

TOWNSHIP OF BROOKS

Zoning Ordinance
Ordinance No. 98-17
Effective: June 1, 1998

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BROOKS TOWNSHIP OFFICIAL ZONING MAP

Zoning Ordinance Ordinance No. 98-17 Title and Preamble

An Ordinance to establish zoning districts, provisions, and regulations for the unincorporated portions of the Township of Brooks pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement, and amendment of this Ordinance; to establish a Zoning Board of Appeals; and to prescribe penalties for the violation of the provisions herein.

THE TOWNSHIP BOARD OF BROOKS TOWNSHIP, NEWAYGO COUNTY, MICHIGAN, under the authority of the Township Rural Zoning Act, being Act 184 of the Michigan Public Acts of 1943, as amended, ORDAINS AS FOLLOWS:

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(Reserved for future use)

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Mobile Home Park (MHP) District (see Mobile Homes)
River and Tributary Overlay (RTO) (see Water Districts)

Short Title and Purpose

1.01 SHORT TITLE

This Ordinance shall be known and may be cited as the Brooks Township Zoning Ordinance; or, this Ordinance.

1.02 PURPOSE

The Zoning Districts established by this Ordinance and the regulations specified for each district have been developed according to the continuing formulation of a Comprehensive Master Plan for the physical development of Brooks Township as a part of Newaygo County. In their application and interpretation, the provisions of this Ordinance will be considered minimum requirements adopted to promote the public safety, health, morals, and general welfare. Among other purposes, these provisions are designed to:

- A. Conserve and protect lands, waters, and other natural resources for their most suitable purposes;
- B. Maintain the rural character of the township;
- C. Protect productive agricultural lands for agricultural use;
- D. Reduce hazards to life and property from flooding, soil erosion, and air and water pollution;
- E. Secure safety from fire and other dangers which result from unguided community development;
- F. Avoid undue concentration of population by regulating and limiting the density of development and use of land;
- G. Ensure compatibility among land uses;
- H. Restrict the expansion and longevity of nonconforming uses and structures;
- I. Lessen congestion on the public highways and streets;
- J. Facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewage, drainage, and water supply systems while avoiding the installation of such utility services to illogical locations;

- K. Enhance the social and economic stability of Brooks Township;
- L. Provide opportunity for the use of land in a manner which permits a reasonable economic return;
- M. Implement the goals and objectives of the Brooks Township Comprehensive (Master) Plan;
- N. Coordinate development standards with those of adjoining communities;
- O. Provide opportunity for the proper use of creative land development techniques, such as planned unit development; and,
- P. Foster a quality of life consistent with the desires of township residents.

1.03 SCOPE

This Ordinance does not intend to repeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless contrary to the provisions hereto.

1.04 CONTROL

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

1.05 USES NOT LISTED

A land use which is not listed as either a permitted use or a special use shall be prohibited. Consideration of a non-listed use shall require an amendment to this Ordinance under the provisions of Article 22, Amendments and District Changes.

Definitions

2.01 RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.

- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control. Illustrations are provided for general reference only.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - 3. “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.

2.02 A - DEFINITIONS

ACCESSORY BUILDING

A subordinate structure on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building will be considered part of the main building for purposes of determining setbacks.

ACCESSORY USE

A use naturally and normally incidental and subordinate to a principal use on the same premises.

ADULT ENTERTAINMENT FACILITIES

One or any combination of the following types of establishments defined:

- A. Adult Bookstore: An establishment having as a principal activity the sale of books, magazines, newspapers, slides, videotapes, video discs, and motion picture films, and other media, which are characterized by the emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- B. Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons having as the principal activity the presentation of motion pictures characterized by

an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.

- C. Adult Mini-Motion Picture Theater: An enclosed building with a capacity of less than fifty (50) persons having as the principal activity the presentation of motion picture material characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
- D. Adult Novelty Business: A business which has as the principal activity the sale of devices of simulated “specified anatomical areas” or devices designed for “specified sexual activities.”
- E. Adult Personal Service Business: A business having as the principal activity the performance of acts with an emphasis on matters depicting, describing, or relating to “specified anatomical areas” or “specified sexual activities,” for observation or participation by patrons.
- F. Principal Activity: A use accounting for more than twenty percent (20%) of a business’ stock in trade, display space, floor space, or movie display time per month.
- G. Specified Sexual Activities:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse, or sodomy;
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

H. Specified Anatomical Areas:

- 1. Less than completely and opaquely covered:
 - a) human genitals/pubic region,
 - b) buttock, and
 - c) female breast below a point immediately above the top of the areola; and,
- 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

ADULT FOSTER CARE

- A. Adult Foster Care Home, Family: is a single-family dwelling occupied as such in which one (1) but not more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.
- B. Adult Foster Care Home, Group: is a single-family dwelling occupied as such in which more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.
- C. Foster Care Home, Family: is a single-family dwelling occupied as such in which one (1) but not more than six (6) minor children, who are not related to an adult member of the family

occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

- D. Foster Care Home, Group: is a single-family dwelling occupied as such in which more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

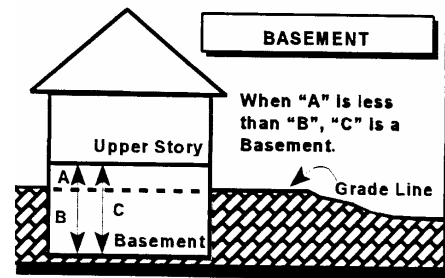
2.03 B - DEFINITIONS

BAR [Lounge and Pub]

A commercial establishment in which the sole or primary activity is the on-site sale and consumption of alcoholic beverages. Secondary activities include the preparation and sale of food for on-site consumption. Subordinate activities may include provisions for a live band or singer, recorded music, video presentations, dance floor, or similar activities. (See RESTAURANT). (See the Brooks Township Liquor License Ordinance).

BASEMENT

A portion of a building which is partially or wholly below grade; provided that where the vertical distance between the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.



BEACH STRUCTURE

A structure used for noncommercial recreational waterfront uses and related storage that does not exceed one hundred and fifty square feet (150 sq. ft.) in size.

BED AND BREAKFAST

An owner occupied single-family dwelling in which overnight accommodations and breakfast are provided to short term transient guests in return for a fee or other remuneration. Guestrooms do not possess kitchen facilities and may or may not contain bathroom facilities. Bed and breakfast establishments shall not be classified as a motel, hotel, boarding house, or rooming house.

BILLBOARD OR SIGNBOARD

Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body or other off premise signs permitted by this Ordinance.

BOARDING HOUSE OR ROOMING HOUSE

A dwelling having one kitchen and used for the purpose of providing meals and lodging for compensation to more than two persons on a weekly or other long term basis, other than members of the family occupying such dwelling.

BOAT DOCKAGE

Any means to secure a watercraft in, on, or above the water, whether it be a dock, mooring, shore station, slip, hoist, tether, or any other similar means, regardless of the distance from the water's edge.

BOAT HOUSE

A temporary or permanent beach structure located near or on the water, which is used as a storage enclosure for watercraft.

BROOKS TOWNSHIP BUILDING CODE

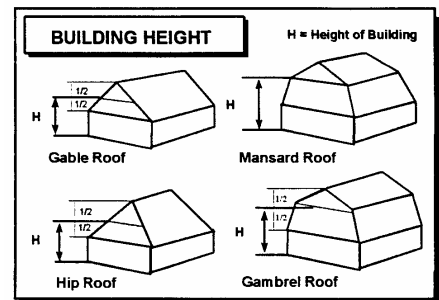
Buildings constructed in Brooks Township must comply with the Building Code that is enforced by the Newaygo County Building Department.

BUILDING

Anything that is constructed or erected having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

BUILDING HEIGHT

The vertical elevation of a building measured from the average finished lot grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip, or gambrel roof.



2.04 C - DEFINITIONS

COMMERCIAL

The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance or service offices or recreation or amusement enterprise or garage, yard, and/or basement sales operating more than 12 days during

any one 12 month period. Commercial use shall not include a municipal recreation use even though a fee may be charged for said use. For purposes of this ordinance, a use meeting the above definition shall be considered commercial without regard to the presence or absence of a business license, state or federal sales tax license or identification number or other such instrument. (July 01)

COMMUNICATION TOWER (Commercial Wireless Telecommunication Services)

A tower used to send and/or receive telecommunications as provided by a Licensed Commercial Wireless Telecommunication service including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

COMPOST

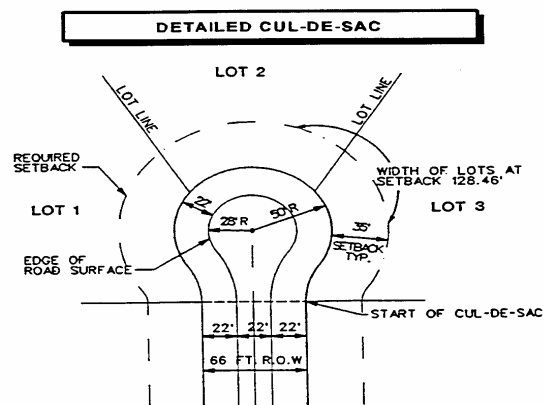
A light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

COMPOST FACILITIES

A commercial resource-recovery operation involving the transportation of organic resource material to the site from off-site locations for the purpose of creating compost, or resource products from the site that involves the processing of organic material into compost. This definition shall not include compost piles in residential districts occupying an area of less than one hundred square feet (100 sq. ft.) or compost piles or facilities in agricultural districts in connection with a bonafide farming operation.

CUL-DE-SAC

A cul-de-sac is a dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street and allows for vehicle turnaround. Refer to the diagram following.



2.05 D - DEFINITIONS

DAY-CARE FACILITIES

A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the Family Independence Agency. Such facilities shall be further defined as follows:

- A. Child-Care Center: A facility, other than a private home, where one (1) child or more is received for care and supervision of less than twenty-four (24) hours per day unattended by a parent or legal guardian.
- B. Family Day-Care Home: A private home in which one (1) to six (6) children are received for care and supervision, not including those children of the resident family, of less than twenty-four (24) hours per day unattended by a parent or legal guardian.
- C. Group Day-Care Home: A private home where seven (7) to twelve (12) children are received for care and supervision, not including those children of the resident family, of less than twenty-four (24) hours per day unattended by a parent or legal guardian.

DOCK AND DOCKAGES

Dock shall mean a temporary or permanent structure which is placed in the water with an attachment to the land and used for the mooring of watercraft. Dockage shall refer to the number of watercraft moored to a dock. Docks and dockages shall be subject to the standards and permitting requirements of the Michigan Department of Environmental Quality and this Ordinance. See BOATHOUSE.

DRIVEWAY

An improved public or private passageway providing vehicular ingress and egress from a public or private road to a lot, parcel, or building on abutting grounds.

DWELLING

Any building or portion thereof which is used as a permanent residence or sleeping place by one or more persons or occupied in whole or in part as a home, cottage, condominium unit, apartment, residence, or sleeping place, either permanently or temporarily, by one or more families. Motels, hotels, tourist rooms, cabins, tents, campers, and travel trailers are not dwellings. Dwellings shall include single-family, two-family, and multi-family dwellings.

- A. Dwelling, Single-Family: A building containing not more than one dwelling designed exclusively for residential use and occupancy by one person or one family only and conforming in all other respects to the standards set forth in this Ordinance.
- B. Dwelling, Two-Family: A building designed exclusively for use and occupancy by two families living independently of each other and conforming in all other respects to the standards set forth in this Ordinance.
- C. Dwelling, Multiple-Family: A building containing three or more dwellings designed for residential use and occupancy by three or more families living independently of each other and conforming in all other respects to the standards set forth in this Ordinance.

DWELLING UNIT

A building or portion thereof designed for use or occupancy by one (1) person or one (1) family for living and sleeping purposes with housekeeping facilities.

2.06 E – DEFINITIONS

EARTH MOVING

The removal of such natural resources as sand, gravel, or earth materials or the alteration of land in order to prepare or render land suitable for uses permitted in the district in which the land is located. This definition shall not include earth moving directly related to the excavation of basement walls or structural foundations, non-commercial gardening or lawn maintenance associated with dwellings in residential districts, lawn maintenance in commercial or industrial districts, nor agricultural activities associated with bonafide farming operations.

ESSENTIAL SERVICES (see Section 3.06 - ESSENTIAL SERVICES)

2.07 F - DEFINITIONS

FAMILY

One or more persons living together as a single nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

FARM

Any parcel of land containing at least ten (10) acres which is used for the raising of commercial agricultural products, trees, livestock, poultry, or dairy products. A farm may include a dwelling and accessory structures or buildings, located within the property boundaries, necessary for the storage or housing of farm implements, farm products, or farm animals used in farming operations.

FENCES OR WALLS

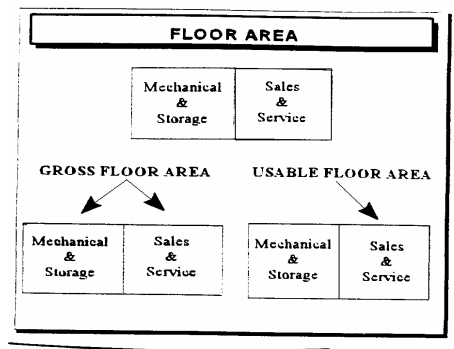
Accessory structures erected to enclose or screen objects or areas of land; to separate land uses; to serve as buffers between adjoining parcels or uses, to mitigate potential impacts resulting from erosion or collapse of steep slopes; to prevent drifting of snow; or other such purposes.

FLOODPLAIN

All areas adjoining a lake, stream, river or creek, or a channel and their branches and tributaries which are subject to a one (1) percent chance of inundation during any one hundred (100) year period (also referred to as a 100 year flood). The official map for determination and regulation of floodplains is the Federal Flood Insurance Rate Map of Brooks Township.

FLOOR AREA, GROSS (GFA)

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, attics, and basements.



FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for common hallways or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls. Useable floor area must have at least seven feet six inches (7 ft. 6 in.) clear height between floor and ceiling.

2.08 G - DEFINITIONS

GARAGE

An accessory building used for parking or storage of vehicles as may be permitted in connection with the permitted use of the principal building.

2.09 H - DEFINITIONS

HOME OCCUPATIONS

Occupations that are carried on in the home by resident members of the family residing in the home, being clearly incidental and secondary to the principal residential use and complying with all requirements of this Ordinance for Home Occupations.

2.10 I - DEFINITIONS

INSTITUTIONAL OR PUBLIC USE

Government buildings, churches, schools (teaching academic subjects), hospitals, parks, museums, cemeteries, civic centers, libraries, and other public or quasi-public uses.

2.11 J - DEFINITIONS

JUNK

Any worn out and/or discarded materials including, but not necessarily limited to, scrap metal; inoperable motor vehicles and parts; construction material; household wastes including garbage and discarded appliances; broken glass and pottery; discarded paper products; yard debris; and other such debris or goods. (Refer also to the Brooks Township Junk Ordinance).

JUNKYARD OR SALVAGE YARD

A place where discarded, used, or salvaged materials and junk (not including animal or vegetable matter) are bought, sold, exchanged, stored, baled, cleaned, processed, packed, disassembled, or handled, including house-wrecking, structural steel materials salvage, and automobile wrecking enterprises. The purchase or storage of used furniture and household equipment, used cars in operable condition, and used or salvaged materials are excluded if such uses are carried on in enclosed buildings.

2.12 K - DEFINITIONS

KENNEL - COMMERCIAL

Any land, building, or structure where a total of five (5) or more dogs and/or cats, six months of age or older, are boarded, housed, bred, or trained for remuneration. (July 01)

KEYHOLING (see Section 2.13 - LOT - KEYHOLE)

2.13 L - DEFINITIONS

LOT

A plot or parcel of land which meets minimum zoning requirements for use, coverage, and area, and which provides the required minimum yards and other open spaces as described herein. A lot shall have frontage on an approved public street or an approved private street and may be described as a corner lot, interior lot, through lot, waterfront lot, or lot of record. A lot may or may not be specifically designated as such on public records. A lot also means a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

LOT AREA

The total horizontal area contained within the lot lines or property boundaries, including street or road easements or rights-of-way.

LOT - CORNER

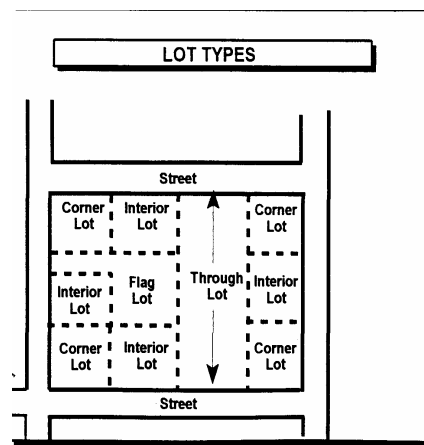
A lot having at least two contiguous sides abutting upon one or more streets for their full or partial length.

LOT - FLAG

An interior lot possessing less than required road frontage. [Note: Flag lots are not permitted under the provisions of this Ordinance.]

LOT - INTERIOR

A lot other than a corner lot.

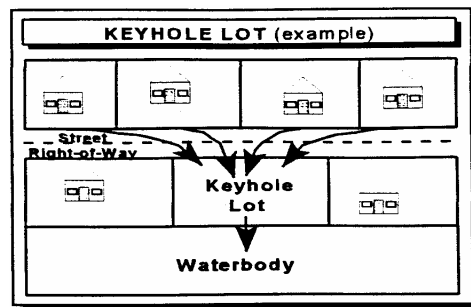


LOT - THROUGH

Any interior lot having frontage on two parallel or non-intersecting streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered front yards, and front yard setbacks shall be provided as required.

LOT – KEYHOLE (ALSO KNOWN AS RIPARIAN ACCESS)

A lot, parcel, or other land area, used for the passage of vehicles and/or pedestrians that originate from a lot(s) located on one side of the keyhole lot, parcel or land area, and which accesses a road, waterbody, or land area located on the opposite side of the keyhole lot parcel, or land area.



LOT - WATERFRONT

A lot having at least one side fronting on a river, stream, lake, pond, or other permanent water features.

LOT LINE

Lines bounding a lot and defining the boundaries of a lot or parcel of land. Front, side, and rear lot lines shall be determined by the following descriptions and based on the orientation of the structure, the location of the main entrance, the street address, the location and orientation of adjacent structures, and the configuration of adjacent lots.

- A. Front Lot Line: The line bordering the front side of the property, which is the water, street, or roadside. In the case of a corner or through lot, the front lot line, for building orientation purposes, shall be determined by the Zoning Administrator. In making said determination; the Zoning Administrator shall consider such factors as the orientation of existing buildings in the area, physical site constraints, road orientation and classification, public safety, and neighborhood compatibility.
- B. Side Lot Line: Any lot line intersecting the front lot line.
- C. Rear Lot Line: Any lot line opposite and most distant from the front lot line and possessing no less than ten feet (10 ft.) in width and lying wholly within the lot.

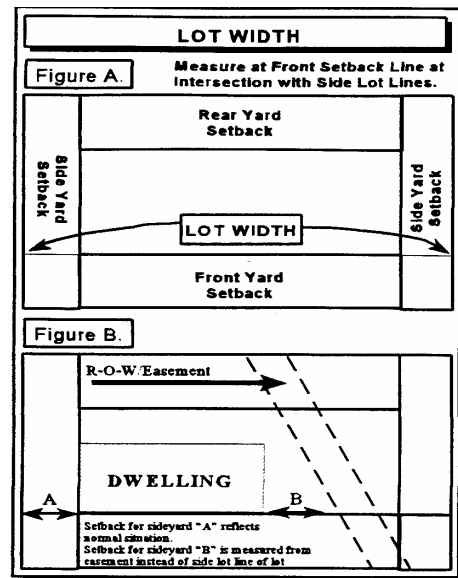
LOT OF RECORD

A lot that is part of a subdivision and is shown on a plat or a map thereof which has been recorded in the office of the Register of Deeds for Newaygo County or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to the effective date of this Ordinance. A lot shall not be a lot of record unless it is duly recorded as indicated above.

LOT WIDTH

The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required building setback line. Figure A.

In cases where lot width is interrupted by a right-of-way or easement, lot width (for building placement purposes) shall be defined as the horizontal distance between the right-of-way or easement and the opposing side lot line, measured parallel to the front lot line at the minimum required building setback line. Buildings to be placed between a right-of-way or easement and an opposing side lot line must have sufficient remaining space to meet the side yard setback requirements of the underlying zone district as measured from the building to the right-of-way or easement and from the building to the side lot line opposite the right-of-way or easement. Figure B.



In the event of a lot having its width interrupted by a right-of-way or easement which cannot meet the aforementioned standard, the Zoning Administrator shall be empowered to review the relationship of said right-of-way or easement to the lot as a whole and determine the most appropriate building placement. In no case, however, shall a building be placed closer to the external lines of the lot than as permitted for an underlying zone district lot whose width is not impacted by a right-of-way or easement.

In the event that a lot may have more than one (1) horizontal distance between side lot lines, only the least distance shall be used to meet the lot width requirement. Under no circumstances shall the minimum lot width be determined based on more than one (1) horizontal distance. The lot width and setbacks for curvilinear lots shall be determined as referred to in Section 2.04 CUL-DE-SAC.

2.14 M - DEFINITIONS

MAJOR STREET

An all-season street or highway designed and intended to carry heavy traffic volumes, including commercial traffic. Examples designated on the "Brooks Township Comprehensive Development Plan - Major Road Plan include M-82, M-37, and Croton Drive.

MINOR OR LOCAL STREET

A dedicated public way or recorded private street which affords access to abutting properties, and is designed primarily to serve immediate neighborhood needs.

MOBILE HOME

A portable unit built without a permanent foundation, to be towed on its own chassis comprised of a frame and wheels, designed to be connected to utilities at a site, and used as a living quarters.

MOBILE HOME PARK

A parcel or tract of land upon which three or more mobile homes are located on a continual non-recreational basis that 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 the occupancy of a mobile home and meeting the design and construction standards of the Michigan Mobile Home Commission.

MOBILE HOME SITE

A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

MODULAR AND SECTIONAL HOMES

A dwelling consisting of two or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

MOTEL, HOTEL, TOURIST CABIN, MOTOR HOTEL

A series of attached, semi-detached, or detached rental units providing overnight lodging for transient guests, open to the traveling public for compensation, but not including a bed and breakfast establishment.

MOTORIZED SALES AREA

An area used for the display, sale, or rental, but not for the repair, of new or used motor vehicles, boats, travel trailers, farm equipment, construction equipment, or mobile homes in operable condition.

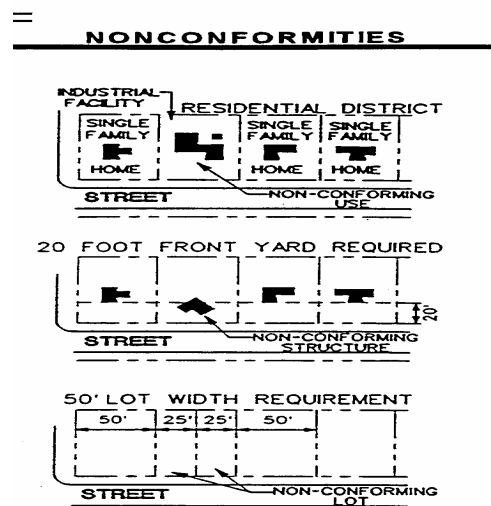
MUNICIPAL CIVIL INFRACTION

An act or omission that is prohibited by a provision of the ordinances of Brooks Township for which the penalty has been designated as a Municipal Civil Infraction. A municipal civil infraction is not a crime and is punishable by all of the civil remedies provided for in Act 12 of the Public Acts of 1994 as amended.

