

CHAPTER 4

General Provisions

Section 4.1 Intent and Purpose

The general regulations contained in this Chapter shall apply to all zoning districts except as otherwise expressly indicated. The regulations apply to multiple zoning districts and are not repeated within the individual chapters.

Section 4.2 Yard, Area and Lot Regulations

- A. No lot, parcel, yard, setback area, court, parking area, or other space shall be reduced to less than the minimum required under this Ordinance. No lot, parcel, or other area shall be further reduced if already less than the minimum.
- B. Property and bottomlands located under a lake shall be excluded from lot area or dimension calculations for purposes of determining minimum lot area and dimension requirements pursuant to this Ordinance.
- C. Where property is located on opposite sides of a public road or public street right-of-way and is in common ownership, the property shall not be considered to be one (1) lot or parcel but shall be deemed separate lots or parcels. Furthermore, the land on each side of the public road or street shall meet all applicable requirements specified by this Ordinance or an individual lot or lots.
- C. No more than one (1) main building may be erected on a lot and no more than one (1) principal use shall occur on a lot, unless such lot is appropriately zoned and used for Multiple Family Dwellings, mobile home parks, commercial or industrial purpose, or unless the same is expressly authorized in an approved Planned Unit Development in accordance with this Ordinance. Agricultural buildings which are regulated as a principal uses may be erected on an appropriately zoned lot in addition to one (1) dwelling otherwise permitted on such a lot.
- D. In determining lot, land, yard, parking area or other open space requirements, no area shall be ascribed to more than one (1) main building or use, and no area necessary for compliance with the space requirements for one (1) main building or use shall be included in the calculation of the space requirements for any other building, structure or use.
- E. All parcels or lots must have a minimum frontage of twenty-five (25) feet.
- F. 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.
- G. No accessory use or accessory building may occur or be constructed, maintained, or built on a lot absent a lawful principal use on that lot. Notwithstanding such prohibition, bona

vide agricultural buildings are allowed if agricultural or farming uses are permitted in the zoning district where the lot is located.

Section 4.3 Lots Located Partially Outside Township Boundaries

In cases where a lot lies partially outside of the Township’s boundaries, if a proposed lot, building, structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this Ordinance with respect to that part of the lot located within the Township, then the minimum provisions of this Ordinance shall be applied with respect to the lot, building, structure, or use as if the entire lot were located within the Township, provided, however, that the entire lot shall comply with the minimum area, width, and frontage requirements of this Ordinance. For purposes of this Section, the Township boundaries shall not be deemed to be a lot line.

Section 4.4 Categories of Businesses or Uses not Designated

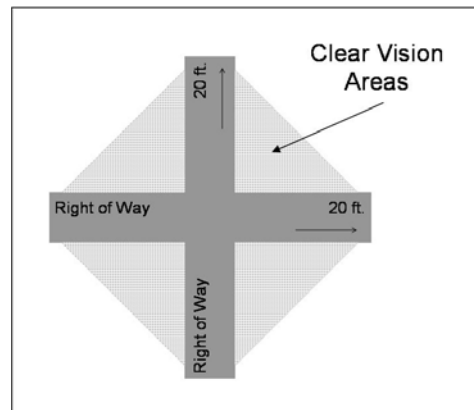
When the zoning district into which a business or use belongs is not specified in this Ordinance, the Zoning Administrator may request the Planning Commission to make the determination into which zoning district (if any) it shall be placed and such use shall then be permitted as a special use and the procedure for special uses shall be followed.

Section 4.5 Essential Public Services

- A. The erection, construction, alteration or maintenance of essential public services shall be permitted as authorized or regulated by law and other ordinances in any zoning district, except those as otherwise provided for in this Ordinance, and shall be subject to Site Plan Review per Chapter 25 of this Ordinance.
- B. New utility substations, transmission lines, and switching stations in any zoning district except the I-1 and I-2 Zoning Districts must receive Special Land Use approval from the Planning Commission.
- C. Commercial Wireless Communication Facilities are not an essential public service.

