

CHAPTER 16

GENERAL PROVISIONS

AND

DESIGN STANDARDS APPLICABLE TO SPECIFIC LAND USES

Unless specifically noted, these general provisions shall apply to all Zoning District.

SECTION 16.01 THE EFFECT OF ZONING. Zoning applies to every building, structure or use. No building structure of land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

SECTION 16.02 RESTORATION OF UNSAFE BUILDING. Subject to the provisions of the Nonconforming Uses Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

SECTION 16.03 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS.

(a) Required Area or Space. A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase it's noncompliance with such minimum requirements.

(b) Existing Lots of Record .

(1) In any AG, R-1, R-1a, R-2, R-3, R-4 or other residential zoned district, if a lot in any which is platted or a legal parcel otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of it's zoning district, then such lot may be used, or an authorized use expanded, if the lot contains a minimum of seventy five percent (75%) of the district requirement for lot area, seventy five percent (75%) of the district requirements lot width and if all structures and uses meet all applicable minimum setback and yard area requirements. Lots and uses not capable of meeting these requirements may only be used if authorized by the Board of Appeals by the granting of a variance. In considering such variance request, the Zoning Board or Appeals shall determine whether practical difficulties and unnecessary hardship exists in meeting the other wise required dimensional standards of the district and shall decide the matter under the provisions contained in Chapter 32.

- (2) In any C-1 or I -1 District zoned district, if a lot which is platted or a legal parcel otherwise of record as of September 12, 1977 (the effective date of the preceding Heath Township Zoning Ordinance as amended and as replaced and superseded by this ordinance) does not comply with the area and/or width requirements of it's zoning district, then such lot may only be used if authorized by the Board of Appeals by the granting of a variance. Prior to considering such variance request, the Board of Appeals shall require the submittal of a preliminary site plan meeting the requirements of Chapter 19 and shall refer the matter to the Planning Commission for review and recommendation. The Planning Commission shall consider the following in its review:
- a. The size, character, and the nature of the building and accessory buildings to be erected and constructed on the lot;
 - b. The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - c. The effect of the proposed use on light and air circulation of adjoining properties;
 - e. The effect of any increased density of the intended use on the surrounding neighborhood;
 - d. Traffic circulation available parking for the intended use; and
 - f. Potential mitigating site plan modifications such as driveway consolidation, landscape screening and alternative building layouts and designs.

After the receipt of the report of the Planning Commission the Zoning Board of Appeals shall determine whether practical difficulties and unnecessary hardship exists in meeting the other wise required dimensional standards of the district and shall decide the matter under the provisions contained in Chapter 32.

- (3) Consolidation of Non-conforming Lots. In any zoning district, where two (2) or more non-conforming lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply or are in greater compliance with the minimum requirements of this Ordinance
- (c) Exceptions. The following buildings and structures shall be exempt from height regulations in all zoning districts:
- (1) Parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkhead, fire towers, grain elevator, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, and spires.
 - (2) Penthouses housing necessary mechanical appurtenances
 - (3) Television and radio reception and transmission antennas and other telecommunications towers and antennae which do not exceed fifty (50) feet in height.

- (4) Existing legal non-conforming buildings and structures which are non-conforming solely because they exceed the height limitations of their zoning district may be expanded with additions having the up to the height of the existing building or structure on the same lot , provided that the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.
- (d) Setbacks from Private Roads and Driveway Easements. - Ref. Section 16.14

SECTION 16.04 ESSENTIAL SERVICE. The erection, construction, alteration or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commissions, or for the public health, safety or general welfare. This definition does not include towers or other buildings or structures intended specifically to service wind or solar energy systems, commercial wireless telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced specialized mobile radio, paging and similar services.

SECTION 16.05 REQUIRED YARD OR LOT. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance or applicable amendment shall comply with the minimum requirements of the Zoning District in which they are located.

SECTION 16.06 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 and vibration beyond the lot on which the use is located.

SECTION 16.07 TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION (also reference Section 16.19 Temporary Mobile Homes).