2.15 N - DEFINITIONS

NATURAL RESOURCE REMOVAL

The extraction and/or excavation of sand, gravel, topsoil, clay, earth, marl, peat, or any other nonrenewable earth material not regulated in the Mine Reclamation Act, Act 92 of the Public Acts of 1970, as amended, in a regular



commercial operation by excavating directly from such resources lying exposed in their natural state or by removing any overburden lying above such resources. It does not include excavation or grading preliminary to a construction project (see Section 2.06 - EARTH MOVING).

NONCONFORMING

Situation in which a use, structure, lot, or any combination thereof, does not conform to the regulations of the district in which it is located.

2.16 O - DEFINITIONS

ORDINARY HIGH WATER MARK

The line between upland and bottomland which 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 markedly distinct 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 which has a level established by law, it means the highest established level.

OUTDOOR RECREATION FACILITIES

Outdoor recreation facilities shall include golf courses, campgrounds, nature centers, hiking trails, cross-country skiing trails, riding stables, gun and archery ranges, tennis courts, picnic areas, wildlife areas, and similar uses.

2.17 P - DEFINITIONS

PARCEL

The amount of land area required in the District in which it is located to build or use for a permitted use. All parcels of land shall have the required frontage on an approved right-of-way (see LOT).

PARKING AREA

An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees, or the general public.

PERSON

A legal entity or individual human being; "Person" shall include an association, corporation, organization, partnership, or a firm.

PLANNING COMMISSION

The Brooks Township Planning Commission.

PRINCIPAL OR MAIN USE

The primary or predominant use of a lot or premises.

PRINCIPAL STRUCTURE

The structure which houses the principal use.

PUBLIC UTILITY

Any person, firm, or corporation duly authorized to furnish and furnishing to the public under State, County, or Municipal regulations electricity, gas, telephone, steam, cable television, communication, transportation, sanitary sewer, or water services (see ESSENTIAL SERVICES).

2.18 Q - DEFINITIONS (Reserved for future use)

2.19 R - DEFINITIONS

RECREATIONAL VEHICLE

A vehicular transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle. For purposes of this Ordinance, a recreational vehicle is designed to provide temporary living quarters for recreational, camping, or travel use. This definition includes, but is not limited to, portable structures commonly known as travel trailers, travel homes, fold-down campers, truck-mounted campers, converted buses, and fifth wheels.

REPAIR SHOP

A garage, building, or area where repairs of motor vehicles, boats, travel trailers, farm equipment, or similar equipment are made for a fee.

RESTAURANT

A commercial establishment in which the sole or primary activity is the preparation and sale of food for on-site consumption or take-out. Alcoholic beverages may be sold, provided, however, the sale and/or distribution of such beverages shall clearly be incidental to the preparation, sale, and consumption of food.

RETAINING WALL

A structure erected to support an embankment or to prevent erosion or collapse of steep slopes.

RIGHT-OF-WAY

A street, road, or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

ROADS - PRIVATE AND PUBLIC

See Section 2.20 Definitions for Streets or Roads – Public and Private

2.20 S - DEFINITIONS

SAME or SIMILAR OWNERSHIP

For purposes of this Ordinance, the phrase “Same or Similar Ownership” shall mean any of the following situations:

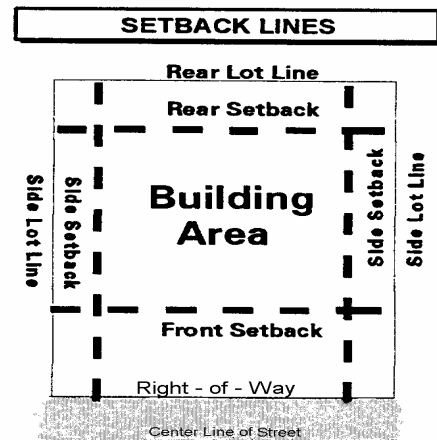
- A. Ownership by the same person, firm, partnership, corporation, or similar legal entity.
- B. Ownership by the same association, organization, society, or similar entity.

SERVICE STATION OR FILLING STATION

A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile accessories and minor repair service (e.g.; oil change, flat tire repair, fan belt replacement, replace brakes, etc.), but not including major automotive repairs (e.g.; engine overhaul, frame realignment, bumping and painting, repair/replace transmission, radiator repair/replacement, etc.).

SETBACK LINE

A line measured from and being parallel to the front, rear, and side lot lines that establishes the minimum distance that a building or structure is permitted to be located from the lot line. Setback line is also referred to as the "required setback line." Steps connected to a building may be located between the required setback line and the lot line. Porches and decks are considered part of the building or structure and must be considered in the determination of setback. Section 2.04 - CUL-DE-SAC, of this Ordinance, provides an example for the determination of the required setback lines for lots or parcels having curved or angled property lines.



SIGN

Any announcement, declaration, illustration, or insignia used to advertise or promote the interests of any person, product, or project when the same is placed, painted, or displayed out of doors in view of the general public.

SINGLE OWNERSHIP

Ownership by one person or by two or more persons jointly, as tenants by the entirety or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

SITE CONDOMINIUM SUBDIVISION

A division of land on the basis of condominium ownership that is subject to the provisions of the Condominium Act, Michigan Public Act 59 of 1978, including any amendments thereto.

SITE PLAN

A scale drawing meeting the requirements of this Ordinance that shows the locations and dimensions of existing features as well as proposed improvements upon a parcel of land, such as but not limited to buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.

STORY

That portion of a building included between the surface of any floor and the surface of the floor above it; where there is no second floor, then story shall mean the space between the floor and the ceiling next above it. A story, thus defined, shall not include any portion of a building having more than 50 percent of its total cubic content below the established grade level.

STREET OR ROAD – PUBLIC & PRIVATE

1. A Public Street or Road shall be a right of way or easement providing access to two (2) or more lots or parcels meeting the design and construction standards of the Newaygo County Road Commission which has been dedicated to the County for the purpose of providing access to abutting lots or land, including the space for pavement and sidewalks.
2. A Private Street or Road shall be a right of way or easement providing access to two (2) or more lots or parcels that has been reviewed and approved by the Township Planning Commission in accordance with this Ordinance and by the County Road Commission in accordance with the required County regulations for Private Roads.

STRUCTURE

Anything constructed, erected, or placed which requires permanent or non-permanent location on the ground or attachment to something having such location, including but not limited to buildings, signs, antennas, towers, pools, satellite dishes, etc.

STRUCTURE - PRINCIPAL

The building within which the principal use is located.

SWIMMING POOL

A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include a plastic, canvas, or rubber portable pool temporarily erected upon the ground holding less than 300 gallons of water.

2.21 T - DEFINITIONS

TOWER (See also COMMUNICATION TOWER)

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

TOWNSHIP BOARD

The Brooks Township Board.

2.22 U - DEFINITIONS (Reserved for future use)

2.23 V - DEFINITIONS (Reserved for future use)

2.24 W – DEFINITIONS

WATERCRAFT

Any motorized boat or water vehicle, regardless of size and length or any non-motorized boat or water vehicle more than sixteen feet (16 ft.) in length.

WATERFRONT PROPERTY

An easement, private park, right-of-way, common area, lot, or property abutting, adjoining, or otherwise having frontage on a lake, river, or stream, including parcels, lots, and properties having riparian frontage or access to any type of navigable body of water.

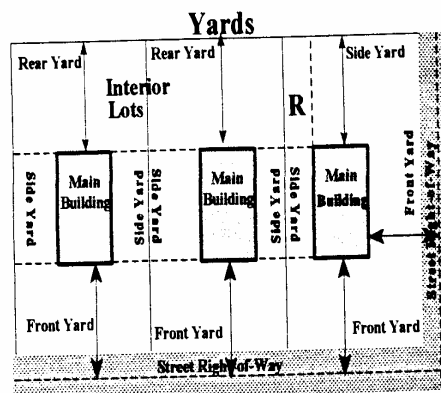
2.25 X - DEFINITIONS (Reserved for future use)

2.26 Y - DEFINITIONS

YARDS

An area located between the lot line and the principal structure.

A. Front Yard: An open unoccupied space, unless occupied by a use as hereinafter specifically



permitted, extending across the full width of the lot and lying between the front lot line and the nearest foundation of any part of the building.

- B. Side Yard: An open unoccupied space, unless occupied by a use as hereinafter specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, between the front yard to the rear yard.
- C. Rear Yard: A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building and the rear lot line.

2.27 Z - DEFINITIONS

ZONING ADMINISTRATOR

The person or persons appointed by the Township Board to administer this Ordinance and for the purpose of this Ordinance said person shall be the Zoning Inspector.

ZONING BOARD OF APPEALS

The Brooks Township Zoning Board of Appeals.

General Provisions

3.01 GENERAL PROVISIONS

General provisions reflect zoning requirements or standards, which typically apply to more than one district as described in this Ordinance. Where requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail, unless otherwise stated in this Ordinance.

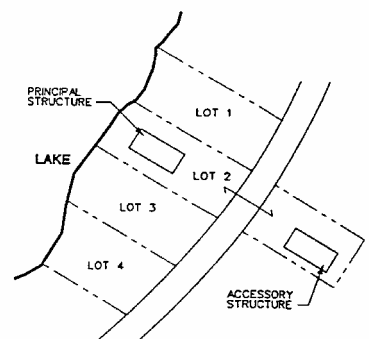
A - GENERAL PROVISIONS

3.02a ACCESS AND FRONTAGE ON A STREET OR ROAD

All lots must abut on a street or road, as defined by this Ordinance, for an uninterrupted distance equal to the minimum lot width specified for the district in which it is located. In the case of a lot abutting the end turn-around area of a cul-de-sac, the minimum road frontage shall be fifty feet (50 ft.), provided the lot width shall meet the minimum lot width requirements of the district in which it is located.

3.02b ACCESSORY STRUCTURES AND BUILDINGS

ACCESSORY STRUCTURE ON WATERFRONT LOT



Except as otherwise provided in Section 4.08 - SUMMARY OF DISTRICT SIZE AND SETBACK STANDARDS of this Ordinance, the following requirements shall be met:

- A. Accessory buildings or structures exceeding three feet (3 ft.) in height and/or twenty-seven square feet (27 sq. ft.) in size shall not be erected in any front or required side yard, provided, however, an enclosure for the shelter of children awaiting pick-up by a school bus may be erected in the side or front yard subject to review and approval by the Zoning Administrator. Placement of the shelter shall not result in a traffic or other public safety hazard. The shelter shall not exceed sixty-four square feet (64 sq. ft.) in area, nor eight feet (8 ft.) in height. The shelter shall be maintained in good repair, shall not contain any signs, and shall be removed when no longer necessary for the intended purpose.
- B. Accessory buildings must be at least ten feet (10 ft.) from any dwelling, or other accessory building or structure.
- C. Accessory buildings shall meet the setback requirements of the underlying district, but in no case shall they be closer than twenty feet (20 ft.) from any public or private road right-of-way line or public or private road easement.
- D. No accessory structure shall be used for dwelling purposes.
- E. Except as otherwise provided by this Ordinance, no accessory building may be built upon any lot on which there is no principal building.
- F. In the Lakefront Overlay and River and Tributary Overlay Districts, where a portion of a lot is across a street right-of-way from that portion of the lot upon which the principal structure is located, an accessory building or structure may be constructed on that portion of the unoccupied lot across the street right-of-way, provided however, said lots shall be combined under one (1) legal description and described and recorded as such. An accessory building so located shall meet the requirements of a principal building pursuant to setbacks from the road and side and rear lot lines.
- G. No more than two accessory buildings may be located on a lot of two acres or less. One additional building may be allowed for every additional three acres.
- H. The square footage of each accessory building shall not exceed one hundred fifty percent (150%) of the gross floor area of the principal structure.
- I. Farm accessory buildings located on a bonafide farming operation as defined by this Ordinance shall not be subject to the above restrictions, provided, however, no accessory building shall be placed in a location which represents a potential threat to the public health, safety, or welfare. For purpose of this section, the Zoning Administrator shall be empowered

to determine whether said location represents such a threat and may require repositioning of the building as proposed.

3.02c ACCESSORY USES (see Section 3.13 - LAND USES)

3.02d ANIMALS - DOMESTIC

The raising and keeping of fowl, rabbits, domestic animals, including horses, cows, and pigs, shall be permitted provided they are properly housed and fenced so as not to become a public nuisance and subject to the following area restrictions:

- A. The raising and keeping of fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises.
- B. Large domestic animals shall be limited as follows: one (1) horse or cow or pig for each two (2) acres, provided that any pig pen shall be a minimum of fifty feet (50 ft.) from any property line.
- C. Stockyards, feedlots, and other areas where livestock is raised and/or kept in numbers greater than is provided for in this Ordinance are prohibited.
- D. The keeping of animals not generally considered to be domestic by Animal Control authorities or endangered species are prohibited, unless properly licensed. The keeping of said animals shall be in quantities no greater than that permitted for domestic animals and shall be subject to site plan review and approval by the Planning Commission.

B - GENERAL PROVISIONS

3.03a BASEMENT DWELLINGS OR EARTHEN HOMES

The use of the basement of a partially built or planned building as a residence or dwelling is prohibited in all zones. The use of a basement more than four feet (4 ft.) below grade completed for sleeping quarters or a dwelling is prohibited unless all township building code requirements have been met, including proper emergency access to the outside. Further, provided, that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling but considered an Earthen Home.

C - GENERAL PROVISIONS

3.04a CAMPING – TEMPORARY

No lot or parcel shall be occupied by a tent or recreational vehicle which is to be used for temporary camping purposes for a period exceeding four (4) consecutive days within one (1) month.

Temporary Camping exceeding four (4) consecutive days shall be permitted only after obtaining a temporary camping permit. Additional time may be permitted subject to receipt of a permit from the Zoning Administrator. In issuing said permit, the Zoning Administrator shall be empowered to impose conditions. When imposing conditions the Zoning Administrator shall consider criteria such as, but not limited to the following:

- 1) The size of the lot or parcel to be used for the camp site
- 2) The density of permanent dwellings in the vicinity.
- 3) The number of tents or recreational vehicles to be placed on the lot or parcel.

Conditions will be imposed as the Zoning Administrator determines necessary for the general health, safety, and welfare of the occupant of the temporary dwelling and surrounding neighbors. Types of conditions that may be imposed include, but are not limited to the following:

- 1) Quiet hours that must be maintained.
- 2) Limiting the number of tents or recreational vehicles on the lot or parcel
- 3) Installation of Port-A-Potties on the lot or parcel

The zoning administrator shall not approve a temporary camping in excess of thirty (30) days at a time, the Zoning Administrator may approve up to two (2) thirty (30) day extensions.

The following uses shall be exempt from the provisions of this Section:

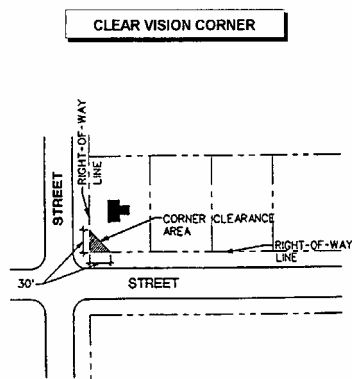
- A. Campgrounds authorized by the Township and licensed by the State of Michigan.
- B. Temporary dwelling units authorized by Section 3.17 - PERMITS - TEMPORARY.

3.04b CHANNELIZATION

There shall be no new channelization on waterfront properties (lakes, rivers, or streams) for the purpose of creating additional waterfront building lots or increasing the numbers of lake users.

3.04c CLEAR VISION CORNERS

To prevent traffic hazards arising from inadequate visibility, clear vision areas must be maintained on all corner lots. On any corner lot, no fence, structure, or planting over thirty (30) inches in height or that blocks view of motorists shall be erected or maintained within required setback distance of the intersection of right-of-lines or clear vision area. The clear vision area shall be determined by a line drawn between two points each being thirty feet (30 ft.) from the intersection of the rights-of-way of two intersecting streets.



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3.04d COMMUNICATION TOWERS EXCEEDING THIRTY FIVE (35) FEET

- A. Communication towers, satellite dish antennas and antennas under 75 feet of non-commercial nature, which may be found in residential settings, and are for the individual and personal needs of the residents or occupants located on the site do not require township approval.
- B. Communication towers, satellite dish antennas and antennas of commercial nature, that exceed 35 feet, must meet the following requirements:
 - 1. Placement of such towers shall be limited to the R1, R2, and Commercial district.
 - 2. An application must be filled out. Application forms shall be available from the township. Completed applications must include an engineer's report and letter of intent to share use of tower. This completed information shall be returned to the zoning office for approval.
 - a. Engineer's Report is a report from a qualified and licensed professional engineer registered in the state of Michigan which:
 - i. describes the tower height and design including a cross section, elevation and site plan.
 - ii. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
 - iii. describes the tower's capacity, including the number and type of antennas it can accommodate.
 - iv. documents that the tower will comply with Newaygo County electrical and building codes.
 - v. documents what steps the applicant will take to avoid interference with established public safety telecommunications.
 - vi. proof the tower complies with regulations administered by the Federal Aviation Administration.
 - vii. includes the engineers professional seal and registration number.
 - viii. for placement of wireless telecommunication antennas on roofs, walls, and existing towers, the engineers report shall include detail on the existing structure or towers suitability to accept the antenna, and the proposed method of affixing the antenna to the structure or tower. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
 - ix. Other information necessary to evaluate the request.
 - b. Letter of Intent to Shared Use of Tower – for all commercial towers in excess of one hundred (100) feet, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 - 3. New towers and co-location requirements – any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) users if the tower is two hundred (200) feet or higher, or one (1) additional user if the tower is less than two hundred (200) feet. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

4. Tower construction and design requirements – all towers shall comply with the following construction and design requirements:
 - a. Building Codes – all towers erected, constructed, or located in the township, and all structural elements and wiring therefore, shall comply with Newaygo County building codes.
 - b. Lighting – towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by state or federal authority. When incorporated into the approved design of the tower, light fixtures used to illuminate parking lots or similar areas may be attached to the tower.
 - c. Signs and Advertising – the use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
 - d. View Impact – a proposed tower shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
 - e. Accessory Utility Buildings – all utility buildings and structures accessory to a tower shall be architecturally designed to blend with the surrounding environment and shall meet the minimum setback requirements of the underlying zone district.
 - f. Fencing and Landscaping – a six (6) foot high chainlink fence shall be erected surrounding the tower and all supporting wire ground supports (anchors) on all sides to prevent unauthorized access and harm to those accessing the property via recreational vehicles. Where feasible, natural vegetation shall be maintained and integrated into the overall landscape design.
5. Co-Location Requirements – all commercial wireless telecommunication towers erected, constructed, or located within the township shall comply with the following co-location requirements:
 - a. Search Radius – a request for a new commercial wireless communication service tower shall not be approved unless the Township finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the following search radius:

Tower Height (feet)	Required Search Radius (feet)
Under 100 feet, or greater than 20 feet if located on a building	1,320 feet
100 feet to 200 feet	2,640 feet
Greater than 200 feet	5,280 feet

- b. Required Factors to Demonstrate Inability to Co-locate – an application must demonstrate that an available existing or approved tower or building within the above search radius is not capable of supporting the proposed tower due to one (1) or more of the following reasons:
 1. the planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. the planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 3. existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 4. other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building
5. Abandoned or Unused Towers or Portions of Towers – abandoned or unused towers or portions of towers shall be removed as follows:
- a. Removal and Extension Periods – all abandoned towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site, provided, however, an extension of twelve (12) months may be granted by the Township, subject to receipt of a written request by the applicant outlining the reasons for the extension and detailing the proposed method for making the tower operational within the extended time frame. The request for extension shall be submitted to the Zoning Administrator prior to the end of the twelve (12) month cessation period. The Zoning Administrator shall forward the application to the Planning Commission. At their next regular meeting, the Planning Commission may approve, approve with conditions, or deny the request.
 - b. Removal of Towers on Leased or Rented Sites – for towers located on leased or rented sites, the signed lease shall include language requiring the applicant (the lessee) to remove the tower and associated facilities within a period no greater than twelve (12) months after cessation of operations at the site. The township shall be provided with the relevant portions of the signed lease which requires the applicant to remove the tower and associated facilities as required above. Nothing in this section , however, shall prevent the property owner (lessor) from requiring a more stringent removal time frame.
 - c. Township Removal of Tower – in the event an abandoned or unused tower is not removed as provided for by this Ordinance, the tower and associated facilities may be removed by the Township, with the cost of said removal assessed against the property.

3.04e CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

Every use shall be so conducted and operated such that it is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located, provided however, these provisions shall not prohibit the lawful use of land for farming operations. (Refer to Brooks Township Anti-Noise Ordinance.)

3.04f CORNER LOTS

- A. Where a lot is bounded by two intersecting streets, the yards abutting said streets shall be considered front yards. The front yard setback requirements shall be met for both front yards.
- B. Where one corner lot adjoins the side yard of any adjacent lot, no part of an accessory building and no part of the main building shall be nearer the street than the full front yard required on the adjacent lot, and in either case the side yard requirements of the underlying District shall be met along said common line. In the event the above lots lie in different districts, the most restrictive dimensional standards shall apply.

3.04g CUL-DE-SAC (see Section 2.04 - CUL-DE-SAC [figure box] & 3.19 ROADS - PRIVATE [design standards])

3.05 D - GENERAL PROVISIONS

3.05a DIVISION OF PARCELS OR LOTS

No lot or parcel (platted or unplatted) shall be divided, split, or subdivided unless said action meets this Ordinance and all other applicable Township Ordinances and state law.

3.05b DOCKS AND DOCKAGES

The purpose of this section is to protect the township's water resources through the control of boat docks and dockages. The following restrictions apply to all waterfront property in all zoning districts, regardless of whether access is by easement, private park, club membership, common-fee ownership, land contract, single-fee ownership, condominium arrangement, license, or lease, and are intended to prevent congestion, over-use, and deterioration of beaches and shorelines, and to preserve the quality of the waters, protect natural resources, guide the proper development of waterfront areas, promote safety, and preserve the quality of recreational use of all waters within the township.

- A. Not more than one (1) dock and no more than four (4) boat dockages shall be permitted for each seventy-five feet (75 ft.) of continuous water frontage. One (1) additional dock may be permitted for each seventy-five feet (75 ft.) of additional water frontage and one (1) additional boat dockage may be allowed for each additional twenty-five feet (25 ft.) of continuous water frontage.
- B. Lots of record of less than seventy-five feet (75 ft.) in width will be allowed one dock. In these instances, one boat dockage will be allowed for every twenty feet (20 ft.) of continuous water frontage.
- C. Docks shall be located a minimum of ten (10) feet from the side yard lot line and no portion of a dock shall encroach onto an adjacent property line.
- D. Docks shall not be used for rental or other commercial purposes, unless otherwise specified in this Ordinance.

3.05c DRIVEWAY

- A. Driveways shall be maintained by the owner and must have a clear and passable width of 12' and a clear and passable height of 12' to allow for emergency vehicle access.
- B. An approved driveway permit shall be obtained from the Michigan State Department of Transportation or Newaygo County Road Commission, as applicable when accessing public roads with a driveway. Driveway permits must be submitted to the Building Inspector prior to issuance of a building permit.

