning District.

Section 21.3 **AREA REGULATIONS FOR CL ZONE**

A. No building or structure nor the enlargement of same shall be hereafter erected or enlarged unless the following requirements are provided and maintained in connection with the building, structure or enlargement:

1. lot area or coverage: any lot or parcel of land upon which a building or structure is to be erected shall be of such size that such building or structure will occupy no more than 25% of the lot area;
2. structures shall be at least 75 feet from a public right-of-way and at least 50 feet from an AR,RL, RR and MHP Zoning District boundary; there shall be a side yard of not less than 10' in width; the regulations in Section 10.2, item A shall also apply.

Section 21.4 **OTHER DEVELOPMENT REGULATIONS FOR CL DISTRICT**

- A. A greenbelt or screening fence between the CL zone and residential areas may be required under Site Plan Review.
- B. A site plan shall be submitted for review for uses in the CL zone as per Article V Site Plan Review.

ARTICLE XXII **C-1 ZONING DISTRICT: GENERAL COMMERCIAL**

Section 22.0 **PURPOSE**

This zoning district is designed to permit indoor retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers.

Section 22.1 **PERMITTED USES**

Land and/or buildings in the "C-1" zone may be used for the following uses only:

1. retail sales of merchandise and services conducted entirely within a fully enclosed building and in which any manufacturing, assembling, or fabricating is merely incidental to an unsubstantial part of the business;
2. offices;
3. restaurants, excluding drive-in restaurants; catering establishments;
4. government offices and meeting rooms;
5. banks, credit unions, savings and loan offices, and similar institutions;
6. nursery schools and day care facilities;
7. one single-family or one two-family dwelling or one multiple-family dwelling on a minimum lot size of one (1) acre with minimum frontage of 200 feet shall be required for each;
8. home occupations;
9. fully-enclosed rental storage buildings primarily designed for residential and office customers;
10. churches and institutions of a charitable nature;
11. indoor theaters;
12. parking lots;
13. public parks and open space areas;
14. essential services;
15. accessory buildings and uses customarily incidental to the preceding listed permitted uses.

Section 22.2 **SPECIAL EXCEPTION USES IN THE C-1 ZONE** that may be authorized in accordance with Article IV are:

1. indoor recreational facilities and clubs;
2. taverns;

3. drive-in restaurants;
4. automobile/car wash facilities;
5. gasoline service stations including automobile repair work conducted within a fully enclosed building;
6. veterinary hospitals;
7. funeral halls;
8. hotels and motels;
9. institutions of an educational nature.
10. other uses which the Planning Commission in its sole reasonable discretion determines are similar in nature to one or more of the uses expressly indentified as a Permitted Use of Special Exception Use in this Zoning District.

Section 22.3 **AREA REGULATIONS FOR C-1 ZONE**

Regulations in Section 21.3 shall apply.

Section 22.4 **OTHER DEVELOPMENT REGULATIONS FOR C-1 DISTRICT**

Regulations in Section 21.4 shall apply.

ARTICLE XXIII **C-2 ZONING DISTRICT: MEDIUM COMMERCIAL**

Section 23.0 **PURPOSE**

This zoning district is designed to permit an intermediate range of commercial activities encompassing the uses specified in the "C-1" General Commercial District as well as additional commercial uses.

Section 23.1 **PERMITTED USES**

Land and/or buildings in the "C-2" zone may be used for the following uses only:

1. gasoline service stations;
2. motels, hotels;
3. outdoor rental storage of recreational vehicles and marine equipment;
4. parcel delivery services;
5. government buildings;
6. laboratories
7. medical clinics
8. accessory buildings and uses customarily incidental to the preceding listed permitted uses;
9. all permitted uses in the "C-1" Zoning District.

Section 23.2 **SPECIAL EXCEPTION USES IN THE C-2 ZONE** that may be authorized in accordance with Article IV are:

1. feed stores and farm supplies;
2. grain elevators;
3. equipment repair and service shops;
4. lumberyards;
5. florist shops, including greenhouses and garden supplies;
6. hospitals;
7. kennels;
8. all Special Exception Uses in the "C-1" Zoning District.
9. other uses which the Planning Commission in its sole reasonable discretion determines are similar in nature to one or more of the uses expressly indentified as a Permitted Use of Special Exception Use in this Zoning District.