- (a) Upon application, the Zoning Administrator shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
- (b) Upon application, the Zoning Administrator shall issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6)

calendar months or less at the same location if such office is still incidental and necessary for the sale or rental or real property in a new subdivision or housing project.

SECTION 16.08 ACCESSORY USES. In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot; provided, however, that in any agricultural or residential district such accessory uses shall not involve the conduct of any business, trade or industry, unless specifically authorized under the use provisions of the district in question.

SECTION 16.09 ACCESSORY BUILDINGS, ACCESSORY TO SINGLE FAMILY RESIDENTIAL USES.

- (a) In any Zoning District supporting single family residential uses, accessory buildings may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building.
- (b) Detached accessory buildings having a building foot print exceeding 200 square feet of ground floor area must comply with all setback requirements of the particular zoning classification and may not be closer than forty (40) feet to the waters edge of a water front lot.
- (c) Detached accessory buildings having a building foot print of 200 square feet or less shall be set back from a side lot line not less than seven (7) feet and not less than ten (10) feet from the rear lot line. Boat houses and pump houses may be located at or near the waters edge if they do not exceed five (5) feet in height.
- (d) An accessory building or buildings shall not occupy more than 30% of any required rear yard space.
- (e) The distance between a detached accessory building and any principal building shall not be less than ten (10) feet. Accessory buildings are considered attached to a principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- (f) An attached or detached accessory building may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this ordinance if it is located not less than ten (10) feet from the street right of way line.
- (g) Unless exempted under sub paragraph (f) above, in any R-1a, R-2 or R-3 District a detached accessory building may not be located between the front lot line and the front line of the principal building.
- (h) In addition to the exemption allowed under sub paragraph (f) above, in the AG and R-1 Zoning Districts, detached accessory buildings may be permitted between the street right-of-way and the principal use building as Special Land Uses when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following:

- (1) The proximity of the building or garage to adjoining properties, specifically including proximity to occupied dwellings.
 - (2) Potential traffic hazards at the driveway and street intersection.
 - (3) Existing or proposed landscaping to screen the building or garage from adjoining properties.
 - (4) The building or garage shall be located to meet or exceed the minimum front and side yard setback requirements for principal use buildings allowed in the district.
- (i) No accessory building or structure shall include residential or living quarters.
 - (j) The issuance of a building permit for any building that is intended to serve as an accessory building may not precede the issuance of a building or zoning permit for a permitted principal use building.

SECTION 16.10 ACCESSORY BUILDINGS AND STRUCTURES, ACCESSORY TO TWO FAMILY, MULTIPLE FAMILY AND NON-RESIDENTIAL USES.

- (a) No accessory building or structure shall exceed the permitted height for main buildings in the district in which it is located.
- (b) Location Requirements.
 - (1) Except for canopy roofs, as regulated herein, accessory buildings or structures are not allowed in any front yard.
 - (2) Accessory buildings are allowed in the side or rear yard provided that the total floor area of all accessory buildings on the lot or parcel does not exceed twenty-five percent (25%) of the applicable required rear yard.
- (c) Setbacks. The following setback requirements must be met.
 - (1) Accessory buildings and structures shall meet all setback requirements for the zone district in which they are located.
 - (2) A detached accessory building shall not be located closer than twenty-five (25) feet to any main building or closer than eighteen (18) feet to another accessory building.
- (d) Canopy roofs. Canopy roofs for commercial, industrial and multi-family uses shall be limited as follows:
 - (1) Canopy roofs such as those for gas pump islands accessory to automobile service stations, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of fifteen (15) feet is maintained from any property line.
 - (2) The canopy roof clearance shall not exceed fourteen (14) feet and the canopy shall be open on all sides.
 - (3) The colors and design of the canopy shall be compatible with the main building on the parcel or lot.
 - (4) Lighting on, or within the canopy shall comply with the requirements of Chapter 23.

- (5) Signs on the canopy shall comply with the wall sign provisions of Chapter 24.
- (e) No accessory building or structure shall include residential or living quarters.
- (f) The issuance of a building permit for any building that is intended to serve as an accessory building may not precede the issuance of a building or zoning permit for a permitted principal use building.