3.05d DWELLING STANDARDS - RESIDENTIAL

All single-family dwellings, other than those located in mobile home parks as regulated by the Michigan Mobile Home Commission, shall comply with the following standards:

- A. All single-family detached dwellings shall possess a minimum gross floor area of one thousand two hundred square feet (1,200 sq. ft.).
- B. Two-story detached dwellings shall possess a minimum, first floor, gross floor area of six hundred square feet (600 sq. ft.) and a total minimum gross floor area of one thousand two hundred square feet (1,200 sq. ft.).
- C. A two-story dwelling shall be one having two full stories above the grade.
- D. Multiple-family, single-family attached, two-family dwellings, and attached condominiums shall have the following minimum floor areas for each type of unit:

Type of Unit	Minimum Floor Area
Efficiency	600 sq. ft.
One Bedroom	700 sq. ft.
Two Bedroom	800 sq. ft.
Three Bedroom	900 sq. ft.
Four or More Bedroom	1,200 sq. ft.

- E. All dwellings must be at least twenty-four feet (24 ft.) wide throughout their entire length and width (all elevations/sides) and comply in all respects with the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended," including minimum height for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the aforesaid construction code, then and in that event such federal or state standard or regulation shall apply.
- F. All dwellings must be firmly attached to a permanent foundation constructed on the site in accordance with the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended,"

and shall have a solid foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.

- G. All dwellings must be installed with a connection to a public sewer and water supply or to such private facilities approved by the local health department.
- H. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall meet the following requirements, in addition to the other standards of the section:
 - 1. Be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
 - 2. Be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- I. All dwellings shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachments to the principal structure and construction of a foundation as required herein.
- J. All dwellings shall comply with all pertinent building and fire codes. For mobile homes, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280," and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended."
- L. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, views, unique land contour, or relief from the common or standard-designed home.

3.06 E - GENERAL PROVISIONS

3.06a ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water, distribution or transmission systems, collection, communication, and supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fiber optics, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the Township of Brooks in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance, unless otherwise provided for by this Ordinance.

3.06b EXCAVATION OF TOPSOIL (see Section 2.06 - EARTH MOVING, and Section 14.12.I - GRAVEL PITS AND MINERAL EXTRACTION)

- A. Topsoil shall not be stripped, excavated, or otherwise removed for sale or for use other than on the same parcel of ownership except when:
1. In connection with construction and grading operations associated with issuance of a building permit;
 2. The topsoil is in surplus amounts (surplus being defined as topsoil in excess of six (6) inches in depth);
 3. It is a product of authorized excavation of muck, peat, sand, gravel, or other mineral deposits.
- B. Earth moving affecting areas greater than two (2) acres shall require review and approval of a site plan by the Planning Commission in accordance with this Ordinance. Site plan review shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables. Once a site plan has been approved by the Planning Commission, and the required permits issued by other agencies, the Zoning Administrator shall issue an earth-moving permit that shall be valid for 12 months. Such permit may be renewed by the Zoning Administrator for one additional 12-month period, provided that all of the conditions of the approved site plan are met. NOTE: THE EXTRACTION OF GRAVEL AND OTHER MINERALS (EXCEPT SOIL) HAS BEEN CLASSIFIED BY THIS ORDINANCE AS A SPECIAL LAND USE AND SHALL BE SUBJECT TO THE SPECIAL LAND USE PROVISIONS THEREOF.
- C. Nothing in the above provisions shall preclude necessary compliance with the provisions of the Soil Erosion and Sedimentary Control Act (MPA 347 of 1978, as amended).

3.07 F - GENERAL PROVISIONS (Reserved for future use)

3.08 G - GENERAL PROVISIONS (Reserved for future use)

3.09 H - GENERAL PROVISIONS

3.09a HEALTH DEPARTMENT APPROVAL

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities do not comply with the rules and regulations

governing potable water supplies and waste and sewage disposal in Newaygo County.

3.09b HEIGHT EXCEPTIONS

Unless provided otherwise by this Ordinance, the height limitations of all zones may be exceeded by the following structures provided that required yards for said structures shall be increased by one-half (1/2) foot for each one (1) foot said structure exceeds the zone height limitation: Parapet walls, chimneys, silos and farm barns, television and radio antennas, monuments, cupolas, spires or other ornamental projections, water towers, fire towers, cooling towers, elevator buildings and bulkheads, roof storage tanks, and other necessary appurtenances. (Refer also to COMMUNICATION TOWERS, Section 3.04d).

3.09c HOME OCCUPATION

Home occupations are permitted in residential zones. A home occupation is any use which:

- A. Is a legal enterprise conducted entirely within a principal structure without being evident in any way from the street or from any neighboring premises, provided, however, a wall sign not to exceed two square feet (2 sq. ft.) may be displayed.
- B. Does not change the residential character of the dwelling in which it is conducted and does not create excessive traffic, noise, odors, and/or dust, or disturb the tranquility of the neighborhood.
- C. Employs not more than one (1) non-family employee.
- D. Employs only mechanical equipment, which is similar in power and type usual and incidental for household purposes and hobbies.
- E. Devotes not more than twenty percent (20%) of the principal structure to such home occupation.
- F. Shall not involve the storage of any significant amount of materials for which there is high risk of fire or explosion.
- G. Shall comply with all applicable building and health codes pursuant to the home occupation use.

The allowance of a home occupation by the township, subject to the regulations contained in this Ordinance, shall in no way constitute acceptance of, or give validity to, the introduction of non-residential development into any residential zone district. Home occupations shall be fully incidental to permitted residential uses.

3.10 I - GENERAL PROVISIONS (Reserved for future use)

3.11 J - GENERAL PROVISIONS (Reserved for future use)

3.12 K - GENERAL PROVISIONS

3.12a KEYHOLE DEVELOPMENT

Refer to Lakefront Overlay District and River and Tributary Overlay District for regulations regarding (Riparian Access) keyhole parcels.

3.13 L - GENERAL PROVISIONS

3.13a LAND DIVISIONS AND SUBDIVISIONS

- A. Land Divisions. This section shall apply to all land divisions as governed by the provisions of the Land Division Act, Act 591 of the Michigan Public Acts of 1996 (effective 3/31/97), as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with the Township Zoning Ordinance or any other applicable ordinance or regulation.

It is not the intent of this ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the use of land and buildings, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this ordinance shall govern.

1. Land Division Approvals

- (a) Applications: Any person who desires to split an existing parcel of land within the Township must first obtain an application form as provided by the Township Clerk. Before any new lots created by splitting an existing parcel may be recorded with the County Register of Deeds, the Township Lot Split application must be completed and approved by the Township Supervisor.

Any person attempting to record a land division with the County Register of Deeds without proper approval or who attempts to record a land division after approval has become null and void shall be in violation of this ordinance and subject to the penalties as set for the in paragraph 4.

Each application shall be accompanied by the following:

- (1) The payment of a fee as established from time to time by the Township Board
- (2) A completed application form as provided by the Clerk,
- (3) A complete and accurate legal description of the existing lot and each proposed lot or parcel created by the land division;

- (4) A detailed written description of the development planned for such land divisions, including a description of any proposed association or other entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities;
- (5) A graphic or written description of any previous land divisions from the parent parcel including the sizes, number, and date of such divisions.

- (6) Three (3) copies of a complete parcel map drawn to scale, which shall be not less than 1" = 20' for property totaling under three (3) acres and at least 1" = 100' for those totaling three (3) acres or more. A registered engineer or land surveyor shall prepare the parcel map.

- (7) The parcel map shall include, at a minimum:
 - a. Date, north arrow, scale, and name of the individual or firm preparing the map
 - b. Proposed lot lines and their dimensions
 - c. Location and nature of proposed ingress and egress locations to any existing public or private streets.
 - d. The location of any public or private street, driveway, or utility easements to be located within the proposed lot or parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - e. General topographical features including contour intervals no greater than five (5) feet.
 - f. Any existing buildings, public or private streets, and driveways within one hundred (100) feet of all proposed property lines.
 - g. The zoning designation of all proposed lots or parcels.
 - h. Small scale sketch of properties and streets within one quarter (1/4) mile of the area.
 - i. Proposed method of providing storm drainage.

- (8) Engineered drawing of proposed Private Roads serving two (2) or more parcels with documented approval of the proposed access from the Township Planning Commission.

Applications for land divisions shall not be accepted unless all of the required materials are submitted and are complete. The application, along with the required materials shall be provided to the Township Planning & Zoning Department.

Land divisions shall be reviewed by the Planning & Zoning Department; the Assessing Department and forwarded to the Township Supervisor for final approval.

The Supervisor shall review the application and such other available information including recommendations or reports from the planner, attorney, engineer, or other parties, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions that should be imposed.

The approval, approval with conditions, or denial of a land division shall be accomplished within forty five (45) days after the filing of a completed, accepted application.

Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Zoning Ordinance or any other applicable ordinances or regulations.

Land division approvals shall be valid for a period of ninety (90) days from the date of approval by the Supervisor. If such lots or parcels proposed by the land division are not properly recorded and accepted by the County Register of Deeds within (90) ninety days the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this ordinance.

2. Land Division Requirements

(a) Maximum Width to Depth Ratio. No lot or parcel shall be created the depth of which exceeds four (4) times its width. The width to depth ratio requirements of this Section shall not apply to lots or parcels that have more than one-half (1/2) of their street frontage on a cul-de-sac. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the remainder of the lot. Such lots shall have a minimum lot width of forty (40) feet at the front property line.

For corner lots, the depth of the lot shall be measured along the longest front line that is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be that front lot line that is parallel or generally parallel to the public or private street right-of-way or easement and is the shorter of the two front lot lines. Where such lot lines are equal lengths, the Zoning Administrator shall determine the measurement of lot width to depth for purposes of this Section.

The Planning Commission may permit the division of a lot or parcel which does not comply with this provision provided that the following findings are made:

- (1) That the greater width to depth ratio is necessitated by conditions of the land that make compliance with this Section impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, or water bodies, or other similar condition.
- (2) That the division and use of such lot or parcel will not conflict with other federal, state, county, or Township ordinances or regulations, unless an appropriate variance or approval is granted as required or permitted by such ordinances or regulations.

(b) Access. Any land division shall front upon a public street meeting Newaygo County Road Commission standards and recognized by the Newaygo County Road Commission as a public Road or private road that has been approved by the Township Planning Commission meeting the requirements of the Township Zoning Ordinance for the minimum lot width required by the zone district in which the lot or parcel is located.

Any proposed points of ingress or egress to a lot or parcel created by the land division must meet the location and design standards of the County Road Commission, Brooks Township, State of Michigan, or other authority having jurisdiction over the roadway to which access is planned.

A lot or parcel created by a land division shall comply with all requirements of this ordinance and other applicable ordinances and regulations.

Any ingress or egress that provides access to two (2) or more parcels will be defined as a private road. Engineered drawings and site plans for all private roads must be reviewed and approved by the Planning Commission. Approved site plans for private roads must be submitted as part of the Land Division Application.

3. Voiding of Approval. Any Land Division approval granted under this ordinance shall be null and void unless the land division proposed has been recorded with the County Register of Deeds within ninety (90) days from the date of granting the approval.

The Zoning Administrator shall notify the applicant of any approved lot split that has not been recorded within ninety (90) days. Notification shall advise the applicant that approval for the lot split has been voided.

4. Penalties. Any person, corporation or the agent of any person or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this ordinance or any amendment thereof, shall be fined, upon conviction, not more than one hundred dollars (\$100), together with the cost of prosecution, or shall be punished by imprisonment in the County jail for not more than (90) ninety days for each offense, or may be both fined and imprisoned. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

- B. Subdivision Control Regulations. The review and approval of subdivisions involves a three (3) step process. The steps and local review parties include:

1. Pre-preliminary Review and Approval. Initial site plan review by the Planning Commission with a recommendation to the Township Board.
2. Preliminary Review and Approval. Detailed site plan review by the Planning Commission with a recommendation to the Township Board.
3. Final Plan Approval. Review and approval by the Township Board.

The above steps are described as follows:

1. Pre-preliminary Review and Approval:

- a) The subdivision application shall be processed under the site plan requirements of Article 17, provided, however, retailed construction (engineering) plans shall not be required for this step.
- b) Pre-preliminary review refers to the initial step of Township subdivision review and approval to determine the appropriateness of lot sizes, lot orientation, developmental density, ingress and egress, and neighborhood impact and consistency.

2. Preliminary Review and Approval:

- a) Preliminary review and approval refers to the submission of a site plan meeting the requirements of Article 17 with full engineering design detail and suitable for construction purposes.
- b) As a requirement of approval, the applicant shall provide evidence that other agency approvals have either been obtained or are not required. These agencies include:
 - 1. Newaygo County Road Commission.
 - 2. Newaygo County Health Department.
 - 3. Newaygo County Drain Commission.
 - 4. Newaygo County Soil Erosion and Sedimentation Control Office.
 - 5. Michigan Department of Transportation (if project is located or accesses a state roadway).
 - 6. Michigan Departments of Natural Resources and Environmental Quality (if project, or any aspect thereof, falls under the jurisdiction of these agencies).
- c) The applicant shall provide evidence that companies and/or agencies supplying energy, communication, and other such facilities and services have reviewed the proposed project plan and that the requirements of those companies and/or agencies have been incorporated as part of said plan.

3. Final Plan Approval:

Final plan approval refers to Township acceptance of the subdivision, as based on the approved design plans, and receipt and acceptance of “as-built” engineered construction plans. This step shall be the responsibility of the Township Board and does not require action by the Planning Commission.

- A. All subdivisions shall meet the requirements of the district in which it is located, including minimum lot size, minimum setbacks and minimum floor area.
- B. Subdivision roads shall:
 - 1. Be subject to site plan review and approval and processed as a component of the subdivision application.
 - 2. Be public and designed and constructed to the standards of the Newaygo County Road Commission.
- C. The Brooks Township Clerk shall be furnished with two (2) copies of all “as-built” drawings for review by the Township Engineer for compliance with all township

ordinances prior to issuance of any building permits. Fees for this review shall be established by the Township Board.

3.13b LANDFILL OR DUMP

Brooks Township is in a watershed that feeds several lakes and streams. Due to the fragile nature of this environment no commercial or governmental landfill or private dump shall be permitted. For purposes of this provision, the term "landfill" is defined as an area where solid waste, refuse, garbage, trash, or hazardous waste (as defined by the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, or the Federal Environmental Protection Agency), is deposited for the purpose of disposal. [Also refer to Township Junk Ordinance.]

3.13c LAND USES

The following land uses shall be classified within the Township:

- A. Permitted Use: Refers to a use permitted by right within a zone district. A permitted use reflects a land use identified as consistent with the range of uses provided for within an underlying zone district.
- B. Accessory Use: Refers to a use naturally and normally (historically and customarily) incidental and subordinate to a permitted use when located on the same premises as said permitted use.
- C. Special Use: Refers to a use generally consistent with the range of permitted uses provided for within an underlying zone district but requiring special review, a finding of consistency with the special use standards applicable thereto, and possible attachment of conditions to ensure full compatibility with the district.

3.13d LOT AREA AND WIDTH

All lots and parcels created after the effective date of this Ordinance shall meet the minimum lot area and lot width requirements of the district in which they are located. In the case of a waterfront lot, lot width shall be measured along the ordinary high water mark of the water body.

3.13e LOT WIDTH TO DEPTH RATIO

In all zoning districts, the depth of all lots created of record after the adoption of this Ordinance shall not exceed four (4) times the width of the lot. For purposes of this section, the measurement of lot width shall be taken along the front lot line located along a public street or other approved road. The measurement for depth, for purposes of this section, shall be taken from the front lot line to a point of the lot located farthest from the front lot line. The Planning Commission may permit, as a special land use, a lot with a depth greater than four (4) times the width of the lot, as measured in the manner stated above, if the Planning Commission determines that the area in which the lot is located is not suitable for future development because of the presence of wetlands or severe topography or if such lot or parcel is located in a flood plain.

3.14 M - GENERAL PROVISIONS

3.14a MOVING OF BUILDING

A. No existing building or structure of any type or kind shall be moved into the township or moved from one lot in the township to another lot in the township unless a permit is issued by the Building Inspector. All such buildings shall meet the construction code as adopted by the township. In considering such permit, the Building Inspector shall consider the following standards:

1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.
3. The requirements of this Ordinance.

3.15 N - GENERAL PROVISIONS (Reserved for future use)

3.16 O - GENERAL PROVISIONS (Reserved for future use)

3.17 P - GENERAL PROVISIONS

3.17a PERFORMANCE GUARANTEE

A performance guarantee may be required to ensure completion of project elements which have been identified on an approved site plan as public in orientation or which have been placed on said plan as conditions of approval. Such elements include, but are not limited to, landscape, fencing, buffers, lighting, sidewalks, signs, recreational areas and playgrounds, drainage structures, sanitary sewer and water facilities, parking areas, and the like. The performance guarantee shall be in an amount sufficient to cover the costs of designing, constructing, and installing the improvements, including administrative costs, covered by the guarantee. The performance guarantee shall be in the form of cash or other security acceptable to the township. The performance guarantee shall be placed with the township prior to receipt of a building permit. In the event items covered by the performance guarantee are not completed in the time frame required, the township may use said guarantee to complete said items. Any unused portion of the performance guarantee shall be returned to the applicant by the township. Similarly, as project elements are completed, the applicant may request a rebate of a portion of the performance guarantee commensurate with the items completed. The township shall return/rebate the performance guarantee based on a finding by the Zoning Administrator or building inspector that all work has been satisfactorily completed.

3.17b PERMITS - TEMPORARY

The period of time allowed for temporary permits will not exceed one year. The following temporary uses are permitted as regulated herein.

A. Mobile Homes: The Zoning Administrator may issue a permit for temporary occupancy or use of a mobile home constructed to 1976 HUD specifications (as amended) outside of an approved and licensed mobile home park under the following situations:

1. For use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm.

2. For use as temporary dwelling during the construction of a new permanent dwelling on the same parcel provided that a building permit has been issued for the permanent dwelling prior to the issuance of the temporary permit for the mobile home.
- B. The temporary dwelling permit shall not be issued unless the following requirements are met:
1. The mobile home must be located within one hundred feet (100 ft.) of the principal residential dwelling.
 2. The said temporary dwelling has a water system and septic tank system that meets the requirements of the Newaygo County Health Department. A certificate from said Department showing such compliance shall be filed with the Zoning Administrator before any use or occupancy is made of said mobile home.
 3. The temporary dwelling shall be placed on a cement slab or supported by cement piers or blocking to form a foundation for the frame. The temporary dwelling shall be anchored and skirted as approved by the building inspector.
 4. Required setback requirements must be complied with, and driveways and accessways serving the temporary dwelling shall be the same as that of the permanent dwelling.
- C. The fee to be paid for the issuance of a temporary dwelling permit shall be established by the Township Board.
- D. The temporary dwelling shall be removed within thirty (30) days of issuance of an occupancy permit for the permanent dwelling or at the time of permit expiration.
- E. The Zoning Administrator shall revoke the temporary permit at any time if the usage violates any of the requirements outlined in this Ordinance. If a permit is revoked, the unit must be vacated and removed from the property within thirty (30) days, or it constitutes a violation of the ordinance and is subject to the penalties outlined in this Ordinance.
- F. Temporary Storage of Signs and Supplies: The temporary storage of building supplies and machinery, temporary storage building, and customary trade, contractor, or architect's identification signs in connection with an on-site construction project may be authorized by the Zoning Administrator for a period up to twelve (12) months.
- G. Temporary Subdivision Office: A Mobile Home may be used as a sales and management office in a new subdivision. It shall be occupied during daylight hours only and shall not be used as sleeping quarters.
- H. Temporary Structure Removed: Temporary buildings for uses incidental to construction work shall be removed within thirty (30) days of completion or abandonment of work.
- I. Performance Guarantee: The township may require a non-interest bearing performance guarantee of five hundred dollars (\$500.00) as a condition that a temporary dwelling or structure will be removed as required by this Ordinance. The guarantee shall be submitted with the temporary permit application and permit fee. In the event the temporary structure is not removed within the time frame specified, the performance guarantee may be used to cover the cost of said removal, as well as storage and other applicable costs. Any unused

portion of the performance guarantee shall be returned to the applicant. An applicant complying with the full provisions of this Ordinance shall receive a return of the full guarantee amount.

3.17c PRINCIPAL USE

No lot may contain more than one principal building or use. Groups of apartments, commercial, or industrial buildings under single ownership shall be deemed a principal use collectively.

3.18 Q - GENERAL PROVISIONS (Reserved for future use)

3.19 R - GENERAL PROVISIONS

3.19a RAZING OF BUILDINGS

No building shall be razed until a building permit has been obtained. The Building Inspector shall be authorized to require a performance guarantee in any amount not to exceed one thousand dollars (\$1,000) for each one thousand square feet (1,000 sq.ft.) or fraction thereof of floor area of the building to be razed. Said guarantee shall be conditioned on the applicant completing the razing within six (6) months of permit issuance and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations, proper termination of utility connections, and other applicable building codes.

3.19b REQUIRED AREA OR SPACE

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

3.19c RESIDENTIAL USES IN COMMERCIAL DISTRICTS

A residential use or a combined residential-commercial use may be permitted in a commercial district as a special land use if a special land use permit is obtained from the Planning Commission under the terms of this Ordinance. If such a special land use is granted, all use (other than the residential use prohibition), dimension, sign and other applicable requirements of the commercial district shall apply to the residential use or the combined residential-commercial use.

3.19d ROADS - PRIVATE

A. Intent and Location Permitted: It is the intent of this Ordinance to permit the development of private roads as an alternative to public roads provided said private roads are properly designed, constructed, and maintained so as to accommodate the movement of vehicular traffic, including emergency vehicles, in a safe and efficient manner and to ensure that connection of private roads with public roads is accomplished according to the requirements of the agency having jurisdiction over said public roads.

Private roads are permitted in all zoning districts subject to the design, construction, and maintenance standards of this Ordinance.

- B. Level of Design and Construction: The minimum design and construction level of private roads shall be based on the number of lots and/or parcels to be served. Generally, as the number of said lots and/or parcels increases resulting in greater demands on the roadway, the design and construction requirements also increase. If the number of lots and/or parcels to be served by an existing private road increases, said road shall be upgraded throughout its entirety to comply with the requirements of this Ordinance. The upgrade shall be based on the number of new parcels to be created, plus all existing parcels to be served by the private road.
- C. Private Road Construction Permit Application and Approval: The owner shall submit an application for a private road permit, together with the application review fee, to the township clerk. The application package shall include:
1. A written description of the proposed development to be served;
 2. Detailed site plans and construction plans; and
 3. A detailed Maintenance Agreement describing how the costs of operation and maintenance will be handled. In the event said costs are to be apportioned and paid for by benefitting property owners, the Maintenance Agreement shall include a detailed description of the procedure for administering the same.
- The proposed private road shall meet the requirements for site plan review by the Township Planning Commission as found in this Ordinance, provided, however, private roads proposed for projects subject to final review and approval by the Township Board shall be subject to review and approval by said Board after receipt of a recommendation from the Planning Commission. In reviewing the application, the Planning Commission and the Township Board shall consider the impact of the proposed development on adjacent properties, whether the health, safety, and general welfare of persons or property using or affected by the private road will be adequately protected, and whether the private road will adversely affect the long-term development policies of Brooks Township. An architect, engineer, or other person will be consulted if deemed necessary. If the Planning Commission or the Township Board in the case of those projects subject to review and approval by said Board, recommends approval of the application, the Zoning Administrator shall issue a private road construction permit to the owner upon payment of the permit fee. No construction shall begin on the private road or on adjacent properties that depend on the private road for access until the private road construction permit has been issued. The owner shall notify the township at least 72 hours prior to initiation of construction of the private road. During construction, the owner shall allow the township to enter the property for purposes of reviewing construction progress for compliance with the approved site plan and construction drawings.
- D. Site Plans and Construction Plans: A site plan and construction plan showing the proposed location, adjacent properties, proposed street grades, drainage, and proposed improvements shall be prepared by a registered engineer or registered land surveyor and shall be submitted to the Zoning Administrator as part of the private road construction permit application and approval.
- E. Final Private Road Permit: Upon completion of construction, the applicant shall have his/her road design surveyor or engineer inspect the private road improvement to check compliance with the approved site plan and construction plan. The owner shall correct any deficiencies identified during either an interim or final review. Upon final review and approval of the completed private road improvement, the professional engineer or professional surveyor shall provide the township clerk with written certification that the road has been constructed according to the approved designed plans. The certification shall be signed by the engineer

or surveyor and shall contain the seal of same. After receipt of the construction certification, the township clerk shall issue a final private road permit to the owner. Zoning permits for construction on properties served by the private road shall not be issued until the final private road permit has been issued.