Section 23.3 **AREA REGULATIONS FOR C-2 ZONE**

Regulations in Section 21.3 shall apply.

Section 23.4 **OTHER DEVELOPMENT REGULATIONS FOR C-2 DISTRICT**

Regulations in Section 21.4 shall apply.

ARTICLE XXIV **C-3 ZONING DISTRICT: HEAVY COMMERCIAL DISTRICT**

Section 24.0 **PURPOSE**

This zoning district is designed to permit the uses specified in the "C-1" and "C-2" Zoning Districts as well as certain more extensive commercial uses occupying greater land areas, and conducted outdoors in substantial part and/or catering to business and industrial customers as well as the general public.

Section 24.1 **PERMITTED USES**

Land and/or buildings in the "C-3" zoning district may be used for the following purposes only:

1. any permitted or special exception use in the "C-1" or "C-2" zones;
2. any business primarily for the wholesale sale of goods and merchandise and in which any manufacturing, assembling, or fabricating is merely incidental to and an unsubstantial part of the business;
3. new and/or used car sales lots; recreational vehicles sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; lumberyards and other businesses involving substantial outdoor sales or activities connected with retail sales;
4. building contractors storage yards;
5. truck terminals;
6. warehouses;
7. accessory buildings and uses customarily incidental to the preceding listed permitted uses.

Section 24.2 **SPECIAL EXCEPTION USES IN THE C-3 ZONE** that may be authorized in accordance with Article IV are:

1. other uses which the Planning Commission in its sole reasonable discretion determines are similar in nature to one or more of the uses expressly identified as a Permitted Use of Special Exception Use in this Zoning District.

Section 24.3 **AREA REGULATIONS FOR C-3 ZONE**

Regulations in Section 21.3 shall apply.

Section 24.4 **OTHER DEVELOPMENT REGULATIONS FOR C-3 ZONE**

Regulations in Section 21.4 shall apply.

ARTICLE XXV **S ZONING DISTRICT: STATE LAND**

Section 25.0 **PURPOSE**

The purpose of this zoning district is to delineate land areas owned by the State of Michigan and provide for zoning regulations on lands which may revert to private ownership.

Section 25.1 **TRANSFER OF OWNERSHIP**

Land areas which are transferred from State to private owners or to Barry County or to any other governmental unit or agency other than the State of Michigan or the United States Government shall immediately become included within the adjacent contiguous zoning district with the greatest linear amount of common boundary. If a common boundary does not exist, the land shall become included within the zoning district which is the nearest in terms of linear distance.

ARTICLE XXVI **NR ZONING DISTRICT: NATURAL RIVER DISTRICT**

Section 26.0 **PURPOSE**

The purpose of this district is to provide for the preservation of Natural River Areas in the Township. In general, this district will conform to the criteria for natural river areas as stipulated by the State of Michigan, Department of Natural Resources, under the provisions of the Natural Rivers Act. Within the district, certain types of future development and use will be controlled so as to benefit most of the existing private development and to maintain or improve the river environment and water quality for its scenic and recreational values. This Zone shall extend fifty (50) feet from each shore of the designated "Natural River Tributary".

Section 26.1 **PERMITTED USES IN THE NR ZONE**

Land, water, and/or buildings and structures in the NR Zone may be used for the following purposes only (dwelling units and structures, other than those provided herein, are specifically excluded):

A. the following uses are permitted only if approved by the Michigan Department of Natural Resources:

1. damming, dredging, filling, or channelization;
2. stream improvements for fish habitat, bank stabilization, and other natural resource management practices which might alter the natural character of the stream;
3. gas or oil pipelines or electric transmission lines;
4. grazing;
5. private docks and/or bulkheads provided that natural materials such as rocks and logs are used in the construction of such facilities;

B. water withdrawal for irrigation only if in accordance with the Riparian Doctrine of reasonable use;

C. signs only if necessary for identification, direction, resource information, or regulation of use;

D. a natural vegetation strip twenty-five (25) feet wide bordering each side of the stream shall be maintained in trees, shrubs, and other vegetation native to the area, subject to the following provisions:

1. dead, diseased, unsafe, or fallen trees and noxious weeds and shrubs may be removed;
2. lawns may be maintained to within ten (10) feet of the break of the river bank, and normal residential lawn activities are allowed thereon;
3. trees and shrubs may be pruned to afford a view of the river;
4. selective removal of trees for commercial timber harvest or landscaping shall be permitted upon written approval of the DNR area forester and the Building Inspector or Zoning Administrator.