SECTION 16.11 PRINCIPAL BUILDING ON A LOT. In the AG, R-1 R-1a and R-2 Residence Zoning Districts, no more than one (1) principal building shall be placed on a lot. This provision shall not preclude the construction of a farm dwelling on a parcel where farm buildings are considered accessory buildings to a bona fide farm operation, nor shall it preclude the development of individual building sites under the condominium form of ownership (ref. Chapter 18).

SECTION 16.12 DOUBLE FRONTAGE LOTS. Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both streets.

SECTION 16.13 BED AND BREAKFAST ESTABLISHMENTS. Bed and Breakfast establishments may be permitted in all zoning districts except the I-1 Industrial District, subject to the following standards.

- (a) The structure shall be erected or retained as a single-family structure and the premises shall be the principal residence of the operation's owner/operator when the establishment is active.
- (b) The use shall be subordinate to the principle use of a single-family dwelling unit. Transient quarters shall therefore be limited to not more than fifty (50) percent of the dwelling structure.
- (c) Meal services shall only be offered during normal and customary breakfast hours and shall be provided only to lodgers registered at the establishment.
- (e) Two (2) off-street parking spaces for the owner/operator and one (1) off-street parking space per room to be rented shall be provided.
- (f) Signs shall be subject to the regulations applicable to signs in the district in which the use is located.

SECTION 16.14 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO MAJOR STREETS. Unless a greater setback is required by a zoning district provision and notwithstanding any other provision of this ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a State Highway or County Primary road or any other street or highway designated as a major thoroughfare on the "Heath Township Master Plan", as the same shall be amended from time to time, unless a minimum building setback of one hundred (100) feet is maintained, measured from the street centerline.

SECTION 16.15 SETBACKS FROM PRIVATE ROADS AND DRIVEWAY EASEMENTS. The setback requirements for buildings and structures located on lots having access by private streets shall be the same as the setbacks applied to public roads and streets

within each zoning district. The setback from a private street or driveway easements as defined and regulated herein shall be measured from the easement line if the width of the easement is recorded. If the width is not recorded, the setback shall be measured from a line which is thirty three feet from the centerline of the street or driveway easement.

SECTION 16.16 MINIMUM STREET FRONTAGE AND LOT WIDTH.

After the effective date of this amendment, every lot or parcel supporting a building or non-farm principal use shall have direct, continuous frontage on a public street or an approved private street. Street frontage and minimum lot width shall be provided along the public street right-of-way line or private street easement.

Minimum street frontage may be reduced only in the following instances:

- (a) If the lot has frontage on a cul-de-sac, or a curved street segment having an arc with a radius of less than one hundred fifty (150) feet, the minimum lot frontage at the street right-of-way or easement line may be reduced to forty (40) percent of the minimum frontage otherwise required in the zoning district. The measurement may be made along the chord of the arc running between the side property lines at the easement line.