- F. Maintenance and Repair: Maintenance, repair, and liability for private roads shall be the responsibility of benefiting property owners with access to the private road and not the responsibility or liability of the township, township staff, or township consultants used by the township in the review and approval of private roads. The developer shall establish, by appropriate deed provisions, an association that shall be responsible for road maintenance and repair and that shall have the authority to apportion and collect the cost of maintenance and repair from benefiting property owners. A private road maintenance agreement shall be recorded at the office of the Register of Deeds. The recording shall be a separate recording from the deed, but the deed shall also have attached to it a copy of the private road maintenance agreement or otherwise give notice of the private road maintenance agreement. All property owners subject to payment for maintenance of the private road shall receive notice of the above maintenance agreement. Benefiting properties must be identified in the agreement and any change in benefiting properties must be reflected in a revised agreement.

**PRIVATE ROAD STANDARDS
BY NUMBER OF PARCELS**

Number of Parcels	Required Standards					
	R-O-W	Driving Surface Width	Height Clearance	Composition	Cul-de-Sac Required	Escrow Fee
2	66 feet	14 feet	12'	10 inch sand/gravel base with at least 6 inches of gravel	Yes [May be waived] ROW Radius - 50 feet Turning Radius - 28 feet	\$500
3 to 5	66 feet	16 feet	12'	10 inch sand/gravel base with at least 6 inches of gravel	Yes ROW Radius - 50 feet Turning Radius - 28 feet	\$500
6 or more	66 feet	NCRC	NCRC	NCRC	NCRC	\$1,000

* NCRC - Newaygo County Road Commission

- G. Design Standards for Roads Serving Two (2) Dwellings: Private roads serving two (2) dwellings shall meet the following design standards:

1. All private roads shall have a minimum sixty-six foot (66 ft.) wide right-of-way easement granted to the adjacent property owners.
2. Be constructed in a good and workmanlike manner upon and parallel to the centerline of the right-of-way easement granted to the adjacent property owners.

3. Be constructed so as to sufficiently control stormwater runoff and permit effective stormwater drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other effective methods.
4. Have a firmly compacted sand and gravel base of not less than ten inches (10 in.) in depth of which at least six inches (6 in.) in depth shall be only gravel.
5. Have a finished driving surface width of not less than fourteen feet (14 ft.) wide.
6. Be constructed over adequate culverts where necessary.
7. All cul-de-sacs must terminate with turnarounds having a right-of-way radius of fifty feet (50 ft.) and a finished driving surface turning radius of twenty-eight feet (28 ft.). The Planning Commission, or the Township Board if the approval body, may waive this provision provided the applicant demonstrates that an adequate means of turnaround may be achieved through the use of a connecting driveway serving the most interior parcel. Refer to Section 2.04 - CUL-DE-SAC [figure box].

H. Design Standards For Roads Serving Three (3) to Five (5) Dwellings: Private roads serving three (3) to five (5) dwellings shall meet the following design standards:

1. All private roads shall have a minimum sixty-six foot (66 ft.) wide right-of-way easement granted to the adjacent property owners.
2. Be constructed in a good and workmanlike manner upon and parallel to the centerline of the right-of-way easement granted to the adjacent property owners.
3. Be constructed so as to sufficiently control stormwater runoff and permit effective stormwater drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other effective methods.
4. Have a firmly compacted sand and gravel base of not less than ten inches (10 in.) in depth of which at least six inches (6 in.) in depth shall be only gravel.
5. Have a finished driving surface width of not less than sixteen feet (16 ft.) wide.
6. Be constructed over adequate culverts where necessary.
7. All cul-de-sacs must terminate with turnarounds having a right-of-way radius of fifty feet (50 ft.) and a finished driving surface turning radius of twenty-eight feet (28 ft.). Refer to Section 2.04 - CUL-DE-SAC [figure box].

I. Design Standards for Roads Serving More than Five Dwellings: Private roads serving more than five (5) dwellings shall meet the following design standards:

1. All private roads shall have a minimum sixty-six foot (66 ft.) wide right-of-way easement granted to the adjacent property owners.

2. The layout of private roads in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, street signs, horizontal curves, curb openings at intersecting streets, etc., shall conform to the most current Brooks Township Road Design Standards or the Newaygo County Road Commission Standards for Platted Streets in the absence of such township standards.
 3. The construction of the road shall conform to the Newaygo County Road Commission Subdivision (public road) Construction Standards.
 4. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes and grades shall be determined using the appropriate storm runoff calculations formula. Materials for culverts shall also conform to their requirements.
 5. All cul-de-sacs must terminate with turnarounds having a right-of-way radius of fifty feet (50 ft.) and a turning radius of twenty-eight feet (28 ft.). Refer to Section 2.04 - CUL-DE-SAC [figure box].
- J. Additional Dwellings Served: A private road serving five (5) or less dwellings and approved pursuant to this Ordinance, which is subsequently intended to serve more than five (5) dwellings, shall meet the design standards specified in this Ordinance, for the entire private road and shall follow the procedures outlined in this Ordinance.
- K. Maximum Roadway Length: In no case shall the length of a private road exceed two thousand feet (2,000 ft.) unless secondary, intersecting, roads connect to the private road at intervals of no less than two thousand feet (2,000 ft.). Secondary roads may be public or private and shall be of comparable or better condition than the private road under application. Secondary roads shall provide an alternate means of access to the local public road system.
- L. Easement Provisions: Throughout its length, the right-of-way for private roads shall contain easement provisions for the above ground and below ground placement of (essential service) utility and energy lines and mains.
- M. Roadway Location Adjustment: The Planning Commission may permit adjustments in the required placement of the improved portion of a road within a roadway easement if said placement would result in the protection of mature trees, water bodies, or other natural features and would not pose a threat to the health, safety, or welfare of adjoining property owners.
- N. Escrow Fee Policy: In addition to the private road application permit fee, the applicant shall post a non-interest bearing escrow fee of five hundred dollars (\$500.00) for private roads serving less than five (5) parcels, and one thousand dollars (\$1,000.00) for private roads serving five (5) or more parcels. The escrow fee shall be used by the township to pay for costs associated with the use of professional consultants (e.g., attorney, engineer, planner, etc.) in the review and approval of the private road application and subsequent inspections and administrative costs. Unused portions of the escrow fee shall be returned to the applicant including an itemized listing of consulting fees. No portion of the escrow fee shall be used to cover the costs of township personnel. In the event the initial escrow fee is not sufficient to cover the costs as detailed above, the applicant, after notice by the township, shall post the necessary funds to bring the fee to its original amount.

3.20 S - GENERAL PROVISIONS

3.20a SANITARY SEWERS, SEPTIC SYSTEMS, AND WATER

Where municipal utility services are available, no Zoning Permit shall be issued for any building to be occupied by human beings, in whole or in part, for commercial, residential, or recreational purposes unless public sewer and/or water service is installed to such buildings. In the absence of public sewer and/or water, no Zoning Permit shall be issued unless adequate provision has been made for a safe water supply and sewage disposal system. Outhouses, privies, or pit toilets shall not be allowed in Brooks Township. Evidence of compliance with the requirements of the Newaygo County Health Department shall accompany the application for a Zoning Permit. Disposal systems or lagoons for large-scale developments are permitted when approved by the County Health Department provided that no lagoon or other treatment facility may be nearer than one thousand feet (1,000 ft.) to any adjoining street or property line.

3.20b SATELLITE DISH AND ANTENNA

- A. Except as noted below, no satellite dish or other antenna shall be located in a front yard. A satellite dish or antenna shall meet the required setback requirements for accessory structures. Roof mounted dishes shall not project beyond the roof peak in excess of three feet (3 ft.).
- B. Based on bonafide evidence from qualified personnel that placement of a satellite dish or antenna as required above will prevent adequate reception (e.g.; reception comparable to those in the township meeting the above standards), the Zoning Administrator may permit deviations from said standards. Any deviation shall be the minimum required to obtain proper reception. In approving a deviation, the Zoning Administrator may require that a landscape screen be installed around the base of the dish or antenna to obstruct the view of said dish or antenna from adjoining properties or from the street.
- C. Satellite dishes of one (1) meter (39.37 inches) or less in diameter shall be exempt from the above standards.

3.20c SITE CONDOMINIUMS

Pursuant to the authority of Section 141 of the Condominium Act, Public Act 59 of 1978, as amended, all site condominium subdivisions shall meet the following requirements and procedures.

- A. All site condominium subdivisions shall meet the requirements of Public Act 59 of 1978, as amended, and shall be processed consistent with the pre-preliminary, preliminary, and final review and approval procedures and required information detailed for Land Divisions and Subdivisions under Section 3.13 - LAND DIVISIONS AND SUBDIVISIONS.
- B. The Brooks Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Brooks

Township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision and that all private roads will be properly maintained, that snow removal will be provided and that there is adequate access and turnaround for emergency vehicles. Responsibility for maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas must be clearly stated.

3.20d SOLAR PANELS

Freestanding solar panels shall be considered an accessory structure and shall meet all front, side, and rear yard requirements specified for such structures. Roof panels shall not exceed the height of the structure.

3.20e STORAGE OR PARKING OF COMMERCIAL VEHICLES OR SEMI-TRACTOR TRUCKS IN RESIDENTIAL DISTRICTS

In residential districts, the parking or storage of commercial vehicles exceeding one and one-half (1-1/2) tons, for a period of more than three (3) consecutive days is prohibited. On a lot or parcel in residential districts, the parking or storage of a commercial vehicle exceeding a capacity of one and one-half (1-1/2) tons for a period of more than three (3) consecutive days is prohibited unless said vehicle is parked thereon while in use for construction being conducted on such lot or parcel. Pursuant to this provision, multiple vehicles exceeding the above capacity may be parked on a lot or parcel while in use for the construction being conducted on such lot or parcel.

3.20f SURETY BOND (see Section 3.17 - PERFORMANCE GUARANTEE)

3.20g SWIMMING POOLS - PRIVATE

Private swimming pools are permitted in all districts, provided the swimming pool:

- A. Is maintained in a clean and healthful condition in accordance with County health requirements.
- B. Is not emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or street.
- C. Is completely enclosed with a permanent substantial fence and gates at least four feet (4 ft.) in height above the ground level. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the possessor or by his permission.
- D. Is not closer than ten feet (10 ft.) to any side or rear lot line, and no part of any pool shall be constructed within the required front or side yard.
- E. Will not be located within a reserved septic drain field area.

3.21 T - GENERAL PROVISIONS

3.21a TREE PROTECTION

All parcels requiring site plan review will be reviewed for tree protection. Protection of trees shall have a priority over other development issues depending upon soil quality, habitat quality, tree species, tree size, and tree density.

3.22 U - GENERAL PROVISIONS

3.22a UNWHOLESOME SUBSTANCES AND WORKING AND STORAGE SURFACE FOR CERTAIN OPERATIONS TO PREVENT ENVIRONMENTAL DAMAGE

A. No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped or accumulated by any person in any body of water or on or under any land, private or public, in the township, unless such place has been designated as a public dumping ground by the township, or unless such substance is housed in a completely enclosed building and in a safe and sanitary manner. For purposes of this Section only, the term “unwholesome” shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, nite soil, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, filth, used tires, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public. Refer to the Brooks Township Junk Ordinance and also refer to the Brooks Township Hazardous Materials Charge Ordinance. For purposes of this Section only, the term “automobile body” shall be defined to mean any vehicle which 1) is unable to be driven upon a street under its own power and/or, 2) which lacks all of the necessary component parts to make it operable and serviceable as a vehicle. For purposes of this Section only, the term “trailer body” shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of the necessary component parts to make it operative and serviceable as a trailer to be pulled as such on a street. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers or other soil conditioners as part of a farm operation.

No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Newaygo County Health Department.

No boxes, barrels, waste wood, lumber, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat or rodent harborage.

B. For any junkyard, scrap yard, salvage operation, automobile or vehicle repair or overhaul operation or similar business which utilizes an area exceeding one-fourth (1/4) acres, all areas (indoors and outdoors) used for junk, scrap or materials storage and/or repair, salvage or overhauling operations shall be paved with a layer of concrete at least four (4) inches thick or asphalt at least one and one-half (1 ½) inches thick. No chemicals or potentially

hazardous substances from such operations shall be disposed of on-site or leaked or deposited onto or into the soil or ground. Such hard surface shall be repaired and maintained such that leakage into the soil shall not occur. The above requirements do not preclude compliance with applicable state and federal environmental regulations and other such regulations.

3.22b USES NOT DESIGNATED (see Section 1.05 - USES NOT LISTED)

3.23 V - GENERAL PROVISIONS (Reserved for future use)

3.24 W - GENERAL PROVISIONS

3.24a WATERFRONT LOTS

All front yards must face upon a street, excepting front yards which are located in the Lakefront Overlay and the River and Tributary Overlay Districts, wherein the portion of the lot having water frontage will be called the waterfront yard and the portion facing the street will be called the streetfront yard. In such case, no accessory building is permitted within twenty-five feet (25 ft.) of the right-of-way or within fifty feet (50 ft.) of the ordinary high water mark, and side yard requirements shall be met. Accessory buildings may be allowed in front yards in accordance with the Lakefront Overlay and the River and Tributary Overlay District requirements.

3.25 X - GENERAL PROVISIONS (Reserved for future use)

3.26 Y - GENERAL PROVISIONS

3.26a YARD

Every lot must provide front, rear, and side yards as required within its zoning district. In the case of double front lots or lots having an irregular shape where the yards are not easily determined, the Zoning Administrator shall have the authority to designate the respective areas to be considered front, side, and rear yards.

3.26b YARD SALES

Property owners or residents are allowed to conduct two yard sales a year of not longer than three days each.

3.27 Z - GENERAL PROVISIONS

3.27a ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF

No structure, land, or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended, or altered except in conformity with the

regulations herein set forth. All parcels created after the effective date of this Ordinance shall meet the minimum requirements of the underlying zone district.

Classifications of Districts

4.01 ZONING DISTRICTS

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

R-1	Low Density Single-Family Residential
R-2	Medium Density Single-Family Residential
R-3	High Density Residential
MHP	Mobile Home Park
LO	Lakefront Overlay
RTO	River and Tributary Overlay
C-1	Commercial Business
I-1	Industrial

4.02 PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance, the zoning districts, as provided herein, are bound and defined as shown on a map entitled "Official Zoning Map of Brooks Township." The "Official Zoning Map of Brooks Township" delineating the above districts is hereby declared to be a part of this Ordinance. The district boundary lines follow lot lines, plat boundary lines, section lines, fractional section lines, or center lines of highways, streets, or alleys as they existed at the time of the adoption of this Ordinance. In those areas where district boundary lines do not follow the aforementioned lines, highways, streets, or alleys or when there is discrepancy regarding the determination of said district lines by map measurement, the Zoning Board of Appeals shall make the determination of boundaries.

4.03 IDENTIFICATION OF OFFICIAL ZONING MAP

The "Official Zoning Map of Brooks Township" shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the seal of the township under the following words: "This is to certify that this is the official zoning map referred to in the Brooks Township Zoning Ordinance adopted 1998," together with the effective date of this Ordinance.

4.04 CHANGES TO OFFICIAL ZONING MAP

If, in accordance with the procedures of this Ordinance and of Act 184 of the Public Acts of 1943, as amended, a change is made in a zoning district boundary, such change shall be entered on the official zoning map promptly after the ordinance authorizing such change shall have been adopted and published, with an entry on the official zoning map as follows: "On (date) by official action of the Township Board, the following change(s) were made in the official zoning map:" (brief description of change) which entry shall be signed by the township supervisor and

attested by the township clerk. No change in the "Official Zoning Map of Brooks Township" of any other nature shall be made unless authorized by the Township Board. No change of any nature shall be made in the official zoning map or matter shown thereon except in conformity with procedures set forth by law. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law. Any changes in corporate boundaries within the township shall be recorded on the official zoning map by the township supervisor, with their signature and date and attestation by the township clerk attached thereto.

4.05 AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the "Official Zoning Map of Brooks Township," which shall be located in the Township Hall and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the township.

4.06 REPLACEMENT OF OFFICIAL ZONING MAP

- A. In the event that the "Official Zoning Map of Brooks Township" becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the zoning ordinance or the prior official zoning map. The new official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the seal of the township under the following words: "This is to certify that this is the official zoning map referred to in the Brooks Township Zoning Ordinance, adopted on (date), which replaces and supersedes the official zoning map which was adopted on (date)."
- B. Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

4.07 LOT DIVIDED BY ZONING DISTRICT LINE

Where a district boundary line of the Zoning Map divides a lot such that the location of the line is not discernible through measurement via use of the map scale, the Zoning Administrator shall be responsible for interpreting the actual location of the respective zoning district boundaries.

4.08

SUMMARY OF DISTRICT SIZE AND SETBACK STANDARDS

BROOKS TOWNSHIP DISTRICT REGULATIONS

Zone	Zoning District	Minimum Lot Area ⁱ	Minimum Lot Width	Lot Depth to Lot Width Ratio	Setbacks ⁱⁱ			Maximum Building Height	Maximum Lot Cover
					Principal & Accessory Structures ⁱⁱⁱ				
					Front	Side (both/least)	Rear		
	Low Density Residential	5 acres	330 ft	4:1	25 ft	60/30 ft	30 ft	35 ft	30%
R-2	Medium Density Residential	2 acres	200 ft	4:1	25 ft	40/15 ft	25 ft	35 ft	30%
R-3	High Density Residential	1 acre	150 ft	4:1	25 ft	30/15 ft	25 ft	35 ft	35%
MHP	Mobile Home Park	10 acres	300 ft	[State law requirements]					
LO	Lakefront Overlay								
	Waterfront	15,000 sq.ft. (w/sewer) ^{iv} 18,000 sq.ft. (w/o sewer) ^v	100 ft	4:1	50 ft (water) ^{vi}	40/15 ft	25 ft (street) ^{vii}	35 ft	35%
	Non-waterfront	15,000 sq.ft. (w/sewer) 18,000 sq.ft. (w/o sewer)	150 ft	4:1	25 ft	40/15 ft	25 ft	35 ft	35%

River and Tributary Overlay									
	Waterfront	2.5 acres	250 ft	4:1	100 ft (water)	60/30 ft	25 ft (street)	35 ft	35%
	Non-waterfront	2.5 acres	250 ft	4:1	25 ft	60/30 ft	25 ft	35 ft	35%
Commercial Business	1 acre	100 ft	4:1	75 ft	60/30 ft 40 ft (res.) ^{viii}	50 ft 75 ft (res.)	35 ft	50%	
	Industrial	1 acre	100 ft	4:1	75 ft	60/30 ft 100 ft (res.)	50 ft 75 ft (res.)	35 ft	50%

- NOTES:**
- i. Unless otherwise provided, each dwelling unit must have the minimum lot area requirements of this table
 - ii. For lots abutting a water body, set back shall be measured from the water's edge.
 - iii. Fence Structures shall be regulated by Section 18.01
 - iv. w/sewer: Those parcels with sanitary sewer
 - v. w/o sewer: Those parcels without sanitary sewer
 - vi. water: For Waterfront lots the yard abutting the water's edge is always the front yard.
 - vii. street: For Waterfront lots the yard abutting a public or private road, street, or right-of-way is always the rear yard.
 - viii. res: The yard abutting a residential use

4.09 SUMMARY OF DISTRICT LAND USES

BROOKS TOWNSHIP DISTRICT LAND USES									
LAND USE TYPES: Permitted – P Accessory - (See Sections 2.02 & 3.13) Special – S	DISTRICTS								
	R-1		R-3	MHP	LO	RTO	C-1		
1. Single-family dwellings	P	P	P	P	P	P	S		
2. State licensed residential day care or foster care facilities (6 or less persons)	P	P	P	P	P	P			
3. State licensed residential day care or foster care facilities (7 or more persons)	S	S	S	S	S	S			
4. Child and family day care centers (6 or less persons)	P	P	P	P	P	P			
5. Child and family day care centers (7 or more persons)	S	S	S	S	S	S			
6. Mobile home park, mobile home subdivision/condominium				P					
7. Single-family subdivision/site condominium (detached units)	S	S	S	S	S	S			
8. Duplex/two-family	S	S	P		S	S			

9. Multiple-family, townhouses, condominiums (attached)		S	P					
10. Nursing homes, convalescent homes, homes for the aged	S	S	S	S	S	S		
11. Hotels and motels							P	S
12. Rooming/boarding houses	S	S	S	S				
13. Bed and breakfasts	S	S	S	S	S	S		
14. General Merchandise Stores: department store, variety store							P	
15. Food Stores: grocery, seafood or meat market, dairy market, fruit or vegetable market, retail bakery, candy/nut/confectionary							P	
16. Men/Women/Children Apparel and Clothing Accessory Stores							P	
17. Furniture/Home Furnishing Stores							P	
18. Appliance/Electronics Stores: Household appliance store, radio/television/consumer electronics store, music store							P	
19. Other Retail: drug store, optical goods shop, camera/photographic supply store, luggage/leather goods shop, sporting goods store, bicycle goods store, jewelry store, sewing/needlework/piece goods shop, hobby/toy/game shop, gift/novelty/souvenir shop, stationary store, florist, tobacconist, liquor store, newsstand, and retail outlets of a similar character (not including adult stores)							P	S
20. Retail often involving the following: outdoor displays including sale of new and used vehicles, recreational vehicle sales, mobile home sales, boat sales, motorcycle sales, truck sales, lumber yards, greenhouses and garden products, farm implement sales, building supplies, and similar retail facilities (service of vehicles and equipment shall be permitted as an accessory activity for the above uses provided as service shall be conducted in a fully enclosed building)							S	S
21. Auto and truck repair shop, tire/battery shop, gasoline service station, instant oil change, auto wash (when completely or partially enclosed within a building)							S	P
22. Eating and drinking establishments (except those with drive-thru service)							P	P
23. Eating and drinking establishments with drive-thru service							S	S
24. Finance, bank, insurance, real estate establishments							P	
	R-1		R-3	MHP	LO	RTO	C-1	
25. Personal Services: tanning salon, nail salon, hair salon, spa, and fitness club							P	
26. Business Services: advertising agency, employment agency, travel service, computer and data programming, photocopy and duplication service, security system service, tax return service, and furniture repair							P	
27. Laundry, cleaning, and garment service							P	
28. Shoe repair, jewelry repair, and clothing alteration							P	
29. Photographic studio							P	
30. Funeral home							P	
31. Professional Design and Financial Services: engineering, accounting, management, electrical, surveying, architecture, planning, and related services							P	S
32. Movie theater (except drive-in movie theaters)							P	
33. Video rental store							P	
34. Bus passenger station and bus storage building							P	P
35. Medical and Legal Services: doctor, dentist, lawyer, chiropractor, optometrist, or other professional related services							P	

36. Business Offices: corporate/executive/administrative/sales								P	P
37. Government Offices: municipal/state/federal or other governmental and related services								P	P
38. Home occupations	P	P	P	P	P	P			
39. Campgrounds/RV camps	S	S							
40. Essential services (without storage buildings or storage yards)	P	P	P	P	P	P	P	P	P
41. Essential services (with storage buildings or storage yards)	S	S	S	S	S	S	S	S	P
42. Radio, Television and similar communication facilities (see also Towers under General Provisions - Article 3)								P	P
43. Communication Towers								P	P
44. Agricultural farms (no animals or fowl or the keeping of pens or runs)	P	P	P						
45. Livestock farms and Animal feed lots	S	S							
46. Gravel Pits/Mineral Extraction	S	S	S					S	S
47. Roadside stands for the sale of produce grown on site	P	P			P	P			
48. Golf courses	S	S							
49. Public or private schools, churches, hospitals, and other public or private institutions	S	S			S	S	S		
50. Sport Shooting Ranges/Clubs	S								
51. Public/Private Recreational Parks, Playgrounds, Clubs	P	S	S	S	S	S			
52. Adult entertainment uses									P
53. Large appliance repair, equipment rental/leasing, machinery repair, welding repair, tool and die shops, and machine shops									P
	R-1		R-3	MHP	LO	RTO	C-1		
54. Recreational/Amusement Establishments: member sports/recreation club, bowling center, dance studio/school, golf course/establishment, race track, amusement park, coin operated amusement facility								S	
55. Museum and art gallery								S	
56. Extermination/pest control								S	P
57. Veterinary clinic and animal hospital								S	P
58. Kennel (in association with animal hospitals)								S	P
59. Commercial kennel								S	S
60. Plumbing, heating and electrical shops									P
61. Sign painting/servicing shops									P
62. Bank/financial establishments								P	S
63. Commercial printing, publishing, and lithography								S	P
64. Mini-warehouse and self-storage								S	P
65. Commercial warehousing and packaging									P

66. Construction debris landfill (Type III)									S
67. Other uses similar to the above as identified for the individual districts. Similar uses shall be subject to review and approval of the Planning Commission. In no case shall the Planning Commission find a use to be similar which does not meet the intent and character of the uses of the underlying district.	S	S	S	S	S	S	S	S	S

Low Density (R-1) Residential District

5.01 DESCRIPTION AND PURPOSE

This district is intended to conserve and protect rural township lands for single-family dwellings in low density, rural, natural settings. Most of the R-1 area is not anticipated to experience the availability of public sewer, public water, adequate system of internal all-season roads, and other public infrastructure elements for many years. Accordingly, development of a low density nature is important pursuant to the protection of ground water resources and existing roadways and to ensure that the pace of development is consistent with the capacity of the township to serve development demands.