E. groundwater wells;

F. boating and canoeing provided that speeds shall be limited to a slow, no-wake speed;

G. grills and picnic equipment for the use of individual property owners within the district;

H. fishing and hunting;

I. licensed motor vehicles only when operated on existing public roads or designated trails on public land.

Section 26.2 **AREA REGULATIONS**

Since dwelling units and structures are excluded from this zone, there shall be no yard, lot area, or floor area regulations necessary.

Section 26.3 **SPECIAL REGULATIONS**

To protect the Natural River or Stream from air and/or water pollution and to protect the beauty of the Natural River or Stream, the following activities shall be excluded from locating and/or operating within 400 feet of the shoreline of a Natural River or Stream:

A. oil, gas, or mineral exploration and extraction;

B. temporary and/or permanent blacktop plants and permanent sawmill

activity;

C. radio, television, and microwave towers, transmitting antennas, stations, and facilities; and

D. sanitary landfills, dumps, and junkyards.

ARTICLE XXVII I ZONING DISTRICT: LIGHT INDUSTRIAL DISTRICT

Section 27.0 PURPOSE

This zoning district permits most primary industrial uses. By providing a separate area for such uses, these essential facilities are kept from encroaching in areas or districts where they would be incompatible.

Section 27.1 PERMITTED USES

Land and/or buildings in the "I" zoning district may be used for the following uses only:

(Note: the following uses shall be conducted within a completely

enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height; provided that no goods, materials, or objects within five (5) feet of the fence or wall shall be stacked higher than the fence or wall. All business will be conducted in such a manner that no unreasonable noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.)

A. manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:

1. food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods;
2. lumber and wood products including millwork, prefabricated structural wood products and containers, but not including logging camps;
3. manufacturing of engineering, measuring, optic, medical lenses, photographic, and similar instruments;

Section 27.2 **SPECIAL EXCEPTION USES IN THE I ZONE** that may be authorized in accordance with Article IV are:

(Note: the following uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height, provided that no goods, materials, or objects within five (5) feet of the fence or wall shall be stacked higher than the fence or wall. All business will be conducted in such a manner that no unreasonable noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.)

A. manufacture, compounding, processing, packaging treating, and assembling from previously prepared materials in the production of:

1. apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials;
2. furniture and fixtures;
3. paperboard containers, building paper, building board, and bookbinding;
4. printing and publishing;
5. manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay;
6. jewelry, silverware, toys, athletic, office, and tobacco goods, musical instruments, signs and displays, lampshades, and similar manufacturing;

B. wholesale establishment including automotive equipment, drugs, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products;

- C. warehouses, cartage businesses;
- D. research establishments, experimental laboratories;
- E. contractors yards, building materials storage;
- F. trade schools;
- G. motor freight terminal including garaging and maintenance of equipment, freight forwarding, packing and crating services;
- H. machine shop;
- I. municipal buildings, public service buildings;
- J. electricity regulating substation, and pressure control station for gas, water and sewage;
- K. other uses similar to the above mentioned uses;
- L. accessory buildings and uses customarily incidental to the above uses;
- M. essential services.

ARTICLE XXVIII **OSP OVERLAY ZONING DISTRICT:**
OPEN SPACE PRESERVATION

Section 28.0 **INTENT**

The specific requirements as set forth in these sections of the Ordinance assure compliance with objectives deemed essential to the public health, safety, and general welfare of the community, while allowing greater flexibility in the density of residences in a specific zone(s). This needs to be accomplished without sacrificing established values and rights to adequate light, air, and privacy. These sections are further intended to foster efficient and economical use of land, resources, public services or utilities, and energy; encourage useful open space; and promote variety in housing, both in cost and lifestyle, by allowing the dwelling type, density, and open space to vary, yet maintaining those general policies and objectives of the Township Land Use Plan.