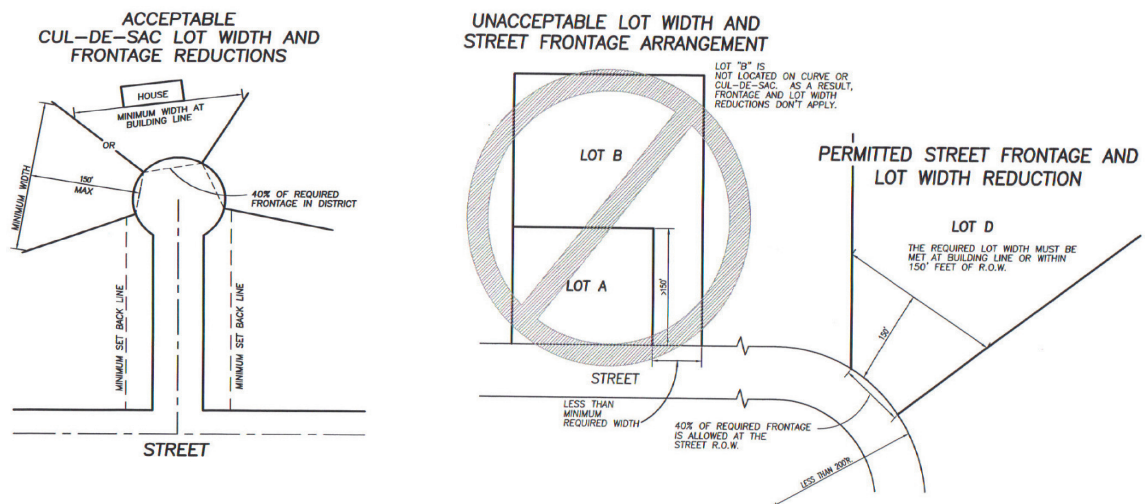


Figure 16-1

- (b) When a lot has frontage at the terminal end line of a 25 foot wide joint driveway easement serving three or fewer lots or sixty six foot wide private street easement serving four or fewer lots, the minimum length of frontage on the terminal end line of the easement shall be twenty five (25) feet. Reference Chapter 22.05 and 22.06 for standards relating to private street ends.
- (c) Notwithstanding the definition of lot width contained in Chapter 3 whereby lot width is measured at the building line, where a lot frontage reduction has been allowed under (a) or (b) above, minimum lot width shall be met at the front building line of the principal building or within 150 feet of the street right-of-way or easement line, whichever is the lesser distance. Beyond that point the required minimum width of the lot must extend a

distance at least equal to one half of the number of feet required for minimum lot width.

SECTION 16.17 GOVERNMENTAL IMPROVEMENTS. The provisions of this ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

SECTION 16.18 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 it's water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Allegan County.

SECTION 16.19 TEMPORARY MOBILE HOMES. In addition to any other provisions contained in this ordinance concerning the location of mobile homes within this Township, mobile homes shall be permitted outside of mobile home parks in the AG, R-1, R-1a, R-2 and R-3 Districts on a temporary basis as provided herein. Upon application the Township Zoning Administrator shall issue a temporary mobile home permit for a period of one (1) year provided the conditions set forth below are met:

- (a) The mobile home shall be limited to single-family occupancy and shall only be used in connection with one or more of the following purposes:
 - (1) The mobile home is associated with a farm enterprise operating on ten (10) acres or more of land;
 - (2) The mobile home is used as temporary housing for an aged or handicapped parent or parents of the owner of the parcel on which the mobile home is located. A temporary mobile home falling under this category shall not be limited as to the number of one-year extensions which may be granted it.
 - (3) The mobile home is being used either as a temporary residence in connection with the construction of a permanent residence or building being constructed on the same parcel. Before a temporary mobile home permit may be issued for a mobile home falling under this category, the applicant shall submit plans for a permanent allowable building upon the property and a valid building permit for the construction of the permanent allowable building shall be obtained.
- (b) The mobile home shall meet the setback requirements of the district in which it is located.
- (c) No more than one (1) mobile home shall be located on a parcel.
- (d) The mobile home shall be owner-occupied except in the case of farm enterprises or aged parents.
- (e) The applicant for the temporary mobile home permit shall supply a signed septic tank permit from the Allegan County Health Department.

An extension of the permit for one (1) additional year may be obtained from the Zoning Administrator if the applicant continues to meet all of the above conditions.

SECTION 16.20 GROUP CHILD OR ADULT DAY CARE HOMES, FOSTER CARE GROUP HOMES. A group child or adult day care home, or a foster care group home as defined in Chapter 3 may be permitted in the AG, R-1, R-1A, R-2 and R-3 Districts and in any Planned Unit Development where single family homes are a permitted principal use as a special land use subject to the minimum conditions of this section and the general standards and provisions of Chapter 17.