5.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

5.03 ACCESSORY USES

Uses customarily and historically accessory to permitted and special uses shall be permitted.

5.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

5.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

Medium Density (R-2) Residential District

6.01 DESCRIPTION AND PURPOSE

This District is intended primarily for single-family residential dwellings in a rural setting on lands where urban utilities and services are planned in the future. Accordingly, the density of development and range of uses is increased over that of the R-1 Residential District.

6.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

6.03 ACCESSORY USES

Uses customarily and historically accessory to permitted and special uses shall be permitted.

6.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

6.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

High Density (R-3) Residential District

7.01 DESCRIPTION AND PURPOSE

This District is intended for single-family and multiple-family dwellings in an urban setting on lands where public utilities and services exist, or have the likelihood to occur in the near future. The density of development and the range of uses exceeds both those of the R-1 and R-2 Residential Districts.

7.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

7.03 ACCESSORY USES

Refer to Section 4.09 - Summary of District Land Uses.

7.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

7.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

Mobile Home Park (MHP) District

8.01 DESCRIPTION AND PURPOSE

- A. This district is intended for mobile home parks in those areas suited for residential development and which are capable of being served by public sewers. Licensed mobile home parks may be permitted in the Mobile Home Park (MHP) District where access to the proposed park is on a paved county or state roadway. Such use shall be approved only after the Planning Commission has reviewed the Site Development Plan in relation to the land use studies, the Brooks Township Comprehensive Development Plan, and present or potential Service Areas, to ascertain that the proposed arrangement will not produce hazards or undue congestion and will provide the greatest amount of convenience for future residents.
- B. Mobile homes must be properly electrically grounded and sufficiently anchored to a reinforced concrete slab of not less than six inches at the weight-bearing portion. The slab shall be the same square footage of the mobile home; or two runners of 24 inches by 12 inches the full length of the mobile home; under the frame. The wheels, axles, and pulling device (tongue) removed. The base of the mobile home shall be enclosed with concrete blocks, bricks, or treated timber. Mobile homes using runners or pilings shall put in footings for the foundation of the blocks, bricks, or siding used for the skirting. A frost wall shall be placed around the weight-bearing perimeter in compliance with the Brooks Township Building Code. A storage area of ten percent (10%) of the mobile home shall be erected or a basement provided. Any mobile home being placed or relocated in Brooks Township shall also meet the following standards:
1. A mobile home must first meet or exceed the terms and provisions of the Mobile Home Commission Rules promulgated by the Michigan Department of Commerce pursuant to the Mobile Home Commission Act (Act 96 of 1987), including any and all amendments thereto.
 2. A mobile home must first meet or exceed the terms and provisions of the Mobile Home Commission Rules aforementioned, including any and all amendments thereto, as they relate to installation procedures and requirements, and as they relate to the proper installation of utilities.
 3. A mobile home must first meet or exceed the terms and provisions of the National Manufactured Housing Construction and Safety Standards Act, and the Manufactured Home Construction and Safety Standards promulgated thereunder.

8.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

8.03 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

8.04 DEVELOPMENT STANDARDS

All of the following design standards shall be complied with:

- A. There shall be a fifty foot (50 ft.) front yard and a fifty foot (50 ft.) unoccupied landscaped area around the entire park which shall be regularly maintained.
- B. At least ten percent of the total park area shall be devoted to a landscaped park for the use of residents of the park.
- C. Public sewer and water facilities, where available, or sewer and water services approved by the Newaygo County and State Health Departments, shall be provided to each mobile home site.
- D. Each site shall face upon an internal street having a width of at least twenty feet (20 ft.) and surfaced in a manner approved by the County Road Commission. The Mobile Home Park shall have two paved accesses to a major street and shall not have access or egress on any minor residential street.
- E. No drive or accessory structure on a site may be closer than five feet (5 ft.) to the side line of a site. There shall be provided at least two off-street parking spaces for each mobile home site.
- F. Required off-street parking may be located in bays off the internal streets and shall have a durable, dustless surface.
- G. No site shall contain less than three thousand five hundred square feet (3,500 sq.ft.) and at least one-third of the sites shall contain four thousand square feet (4,000 sq.ft.).
- H. The mobile home park shall conform to all state regulations; where the provisions of this Ordinance represent increases of the minimum standards of State Act 243, P.A. of 1959, as amended, the provisions of this Ordinance shall be met. A Zoning Permit shall not be issued until the Site Plan showing all sites and improvements have been approved by the Planning Commission.
- I. Mobile Home Parks may be licensed and permitted in the MHP District under conditions specified below. The Board shall not grant a license for such proposed use prior to the Planning Commission's report on a Site Development Plan and the following:
 - 1. Mobile home park densities shall not exceed eight units per acre.
 - 2. All areas within fifty feet (50 ft.) of a public right-of way, with the exception of entry and exit drives, shall be landscaped and maintained with grass and shrubs and/or trees as approved by the Planning Commission.
 - 3. All parking areas and refuse disposal containers shall be screened from view by appropriate evergreen landscaping and/or fencing as approved by the Planning Commission.
 - 4. Approved sewer and water shall be provided. Private sewer and water systems may be used if approved by the township and all necessary county and state authorities.

5. All interior driveways shall have at least twenty-two feet (22 ft.) of pavement width and shall meet the standards described in Section 3.19 - Roads - Private and the Newaygo County Road Standards.
6. Compliance with the standards of this Ordinance.

8.05 MOBILE HOME PLATS AND CONDOMINIUMS

Mobile Home Plats and Condominiums may be permitted in the MHP District provided that such designation appears in the name or entitlement of the plat, the area of the plat is not less than ten (10) acres, and complies in all other respects with MHP Zoning District and this Ordinance. No mobile home may be situated closer than one hundred feet (100 ft.) from the plat boundary. A Zoning Permit shall not be issued until the Site Plan showing all sites and improvements have been referred to the Planning Commission.

Lakefront Overlay (LO) District

9.01 DESCRIPTION AND PURPOSE

In order to preserve the quality of water resources and prevent deterioration, all land within five hundred feet (500 ft.) of the water's edge, unless a high water mark has been established, of all of the township's lakes shall comprise the Lakefront Overlay Zoning district. This District is designed to permit the safe and healthful development of land customarily associated with waterfront development and is intended for single-family dwellings. These regulations are drawn to avoid contamination or destruction of lakes. Only the following uses are permitted:

9.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

9.03 ACCESSORY USES

Uses customarily and historically accessory to permitted and special uses shall be permitted. In addition, the following uses and their accompanying standards shall also be permitted:

- A. Pump House: Provided it does not exceed an area of nine square feet (9 sq. ft.) and three feet (3 ft.) in height.
- B. Uncovered Chair Lift: Provided it does not extend more than five feet (5 ft.) into the water.

9.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

9.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

9.06 DEVELOPMENT STANDARDS

A. Natural Vegetative Strip for Lakes:

1. A minimum strip, at least twenty five feet (25') in width, as measured from the water's edge or ordinary high water mark (if established), shall be maintained in its natural vegetative state. Existing trees and shrubs within twenty-five feet (25 ft.) of the water's edge, or high water mark if established, must be left undisturbed, except for permitted clearing of dead or noxious plants or as otherwise permitted in this section. Vegetation that is used for replacement must be equally effective in retarding runoff , preventing erosion, and preserving natural beauty.
2. No fertilizer or other chemicals affecting the natural vegetation may be applied within the Natural Vegetative Strip.
3. Within the Natural Vegetative Strip (hereafter "Strip"), a space of no more than ten feet (10') in width may be selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the water, with approval of the Zoning Administrator. Any walkway constructed inside the Strip shall be on the land side and may be oriented perpendicular or parallel to the water line. Because the intent of the Strip is water quality protection, porous materials such as wood chips or gravel shall be used.
4. The Zoning Administrator may allow limited clearing of the Strip, only when required for construction of an permitted building or structure outside of the Strip, provided the land cleared is returned to a vegetative state which is the same quality or greater and extent as that which existed prior to the clearing. The replacement vegetation must be equally effective in retarding runoff, preventing erosion and preserving the natural beauty.
5. Individual trees within the Strip may be removed which are in danger of falling, causing damage to dwellings or other structures or causing blockage of the shoreline.
6. The Strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste or garbage or for any other use not otherwise authorized by this ordinance.

B. Stairs and Steps on Embankments: Stairs, walkways, decks, and steps on embankments having a grade exceeding 12 percent must be constructed above grade. Steps may not be embedded into the ground surface. Height and area requirements apply to all areas within five hundred feet (500 ft.) of the ordinary high water mark.

C. Alteration of Ground Cover: No Zoning Permit for any construction, or authorization for any grading, lot, or subdivision in preparation, shall be granted until it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Newaygo County Drain Commission. Particular care shall be taken to provide protective measures to control erosion of raw earth over the winter months if not seeded and mulched by September 15th.

- D. Land Cover Restriction: Within twenty-five feet (25 ft.) of the water's edge, or the ordinary high water mark if established, no land area shall be covered by impervious surfaces, including structures and paving.
- E. Drainage: Natural drainage courses shall be protected from grading activity.
- F. Groundwater: Where known, groundwater flow patterns shall not be interrupted.
- G. Slopes: Slopes created by the grading of the site should generally not exceed a slope ratio of one foot (1 ft.) of vertical slope to three feet (3 ft.) of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
- H. DNR Determination of 100-Year Floodplain: Building and Zoning Compliance Permits within the established 100-Year Floodplain, as determined by the DNR, are contingent upon DNR approval. No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Environmental Quality (MDEQ) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the site plan review procedures provided for in this ordinance, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDEQ when it is apparent from the "Zoning Map" that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this section has been documented.
- I. Location of Septic Tank Drain Fields: No septic tank drainage system consisting of a dry well or drain field shall be located:
1. Nearer than one hundred feet (100 ft.) from the ordinary high water mark, and shall conform to all regulations of the Newaygo County Health Department in placement and design. Refer to Article 21.03(D).
 2. The invert of the drain field and septic system shall not be located below the elevation of the ordinary high watermark.
- J. Riparian Access (Key-Hole): The following restrictions are intended to limit the number of users of lake frontage in order to preserve the quality of recreational use of all waters within the Township.
1. Any riparian property for access to the water's edge is restricted to that of the property owner, except as may be otherwise permitted in this section.
 2. In the LO District there shall be at least one hundred feet (100') of lake frontage as measured along the ordinary high water mark of the lake, and eighteen thousand square feet (18,000sf) of lot area for each single family dwelling utilizing or accessing the lake frontage.
 3. No portion of the lot frontage shall contain any wetlands, as defined by the Michigan Department of Environmental Quality, and no lot shall have any wetlands altered, drained or filled so as to accommodate access or increase its frontage.

4. No canal or channel shall be excavated for the purpose of increasing the lot frontage required by this section.
5. The lot shall not contain any other principal building or use or accessory use, except as may otherwise be permitted by this ordinance for docks or boat launching facilities.
6. The restrictions of this section shall apply to all lots and parcels on or abutting any lake in this District, regardless of whether access to the lake shall be by easement, park, common-fee ownership, single fee ownership, condominium arrangement, license or lease.
7. The provisions shall not apply to locations designated as public or locations which may be zoned to accommodate higher intensity use of the water resource.

9.07 RESTRICTIONS

- A. The temporary use of trailers, mobile homes, campers, buses, or other recreational vehicles and tents shall not be permitted unless expressly permitted by this Ordinance for temporary purposes. Refer to Section 3.04 - Camping - Temporary.
- B. Except for locations designated as public or locations which may be zoned to accommodate higher intensity use of the water resource, any riparian property for access to the water's edge is restricted to that of the property owner. Parcels used to accommodate multiple units or as keyhole access shall possess a lot area of eighteen thousand (18,000) square feet and a lot width of one hundred (100) feet for each unit located on said parcel or accessing said parcel.

River and Tributary Overlay (RTO) District

10.01 DESCRIPTION AND PURPOSE

In order to preserve the quality of water resources and prevent deterioration, all land within five hundred feet (500 ft.) of the water's edge, unless a high water mark has been established, of all of the township's rivers and streams shall comprise the River and Tributary Overlay Zoning district. The purpose of this section is to protect water quality, to keep nutrients from entering rivers and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, to slow the rate of storm water runoff, to reduce erosion and sedimentation, and to preserve the aesthetic and scenic values of the watershed environment.

10.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

10.03 ACCESSORY USES

Uses customarily and historically accessory to permitted and special uses shall be permitted. In addition, the following uses and their accompanying standards shall also be permitted:

- A. Pump House: Provided it does not exceed an area of nine square feet (9 sq. ft.) and three feet (3 ft.) in height.
- B. Uncovered Chair Lift: Provided it does not extend more than five feet (5 ft.) into the water.
- C. Uncovered Private Dock: Provided it is no larger than four feet by twenty feet (4 ft. x 20 ft.). It shall not extend into the stream, other than on the Muskegon River, where docks may extend five feet (5 ft.) into the water.

10.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

10.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

10.06 DEVELOPMENT STANDARDS

A. Natural Vegetative Strip:

1. A minimum strip at least thirty five (35') feet in width as measured from the water's edge or ordinary high water mark (if established) shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants or as otherwise permitted in this section. Vegetation replaced will be equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
2. No fertilizer or other chemicals affecting the natural vegetation may be applied within the Natural Vegetative Strip.
3. Within the Natural vegetative strip a space of no greater than ten (10') feet in width may be selectively trimmed and pruned to allow for the placement of walkways and/or for a view of the waterway, with the approval of the Zoning Administrator. Any walkway constructed inside the vegetative strip shall be on the land side and may be oriented perpendicular or parallel to the water line. Because the intent of the Natural Vegetative Strip is water quality protection, porous materials such as wood chips or gravel shall be used.
4. The Zoning Administrator may allow limited clearing of the Natural Vegetative Strip, only when required for construction of a permitted building or structure outside of the vegetative strip. Provided that the land cleared must be returned to a vegetative state which is approximately the same quality or greater and the extent as that which existed prior to the clearing. The replacement vegetation will be equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

5. Individual trees within the Natural Vegetative Strip may be removed which are in danger of falling, causing damage to dwellings or other structures or causing blockage of the shoreline.
 6. The Natural Vegetative Strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk vehicles, waste or garbage or for any use not otherwise authorized by this ordinance.
- B. Alteration of Ground Cover: No building permit for any construction, or authorization for any grading, lot, or subdivision in preparation, shall be granted until it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Newaygo County Drain Commission. Particular care shall be taken to provide protective measures to control erosion of raw earth over the winter months if not seeded and mulched by September 15th.
- C. Drainage: Natural drainage courses shall be protected from grading activity. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- D. Groundwater: Where known, groundwater flow patterns shall not be interrupted.
- E. Slopes: Slopes created by the grading of the site should generally not exceed a slope ratio of one foot (1 ft.) of vertical slope to three feet (3 ft.) of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
- F. DNR Determination of 100-Year Floodplain: Building and Zoning Compliance Permits within the established 100-Year Floodplain, as determined by the DNR, are contingent upon DNR approval. No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Environmental Quality (MDEQ) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the site plan review procedures provided for in this ordinance, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDEQ when it is apparent from the “Zoning Map” that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this section has been documented.
- G. Location of Septic Tank Drain Fields: Particular care shall be given to the location of septic tanks and drain fields in floodplains. In no case will the septic tank drainage system consisting of a dry well or drain field be located nearer than one hundred feet (100 ft.) to the ordinary high water mark of the river or stream, and shall conform to all regulations of the Newaygo County Health Department in placement and design. Refer to Article 21.03(D).
- H. Stairs and Steps on Embankments: Stairs, walkways, decks, and steps on embankments having a grade exceeding twelve percent (12%) must be constructed above grade. Steps may not be embedded into the ground surface.

10.07 RESTRICTIONS

- A. The temporary use of trailers, mobile homes, campers, buses, or other recreational vehicles and tents shall not be permitted unless expressly permitted by this Ordinance for temporary purposes. Refer to Section 3.04 Camping – Temporary
- B. Riparian Access (Key Hole): The following restrictions are intended to limit the number of users of river or stream frontage in order to preserve the quality of the waters to promote safety and to preserve the quality of recreational use of all waters within the Township.
1. Any riparian property for access to the water's edge is restricted to that of the property owner, except as may be otherwise permitted in this section. See Section 2.13 for the definition for Keyhole lots and Waterfront lots
 2. In the RTO District there shall be at least two hundred Fifty feet (250') of frontage as measured at the front (water) building set back line, and two and one half acres (2½) of lot area for each single family dwelling, two family dwelling unit or multiple family dwelling unit utilizing or accessing the lake frontage.
 3. No portion of the lot frontage shall contain any wetlands, as defined by the Michigan Department of Environmental Quality (MDEQ) and no lot shall have any wetlands altered, drained or filled so as to accommodate access or increase its frontage.
 4. No canal or channel shall be excavated for the purpose of increasing the lot frontage required by this section.
 5. The lot shall not contain any other principal building or use or accessory use, except as may otherwise be permitted by this Ordinance for docks or boat launching facilities.
 6. The restrictions of this Section shall apply to all lots and parcels on or abutting any river or stream in all Districts, regardless of whether access to the river or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.
 7. The provisions shall not apply to locations designated as public or locations which may be zoned to accommodate higher intensity use of the water resource.

Commercial (C-1) Business District

11.01 DESCRIPTION AND PURPOSE

The C-1, Commercial Business District is intended to accommodate traditional retail businesses and offices meeting the needs of local and area residents and includes all lands within five hundred feet (500') of the road right of way. There shall be in the township a place where

commercial enterprises may exist without interference from non-conforming uses or negative external effects. It is the intent to develop attractive and efficient business areas that are convenient and have buildings of harmonious design. In recognition of the unique character of the M-82/M-37 Corridor, this District establishes requirements and incentives to improve vehicular and pedestrian safety, to decrease traffic congestion, and to improve the visual appearance of the corridor through proper landscaping, buffering, and screening.

11.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

11.03 ACCESSORY USES

Uses customarily and historically accessory to permitted and special uses shall be permitted.

11.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

11.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Regulations.

11.06 REQUIRED CONDITIONS

In addition to the above, the use of property in this district shall be subject to the following:

- A. Unless specifically provided for, any business shall be conducted entirely within an enclosed structure.
- B. Off-street parking and loading shall be provided in accordance with this Ordinance.
- C. All lighting shall be shielded from adjacent residential districts. Where possible, lighting shall be of a “shoe box” variety or similar style designed to concentrate light in a downward fashion with a minimum of spillage and glare.
- D. The screening, drainage, and lighting regulations of this Ordinance shall be met for all areas devoted to the outdoor storage or sales of vehicles and implements.
- E. Off-street parking as required in this Ordinance may not occupy any required front, side, and rear yard setback areas, provided, however, the Planning Commission may approve parking in required side and rear yard areas based upon a determination that said parking will not impair overall site safety, will not result in negative impacts to adjacent property, and that the applicant has provided sufficient landscaping and/or fencing to mitigate the visual impacts of the proximity of said parking to adjacent properties.

- F. To the greatest extent possible, a proposed development shall combine access with neighboring businesses and make accommodations for future combined access. In the event neighboring businesses do not exist, the applicant shall provide, by permanent easement, a direct connection to adjacent properties upon which future businesses are planned.
- G. Barrier: All developments shall be physically separated from the local road by a curb and/or planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress, except for authorized access ways.
- H. The front yard shall be kept free from obstructions and shall not be used for the storage, disposal, or burning of any materials and shall be landscaped or used for off-street parking as provided for in this Ordinance.
- I. The side and rear yards shall be kept free from any obstructions and may be used for parking or loading as provided for in this Ordinance.
- J. Access Ways: Each separate use, grouping of buildings, or grouping of uses as a part of a single planned development shall, to the greatest extent possible, incorporate an integrated system of shared parking, service drives, and shared means of ingress and egress to the local road system. The number of curb cuts onto the public street system shall be minimized in order to reduce traffic congestion and vehicular conflicts. Such access way shall not be located closer than eighty feet (80 ft.) to the point of an intersecting roadway of the local road centerline. No access drive shall be less than sixteen feet (16 ft.) wide.
- K. The proposed development or change shall be arranged to insure the following conditions:
 - 1. Convenient and safe automobile circulation and parking in relation to streets, pedestrian walkways, and adjoining properties or parking areas.
 - 2. Adequate visual sight distances.
 - 3. Minimized conflicts of traffic movements on public streets.
 - 4. Safety, convenience, and well-being of adjoining property owners.
- L. To these ends and for consideration by the Planning Commission, such agencies (e.g.; County Road Commission and Michigan Department of Transportation) may designate entry ways and exits, the direction of traffic flow on off-street parking areas and drives, limit the number of drives having access or exit on a public street, designate their location of intersection with a public street, and where applicable, the use of existing drives on adjacent properties to decrease traffic conflicts on the public streets.
- M. All matters referred to other agencies or departments for a report or recommendation shall be considered advisory only and not binding upon the decisions of the township, provided, however, that where said agency has jurisdiction over the road system, the requirements of that agency shall apply.