Section 28.1 **MINIMUM PERFORMANCE OBJECTIVES**

The particular facts and circumstances of each Open Space Preservation development proposal shall be reviewed in terms of principles established in Section 28.0 as well as those objectives listed below. All proposals:

A. Shall minimize the cost of utility and street construction and associated maintenance cost, while adhering to accepted construction standards:

B. Shall provide a safe, well-designed circulation system with both internal and external connections for pedestrians, as well as vehicles. Points of conflict within the system shall be minimized and special provisions for pedestrian safety, such as overpasses are to be encouraged.

C. Shall utilize natural characteristics, such as vegetation or topographical characteristics, to protect homes from prevailing winds, provide visual variety, encourage on-site storm drainage retention, and promote solar use awareness and other similar benefits.

D. Shall enhance and preserve any wildlife habitat areas or identifiable natural features, such as wetlands, swales and woodlots of orchards.

E. Shall retain on-site for storage and infiltration all storm water runoff attributed to the proposed development.

F. Shall provide for active and/or passive recreation activities in keeping with the character of the development and its open space.

G. Shall provide for buffering by the use of plantings, earth berms, or distance between and internal conflicting elements or between adjoining residential uses and on-site features.

Section 28.2 **GENERAL RESTRICTIONS AND STANDARDS**

A. **Location.** The Open Space Preservation Overlay District shall encompass all lands within the "RL" zoning district that are served by a public sanitary sewage disposal system as well as those lands in the "AR" and "RR" zoning districts.

B. **Riparian Park (Not Access) Requirement.** Should there be a lake, stream or pond in a portion of the Open Space Preservation development, there shall be an area made accessible for the gathering(s) of the inhabitants of the development as a picnic, park area or a like use. Any riparian access or use of the subject waterways without first applying for and obtaining a special exception use permit for a riparian access lot pursuant to Section 14.7 is prohibited. Shoreline vegetation within a riparian park must remain except for that portion which is necessary to be removed for park purposes. In no event shall the removal of native shoreline vegetation within a riparian park exceed seventy five (75) lineal feet of the subject shoreline(s). No park or playground equipment or similar equipment accessories within a riparian park may be placed closer than fifty (50) feet to the normal high water mark of any waterway abutting the park.

C. **Open Space Preservation Requirement.**

1. The following definition of "undeveloped state" set forth in the Township Zoning Act shall be used to help describe the nature of the open space to be preserved in an Open Space Preservation development:

Undeveloped State: A natural state preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open pace; or a similar use of condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

2. Not less than 50% of the land area within an Open Space Preservation development (excluding (1) all wetlands as defined by the State of Michigan; and (2) 50% of any land area within a recognized buildable flood plain area) shall be preserved in a permanent undeveloped state. No part of the individual parcels, lots or site condominium units shall be counted toward open space, nor any lands devoted to roadways or impervious surfaces other than those of a recreational nature.

3. The applicant shall provide documentation of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method approved by the Planning Commission. If

proposed for dedication to the public, a letter of support from the public entity, indicating acceptance, shall be included with the application.

D. Area Requirements

1. (Lot) Width. The individual parcels, lots or site condominium units within an Open Space Preservation development shall have a minimum width of 50% of the minimum lot width requirement within the underlying zone or 100 feet, whichever is greater.

2. (Lot) Area. The individual parcels, lots or site condominium units within an Open Space Preservation development shall have a minimum lot area of 25% of the minimum lot area requirement within the underlying zone.

3. (Lot) Coverage. The individual parcels, lots or site condominium units within an Open Space Preservation development shall have a maximum lot coverage of 40%.

4. Floor Area. The minimum floor area of a dwelling within an Open Space Preservation development shall be 1,250 square feet.

5. Yard/Setback. Dwellings within an Open Space Preservation development shall meet the minimum setback provisions:

Front: 50% of the underlying zone but no less than 25 feet.

Side: 90% of the underlying zone but no less than 15 feet.

Rear: 90% of the underlying zone but no less than 15 feet.

6. Height. The building height shall not exceed the Maximum building height requirement within the underlying zone.

E. Special Exception Uses. No special exception use within the underlying zoning district shall be allowed unless such use is processed separately under the special exception use process for review and approval.