- (a) The Facility shall be located not closer than fifteen hundred (1,500) feet to any of the following facilities, as measured along a street, road or other public thoroughfare, excluding an alley:
 - (1) Another licensed group day care home.
 - (2) An adult foster care small group home or large group licensed by the State of Michigan.
 - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed by the State of Michigan.
 - (4) A community correction center, residence home, half-way house or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

SECTION 16.21 KEEPING OF DOMESTICATED FARM ANIMALS AND PETS. The keeping of domesticated farm animals for pleasure or enjoyment on residential parcels (parcels that are not part of or in support of a commercial farming operation) is permitted only within the AG and R-1 Zoning Districts and is subject to the provisions of this Section. These provisions do not apply to the keeping of ordinary household pets which is allowed in all zoning districts and do not apply to private or commercial kennels animal runs or dog training facilities (ref. Sec. 16.23), to the keeping of wild animals (ref. Sec. 16.22) or to the keeping of homing pigeons which are exempted from local regulation by the Michigan Zoning Enabling Act.

- (a) A structure or fence must be used to enclose and confine the animals to the premise.
- (b) All enclosed areas must be located and managed to avoid adverse environmental, health and nuisance affects (both on and off the premises), associated with the animals and animal waste. In particular any building or structures in which the animals are housed and all feeding and waste handling emplacements whether temporary or permanent, shall be at least 50 feet from property lines and street rights-of-way and must be located at least 100 feet from all residential dwellings located on adjacent property, all streams, stream courses, wetlands, lakes and other water bodies.
- (c) Area Requirements:
 - (1) Cattle, horses, elk and bison. A minimum lot area of two acres is required and there shall be no more than one animal for the first two (2) acres and one additional animal for each additional acre.
 - (2) Deer, llamas, goats, sheep and hogs. A minimum lot area of one acre is required and there shall be no more than two animals for the first two (2) acres and one additional animal for each additional one half acre.
 - (3) Rodents, poultry and fowl. A minimum lot area of one acre is required and there

shall be no more than 20 animals for the first acre and 50 animals for each additional acre.

- (d) Within any Open Space Community or other development containing common or preserved open space that is authorized by the Township and located in an AG, or R-1 District, the keeping of domestic animals shall be governed by the standards of this Section unless at the time of the project's approval, alternative terms or conditions are specified relative to the use of common or preserved open space.

SECTION 16.22 WILD ANIMALS, KEEPING OF. The term "wild animals" as used herein shall include but not necessarily be limited to lions, tigers, lynx, bobcats, bears, poisonous fish, poisonous insects, poisonous arachnids, large or poisonous reptiles and any other life form whether born in captivity or caught in the wild that is incapable of being completely domesticated because the breed has not been genetically controlled over a very long period of time and has not been specifically adapted to live in close proximity to humans.

The keeping, selling, boarding, housing, possession and maintenance of wild animals within the Township, either temporarily or permanently is prohibited except under one or more of the conditions enumerated below.

- (a) The keeping of the wild animal or animals is carried out by a veterinarian licensed in the State of Michigan for the treatment of injuries or to temporarily harbor an animal until permanent quarters are found.
- (b) The keeping of the wild animals is within a commercial game breeding operation, public or private wildlife park or preserve, or a hunting preserve as may be licensed or authorized by the Michigan Department of Natural Resources and as authorized under the provisions of this zoning ordinance.
- (c) The keeping of the animals is a part of a special event such as a circus or carnival as appropriately licensed by the State of Michigan

SECTION 16.23 KENNELS, ANIMAL RUNS, DOG TRAINING FACILITIES, PRIVATE AND COMMERCIAL

- (a) The minimum lot area for private, non-commercial kennels and animal runs shall be one acre.
- (b) The minimum lot area for commercial kennels and animal runs dog training facilities as may be permitted as special land uses in the AG and R-1 District shall be shall be three (3) acres.
- (c) Buildings where the animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential dwelling located on adjacent property or any building used by the public.
- (d) All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.
- (e) Noise shall be minimized through the combined use of screening, site isolation and sound dampening materials.