Section 4.6 Clear Vision Areas

- A. No plantings, fences or structures shall be installed, established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway.
- B. On corner lots, the clear vision area shall mean a triangular area formed by the street property lines and a line connecting them at



points twenty (20) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.

- C. This shall not prohibit the maintaining of shrubbery less than thirty (30) inches in height in this area.
- D. Tree branches shall be a minimum of six (6) feet above the adjoining street level within the clearance corner.

Section 4.7 Private Drives and Private Street Regulations

For parcels that are accessed by means of a private drive or private street, the easement width for the private drive or private street shall conform to the following table:

Number of Parcels Utilizing a Private Street or Private Drive to Access a Public Street	Minimum Required Width of Easement for Private Street or Private Drive
1	25 feet
2	50 feet
More than 2	66 feet

Section 4.8 Outdoor Residential Lighting

All directional outdoor residential lighting shall be designed and arranged so that it will not shine directly on adjacent occupied dwellings or interfere with the vision of traffic on streets and alleys.

Section 4.9 Moving of Buildings or Structures

The moving of a building or structure into the Township, or from one location to another within the Township, shall be considered to be the erection of a new building or structure; and as such, all provisions, regulations and requirements of this Ordinance concerning the erection of a new building or structure shall equally apply to any building or structure so moved. No building or structure shall be moved without a zoning permit.

Section 4.10 Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the Lot or parcel of land on which the use is located. All land shall be stabilized in such manner as is necessary to prevent erosion, sand blows, or other soil conditions which cause dust, sand, dirt or other materials to be blown, washed or otherwise transported to adjoining Lots or parcels of land. The provisions of this Section shall not be deemed to prohibit uses which are a part of a Farm operation.

Section 4.11 Temporary Dwelling Structures

- A. No cabin, garage, cellar, basement, or any temporary structure, whether of a fixed or movable nature may be erected, altered, or moved upon and used in whole or in part for any dwelling purpose whatsoever for any length of time whatsoever. Notwithstanding such prohibition, a property owner may utilize one (1) temporary dwelling for a limited period of time if expressly approved in writing by the Zoning Administrator if one of the following two situations is involved:
 - 1. The lot or parcel is vacant and the owner desires to occupy a temporary dwelling on the property while a new house or dwelling is built.
 - 2. A house or dwelling is destroyed or damaged to the extent that it is uninhabitable for a period of time, by a natural or man-made event, such as fire, flood, windstorm, or tornado.
- B. The Building Inspector, prior to approval of such temporary structure, shall determine that the proposed structure is safe for habitation and is adequately served by public utilities. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located. Where municipal water and/or sanitary sewage disposal systems are not available, such on-site services shall be approved by the Kent County Health Department.
- C. The Zoning Administrator shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed two (2) years from the date of said destruction or damage or the date of issuance of a Building Permit for new construction; however, the temporary dwelling shall be removed from the premises within six (6) months (180 days) of the date of issuance of an occupancy permit for the permanent dwelling. All utility connections shall be severed and temporary dwelling permit shall expire on issuance of an occupancy permit for the permanent dwelling.

Section 4.12 Site Condominium Development

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership that is not subject to the platting provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed on it and uses conducted within it as allowed in its zoning district provided the unit meets the regulations and requirements for the zoning district in which it is located.
- C. Site condominium developments containing 4 or fewer lots/units must submit the following information to the Zoning Administrator in order to receive approval and before any building permits can be issued for any dwellings or structures located within the development:
 - 1. A completed application form and applicable fees.