Section 28.3 REQUIRED APPROVALS

A. Preliminary Plan Approval.

1. An applicant for an Open Space Preservation development shall submit an application containing the information required under Section 5.1 of this Ordinance.

2. The applicant shall file with the application a comparison plan that adheres to site development requirements for the underlying zoning district. This shall be in the form of a plat meeting all Zoning Ordinance requirements. This comparison plan shall be used to determine the maximum number of dwelling units that may be developed within the proposed Open Space Preservation development. The comparison plan shall be reviewed initially by the Zoning Administrator for accuracy and shall be subject to final review and approval by the Planning Commission.

3. The hearing and review process for preliminary plan approval shall be in accordance with Section 5.2 of this Ordinance.

4. The Planning Commission shall review the preliminary plan and determine compliance with the Ordinance standards for:

a. Site plan review;

b. Requirements within the underlying zoning district; and

c. The requirements within this overlay district.

The Planning Commission may approve the preliminary plan as presented, approve, subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the Ordinance standards. Approval of the preliminary plan shall not constitute approval of the final plan or a phase thereof, but shall only indicate an expression of approval of the preliminary plan as a guide to preparation of the detailed final plan.

B. Final Plan Approval.

1. Prior to final approval of the proposed Open Space Preservation development or any phase thereof, the applicant shall submit to the Planning Commission eight (8) copies of the final development plan containing the information required under Section 5.4 of this Ordinance.

2. The Planning Commission shall hold a public hearing on the proposed final plan. Notice of the public hearing shall be given in accordance with the provisions of Section 4.1 of this Ordinance.

3. The Planning Commission shall review the final plan and determine compliance with the Ordinance standards for:

- a. Site plan review;
- b. Requirements within the underlying zoning

district; and

- c. The requirements within this overlay district.

The Planning Commission may approve the final plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the Ordinance standards. Final plan approval may be granted for individual phases of a project. In the case of phased project approval, time lines for completion of the phases must be submitted by the applicant and approved by the Planning Commission. Each phase of the development shall contain not less than 50% of the land area within open space as required by this Ordinance.

4. The Open Space Preservation development shall be developed in strict compliance with the final plan as approved by the Planning Commission. Modifications to an approved final plan, including any requested extension of a phasing time line, may be approved by the Planning Commission only after a public hearing noticed in accordance with the provisions of Section 4.1 of this Ordinance.

ARTICLE XXIX PRIVATE ROADS

Section 29.0

PURPOSE

The Township determines it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private roads to assure:

THAT private roads are designed with width, surface and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles.

THAT said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.

THAT private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and the natural environment of the Township.

That appropriate arrangements are made for adequate maintenance of private roads.

Section 29.2

DEFINITIONS

For purposes of this Article, the following terms are defined as set forth below:

1. A "private road" is a street, road, easement or right-of-way for vehicular ingress and egress which is non-public and serves more than three (3) lots or single family dwellings.

2. An "existing private road" is a private road which is used to provide vehicular access to four or more existing lots or existing dwelling units as of the effective date of this Article (i.e., August 23, 2004). An existing private road must physically exist at the effective date of this Article.

3. An "existing lot" is a lot which, as of the effective date of this Article, meets at least one of the following:

- a. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Barry County Register of

Deeds or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Barry County Register of Deeds.

b. The lot has been assigned its own permanent parcel number by the Township Assessor and is individually assessed and taxed on that basis.

c. The lot is a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Barry County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA 59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.

d. The lot is a platted lot recorded with the Barry County Register of Deeds.

4. An "existing dwelling unit" is a single family home for which a zoning compliance/building permit has been issued by the Township as of the effective date of this Article.

Section 29.3

ESTABLISHMENT OF PRIVATE ROADS

A. After the effective date of this Article, a private road shall not be constructed, extended or relocated, except in accordance with the minimum standards and requirements of this Ordinance.

B. Private roads shall be permissible as a special exception use in all zoning districts except the "CL", "C-1", "C-2", "C-3" and "I" zoning districts, where they shall be prohibited.

C. The provisions of this Article shall not apply to access roads internal to any individual lot or parcel of land which has direct public street frontage access and is under the control of one person, firm, corporation, or association, provided that the access road does not provide access to any abutting lot or parcel of land. Access roads that are subject to site plan review may be exempted from the provisions of this Article. Examples include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile home parks, and shopping centers which are otherwise subject to site plan review and approval under the provisions of this Ordinance.