Industrial (I-1) District

12.01 DESCRIPTION AND PURPOSE

This District is intended to provide for the development of wholesale, warehousing, industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations contained in this district are designed to encourage the development of industrial areas, which will be compatible with one another and with adjacent or surrounding districts. These regulations are also designed to protect existing industrial uses located in the district and to prevent the establishment of uses that are suitably provided for in other districts.

12.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

12.03 ACCESSORY USES

Uses customarily and historically accessory to permitted and special uses shall be permitted.

12.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

12.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

12.06 REQUIRED CONDITIONS

In addition to the above, the use of property in this district shall be subject to the following:

- A. Parking and vehicular, and pedestrian circulation shall be provided in accordance with the required standards in Article 15 - Parking and Loading Spaces.
- B. Signs shall be regulated in accordance with the requirements of Article 16 - Signs of this Ordinance.
- C. A Site Plan Review is required for both Permitted Uses and Special Uses according to the standards in Article 17 - Site Plan Review of this Ordinance.

All goods or materials stored outside which may be visible from a public road shall be screened by a combination fence and landscape barrier as approved by the Planning Commission according to the standards in Article 18 - Landscaping, Buffering, Walls, and Fences of this Ordinance.

Planned Unit Development (PUD)

13.01 DESCRIPTION AND PURPOSE

- A. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building on a lot. In certain situations these requirements might result in a less desirable result than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD) is intended to permit such flexibility in the development of planned areas for various compatible uses allowed by this Ordinance.
- B. It is intended that the PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, either within or adjacent to the PUD.
- C. PUDs shall be restricted to the R-1 and R-2 Districts.

13.02 OBJECTIVES AND QUALIFYING CONDITIONS

- A. The following objectives shall be met by an application for a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:
 - 1. To provide desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
 - 2. To encourage the provision of usable open space, recreational, commercial, or other support facilities within a reasonable distance of all living units.
 - 3. To encourage a more creative and imaginative development design.
 - 4. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Planning Commission.
 - 5. To promote flexibility in design and location of structures and uses.
 - 6. To promote the efficient use of land to facilitate a more economic arrangement of buildings, vehicular and pedestrian circulation systems, land use, and utilities.
 - 7. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
- B. Qualifying Conditions

1. The tract of land for which a PUD application is received must be in either one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
2. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area.
3. To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:
 - a) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings.
 - b) The PUD site exhibits significant natural features encompassing at least twenty-five percent (25%) of the land area of the PUD which will be preserved as a result of the PUD plan.
 - c) The PUD site exhibits significant natural features over a majority of the area of the site which makes compliance with the strict requirements of this Ordinance impractical.
 - d) The PUD is designed to preserve in perpetuity at least thirty percent (30%) of the total area of the site in open space.

13.03 APPLICATION PROCEDURES

- A. An application for a PUD shall be submitted and acted upon as a Special Use in accordance with the requirements of Article 14 - Special Land Uses of this Ordinance.
- B. Applications: At a minimum an application for a PUD shall consist of:
 1. A completed application form;
 2. Payment of a fee as may be established by the Township Board from time-to-time;
 3. Site plans meeting the requirements of Article 17 - Site Plan Review of this Ordinance; and
 4. A statement of compliance with the criteria required for approval in Section 13.04, and other criteria imposed by this Ordinance affecting the PUD under consideration.
- C. Review and Approval: Approval, approval with conditions or denial of a PUD and amendments to a PUD involving major changes shall be the responsibility of the Township Board after recommendation by the Planning Commission. Recommendations are to be made following Commission Hearings as required by Section 14.03 for Special Uses.
 1. The time frame for review and disposition of a PUD application shall not be regulated by the sixty (60) day time limit imposed for Special Land Uses under Section 14.04, but shall be accomplished with due diligence to ensure a fair and expeditious decision.
 2. All actions associated with issuance of a PUD permit regarding any conditions and safeguards (Section 14.06), validity of a PUD permit (Section 14.07), or other such actions shall rest with the Township Board.

3. The Zoning Board of Appeals shall not be authorized to accept an appeal by any person or party aggrieved by a decision of the Township Board on a matter of a PUD. Such appeal shall be directed to the Newaygo County Circuit Court.
- D. The Township Board decision shall state the basis for said decision, and any conditions relating to an affirmative decision.

13.04 BASIS OF DETERMINATION

Prior to approval of a PUD application, the Township Board shall insure that the standards specified in this Article, as well as, applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the PUD under consideration.

- A. The Planning Commission and the Township Board shall review the particular circumstances of the PUD application and shall approve a PUD only upon a finding of compliance with each of the following standards:
1. The standards for approval for Special Land Uses in Article 14 of this Ordinance.
 2. The standards for approval for Site Plan Review in Article 17 of this Ordinance.
 3. The applicable standards of this Article, and
 4. Any applicable standards as may be established elsewhere in this Ordinance.
- B. The Planning Commission and the Township Board may impose conditions with the approval of a PUD which are necessary to insure compliance with the standards for approval stated in this Article and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval and subject to enforcement by the Zoning Administrator.

13.05 PERMITTED USES AND RESIDENTIAL DENSITY

- A. The following uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements:
1. Single-family detached dwellings.
 2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
 3. Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.
 4. Commercial uses which are clearly accessory and compatible with the residential development and which form an integral part of said development.
- B. Except as noted in Section 13.06, the maximum number of dwelling units permitted shall apply in the underlying district in which the proposed uses are permitted. If the PUD lies in

more than one (1) zoning district, the number of dwelling units shall be calculated on a proportionate basis.

- C. The total amount of land to be used for the calculation of the permitted density in a PUD shall be the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for public easements and public or private road rights-of-way, provided, however, the area of the entire site may be used for the calculation of permitted density if:
 - 1. The interior road system is designed to limit the destruction of existing natural vegetation and, where feasible, excessive cut and fill.
 - 2. Public easements dedicated to the common use of project residents, such as open space and recreation areas, are designed to allow access and use by a majority of said residents.
- D. The minimum setbacks for any lot designated for residential use shall comply with the most restrictive zone district in which the proposed uses are permitted. However, within a PUD where preserving large tracts of open space for the common use of residents has resulted in bonus parcels as outlined in the Table found in Section 13.06A, the required minimum for area and building setbacks may be reduced to achieve a cluster effect.
- E. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of this Article.
- F. Non-residential uses shall comply with the following standards:
 - 1. Occupy no more than ten percent (10%) of the PUD project's net developable area, provided, however, the open space and active outdoor use areas associated with recreational activities such as golf courses, ski trails, and like uses shall not be counted as part of the ten percent (10%).
 - 2. Be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 - 3. Be designated to be compatible with the residential character of the neighborhood and the PUD.
 - 4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 - 5. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

13.06 OPEN SPACE DENSITY BONUS AND OPEN SPACE REQUIREMENTS

A. In order to preserve the maximum amount of open space, the regulation of PUDs provides for an increase in the total number of dwelling units, according to the following schedule:

DENSITY BONUS FOR PLANNED UNIT DEVELOPMENT - PER EACH 10 ACRES - DEVELOPABLE

R-1 District/Density Bonus - PUD

Percent Common Space	Bonus Parcels	Total Parcels	Average Parcel Size Per Dwelling Unit [Acres]	Minimum Lot Width [Feet]	Setbacks		
					Front	Rear	Side [Both/Least]
None	None	2	5 Acres	330	25	30	60/30
Minimum of 30 %	1	3	2.3 Acres	160	25	30	40/20
31 to 40 %	2	4	1.6 Acres	150	25	30	40/20
41 to 50 %	3	5	1.1 Acres	125	25	30	30/15

R-2 District/Density Bonus - PUD

Percent Common Space	Bonus Parcels	Total Parcels	Average Parcel Size Per Dwelling Unit [Acres]	Minimum Lot Width [Feet]	Setbacks		
					Front	Rear	Side [Both/Least]
None	None	5	2 Acres	200	25	30	40/15
Minimum of 30 %	3	8	0.88 Acres	150	25	30	40/20
31 to 40 %	4	9	0.72 Acres	125	25	30	30/15
41 to 50 %	5	10	0.54 Acres	125	25	25	25/10

B. Any open space provided in the PUD shall meet the following requirements:

1. Open space within the PUD may be established to separate use areas, set aside significant natural features, and/or be used for passive or active recreation, as approved by the Township Board.
2. The location and uses of open space which are approved as a component of the PUD shall be permanently maintained and deed restricted to ensure the same.
3. Evidence shall be given of satisfactory arrangements for the maintenance of such designated land to relieve the township of the future maintenance thereof. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall be responsible for the maintenance of the open space.
4. The maintenance requirements of dedicated open space are not intended to require regular clearing and mowing or other active maintenance where such level of maintenance is inappropriate (such as for natural areas). In these cases, maintenance is intended to include, but not be limited to, the removal of any trash or waste material

within the dedicated open space area, clean up of storm damage, or removal of diseased plant materials.

5. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

13.07 OTHER REQUIREMENTS AND PUD AMENDMENTS

- A. All electric, television cable, telephone transmission wires or other utility lines within the PUD shall be placed underground.
- B. Amendments to PUDs shall be processed in the manner of an original PUD application.

Special Land Uses

14.01 DESCRIPTION AND PURPOSE

The purpose of this article is to provide regulations for uses which are not essentially incompatible with uses permitted by right in a given district, but which should not be permitted without restrictions or conditions being imposed by reason of special concerns presented by the use itself or its particular location in relation to neighboring properties. The special land use permit procedure established herein is designed to provide the Township Planning Commission with an opportunity to review and act upon any application for a special land use permit.

14.02 AUTHORIZATION

The Township Planning Commission shall have the power to hear and decide such questions as are involved in determining whether special land use permit applications should be granted; to approve special land use permit applications with such conditions and safeguards as are appropriate under this Ordinance; or to deny special land use permit applications where not in harmony with the purpose and intent of this Ordinance.

A special land use permit application meeting the requirements of this Ordinance shall be approved.

14.03 PROCEDURE

- A. Application: An application for a special land use permit shall be made through the Zoning Administrator to the Township Planning Commission. The required fee shall be established by the Township Board.
- B. Site Plan Requirement: Applications for a special land use permit shall also be accompanied by a site plan which shall contain the information for final site plans required by Article 17 - Site Plan Review herein.
- C. Additional Information: The Township Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to; traffic analysis, environmental impact analysis or

statement, an economic analysis justifying the need for a proposed commercial use or uses, impact on public utilities and services and affect on the public school system.

- D. Public Hearing: The applicant shall be referred to the Township Planning Commission. The Planning Commission will then conduct a public hearing on the application as provided by law.

Notice of the public hearing shall be published in a newspaper of general circulation within the township and an additional notice shall be sent by mail or by personal delivery to all owners of property to whom real property is assessed, to all occupants of all structures with three hundred feet (300 ft.) of the boundary of the property that is the subject of the application, and to the petitioner.

Such notice must be given no less than five (5) days nor more than fifteen (15) days before the date the application will be considered. The notice shall:

1. Describe the nature of the special land use requested.
2. Indicate the property, which is the subject of the special land use request.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.

14.04 DECISION OF THE PLANNING COMMISSION

The Township Planning Commission shall notify the Zoning Administrator and applicant of its decision within sixty (60) days of the public hearing or at the next regular meeting of the Planning Commission, provided, however, the Planning Commission shall have the authority to extend the time frame if such extension is necessary to make a finding of fact necessary to reach a decision on the application. Extensions of time may be required for, but are not limited to, receipt of information from the applicant, receipt of information from local, state, and/or federal agencies regarding items under the jurisdiction of said agencies, and related matters. In all cases, the Planning Commission shall proceed with due diligence to ensure a fair and expeditious decision.

14.05 STANDARDS FOR APPROVAL

The following general standards shall serve as the basis for decisions by the Township Planning Commission involving special land use permits. The Planning Commission shall find that, in addition to specific standards for a particular use, the proposed use shall:

- A. Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.
- B. Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- C. Not create excessive additional requirements at public cost for public facilities and services, or overload presently existing public facilities such as, but not limited to, public access sites and boat launches.

- D. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. Be consistent with the intent and purpose of the zoning district in which such use will be located.
- F. Be consistent with the intent and purpose of the township master plan.
- G. Not significantly increase the potential for unauthorized trespass on adjoining property.

14.06 CONDITIONS AND SAFEGUARDS

- A. In approving a request for a special land use permit, the Planning Commission may impose conditions and safeguards. Such conditions may include but are not limited to conditions necessary to: insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- B. The conditions imposed with respect to the approval of a conditional land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Planning Commission and the applicant. The approving Planning Commission shall maintain a record of the conditions which are changed.

14.07 VALIDITY OF PERMIT

- A. The Township Planning Commission approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owners.
- B. In cases where development authorized by a special land use permit has not commenced within one (1) year of issuance, the permit shall automatically become null and void. Upon written application filed before the termination of the one (1) year period the Township Planning Commission may authorize a single extension for a further period of not more than one (1) year.

- C. The Township Planning Commission shall have the authority to revoke a special land use permit following a public hearing with notice given as required herein. Such permit may be revoked upon evidence that the applicant, owner or operator has failed to comply with the requirements of the permit as stipulated by the Planning Commission and any other applicable regulations of this Ordinance.
- D. An application for a special land use permit which has been denied wholly or in part by the Township Planning Commission shall not be re-submitted for a period of one (1) year from the date of denial unless it can be demonstrated to the Planning Commission that new evidence has been found or conditions have changed such that this may lead to approval upon re-submittal.

14.08 AMENDMENT OF A SPECIAL LAND USE PERMIT

Any person or agency which has been granted a special land use permit shall notify the Zoning Administrator of any proposed amendment to a special land use permit. Any minor change such as dimension changes, building location, parking and drives, etc., may be approved by the Zoning Administrator who shall notify the Township Planning Commission in writing of such amendments. A copy shall be placed in the file of the original permit request.

Any major changes to an approved special land use permit shall comply with the filing procedures contained herein for special land use permits. Major changes shall include but are not limited to increasing the density of number of dwelling units, increasing the number of buildings or land area and the addition of another use or uses not authorized under the original special land use permit. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

14.09 ISSUANCE OF A SPECIAL LAND USE PERMIT

The Zoning Administrator shall, upon receipt of notice of approval and upon application by the applicant, issue a special land use permit provided all other applicable township ordinance codes have been met.

14.10 APPEAL

The Zoning Board of Appeals shall not be authorized to accept an appeal by any person or party aggrieved by a decision of the Township Planning Commission under this section. Such appeal shall be directed to the Newaygo County Circuit Court.

14.11 SPECIAL LAND USES

Special uses permitted under this Ordinance are identified under Section 4.09 - Summary of District Land Uses.

14.12 SPECIFIC STANDARDS

In addition to the general standards and district requirements, special land uses shall be subject to the following specific standards. Unless otherwise indicated, dimensional standards shall be according to Section 4.08 - Summary of District Size and Setback Requirements:

Day and Foster Care Facilities with Seven (7) or More Persons [not including members of the immediate family when the operation is located in a single-family dwelling]

1. An off-street paved area for the loading and unloading of children and adults. Said area may be in the form of a driveway.
2. In Residential Districts, facilities shall be spaced at least one thousand feet (1,000 ft.) distant from one another.
3. A fenced play area shall be provided for children to ensure their safety. The fenced area shall possess a self closing and latching gate designed to prevent children from leaving the premises, unless duly attended by an adult.
4. Off-street paved parking shall be provided for all employees. If the operation is located in a dwelling, said parking shall be in addition to that required for said dwelling.
5. The applicant shall demonstrate that all state licensing requirements have been met.

Duplex/Two-Family Residential

1. Off-street parking shall be provided for each unit and shall be designed such that parking spaces provided for the residents of one (1) unit does not interfere with and/or block the parking spaces of the residents of the other unit. This precludes common parking facilities designed in single lane fashion.
2. A designated area shall be provided to the rear of the dwelling for the placement of trash receptacles. Trash receptacles shall not be stored in the front or side yards except during the period twenty-four (24) hours before and twenty-four (24) hours following normal trash pick-up times. Trash/garbage shall be collected and hauled from the site at least twice monthly.
3. Existing single-family homes converted to two (2) family shall comply with all building codes and site requirements.
4. The Planning Commission may require a landscape buffer and/or fencing along the side and rear yards if determined necessary to protect adjoining properties and/or to secure compatibility between the two-family use and adjoining properties.

Multiple-family, townhouses, condominiums (attached)

1. Parking areas shall be designed internal to the development.
2. A minimum of fifty percent (50%) of the units shall be provided with garages or car ports.
3. All trash receptacles and dumpsters shall be enclosed on at least three (3) sides by fencing and/or an evergreen screen of a height exceeding the receptacle or dumpster by at least two feet (2 ft.). If present, the open side shall not be visible from off site.
4. All parking areas shall be connected to buildings by sidewalks. All buildings shall be interconnected by sidewalks.

5. Buildings shall be at least twenty-five feet (25 ft.) apart.
6. At least twenty-five percent (25%) of the site shall be retained as landscaped open space. Said landscaping may include natural vegetation.
7. A recreational play area with tot-lot equipment shall be provided. The play area shall be of a size, with equipment, capable of accommodating one (1) child per each five dwelling units.
8. Street lighting, landscaping, signage, and other site facilities shall be designed in an integrated fashion to ensure an aesthetically pleasing development.
9. A club house, indoor recreation facility, and/or administrative offices may be constructed accessory to the housing units. Unless expressly approved by the Planning Commission, the use of such facilities shall be limited to the residents and guests of the multi-family complex.
10. Storm water drainage shall be handled on-site through use of detention and retention ponds.

Nursing homes, convalescent homes, homes for the aged

1. In Residential Districts, the above facilities shall be located not less than fifty feet (50 ft.) from adjoining parcels used for (or likely to be developed for) single-family dwellings.

Hotel and motel

1. Hotels and motels placed in the Industrial District shall recognize the potential for off-site industrial noise during evening and night time hours and shall design the facility and site accordingly.

Golf courses (regulation and par 3)

1. The site shall contain no less than forty (40) acres.
2. Practice driving ranges shall be located at least three hundred feet (300 ft.) from existing single-family or multiple-family dwellings, provided, however, this standard shall not apply to homes constructed in connection with (and located on the grounds of) the golf course.
3. Permitted accessory uses shall include a club house, pro-shop, maintenance buildings, and other facilities commonly and historically located in conjunction with golf courses.
4. Single and multiple-family dwellings may be constructed in connection with a golf course provided the project is developed as a Planned Unit Development under the PUD provisions of this Ordinance.

Hunt clubs, gun clubs, and game preserves

1. The site shall contain no less than forty (40) acres.

2. The discharge of firearms within proximity to residential units shall be as regulated by the State of Michigan.
3. The site shall not be used for “paint-ball” shooting or similar games which simulate the hunting of humans.
4. The site shall be fully signed with “no trespassing” or other such signs warning people to avoid trespass and potential harm due to ongoing sporting activities.
5. All state and federal regulations shall be complied with.
6. All buildings and structures shall comply with the Township Building Code and related permit requirements.
7. The site shall not be rented or leased for activities not approved by the special use permit unless duly authorized by the Planning Commission.

Private recreational facilities [amusement parks, race tracks, and other private recreational uses identified as permitted as a special use]

1. A minimum setback of one hundred feet (100 ft.) shall be required for any use abutting an existing single-family home or single-family home site.
2. The site shall contain no less than five (5) acres.
3. The applicant shall provide evidence that the proposed use, based on bonafide market/business plans, has the potential to succeed given area demographics and income levels.
4. Any use anticipated to generate off-site noise or other environmental impacts shall submit an environmental assessment fully documenting the potential magnitude of said impacts and detailing proposed plans for mitigating same.
5. Any use anticipated to generate traffic volumes in excess of five hundred (500) cars per day shall provide a traffic impact study detailing the capability of the local road system and site to safely and efficiently handle the traffic.
6. The Planning Commission may require additional landscape, including vegetated berms, to mitigate potential off-site impacts.
7. The site shall be capable of handling the water and sanitary needs of the recreational users.
8. All state and federal regulations shall be complied with.
9. All buildings and structures shall comply with the Township Building Code and related permit requirements.

Gravel pits and mineral extraction

1. The site shall contain no less than ten (10) acres.
2. A non-disturb setback of one hundred feet (100 ft.) from all property lines shall be maintained.
3. The area of excavation shall be fully fenced to prevent unauthorized access, provided, however, this provision may be waived if the Planning Commission finds the operation is geographically isolated and excavated such (e.g.; minimal side slopes, no standing water, etc.) that harm to residents is not likely to occur.
4. A reclamation plan shall be provided detailing the proposed reclamation and use of the site after excavation is completed. The reclamation plan shall include those items required by this Ordinance for site plan review.
5. The operation shall fully comply with all local, state, and federal regulations.
6. All buildings and structures shall comply with the Township Building Code and related permit requirements.
7. The site shall not be used for the dumping of construction or other non-site related debris.

Sanitary landfills

1. The site shall contain not less than forty (40) acres.
2. The design and construction of the site shall be as regulated by the Michigan Department of Environmental Quality for sanitary landfill licensing.

Livestock farms

1. All grounds shall be maintained in a secure and sanitary condition.
2. Proper methods of waste disposal shall be implemented to minimize off-site odors and to prevent ground water contamination.
3. Feed lots and similar facilities in which there will be a high concentration of livestock, shall be a minimum of one hundred feet (100 ft.) from adjoining residential lots or parcels, and bodies of water, except on-site ponds specifically constructed for purposes of the livestock operation.

Planned Unit Development (PUD)

Refer to Article 13, PUD.

M. Temporary Structures and Operations

1. A description of all building and structures shall be presented along with a time line to the Planning Commission for approval.
2. A description of the operation shall be submitted to the Planning Commission for approval with a time line.

Parking and Loading Spaces

15.01 PARKING - GENERAL REQUIREMENTS

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.
- B. Off-street parking for all non-residential Districts and uses shall be either on the same lot or within three hundred feet (300 ft.) of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- D. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with an asphalt or concrete binder, gravel, or compacted earth so as to provide a durable and dustless service, and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted

by the applicant accompanied by evidence documenting the justification for the alteration.

I. Maximum Parking Requirement.

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements as determined by the Schedule of Off Street Parking Requirements, Section 15.03, except as may be approved by the Planning Commission.
2. The Planning Commission, upon application may grant additional spaces beyond those permitted in paragraph 1 above. In granting such additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on documented evidence of use and demand provided by the applicant.

15.02 PARKING LOT DESIGN STANDARDS

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

BROOKS TOWNSHIP				
<i>PARKING LOT DESIGN STANDARDS</i>				
Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	18 ft.	12 ft.	9 ft.	25 ft.
30-75 degree angle	24 ft.	12 ft.	9 ft.	21 ft.
76-90 degree angle	26 ft.	15 ft.	9 ft.	18 ft.

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Brooks Township and the Newaygo County Drain Commission.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential Districts or uses.
- F. All parking lots shall be landscaped with perimeter landscaping and interior planter islands.