2. Written proof of fee ownership of the land contained within the proposed site condominium development.
 3. A certified survey of the land contained within the proposed site condominium development. The certified survey must show:
 - (a) The dimensions and legal descriptions of the lots/units proposed to be created by the site condominium development.
 - (b) The dimensions and legal descriptions of any easements.
 - (c) The location of all existing structures and the location of proposed structures.
 - (d) The accessibility of the parcels for vehicular traffic and utilities from existing public roads.
- D. Preliminary Site Plan Approval for Site Condominium Developments with More than 4 Units.
1. A preliminary site plan shall be reviewed and approved by the Planning Commission and Township Board in accordance with the requirements of Chapter 25.
 2. Approval of a preliminary site plan shall be for a period of two (2) years.
 3. One (1) year extensions may be granted by the Township Board if applied for in writing prior to the date of expiration of approval of the preliminary site plan.
 4. After a period of two (2) years from approval, unless extensions as provided for in this Section have been granted, the preliminary site plan approval shall become null and void if substantial construction has not commenced and proceeding in a meaningful manner.
- E. Final Site Plan Approval for Site Condominium Developments with More than 4 Units.
1. A final site plan for the condominium project must be approved by the Township Board prior to the issuance of any building permits for any structures on the proposed site, unless they already exist.
 2. At its regular meeting, or at a meeting called within 20 days of the date of submission, the Township Board shall examine the final plan for general compliance with applicable Township ordinances. The proprietor or his/her designee may request an extension of the 20 day time limit, which the Township Board may grant at its discretion.
 3. To receive final approval for the site condominium development, the owner shall submit ten (10) copies of the plan to the Township Engineer who shall place the final site plan on the agenda of the Township Board. Copies of the final site plan shall be distributed to the appropriate

Township departments for their review and comment to the Township Board.

- F. Prior to the issuance of a building permit for any building in any proposed site condominium development, the following items must be submitted to the Zoning Administrator, unless waived by the appropriate Township department:
1. The Master Deed for the condominium development.
 2. The Articles of Incorporation for the condominium association.

Section 4.13 Representations and Promises of Developers and Property Owners

If, pursuant to any zoning approval (including, but not limited to, the granting of a variance or the approval of a special use, PUD, site plan, or other zoning approval), the property owner or applicant makes any representation, promise, or offer of a condition or voluntary restriction should the zoning approval be approved or granted, such promise, condition, or representation shall be deemed to be an enforceable condition of any such zoning approval (whether or not such promise, condition, or restriction was made orally or in writing, and whether or not it is reflected in the zoning approval motion, resolution, or other Township approval document) if the Township deems such promise, representation, or condition to have been a consideration by the official or Township body which granted the zoning approval and the Township also deems such promise, representation, or condition to be consistent with the zoning approval. In such case, the promise, condition, or representation shall be deemed an express and enforceable condition of the zoning approval.

Section 4.14 Wind Energy

- A. **Intent.** The purpose of this section is to promote clean and renewable energy utilizing Wind Energy Turbines, Community Wind Turbines, or Wind Energy Conversion Systems (WECS) while providing the necessary regulations to maintain the health, safety, welfare, and aesthetics of the Township.
- B. **Wind Energy Conversion Systems (WECS).** Because of their size, scale and potential impact on surrounding properties, it is the intent of this Ordinance that Wind Energy Conversion Systems (WECS) proceed through the Planned Unit Development (PUD) approval process (see Chapter 11). No Wind Energy Conversion Systems (WECS) shall be installed, commenced, used, or initiated without a PUD approval.
- C. **Application Requirements For All Turbines**
1. In considering a zoning permit for a Turbine, the following must be provided to the Township at the time of application:
 - a. The Turbine size, blade clearance, proposed location, and setbacks from all lot lines and structures.

- b. The color and architectural nature of the Turbine.
 - c. Make and model information for the Turbine, including noise and kilowatt output.
 - d. The location of all landscaping, enclosures, and signage related to the Turbine.
 - e. Copy of all required Gerald R. Ford International Airport zoning approvals.
2. All Turbines must receive the applicable building and electrical permits prior to installation, construction and use.