D. Existing private roads.

1. Existing private roads shall be permitted to serve additional dwellings or lots without special exception use approval provided:

a. The lots meet all dimensional and road frontage requirements.

b. There is no physical extension of the road.

2. An existing private road shall not be physically extended unless:

a. A special exception use permit is granted for such extension in accordance with the procedures and standards set forth in this Article for establishment of a new private road; and

b. The entire private road, not just the extension, complies or is made to comply with the design and construction standards set forth in Section 29.4 of this Ordinance.

3. If a new private road is proposed from an existing private road creating an intersection of the two roads, the new private road shall only be allowed if:

a. A special exception use permit is granted for the new private road in accordance with the procedures and standards set forth in this Article for establishment of a new private road; and

b. The existing private road with which it intersects complies or is made to comply with the design and construction standards set forth in Section 29.4 of this Ordinance.

Section 29.4

DESIGN AND CONSTRUCTION REQUIREMENTS

A. All private roads shall be designed and constructed to accommodate vehicle speeds of not less than 35 mph.

B. All private roads shall intersect and connect with a public road or with a system of private roads that is connected with a public road.

C. A lot shall have frontage on the private road easement and shall meet the minimum lot dimension requirements of the respective zoning district in which it is located.

D. All private roads shall be centered upon a 66' wide easement or right-of-way.

E. All private roads shall be constructed with sufficient slopes and grades as to provide adequate storm water and road drainage and shall provide adequate culverts and ditches at all drainage courses and waterways. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer so that it complies with any applicable Barry County Drain Commissioner and State of Michigan structural requirements.

F. All private roads shall have a surface layer of not less than 6" of XXIIA aggregate base gravel to be considered finished.

G. All private roads serving six (6) or fewer dwelling units shall have a finished road surface of at least eighteen (18) feet in width. All private roads serving more than six (6) dwelling units shall have a paved road surface of at least twenty two (22) feet in width consisting of twelve (12) inches of subbase or sand or pit run, 6 inches of 22A Aggregate base gravel, two (2) inches of 220#/syd of 20A bituminous base and 1.5 inches of 165#/syd of 36A bituminous surface. All bituminous surfacing must be placed within one year of commencement of road construction and no bituminous surfacing shall be applied before May 5 or after November 1 without written permission from the Township Engineer. All paved road specifications shall be provided and certified by a licensed engineer and approved by the Township Engineer.

H. Maximum street grades will be six percent (6%) of the finished road surface unless the Township Engineer approves a greater percent.

I. Cul-de-sacs shall have a minimum radius of thirty five (35) feet.

J. Intersections shall meet Barry County Road Commission standards.

K. Horizontal and vertical clear zones shall be sufficient to accommodate local delivery and emergency vehicles as determined by the Hope Township Zoning Administrator and local Fire Chief.

L. Inspections shall be performed at each phase of construction by a certified professional engineer with compensation for such services to be the responsibility of the developer. At his or her discretion, the certified professional engineer may require additional inspections in writing at any time during construction.

Section 29.5

MAINTENANCE AND ACCESS AGREEMENTS

A. The applicant(s) and/or owner(s) of the private road shall provide to the Township a proposed road maintenance agreement, access easement agreement and deed restrictions (all in recordable form) which shall provide for the perpetual private (non-public) maintenance of such road to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall contain the following provisions:

1. A method of initiating and financing the maintenance of such road in order to keep the road in a reasonably good and usable condition.

2. A workable method of apportioning the costs of maintenance and improvements.

3. A notice that if needed repairs and maintenance are not made, the Township Board may establish a special assessment district without further petition to gain funding to improve the private road, bring the road up to the design standards specified in this Article and assess owners of parcels on the private road for the improvements and maintenance, plus an administrative fee in the amount of 5% of the total cost of the improvements.

4. A notice that no public funds of Hope Township shall be used to build, repair or maintain the private road.

5. Easements to the public for purposes of utilities and emergency vehicle access.

6. A provision that the owners of any and all of the properties using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use of the private road by any of the other owners. Normal ingress, egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the properties having a right to use the road.