15.03 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

BROOKS TOWNSHIP SCHEDULE OF OFF STREET PARKING REQUIREMENTS	
Use	Parking Space per Unit of Measurement
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each two (2) units
Institutional	
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each four (4) seats or each eight feet (8 ft.) of pew length or one (1) space for and each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Vehicle wash establishments (self service or automatic)	One (1) space for each five (5) stalls
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	One (1) space for each one hundred square feet (100 sq. ft.) of usable floor area or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred square feet (100 sq. ft.) of usable floor area or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each of the maximum number of employees on the premises at any one time

Personal service establishments not otherwise specified	One (1) space for each fifty square feet (50 sq. ft.) of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each one thousand square feet (1,000 sq. ft.) of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty square feet (50 sq. ft.) of usable floor area
Open air businesses	One (1) space for each two hundred square feet (200 sq. ft.) of indoor usable floor area plus one (1) space for each one thousand square feet (1,000 sq. ft.) of outdoor display area
Retail stores not otherwise specified	One (1) space for each two hundred square feet (200 sq. ft.) of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred square feet (100 sq. ft.) of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty square feet (150 sq. ft.) of usable floor area plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred square feet (300 sq. ft.) of usable floor area
Medical and dental offices and clinics	One (1) space for each seventy-five square feet (75 sq. ft.) of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
Industrial	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand square feet (1,000 sq. ft.) of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand square feet (2,000 sq. ft.) of gross floor area plus those spaces required for offices located on the premises

15.04 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the “C” District all loading spaces shall be located in the rear yard in the ratio of at least ten square feet (10 sq. ft.) per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five square feet (5 sq. ft.) per front foot of building and shall be computed separately from off-street parking requirements.
- D. Industrial (I) District

1. In the "I" District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 ft. x 50 ft.), or a minimum of five hundred square feet (500 sq. ft.) in area. A minimum fourteen foot (14 ft.) clearance height shall be provided.
2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
3. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

Article XVI.

Signs

16.01 DESCRIPTION AND PURPOSE

Regulating commercial messages or advertising commercial businesses. A sign is a fixture using colors, forms, symbols, or writing to advertise or identify a business product, service, or activity.

16.02 DEFINITIONS

Words and phrases shall have the meaning as defined in this Ordinance. Words and phrases not specifically defined shall have the meaning as generally accepted or ordinarily used.

- A. Accessory Sign: A sign providing information customarily accepted or expected such as "telephone" or "restroom."
- B. Action Sign: A sign that uses movement, lighting, or animation to create a special effect or message.
- C. Awning Sign: A sign attached against the surface of an awning as opposed to a marquee.
- D. Banner: An advertising sign made of fabric or fabric-like material having no supporting framework attached at all edges against a building.
- E. Billboard: A freestanding off-premises sign.
- F. Changeable Sign: A sign having a surface that allows characters, letters, or illustrations to be changed or rearranged on the surface, not including signs or that portion of a sign that offers the time, temperature, or Dow Jones Industrial Average.
- G. Directional Sign: Traffic control signs customarily accepted or expected at driveways and parking areas having "arrows" or the words "enter" or "exit."
- H. Freestanding Sign: A sign supported by structures or supports that are placed on or anchored in the ground and that is independent from and not attached to any building or other structure.
- I. Ground Sign: A freestanding sign with a base that is directly attached to the ground and does not use structural supports to extend its height.
- J. Inflatable Sign: Constructed of vinyl or similar material which is filled with air or gas which may or may not float or be tethered to the ground.
- K. Mansard or Marquee Signs: Signs attached to or made a part of a mansard roof or building marquee.
- L. Portable Sign: A sign designed to be moved from one location to another, including:

1. Signs on structures not permanently attached to the ground.
2. Vehicles containing advertising messages.

Usage of such portable signs shall require the following conditions:

Permit: A permit shall be required and may be obtained from the Zoning Administrator.

Time: A time restriction of not more than two (2) weeks in a one (1) year period. This shall require approval by permit from the zoning administrator.

Identification: An identification tag indicating the name, address, and telephone number of the portable sign owner shall be permanently affixed to the sign.

Safety: Placement and installation of the sign shall adhere to all building and electric codes and the requirements of this Ordinance. No sign shall be placed in a location which obstructs the vision of motorists entering or exiting driveways.

- M. Projecting Sign: A sign attached to a framework extending perpendicular to the face of a building in such a way that it projects beyond the building's vertical plane.
- N. Pylon Sign: A freestanding sign extending above the ground by means of a pole or other single vertical support member.
- O. Roof Sign: A sign erected on the roof of a building that may or may not extend above the roofline.
- P. Suspended Sign: A sign that is suspended from the underside of a structural surface above.
- Q. Temporary Sign: A sign not permanently attached to the ground or a building. Temporary signs are defined as including the following types only:
 - 1. Construction Sign: A sign placed at the site of a construction project which may only contain information related to the ownership, address, financing, design firms, description of the project, and a depiction of the finished product.
 - 2. Political Sign: A sign containing a political message concerning a candidate or ballot proposal at a forthcoming election.
 - 3. Real Estate Sign: A sign advertising the sale or lease of the property on which it is located.
- R. Wall Sign: A sign attached flat against the wall of a building or located parallel to the wall and projecting no more than eighteen (18) inches from said wall.

16.03 COMPUTATION OF SIGN DIMENSIONS

- A. The area of a sign shall be computed by an area that encompasses the entire outside limits of the writing, graphics, or display as well as the background and framing, but not including the structural support members providing the support structure, is incidental to the message, and does not include any writing, graphics, or display.
- B. Signs having more than two sides are not permitted, provided, however, signs having identical back-to-back messages and being less than 24 inches in thickness, shall be considered one (1) sign for purposes of computing sign area. Signs shall be measured as the sum of all sides meeting the area described above.
- C. Corner lots and parcels having frontage on more than one street shall be allowed the sign area for each frontage according to the district standards. Each frontage shall be said to constitute a percentage of the total frontage based on the relative frontage width. The total sign area on any frontage may not exceed the percentage of the parcel's total signage area that is derived from the parcel width on that street. Sign area may not be accumulated and used on one frontage in excess of that which would normally be allowed.
- D. Sign height shall be computed as the distance from the top of the highest point of the sign to the normal grade level as determined to be the lowest of either an existing grade or a newly established grade exclusive of any filling, berming, or mounding done for the purpose of locating the sign.
- E. All signs shall be located at least ten feet (10 ft.) from any right-of-way, lot line, driveway, parking area, internal drive, utility, or structure. This shall include support structure for the sign as well as the sign itself.

- F. Signs shall be permitted within a clear-vision area only when their height is less than three feet (3 ft.) or greater than ten feet (10 ft.) providing freestanding signs have support members no greater than twelve inches (12 in.) in width or diameter.

16.04 SIGNS IN RESIDENTIAL DISTRICTS

The following signs shall be permitted in the R-1; R-2; R-3; MHP; LO; and RTO Districts subject to the standards indicated herein:

SIGN STANDARDS FOR RESIDENTIAL DISTRICTS

General standards applicable to all signs, unless otherwise permitted:

- a. Illumination: No sign shall be lighted
- b. Nameplate or mailbox signs with an area less than 72 square inches may be placed within a front yard,
- c. All signs listed herein shall be set back at least 13'. Set back distances must be measured from the road right of way. Also see Clear Vision Corner Requirements for corner lots (Section 3.04c)

SIGN TYPE	NUMBER OF SIGNS & SIGN STANDARDS
Professional or Nameplate	1 sign not to exceed 2sq. ft.
Temporary signs for sale or lease of property	1 sign not to exceed 8sq. ft.
Real Estate Development Sign	1 sign
Permitted Non Residential Use Sign	1 sign, not to exceed 12sq. ft.
Farm/Farm Corp Sign	No limit, so long as Signs are customary signs on active farms

16.05 SIGNS IN THE COMMERCIAL BUSINESS (C-1) AND INDUSTRIAL (I-1) DISTRICTS

Unless otherwise permitted, no sign shall be permitted in the C-1 and I-1 Districts unless, accessory to the business conducted on the property. Further, all signs in the C-1 and the I-1 Districts shall comply with the following standards:

SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

General standards applicable to all signs, unless otherwise permitted:

- a. Illumination: No sign shall be lighted by flashing or intermittent illumination. All sources except diffused lighting within translucent signs, used for the illumination of signs, businesses, buildings, or areas surrounding them shall be completely shielded from the view of vehicular traffic using the road or roads abutting the business property.
- b. Except as may be otherwise permitted herein the height of a sign shall not exceed thirty-five feet (35') in height.

	Sign Type	Total number of signs permitted per street frontage	Specific Standards
1	Wall Sign	1	<ul style="list-style-type: none"> a. Shall be flat and parallel to the face of the building wall b. Shall not extend more than 15' from the building wall, however, when a wall sign extends more than 3" from the building the sign must be at least 8' above grade level. c. The width of a wall sign shall not exceed 90% of the width of the wall to which it is attached or related
2	Free Standing/ Pylon sign	1	<ul style="list-style-type: none"> a. Shall be set back at least 10' from the road right of way b. The area shall not exceed the sum of 2 times the sign set back distance, plus the building set back distance (example sign sets back 10'; 2 x 10 = 20sq. ft. + building sets back 50' --- Total sign face area allowed = 70sq.ft. c. Monument signs shall not exceed 5' in height. Pylon signs shall have at least 8' clearance between the ground and the bottom edge of the sign and shall not exceed 35' in height.
3	Miscellaneous signs	These signs are permitted in addition to the total allowable signs.	<p>The following signs are permitted in addition to the other signs permitted in the Commercial and Industrial Districts</p> <ul style="list-style-type: none"> a. Seasonal sign - one (1) temporary sign, located within the property lines, advertising special seasonal sales or services subject to the following: <ul style="list-style-type: none"> 1. The total display period shall not exceed ninety days per year. 2. No sign shall exceed 16 sq. ft. in area b. Directional sign - directional signs or lettering displayed over individual entrance doors or bays c. Insignias - Customary lettering which are structural part of a gasoline pump d. Credit Card Signs - A non illuminated sign announcing acceptance of credit cards e. Parking Lot signs - Parking lot or parking area signs subject to the following: <ul style="list-style-type: none"> 1. Sign shall only be used to designate entrance, exit or conditions of use. 2. Total area shall not exceed 12sq. ft.
4	Off Premises signs and Billboards	1 per lot or parcel	<ul style="list-style-type: none"> a. Sign shall be located on a vacant lot or parcel. No other accessory principal use shall be located on the same lot or parcel b. Sign shall not exceed 300sq. ft. in area c. Vacant lots or parcels must meet the minimum area requirements for lots or parcels in the zoning district in question, however, A Billboard or off premises sign shall not be placed on a lot with less than 100' of road frontage. Signs located on the parcel must comply with all height and set back regulations as noted in this Section. d. Off premises signs and billboards on the same side of the street shall be spaced at least one thousand feet (1,000') apart.
5	Pennants and Banners	N/A	<ul style="list-style-type: none"> a. No permit is required if posted for a period not to exceed 30 days and if maintained in good repair. b. Periods of placement in excess of 30 days shall require approval by the Zoning Administrator

16.06 SIGNS IN PARKING AREAS

No sign, other than entrance, exit, and condition of use signs, shall be maintained and the aggregate area of all such signs shall not exceed twelve square feet (12 sq. ft.).

16.07 PENNANTS AND BANNERS

Temporary pennants, flags, or banners may be permitted in any business or industrial zoning district for a period of not more than thirty (30) days without a permit, provided that they are kept in a state of good repair.

16.08 SIGN MAINTENANCE

A sign must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

Site Plan Review

17.01 DESCRIPTION AND PURPOSE

It is the purpose of this Ordinance to require site plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Ordinance to achieve, through site plan review, safe and convenient traffic movement, both

within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Ordinance to delegate certain aspects of site plan review authority to the Zoning Administrator, the Planning Commission, and the Township Board, within the standards and requirements set forth in this Ordinance.

17.02 USES REQUIRING SITE PLAN APPROVAL

Unless provided for by this Ordinance, all new uses and structures, or modifications of uses and structures, shall require site plan approval as follows:

A. Final Site Plan Approval by the Zoning Administrator:

1. All buildings, structures, and uses not subject to site plan approval by the Planning Commission or Township Board. Pursuant to site plans approved by the Zoning Administrator, said Administrator may, at his/her discretion, waive any of the site plan elements required by Section 17.03, provided, however, the resultant plan shall be of sufficient detail to ensure compliance with the provisions of this Ordinance.
2. Land divisions and lot splits.

B. Final Site Plan Approval by the Planning Commission:

The following buildings, structures, and uses require final site plan approval by the Planning Commission:

1. All special land uses, provided that site plan approval shall be in the form of a recommendation to the Township Board, wherein the Township Board shall exercise final review and approval authority as provided for by this Ordinance.
2. All commercial and industrial uses.
3. Earth moving activities.
4. Parking areas containing twenty (20) or more parking spaces.
5. Parks and recreational areas.
6. Platted subdivisions and condominiums, provided that site plan approval shall be in the form of a recommendation to the Township Board, wherein the Township Board shall exercise final review and approval authority as provided for by this Ordinance.
7. Private roads.
8. Other uses as provided for in this Ordinance.

C. Final Site Plan Approval by the Township Board:

1. Platted subdivisions and condominiums.
2. Special Land Uses and Planned Unit Developments (PUDs)

17.03 SITE PLAN REQUIREMENTS

Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission, in whole or in part:

- A. The Date, North Arrow, and Scale: All site plans shall be submitted at the following scales:

3 acres or less	one inch = 20 feet
3 to 10 acres	one inch = 50 feet
10 acres or more	one inch = 100 feet

- B. Site Plan Sheet Size - All drawings must be submitted on a twenty-four inch by thirty-six inch (24 in. x 36 in.) sheet size.
- C. Legal Descriptions, Parcel Identification Number, and Dimensioning - The legal description of the subject parcel and Parcel Identification Number (e.g.; property description number used for tax assessment purposes). All lot and/or property lines are to be shown and dimensioned, including required setbacks. Legal descriptions shall be provided for all newly created lots or parcels. In the event the project will comprise a portion of an existing parcel, the boundaries of said existing parcel shall be detailed on the site plan.
- D. Drives, Sidewalks, Curbs, Signs, Lighting, Parking and Loading, Recreation and Common Areas - The location and dimensions of all existing drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (with dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas which have been conveyed for public use and purpose.
- E. Abutting Roads, Streets, Alleys, and Easements - The location and pavement width and right-of-way width of all abutting roads, streets, alleys, and easements.
- F. Plan Preparer - The name and firm address of the individual responsible for the preparation of the site plan.
- G. Property Owner and Applicant - The name and address of the property owner and applicant.
- H. Regional Location Sketch - Provide a location sketch drawn to scale showing the relationship of the proposed use to the area and major landmarks within one-half mile.
- I. Utilities and Infrastructure - Size and location of all existing utilities, including utility poles, drainage, telephone, electric, water, sewer, gas, etc. Proposed connections to public sewer or water supply systems.
- J. Properties within Three Hundred (300) Feet - The site plan shall depict existing plats, buildings, ownership, and zoning of properties within three hundred feet (300 ft.) Of the

subject property boundaries. Ownership of land and buildings within the three hundred feet (300 ft.) distance shall be provided.

K. Contour Intervals - Topography at contour intervals of not less than two feet (2 ft.).

For multiple-family and mobile home developments, contour intervals shall be shown as follows:

AVERAGE SLOPE OF SITE	REQUIRED CONTOUR INTERVAL
Zero (0) to Ten (10) Percent	Two (2) Feet Contour Interval
Over Ten (10) Percent	Five (5) Feet Contour Interval

L. Proposed Site Development - Proposed building sites and lots with dimensions; parking areas including landscaping and drives; streets and street right-of-way widths; setback lines; distances between buildings and lot lines; location of sewers and water mains; permanent open spaces; types, size, and locations of dwellings to be erected (single-family, two-family, multiple-unit buildings); proposed commercial structures, if any, including parking areas and floor area devoted to business use.

M. Building Height - The height of all existing and proposed buildings and structures shall be shown.

N. Land Use Schedule, Site Coverage, Open Space, Public Areas, Etc. - A proposed schedule of land area by use category, building ground coverage, required lot area of the zoning district for each use, and proposed lot areas and preserved open space per lot for the development and areas to be conveyed for public use and purpose.

O. Architectural Sketches - Architectural sketches showing typical building features and floor areas.

P. Summary Schedules and Views - Summary schedules and views should be affixed as applicable in residential developments, which give the following data:

1. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling.
2. The number and location (by code if necessary) of one-bedroom units, two-bedroom units, etc.
3. The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub-areas or staging areas (excluding all existing rights-of-way), and also indicate total square footage of rights-of-way for each sub-area or staging area.
4. Typical elevation views of the front and side of each type of building.
5. Estimated construction dates (start and completion dates). Construction phasing, if proposed, shall be fully detailed indicating the sequence, timing, number and type of units, and related elements of each phase.

- Q. Surface Water Drainage Facilities - The location and size of all surface water drainage facilities.
- R. Soil and Ground Water Detail - Adequate information concerning soils, groundwater, water table, and the impact of the proposed activities on each.
- S. Other Agency Reviews, Regulation, and Approvals - The applicant shall ensure and be able to demonstrate, to the satisfaction of the township, that all necessary reviews and approvals of other local, county, state, and federal agencies and associated regulations are satisfactorily met, complied with, and completed.
- T. Landscaping - The location of all proposed landscaping and the location, height, and types of fences and walls. See Article 18 – Landscaping, Buffering, Walls and Fences.
- U. Additional Plan Detail - Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare.

17.04 REVIEW PROCEDURE

Ten copies of the proposed site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall keep one (1) copy of the proposed site plan and deliver nine (9) copies of the proposed site plan to the secretary of the Township Planning Commission. The Planning Commission shall study the site plan and, within sixty (60) days of its submittal to the Zoning Administrator, shall either approve or disapprove the proposed site plan. If the site plan is disapproved, the reasons for the disapproval shall be stated. Upon approval of a site plan, three (3) copies of the site plan, as finally approved, shall be signed and dated by the chairperson of the Township Planning Commission. Two (2) copies of the signed site plan shall be filed with the Township records and the other copy shall be returned to the applicant.

17.05 STANDARDS FOR SITE PLAN REVIEW

In conducting a site plan review, it shall be determined whether the applicant has established that the site plan is consistent with this Ordinance, the adopted plan of the township, and:

- A. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.
- B. That the site plan is harmonious with and not injurious or objectionable to existing and projected future uses in the immediate area.
- C. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to sewage collection and treatment, potable water supply, storm

drainage, lighting, roads, and parking. Storm drainage measures shall comply with the following:

1. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water, or cause erosion or the formation of dust.
2. The use of detention or retention ponds may be required.
3. Surface water on all paved areas shall be collected at locations so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with the traffic.
4. Areas of natural drainage such as swales, wetlands, ponds or swamps shall be protected from grading activity and preserved as much as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
5. Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored or proposed to be stored.

C. That the site plan is adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.

17.06 SITE PLAN CERTIFICATION

- A. Three (3) copies of an approved site plan shall be signed and dated by the Chairperson of the Planning Commission, or the Township Clerk in cases where the Township Board is responsible for final site plan approval, and the applicant.
- B. The Planning Commission Chairperson, or the Township Clerk in cases where the Township Board is responsible for final site plan approval, shall not sign the approved site plan until the applicant has submitted three (3) copies of all permits that may be required by the county or the state for the construction of the use. These shall include, but are not limited to, permits for onsite wastewater disposal, and permits required under the Soil Erosion and Sedimentation Act, Act 347 of the P.A. of 1972, and the Inland Lakes and Streams Act, Act 346 of the P.A. of 1972.
- C. The Zoning Administrator shall not issue a Zoning Permit for any use requiring site plan approval until an approved site plan has been signed by Chairperson of the Planning Commission, or the Township Clerk in cases where the Township Board is responsible for final site plan approval.
- D. Site Plan approval shall be valid for a one (1) year period from the date of the original application. If no construction has taken place or if no substantial steps have been taken to begin construction within the one (1) year period the approval shall be null and void.

17.07 REGULATIONS

- A. No grading, landfilling, or construction of improvements shall commence for any development that requires a site plan approval until said approval has been properly secured.

- B. Existing mature trees shall be retained and incorporated into the project design where feasible. Removal of mature trees of twelve inch (12 in.) caliper or greater will be discouraged.
- C. The landscape shall be preserved in its natural state, as much as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission or the Township Board may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- D. Areas of natural drainage such as swales, wetlands, ponds or swamps shall be protected from grading activity and preserved as much as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- E. Where known, groundwater flow patterns shall not be interrupted.
- F. Slopes created by the grading of the site should generally not exceed a slope ratio of one foot (1 ft.) of vertical slope to three feet (3 ft.) of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.

Landscaping, Buffering, Walls, and Fences

18.01 WALLS AND FENCES

- A. Front Yard: Unless specifically authorized elsewhere in this Ordinance, no fence, wall or screen located within the front yard of any zoning district shall be in excess of twenty-five percent (25%) solid or impervious nor exceed the following height limitations:

BROOKS TOWNSHIP FENCE, WALL, AND SCREEN - HEIGHT LIMITATIONS	
District	Height Limit
Residential	4 ft.
Commercial	5 ft.
Industrial	6 ft.

- B. Side and Rear Yards: Unless specifically authorized elsewhere in this Ordinance, no fence, wall or screen located within the side yard or rear yard in any zoning district shall exceed a height of six feet (6 ft.), except that a security fence for a permitted industrial use may include a maximum of one (1) additional foot of barb wire.
 - (1) For all water front property either in the LO or RTO zoning districts the fences located in the “rear yard” (road side) shall comply with the provisions of section 18.01A above.

- C. Fence Height: Fence height shall be measured from the finished grade (elevation) of the ground immediately below the location of the fence.
- D. Use of Berm or Retaining Wall to Increase Fence Height - Prohibited: A fence may be erected on a retaining wall or berm, provided, however, the combined height of the retaining wall or berm and fence shall not exceed the total allowable fence height as referenced under Items A) and B) above.
- E. Public Right-of-Way Encroachment - Prohibited: No fence, wall or screen shall be erected within any public right-of-way unless such placement is determined by the Township Board to be necessary for the public health, safety, or welfare. In permitting the placement of a fence within the public right-of-way, the Township Board may establish conditions for said placement as determined necessary and appropriate.
- F. Clear Vision Area: No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersection right-of-way lines thirty feet (30 ft.) from the point of intersection with the right-of-way lines. Alley/street intersections shall comply with the above standards, provided however, the dimensional factor shall be ten feet (10 ft.) from the point of intersection with the right-of-way lines. [Refer to Definitions “C” for Clear Vision Illustration.]
- G. Driveway Obstruction Prohibited: No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- H. Fencing Gaps: Walls and fences required by the township for reasons of security and/or screening, or similar purposes, shall have no openings or discontinuances (e.g., gaps or other non-secured breaks) except as may be approved by the Planning Commission.
- I. Construction Material: Walls and fences shall be constructed of durable, weather-resistant, rustproof, and easily maintained materials customarily used in the construction of walls and fences, provided however, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section, the character of the area in which the fence is to be placed, and as approved by the Planning Commission.
- J. Use of Landscape as Desired Alternative to Walls and Fences: The use of natural vegetation such as deciduous and coniferous trees, decorative bushes and evergreens, and other types of plantings are encouraged in place of walls and fences or in combination with walls and fences.
- K. Fence Posts/Supports: All fences shall be erected with fence posts and supports on the interior side.
- L. Fence on Property Line: Fences may be located on the property line but may not extend into any right-of-way or onto adjacent property.
- M. Fences for Swimming Pools: All swimming pools shall be provided with a fence and self-locking gate. The fence and gate shall be no less than forty-eight inches (48 in.) In height,

provided, however, more stringent requirements may be imposed by the Zoning Administrator if determined necessary for public safety.