D. General Regulations For All Turbines

1. **Noise**
 - a. No Turbine located in the Agricultural or Residential zoning districts shall produce more than 50 decibels of noise at the lot line located closest to the Turbine.
 - b. No Turbine located in the Office Service, Commercial, or Industrial zoning districts shall produce more than 60 decibels of noise at the lot line closest to the Turbine.
 - c. The above noise restrictions may be exceeded only during short-term events such as utility outages and/or severe wind storms.
2. **Other Licenses and Permits.** Turbines shall maintain, at all times, all required state, federal, local, and operator licenses and permits, and shall meet all applicable standards and regulations of the Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.432 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), the Gerald R. Ford International Airport Zoning Ordinance requirements, the Michigan Public Service Commission, and the Federal Energy Regulatory Commission. Failure to so maintain necessary all necessary approvals or permits shall be grounds for revocation of the zoning permit.
3. **Abandonment.** Any Turbine which does not function properly, becomes obsolete, is abandoned, or fails to meet any of the requirements of this Ordinance for a period greater than 12 months shall be considered abandoned and shall be promptly dismantled and removed at the cost of the property owner.
4. **Aesthetics.** All Turbines shall either maintain a galvanized steel finish on the exterior, or be painted a neutral white, gray or blue, unless otherwise regulated by the FAA.
5. **Lighting.** All lighting related to the Turbine must meet any applicable standards of Chapter 18, unless otherwise authorized by a state or federal agency.
6. **Safety.** All Turbines shall maintain the following safety requirements:

- a. In the Residential and Agricultural zoning districts, all Turbine electrical equipment shall be locked in such a manner so as to prevent unauthorized access or entry.
 - b. In the Office Service, Commercial, and Industrial zoning districts, all Turbines and electrical equipment must be completely enclosed by a locked gate or wall in such a manner so as to prevent unauthorized access or entry.
 - c. In the Office Service, Commercial, and Industrial zoning districts, a sign or placard must be provided on the outside of the enclosure with the Turbine’s owner and emergency contact information.
7. **Maintenance.** All Turbines shall be kept in good and reasonable repair and appearance at all times.

E. **Wind Energy Turbine Regulations:** In addition to the regulations contained in subsection “D”, Wind Energy Turbines are subject to the following specific regulations:

- 1. **Location.** Wind Energy Turbines are permitted by right in all zoning districts.
- 2. **Accessory Use.** With the exception of lots in the A-B or A-R zoning districts, there must be a principal dwelling or building of primary use, or one under substantial construction, on the lot where the Wind Energy Turbine is to be located.
- 3. **Number.** There shall be no more than two (2) Wind Energy Turbines located on a lot.
- 4. **Development Standards.** All Wind Energy Turbines are subject to the development standards contained in the following table:

Development Standard	Zoning District				
	RL -10,RL-14, R-3, R-4	A-B, A-R	O-S, C-1,C-2		I-1, I-2
Required Minimum Front Yard Setback	Not allowed in front yards.	60 feet	50 feet		50 feet
Minimum Side and Rear Yard Setback	The height of the Wind Energy Turbine + 10 feet				
Required Minimum Separation Distance From Other Structures					
Required Minimum Distance From Residential or Agricultural Zoning	N/A		200 feet		
Maximum Height Allowed	75 feet	100 feet	75 feet	75 feet	100 feet
Minimum Blade Clearance Required	15 feet		20 feet		

- F. **Accessory Wind Turbine Regulations.** In addition to the regulations contained in subsection “D”, Accessory Wind Turbines are subject to the following specific regulations:
1. **Location.** Accessory Wind Turbines are permitted by right in all zoning districts.
 2. **Number.** There shall be no more than one (1) Accessory Wind Turbine located on a structure.
 4. **Height.** All Accessory Wind Turbines are subject to a maximum height of the overall height of the structure it is attached to, plus 10 feet.
- G. **Community Wind Turbine Regulations.** Community Wind Turbines are permitted by right in all zoning districts, subject to special use approval from the Planning Commission. In addition to the regulations contained in subsection “D” and the general review standards of Chapter 19, when reviewing a special use request for a Community Wind Turbine, the Planning Commission shall consider all of the following additional standards:
1. No Community Wind Turbine shall be taller than 75 feet, unless a taller Turbine is deemed by the Planning Commission to be more appropriate based on the following:
 - a. The number of properties served by the Turbine.
 - b. The proximity of nearby structures.
 - c. Any topographical or vegetative features of the site or nearby properties affecting the efficiency or use of the Turbine.
 2. All Community Wind Turbines shall be set back from all property boundary lines for a distance equal to or greater than the height of the Turbine, plus 10 feet, unless a reduced setback which is more appropriate is approved by the Planning Commission based on the following:
 - a. The proximity and type of nearby structures.
 - b. Any topographical or vegetative features of the site or nearby properties affecting the efficiency or use of the Turbine.
 3. The proposed Community Wind Turbine shall not have any negative visual, aesthetic or audible impacts on neighboring properties.