B. Within thirty (30) days of any special exception use permit granted hereunder and prior to commencement of construction of the private road, the applicant shall provide the Zoning Administrator with documentation that a fully signed copy of the agreements and deed restrictions required hereunder has been recorded with the Barry County Register of Deeds.

Section 29.6

PRIVATE ROAD APPLICATIONS AND REVIEW

A. Permit Application and Fee. An application to establish, extend or relocate a private road shall be filed with the Township Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

1. The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.

2. Permanent parcel number(s) or legal description of the property(ies) over which the private road is to be constructed.

3. A site location map, which shows the location of the parcel containing the road and all surrounding properties and roadways within one-half mile of the site.

4. A scaled drawing showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect, in compliance with this Ordinance.

5. A scaled drawing showing the proposed lot divisions.

6. Copies of the proposed road maintenance agreement, access easement agreement and deed restrictions as described in Section 29.5.

7. A letter of compliance from the Barry County Planning Department indicating there is no known duplication of the proposed private road name.

8. An approved soil erosion permit from the Barry County Planning Department, if applicable.

9. A non-revocable petition, in a form satisfactory to the Township Planning Commission, signed by all record owners of lands to be served by the proposed private road requesting and authorizing the Hope Township Board to establish without further petition, a special assessment district under PA 188 of 1954, as amended (MCL 41.721 et seq.) for such improvement and/or maintenance of the private road as the Township Board deems necessary to maintain the road in compliance with the standards in this Article. The petition shall include authorization for the Township to cause such improvements and/or maintenance to be performed on the private road and to specially assess the properties served by the private road for the cost of such maintenance and improvements plus an administrative fee in the amount of 5% of the maintenance and/or improvements.

B. Planning Commission Consideration of Application. Copies of the application and supporting documents should be forwarded to the Planning Commission for hearing and consideration in accordance with the provisions of Article IV of this Ordinance. In determining whether to grant a special exception use permit for the proposed private road, the Planning Commission shall consider not only the requirements set forth in this Article but also the general standards for special exception use permit approval set forth in Section 4.0 of this Ordinance.

C. Planning Commission Approval of Special Exception Use Permit. If the Planning Commission finds that the application meets the requirements of this Ordinance, it shall grant special exception use permit approval and direct the Zoning Administrator to issue a permit for the construction of the private road. This permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plan shall be stamped for approval; one copy shall be kept by the applicant and one by the Township. This construction permit is not a private road permit and does not authorize the construction of any dwelling units or any other buildings on the private road. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin. The private road must be completed within one (1) year of beginning construction.

D. Final Compliance Requirements. Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:

1. A letter from a registered professional engineer that the road has been constructed in compliance with Township standards and the approved private road plans.

2. A driveway permit for the private road from the Barry County Road Commission or Michigan Department of Transportation.

E. Private Road Permit Issuance. Upon approval of all items required for final compliance, the Zoning Administrator shall issue a Private Road Permit.

F. Permits for Buildings on Private Roads. A building permit/zoning compliance permit shall not be issued for any principal dwelling which derives its primary access from a new private road unless a private road permit has been issued by the Township and the road has either been completed in

accordance with the approved permit or the applicant for the building permit or owner(s) of the private road has provided the Township with cash, bond or irrevocable letter of credit in an amount determined by the Township Zoning Administrator in consultation with the Township Engineer to be sufficient to ensure construction of the private road in accordance with the private road construction permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit or bond if such letter is not renewed 30 days before the expiration date of the letter.

Section 29.7 **TOWNSHIP LIABILITY**

The owner(s) of the private road shall agree in writing as a condition of applying for and receiving a private road special exception use permit to indemnify and save and hold the Township and its Township Board, officers and employees harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road and all expenses incurred in defending such claims. The substance of this subsection shall appear on the application for the special exception use permit and be signed by the owner(s) of the land on which the private road is located.

Section 29.8 **PRIOR NON-CONFORMING PRIVATE ROADS**

All existing private roads which were lawful on the effective date of this Article shall continue to be lawful. It is the intent of this Ordinance that such existing private roads shall not be extended except as set forth in Section 29.3 of this Ordinance.