- N. Fence Near High Water Mark: Fences shall not be located within thirty feet (30 ft.) of the normal high water mark of a lake or stream.

18.02 REQUIRED SCREENING

- A. General Screening Requirements: All uses listed below shall be screened as required in this Ordinance. Screening may consist of decorative walls and fences, vegetation, berms, or a combination of any of these as approved or required by the Planning Commission.

1. Off-street parking lots associated with multiple-family, institutional, commercial, and industrial uses.
2. Loading and unloading areas.
3. Trash and refuse storage areas.
4. Compost facilities.
5. Outdoor storage yards of commercial and industrial uses.
6. Outdoor processing operations and yards of mining and other industrial operations.
7. Communication towers.
8. Special land uses which have been conditioned by the provision of screening requirements.
9. Variances issued by the Zoning Board of Appeals, which have been conditioned by the provision of screening requirements.
10. All other uses specifically identified as having to meet the screening requirements of this Ordinance.

- B. Screening Standards - Vegetation and Berms:

1. Trees:

Trees shall be comprised of one or more species of upright conifers or deciduous trees.

Conifers shall be planted fifteen feet (15 ft.) on center. Deciduous trees shall be planted twenty-five feet (25 ft.) on center. Trees may have up to 30-degree spacing. The Planning Commission may require a combination of multiple rows and/or the planting of both varieties if necessary to achieve desired visual effects.

Conifers shall not be less than three feet (3 ft.) in height at the time of planting (as measured from the top of the root ball to the mid-point of the leader branch). Deciduous trees shall not be less than one and one-half (1 ½) inch in caliper as measured at a point four feet (4 ft.) from the top of the root ball.

Existing trees that comply with the standards of this Ordinance may be credited towards meeting the screening requirements.

All tree planting shall be maintained in a neat and attractive manner commensurate with the adjoining areas and applicable approvals and shall maintain their density and screening effect throughout the calendar year.

2. Shrubs and Evergreens:

- a. Vegetation shall be comprised of one or more species of evergreen and/or deciduous plants.
- b. Shrubs and evergreens shall be planted seven feet (7 ft.) to ten feet (10 ft.) on center and may have varied spacing arrangement to accommodate the planting area and desired visual effect.
- c. All plants shall be no less than one (1) gallon container size at the time of planting.
- d. Existing plant material that complies with the standards of this Ordinance may be credited towards meeting the landscape requirements.

3. Berms:

- a. Shall be at least three feet (3 ft.) in height, constructed with one foot (1 ft.) rise for each three feet (3 ft.) of horizontal run (distance). The Planning Commission may increase the required berm height if determined necessary to secure appropriate visual buffering. Similarly, the Planning Commission may restrict berm height if determined necessary to secure desired views, promote public safety, and/or achieve visual compatibility with the surrounding area.
- b. Shall be seeded with perennial rye and an appropriate grass seed and shall be covered with an organic mulch, or may be sodded to achieve an immediate grass cover.
- c. Shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm. At least fifty percent (50%) of the shrubbery and trees applied to berms located along the perimeter of lot lines shall be placed on the exterior side.

4. Vegetation shall:

- a. Consist of varieties capable of withstanding the climatic conditions of the area.
- b. Be properly irrigated. Automatic irrigation shall be required for landscaped areas unless it can be demonstrated that the plan species used is capable of withstanding periods of drought common to the area.

- c. Be maintained in a healthy, growing condition. Any required vegetation that is destroyed, removed, diseased, or dies shall be replaced within six (6) months (or the next growing season if the six-month period falls within a non-growing season period) with vegetation that meets the landscape requirements as originally approved. Failure to maintain required vegetation in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

18.03 SCREENING STANDARDS - VIEW BLOCKAGE

Unless specifically stated to the contrary, screening standards (e.g., views to be filtered or blocked) are based on horizontal views achieved from pedestrian level heights (e.g., approximately 4'6" to 6').

18.04 SCREENING STANDARDS - SPECIFIC USES

A. Off-street Parking Lots: Landscaping for off-street parking lots shall be provided in accordance with the following general design standards.

1. Landscape shall be placed along the perimeter of the proposed lot and shall be designed and arranged to mitigate the visual impact of large expanses of pavement and to achieve greater compatibility with surrounding land uses. Perimeter berming of parking lots shall be encouraged and may be required by the Planning Commission.
2. Landscaping shall be dispersed throughout the parking lot, provided, however, the heaviest concentrations shall be located along public rights-of way and between adjoining properties.
3. All landscaped beds, which abut a parking lot, or any landscaped area, which is internal to a parking lot, shall be protected with continuous concrete curbing or similar structure or feature.
4. Trees shall be installed in such a manner that shading of parked vehicles is maximized.
5. Landscaping shall be arranged so as not to jeopardize security and surveillance.
6. Landscaping internal to the parking lot shall be provided based on the following formula:

BROOKS TOWNSHIP PORTION OF LOT TO BE LANDSCAPED	
Spaces	% of Lot
20 or less	None required
21 to 100	5% of parking lot
101 or more	8% of parking lot

Internal landscaping may be placed in boulevards, parking isles, landscape clusters, or similar feature and shall consist of trees and/or shrubs and evergreens, with necessary ground cover.

- B. Loading and Unloading Areas: Loading and unloading areas shall be designed and placed on the site such that they are fully shielded from off-site visual access. In situations where loading and unloading areas must be positioned resulting in their view from off-site, landscaping and/or decorative fencing shall be provided between the loading/unloading area and said off-site view. The landscaping and/or decorative fencing shall be sufficient to filter at least fifty percent (50%) of the view of the loading/unloading area.
- C. Trash and Refuse Storage Areas (Dumpsters): Shall be screened according to the following requirements:
1. Trash, garbage, and refuse storage and receiving areas are required to be screened from view. Screening walls or fences for these purposes shall be a minimum of four feet six inches (4'6") or greater in height so as to completely screen the storage area from view.
 2. Screening walls shall have no openings except for gates or doors intended to access said area. Said gates and doors shall be fully secured except during those periods at which the area is being loaded or cleared.
 3. Screening materials, including gate material, shall be fully compatible with the character of the surrounding area.
 4. The Planning Commission may waive or modify these requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches in height (4'6").
- D. Outdoor Storage Yards of Commercial and Industrial Uses, Outdoor Processing Operations, Yards of Mining and Other Industrial Operations, Compost Operations: Shall be screened according to the following requirements:
1. Yards facing residential districts shall incorporate a solid wall fence and vegetative screen. The fence may be of an open weave, chain link, variety, provided the vegetative screen is located on the exterior side of the fence and is of sufficient density and opacity to provide the same, or better, screening effect as that of a solid fence.
 2. All other yards shall be provided with a combination fence and vegetative screen of sufficient density and opacity to reduce the views of the materials being stored, processed, etc., by approximately fifty percent (50%).
- E. Special Land Uses, Variance Conditions, and Other Uses Subject to Screening Requirements: The Township Board, the Planning Commission, and the Zoning Board of Appeals may require the placement of fencing and screening which they determine necessary to mitigate identified impacts associated with a proposed use, to achieve neighborhood compatibility, to achieve security, and to promote the public health, safety, and welfare.

18.05 INCREASE IN SCREENING STANDARDS

The Township Board, the Planning Commission, and the Zoning Board of Appeals shall have the right to require screening which is more stringent than the above when it is determined that greater standards are necessary to protect the public health, safety, and welfare. This right shall be interpreted to mean the placement of fencing, including decorative fencing or solid wall fencing, and placement of landscape consisting of vegetative varieties at sizes and densities necessary to achieve the desired effect.

18.06 PERFORMANCE GUARANTEE

A performance guarantee, as described in this Ordinance, may be required and employed if the required screening improvements are not completed within twelve (12) months after issuance of a Certificate of Occupancy, or similar use approval, associated with the principal use of the parcel.

Nonconforming Uses, Lots, or Structures

19.01 CONTINUANCE OF NONCONFORMING USE, LOT, OR STRUCTURE

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued even though such use, lot, or structure does not conform with the provisions of this Ordinance. Structures, lots, or uses nonconforming by reason of size, height, yards, or parking provisions may be extended, altered, or modernized provided that no greater violation of the height, yards, area, or parking provisions are occasioned thereby.

19.02 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of land or structures in violation of regulations in effect immediately prior to the date of this Ordinance.

19.03 CHANGE OF NONCONFORMING USE

The use of a nonconforming principal structure may be changed to another nonconforming use if such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

19.04 NONCONFORMING STRUCTURES DAMAGED OR DESTROYED

Rebuilding, maintenance and renovation required to keep a nonconforming structure in sound condition may be made if completed within a period of one (1) year of the time of such damage

or construction. Setbacks in Lakefront Overlay and River Tributary Districts, if nonconforming may not become more nonconforming.

If a nonconforming principal structure is damaged or destroyed to the extent of sixty (60) percent as determined by the Zoning Administrator, it shall be deemed to have lost its nonconforming status. Its reconstruction shall be in accordance with this Ordinance. A nonconforming principal structure damaged to a lesser extent must be brought as close to compliance as possible subject to review and approval by the Zoning Administrator.

19.05 NONCONFORMING DUE TO RECLASSIFICATION

The provisions of this Ordinance shall apply to structures, lots, or uses which become nonconforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

19.06 NONCONFORMING USE DISCONTINUED

No building or premises where a nonconforming use has ceased for more than twelve (12) months shall be devoted to a use other than that allowed. Maintenance of electrical service, public utilities, postal service, and other related services shall not, in and of themselves, be deemed to imply that a non-conforming use shall continue.

19.07 NONCONFORMING SIGNS AND BILLBOARDS

Nonconforming signs and billboards may be maintained until such time as the sign structure, frame, or supports must be replaced, renovated, altered, or moved. At such time the sign shall comply with all provisions of this Ordinance. This shall not be construed to prohibit the relettering or repainting of a sign or billboard.

19.08 EXISTING VACANT LOTS

Any lot platted or created and recorded prior to the effective date of this Ordinance that fails to comply with the minimum lot area requirements of the zoning district in which it is located may be sold and/or utilized for uses as authorized by this ordinance provided the lot is not adjacent to other land, property, or lots in similar ownership and the setbacks required by the underlying zone district are met. Landowners may not continue dimensional non-conformities that could be avoided or diminished by using adjacent land they own.

The Zoning Administrator may permit the construction of residential dwellings and accessory uses on any lot platted or created or recorded prior to the effective date of this ordinance that fails to comply with the minimum lot area or width requirements of the zoning district in which the lot is located. The rear and side yard set backs may be reduced by the same percentage that the lot differs from the required width or area requirements of the subject zoning district, however, neither the side nor the rear yard set back shall be reduced to less than eight feet (8').

19.09 RESTORATION, REPAIRS, AND RENOVATIONS OF DWELLINGS

Such repairs and maintenance work as are required to keep a nonconforming building or structure in sound condition may be made. If the nonconforming principal structure is nonconforming by virtue of lot size and/or setback requirements, renovations including reconstruction and additions may be permitted, providing:

- A. A minimum setback in Lakefront Overlay and River Tributary Districts of eight feet (8 ft.) is maintained in all side yards and all other setbacks are maintained in accordance with this Ordinance; however, previously existing side yard setback violations may be continued as long as they are not increased.
- B. There are no existing encroachments onto adjacent properties.
- C. The principal structure is a single-family detached residential dwelling.
- D. The dwelling meets all dimensional requirements required of all other dwellings in the zoning district.
- E. All other district requirements and general provisions are met.

Zoning Board of Appeals

20.01 CREATION AND MEMBERSHIP

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in Zoning Act, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
- B. The Zoning Board of Appeals shall consist of five (5) members as provided in the Zoning Act. The term of each member shall be three (3) years and until a successor has been appointed and qualified. Members of the Zoning Board of Appeals who are also members of the Township Board and from the Planning Commission shall have terms limited to their respective terms on the Township Board or the Planning Commission, as the case may be, or limited to such lesser period of time as may be determined by resolution of the Township Board at the time of appointment of such members.
- C. Alternate Members
 - 1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.

2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

D. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.

E. A member shall be disqualified from a vote in which there is a conflict of interest.

20.02 JURISDICTION

A. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other special questions on which the Board is authorized to pass and in exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 20.04.

B. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.

C. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.

D. The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the language of this Ordinance.

E. The Zoning Board of Appeals shall not have the authority to consider appeals of special land uses and PUDs.

20.03 PROCEDURE ON APPEAL

A. Upon all appeals from any order, requirements, decision, or determination of any administrative official or body, such appeal shall be taken within thirty (30) days by the filing with the Township Clerk a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action appealed was taken.

B. Upon such appeal, the Zoning Board of Appeals shall hold a public hearing on such matter not earlier than fifteen (15) days after the date of such filing, and shall cause notice of the time and place of the hearing to be given to the applicant.

- C. The Zoning Board of Appeals shall give notice of the hearing to all owners of property within three hundred feet (300 ft.) of the property to be affected by said appeal at least seventy-two (72) hours prior to said hearing. The Zoning Board of Appeals shall maintain satisfactory evidence that said notices have been mailed.
- D. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter appealed.

20.04 STANDARDS OF REVIEW

- A. A variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same District and which would render use of the property as zoned impracticable or unnecessarily burdensome;
 - 2. That the condition or situation of the specific piece of property for which the variance is sought is due to circumstances which are unique to the property and not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include, but shall not be limited to, exceptional narrowness, shallowness or shape of a specific property; unusual topographic conditions or the presence of other significant natural features such as wetlands; a situation on the land, building or structure immediately adjoining the property in question such that the literal enforcement of the requirements of this Ordinance would involve practical difficulties for the subject site; and, other such factors as the Board shall deem unique.
 - 3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - 5. The variance will not impair the intent and purpose of this Ordinance.
 - 6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

20.05 DECISIONS OF THE ZONING BOARD OF APPEALS

- A. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable period of time.

- B. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- C. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
 - 1. Description of the applicant's request.
 - 2. The Zoning Board of Appeal's motion and vote.
 - 3. A summary or transcription of all competent material and evidence presented at hearing; and,
 - 4. Any conditions attached to an affirmative decision.
- D. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.
- E. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.

20.06 RE-SUBMISSION

- A. No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist:
 - 1. That the conditions involving the reasons for the original denial have been significantly altered.
 - 2. That new conditions or circumstances exist which change the nature of the original request.

20.07 STAY OF PROCEEDINGS

- A. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order.

- B. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

Administration and Enforcement

21.01 ADMINISTRATION

The Township Board shall designate a Zoning Administrator officer to effect proper administration of this Ordinance with terms of employment and rate of compensation established in accordance with the provisions of Act 184, P.A. 1943. For the purpose of this Ordinance, the Zoning Administrator shall have the power of a police officer.

21.02 ADMINISTRATIVE OFFICIALS

Except as otherwise provided, the Zoning Administrator shall administer and enforce this Ordinance. (Refer to the Brooks Township Ordinance Enforcement Officer Ordinance.)

21.03 DUTIES OF THE ZONING ADMINISTRATOR

The office of Zoning Administrator is hereby established. This Ordinance shall be enforced by the Zoning Administrator, who shall perform the following:

- A. Day to day administrative matters associated with administration and enforcement of this Ordinance.
- B. Review land use and building projects to ensure consistency with this Ordinance, provided, however, in no case shall the Zoning Administrator approve any Zoning Permit where the proposed building, alteration, or use would be in violation of any provision of this Ordinance, except under written order of the Township Board of Appeals.
- C. Conduct periodic inspections of the township to ascertain that the requirements of this Ordinance are being complied with.
- D. Where a drain field cannot meet existing setback requirements, the Zoning Administrator shall, with assistance from the local health department, determine the most suitable location in closest conformance with this Ordinance.
- E. Other responsibilities are as specified in this Ordinance.

21.04 ZONING PERMIT REQUIRED

- A. No person shall commence construction of any building or structure or make structural changes in any existing structure without first obtaining a Zoning Permit from the Zoning Administrator.
- B. The Zoning Administrator shall not issue a Zoning Permit for the construction, alteration, or remodeling of any structure until an application has been submitted showing that the proposed construction complies with all of the provisions of this Ordinance.

21.05 ZONING PERMITS NOT REQUIRED

Zoning Permits are not required for buildings of one hundred square feet (100 sq. ft.) or less or for farm buildings of four hundred square feet (400 sq. ft.) or less.

21.06 PERMIT APPLICATION

- A. Every application for a building/occupancy or use permit shall first obtain a Zoning Permit designating the existing or intended use. The application shall contain such information, with respect to the proposed structure, the lot and adjoining property, as may be required by the Zoning Administrator or by the provisions of this Ordinance.
- B. One copy of plans and specifications shall be retained by the Zoning Administrator upon issuance of a Zoning Permit.
- C. The Zoning Administrator may waive portions of the foregoing requirements which are not necessary under the particular circumstances for compliance with the Ordinance.
- D. No Zoning Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Permits shall expire one year from their date of issuance.
- E. If it is determined that false or misleading information was given to the Zoning Administrator when acquiring the Zoning Permit, then said Zoning Permit shall be voided and the parties responsible will be held in violation of the Zoning Ordinance as stated in this Ordinance.

21.07 BUILDING PERMITS AND PLANS

- A. The building inspector shall not issue a building permit unless a Zoning Permit, if required, has been granted.
- B. Any building permit issued prior to the effective date of this Ordinance shall be valid; provided, however, that construction shall be commenced within sixty (60) days after said date and shall not thereafter be discontinued for a continuous period in excess of 60 days.

21.08 CERTIFICATE OF ZONING COMPLIANCE

- A. No land shall be used and no building hereafter erected or altered shall be occupied or used for any purposes until a Certificate of Zoning Compliance shall have been issued by the

Zoning Administrator stating that the premises or building complies with the provisions of this Ordinance. Where any special use conditions are applicable, said conditions shall be stated on the Certificate of Zoning Compliance.

- B. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Zoning Administrator.

21.09 FEES

The Township Board shall establish by resolution a schedule of fees for administering this Ordinance. No permit or certificate shall be issued unless such fees have been paid in full.

21.10 VIOLATION AND PENALTY

- A. Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof or who shall erect, alter, enlarge, or move any building, or who shall put into use any lot in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, is responsible for a Municipal Civil Infraction as defined in Township Ordinance 97-12 (Brooks Township Municipal Ordinance Violations Bureau Ordinance) and as defined by Michigan law and shall be subject to a civil fine determined in accordance with the schedule of fines noted in paragraph C below.

- B. The owner of any building or land where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who assists in commission of such violation and each shall be responsible for a Municipal Civil Infraction as defined in Township Ordinance 97-12 (Brooks Township Municipal Ordinance Violations Bureau Ordinance) and as defined by Michigan law and shall be subject to a civil fine determined in accordance with the schedule of fines noted in paragraph C below.

C. Schedule of Fines

	Minimum Fine	Maximum Fine
1 st Violation within 3 year period*	\$50	\$500
2 nd Violation within 3 year period*	\$125	\$500
3 rd Violation within 3 year period*	\$250	\$500
4 th Violation within 3 year period*	\$400	\$500

*Determined on the basis of the date of the violations

- D. Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall cost of less than \$9 or more than \$500 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.

E. Each day such violation continues shall be deemed a separate violation.

21.11 RECORDS

The Zoning Administrator shall keep records of all inspections, applications, and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Township Board and all other officials of the township and county.

Amendments and District Changes

22.01 AMENDMENTS TO THE ZONING ORDINANCE

Amendments to the Brooks Township Zoning Ordinance may be adopted in accordance with the terms and provisions of the Township Rural Zoning Act (Act 184, Michigan Public Acts of 1943, as amended).

22.02 PROCEDURE

The procedure for amending the Brooks Township Zoning Ordinance shall be as follows:

- A. The Township Planning Commission shall hold at least one public hearing. Notice of the involved hearing shall be in accordance with the following:
 1. Notice of hearing shall be conveyed by two publications in a newspaper of general circulation within Brooks Township, the first notice to be printed not more than thirty (30) days nor less than twenty (20) days, and second notice to be printed not more than eight (8) days, before the date of hearing.
 2. At least twenty (20) days' notice of the time and place of hearing shall be given by mail to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating in the district or zoning district affected, that has registered its name and mailing address with the Township of Brooks for the purpose of receiving such notice. An affidavit of mailing shall be maintained.
 3. Notices must include the location and time when the tentative text and any maps relative to the proposed amendment may be examined.
 4. If a proposed amendment advocates the rezoning of a specific real estate lot or parcel, notice of the proposed rezoning shall be given to the owner of the lot or parcel in question, and to all persons or entities to whom any real property within three hundred

feet (300 ft.) of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred feet (300 ft.) of the property proposed for rezoning.

- a) Notice in this instance shall be delivered personally or by mail to the respective owners and tenants at the address given on the last assessment role. An affidavit of mailing shall be filed with Zoning Board prior to the hearing.
- b) Notice shall be made not less than eight (8) days prior to the zoning meeting.
- c) The notice shall indicate the time, place, date, and purpose of the involved hearing.

B. Submission of Ordinance for Approval:

1. The proposed amendments, including any zoning maps, shall be conveyed to the Newaygo County Zoning Commission for review and recommendation.
2. If recommendations have not been received by an authorized representative of the Township of Brooks within thirty (30) days of the date upon which the Newaygo County Zoning Commission received the proposed amendments, a conclusive presumption that the County waived its right to review and recommend inures.

C. Conveyance of Proposed Amendments, Maps, and Summary of Public Comments to Brooks Township Board:

1. The Planning Commission shall transmit a summary of comments received at the public hearing, and the text of the proposed amendments, to the Township Board.
2. The Township Board may conduct an additional hearing or hearings if it deems necessary.
 - a) Notice of Township Board meeting shall be published in a newspaper of general circulation within Brooks Township; notice shall be published not more than fifteen (15) days nor less than five (5) days prior to the date of hearing.
3. If the Township Board proposes or considers amendments, changes, corrections, or modifications of the proposed amendments which may significantly alter or modify the original recommendation of the Planning Commission, the Township Board shall refer the same to the Planning Commission for a report and recommendation on said changes within the specified time parameters.
4. A property owner may request a hearing upon the proposed amendment or amendments by addressing a request via certified mail to the Brooks Township Clerk.
5. The Brooks Township Board may request the presence of the Planning Commission at the involved hearing.

6. At a regular or special meeting, the Brooks Township Board may adopt by majority vote the text of any amendment considered pursuant to the terms and provisions previously cited.

D. Notice of Adoption of Amendments:

1. The adopted amendments shall be filed with the Township Clerk within fifteen (15) days of the date of adoption.
2. One notice of adoption shall be published in a newspaper of general circulation within the Township of Brooks within fifteen (15) days of the date of adoption.
3. The notice of adoption shall include the following:
 - a) Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the entire text of the amendment shall be included within the notice.
 - b) The effective date of the amendment shall be specified. In the event penalty provisions inure to a violation of any amendment or amendments, the amendments in question shall not take effect for at least thirty (30) days from the publication date.
 - c) The notice shall specify the place and time where a copy of the amendments in question may be purchased or inspected.

Severability and Repeals

23.01 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance which shall be in effect.

23.02 REPEALING CONFLICTING ORDINANCES

Any and all ordinances, or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent; provided, however, that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

23.03 EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be effective immediately upon adoption by the Township Board and publication, as required by law.