Section 4.15 Keeping of Animals; Non-Commercial Uses

This section regulates the keeping of animals for non-commercial uses in all zoning districts. Nothing in this section is intended to circumvent the Michigan Right to Farm Act as it regulates commercial farming operations.

A. Household Animals

1. The keeping of household animals for non-commercial uses on a lot or parcel with a dwelling unit thereon is permitted in all zoning districts.
2. Household Animals include cats, dogs, fish, household birds, hamsters, rabbits, and other animals generally regarded as household pets. The Zoning Administrator shall make the final determination as to whether an animal constitutes a household animal.
3. A maximum of 3 dogs or 4 cats, or a combination of not more than 4 such animals in total (so long as not more than 3 of the animals are dogs), can be kept on any lot or parcel with a dwelling unit.
4. Any non-dwelling structure which acts as housing for household animals is subject to the requirements of “Section 20.2 – Accessory Buildings”.
5. Kennels are subject to the regulations of Chapter 19 – Special Land Uses.
6. Household Animals shall not be allowed to roam or wander beyond the boundary lines of the lot or parcel where they are kept except on a tether or leash under the control of a person.

B. Non-Household Animals; Not Permitted

1. The phrase “Non-Household Animal” includes any animal that is not a Household Animal as defined in this Ordinance. The Zoning Administrator shall make the final determination as to whether an animal constitutes a Household Animal or Non-Household Animal.
2. Non-Household Animals are not permitted in any of the following circumstances:
 - (a) On lots or parcels zoned RL-10, R-3, or R-4.
 - (b) Within Platted Subdivisions.
 - (c) Within Site Condominium Developments.
 - (d) Within Planned Unit Developments, unless expressly permitted during the zoning approval process.

C. Non-Household Animals; Permitted

1. In the A-B zoning district and on parcels or lots of 3 acres or more in size in the A-R zoning district, the keeping of Non-Household animals for non-commercial purposes is permitted, subject to the following requirements:
 - (a) Poultry (Chickens) – No more than 10 chickens per acre are allowed.
 - (b) Non-poultry – No more than 1 animal per acre is allowed.
 - (c) A fence must be provided and regularly maintained to keep the animals from leaving the property. The Zoning Administrator shall determine what constitutes appropriate fencing.

- (d) Any non-dwelling structure which acts as housing for a Non-Household Animals must meet the requirements of “Section 20.2 – Accessory Buildings.”

D. Non-Household Animals; Special Use Permit Required

- 1. In the RL-14 zoning district and on unplatted parcels or lots of less than 3 acres in size in the A-R zoning district, the keeping of Non-Household Animals for non-commercial purposes is allowed only when authorized by the Planning Commission as a Special Use. In considering such authorization, the Planning Commission shall, in addition to the standards required by Chapter 19, consider the following standards:
 - (a) Can the requirements of “Subsection C (1)”, above, be met?
 - (b) Is the design of the housing for the Non-Household Animals appropriate for the character of the neighborhood?
 - (c) Is the design of the housing for the Non-Household animals compatible with any existing structures on the property involved?
 - (d) Does the location of the housing for the Non-Household Animals negatively affect adjacent properties because of potential noise?
 - (e) Does the location of the housing for the Non-Household animals negatively affect adjacent properties because of potential odors?
 - (f) Would approving the request establish a negative precedent for similarly zoned properties?

E. Nonconforming Uses

- 1. Any parcel or lot with any type or number of Non-Household Animals which was in compliance with the provisions of this Zoning Ordinance, but has been subsequently rendered non-compliant due to the amendment of this Ordinance, shall be deemed to be a nonconforming use, subject to the regulations of Chapter 21. However, any such use shall not expand, increase in size, or increase in intensity.