ARTICLE XXX ADMINISTRATION AND ENFORCEMENT

Section 30.0 **ENFORCEMENT AND PENALTY PROVISIONS**

A. The provisions of this Ordinance shall be enforced by a Building Inspector and/or Zoning Administrator and/or by such Township official as may from time to time be designated by a resolution of the Township Board of Trustees. All such persons are hereby further authorized to issue and serve municipal civil infraction citations and municipal ordinance violation notices as authorized under Public Act 12 of 1994.

B. Any violation of this Ordinance shall be deemed to be a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum</u>	<u>Maximum</u>
	<u>Fine</u>	<u>Fine</u>
-1st Offense within 5-year period*	\$ 50.00	\$ 500.00
-2nd Offense within 5-year period*	75.00	500.00
-3rd Offense within 5-year period*	125.00	500.00
-4th or More Offense within 5-year period*	250.00	500.00

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

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Hope Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the

right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with the Ordinance. Each week that a violation exists shall constitute a separate offense.

C. The Zoning Enforcement Officer shall take the following steps, as necessary:

1. Identify, observe, and describe land use activity;
2. Take photographs, if possible, noting time and date taken;
3. Determine what section(s) of the zoning ordinance is (are) being violated;
4. Attempt to discuss, explain, or describe the violation with the party maintaining the land use or activity and note time, date, and place of each contact. In addition to any attempted verbal contact, the Zoning Enforcement Officer will send a letter listing the sections of the Zoning Ordinance that are being violated. This letter shall be called the Notice of Violation.

5. If the violation is not corrected within ten (10) days of the written notice or such additional time period as the Zoning Administrator shall deem appropriate given the nature of the violation and the violator's efforts to cure the same, the Zoning Enforcement Officer, after consulting with the Township Supervisor and, if necessary, the Township Attorney, shall have authority to institute judicial proceedings for enforcement of the Zoning Ordinance. A failure by the Zoning Administrator to act in accordance with the above-outlined procedure shall not be grounds for invalidating any judicial enforcement proceeding commenced under this Ordinance.

D. The Zoning Enforcement Officer shall have authority to, upon approval by the Township Supervisor, deviate from the above enforcement procedure and initiate more immediate enforcement action to stop an existing zoning violation if the Zoning Enforcement Officer and the Township Supervisor determine that special circumstances exist making such action advisable in order to (1) prevent or alleviate substantial or irreparable injury to persons or property or (2) prevent a significant expansion in the scope of the zoning violation.

Section 30.1 **FEES**

To help defray the costs to the Township for zoning costs, the Township shall establish by resolution fees for:

- a. application for amendments to the Zoning Ordinance;
- b. appeals or applications to the Planning Commission and Zoning Board of Appeals;
- c. site plan reviews conducted by the Planning Commission, Zoning Administrator, and/or Building Inspector.

Section 30.2 **RELEASE FROM PERSONAL RESPONSIBILITY**

Any salaried or unsalaried officer or employee charged with the enforcement of this Ordinance, while acting in good faith for Hope Township, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this Zoning Ordinance shall be defended by the legal representative of the Township until the termination of the proceedings. In no case shall the enforcement officer(s) be liable for the cost in any action, suit, or proceeding that may be instituted in pursuance of the provisions of this Ordinance. Any enforcement officer for this Zoning Ordinance and for the Building Code, acting in good faith and without malice, shall be free from liability for acts performed according to this Ordinance or by reason of any act of omission in the performance of his official duties in connection therewith.

Section 30.3 **ZONING COMPLIANCE PERMIT**

A. It shall be unlawful for any person to commence the erection, addition, alterations or repair of any building, structure or parking area, or repair or move any building or structure, or commence a land use until a zoning compliance permit has been issued by the Zoning Administrator. The zoning compliance permit shall be on such form as is approved by the Township Board.

B. Each zoning compliance permit shall become null and void within one (1) year following the issuance of the permit unless the provisions of the permit have been utilized or unless reapplication is made and approved by the Zoning Administrator.

C. Exempted from the zoning compliance permit requirements are alterations and ordinary maintenance repairs made on any building or structure that does not affect the external dimension of the building or structure.

ARTICLE XXXI **VALIDITY, AMENDMENTS, EFFECTIVE DATE**

Section 31.0 If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

Amending is done by the Township Board as provided by law. This Ordinance becomes effective immediately upon publication following adoption by the Township Board.