- (f) All kennels shall make environmentally sound provisions for the handling and management of liquid and solid animal wastes and shall be operated in conformance with all applicable County and State regulations

SECTION 16.24 ADULT ENTERTAINMENT REGULATION. This Section has been adopted to regulate certain uses which, because of their nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential zone, church or house of religious worship, school, park, and/or a playground or public recreational area, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls contained within the Ordinance are for the purpose of preventing a concentration of these uses within any one area, and to prevent deterioration or blighting of a nearby residential neighborhood. Notwithstanding any other provision to the contrary, the following regulated uses are permitted only in the C-1 General Business District as Special Land Uses under the procedures and general standards of Chapter 17 and subject further to the following controls:

(a) Activities:

- (1) Adult bookstore or adult video or videocassette store: An establishment having more than 10% of its stock in trade books, magazines, other periodicals, and/or video cassettes, videodiscs, or videotapes for sale, rent, or viewing which are distinguished or characterized by the emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
- (2) Adult cabaret. An establishment including, but not limited to, cafes, restaurants, or bars where patrons are entertained by live performances featuring go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers where said performances depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as defined herein.
- (3) Adult mini motion picture theater. An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas, as hereinafter defined for observation by patrons therein.
- (4) Adult motion picture theater. Any establishment used for presenting material, including, but not limited to, live performances as defined in Section I, motion pictures, slides or similar photographs or laser reproductions, shown on a regular basis which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons.
- (5) Adult personal service businesses. Any commercial business or private business having as a principal activity a person, while nude, providing personal services for another person on an individual basis. Such a business includes, but is not limited to, the following activities and services:

- a. Modeling studios.
 - b. Body painting studios.
 - c. Wrestling studios.
 - d. Individual theatrical performances or dance performances.
 - c. Barber shops or hair salons.
 - f. Car washes.
 - g. Convenience stores or other commercial business establishments where food or goods are sold.
 - h. Massage parlors
 - i. Tattoo parlors.
- (6) Adult smoking or sexual paraphernalia store. An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.
- (7) Host or hostess establishment. Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess, or for an admission or membership fee.
- (8) Massage establishment. An establishment having a fixed place of business where massages are administered for pay, including, but not limited to, massage parlors, health clubs, health spas, sauna baths, and steam baths. This definition shall not be construed to include any hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan; a certified masseuse holding a Michigan Certification; or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
- (b) Definitions: In reference to the above activities the following definitions shall apply:
- (1) Specified anatomical areas.
- a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- (2) Specified sexual activities.
- a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.

- c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (c) Restrictions and Waiver. No use or activity listed in Section 11.23.1 shall be:
 - (1) Located within a one thousand (1,000) foot radius of any residence, church or house of religious worship, school, park, playground or public recreational area unless a petition requesting waiver of this requirement is received and verified by the Township Clerk, signed by fifty-one (51%) percent of those adult persons residing within or owning property within a one thousand (1,000) foot radius of the proposed location, in which case the Planning Commission may waive this requirement.
 - (2) Located within a one thousand (1,000) foot radius of any other such regulated use except that such restriction may be waived by the Planning Commission if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and the spirit and intent of this Ordinance is observed.
 - b. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area or its immediate surroundings.
 - c. That all applicable state laws and local ordinances will be observed.
- (d) Design Standards. All building openings, entries, windows, and doorways for adult bookstores, adult personal service businesses, adult videocassette or video stores, adult cabarets, adult motion picture theaters, and massage establishments shall be located, covered or screened in such a manner as to prevent a view into the interior from any public area.
- (e) Conditions and Limitations.
 - (1) Prior to the granting of any waiver as provided in Section 11.23.3 , the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
 - (2) The Planning Commission shall have the authority to impose additional conditions and restrictions for a particular use where it deems it necessary to protect adjoining property, the traveling public, and the health, safety and welfare of the area.
- (f) Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except upon the grounds of new evidence not previously available or proof of changed conditions.

SECTION 16.25 CELLULAR AND OTHER COMMUNICATIONS TOWERS.
Transmitting Towers for Commercial Radio and Television, Commercial Wireless

Telecommunications, and for Public Utility Microwave or Television, may be permitted as special land uses subject to the general standards of Chapter 17 and following conditions:

- (a) Communications towers sites within in the “State Game Area (SGA)” and the “AG”, “C-1” and “I-1” Districts. Communications tower sites within in the “state game area” , and the “AG”, “C-1” and “I-1” districts shall be considered preferred locations within the Township, subject to the compliance with the general standards of Chapter 17 and the specific standards of this Section (Sections 16.25.(c) through (l).
- (b) Location of communications towers outside of the “SGA” and the “AG”, “C-1” and “I-1” Districts. If it is demonstrated by an applicant that a communications tower may not reasonably be established within the “state game area” AG, C-1 or I-1 Zoning Districts, a communications tower may be permitted as a Special Land Use elsewhere in the Township subject to the following additional standards and conditions.
 - (1) At the time of the submittal, the applicant shall demonstrate that a location within the “state game area”, AG, C-1 or I-1 Zoning Districts, cannot meet the needed required for operation of a system.
 - (2) The tower shall be of a design or form which, at the discretion of the Planning Commission, is found to be most compatible with the existing character of the proposed site, neighborhood and general area.
 - (3) The applicant must give the following sites preferred consideration as tower locations, subject to application of all other standards contained in this section:
 - a. Religious or other institutional site.
 - b. Municipally owned sites.
 - c. Other governmentally owned sites.
 - d. Public or private school sites.
- (c) Co-location. To minimize the proliferation of towers within the Township, the following shall apply:
 - (1) Towers shall not be established unless the antenna cannot be accommodated on an existing or approved tower because the structural capacity would cause interference; existing towers could not accommodate the planned equipment at the height necessary, or for other unforeseen reasons.
 - (2) Towers shall be designed and constructed to accommodate both the applicant’s equipment and that of a minimum of two other users.
 - (3) Antennas to be placed on roofs, walls, and existing towers must meet the requirements of this Section to include a Site Plan which shall include elevations and screening on any shelter or cabinet and a report by a qualified professional engineer.
 - (4) In a situation in which the entity desires to co-locate on an existing tower, then a permit is obtained from the zoning administrator and a review from the planning commission is not required. Information on the antenna including elevations, screening on a shelter or a cabinet shall be submitted to the zoning administrator for review and in order to receive a permit. However, if the co-location were to

expand the compound, then this would require planning commission review.

- (b) Design Standards: All steel towers and antenna supporting structures shall be designed to meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA-222, or its successor. Said towers are exempt from ordinance height restrictions.
- (c) Minimum Setback Distances:
 - (1) Towers shall be setback from all property lines and street rights-of-way a minimum of the total height of the structure, to include any antennae projecting above the top of the tower. The planning commission may reduce the set back distance based on the design (supported by a letter from an engineer) and at their discretion. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or rights of way. When a tower is to be mounted on another structure, the total height shall be the combined heights of the structure, tower and projecting antennas.
 - (2) Anchorages for guyed towers must be on the same parcel of land as the tower and setback from property lines a minimum of 20 feet.
 - (3) Accessory buildings shall be compatible in appearance with the surrounding area and buildings and set backs from the tower shall be at the discretion of the planning commission.
- (d) Security Fencing: The tower base and any accessory buildings shall be enclosed by a security fence of an anti-climbing design or a fence consisting of a six-foot tall chain link fence topped with three strands of barbed wire, or an eight-foot tall chain link fence.
- (e) Obscuring Screen: At the discretion of the planning commission, a seven-foot tall obscuring screen of evergreens and shrubs shall be established to screen the tower base and associated accessory buildings from any residential district or public property located within 500 feet of the tower. Further, at the discretion of the planning commission, the base and screening may be required near the road frontage or at the property line.
- (f) Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state having authority over a particular tower. Any lights on a shelter shall be of a sharp cutoff type.
- (g) Signs: The use of any portion of the tower for signs other than the minimum required for warning or equipment information is prohibited.
- (h) Removal of Unused or Abandoned Towers: Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within 12 months of the cessation of the operations unless an extension of the 12 month period has been approved by the Township planning commission. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relative documents, such as a signed lease, deed, or land contract. Before construction can begin a "removal bond" shall be filed with the township. In the event a tower is not removed within the time period stated above (or as extended by the ZBA), the township may execute on the removal bond and the tower and associated facilities

shall be removed by the Township and any other cost of removal assessed against the real property.

- (i) Lot size. Property that is purchased or leased for purposes of locating a commercial tower shall not be subject to the lot size requirements in the respective zoning classifications.
- (j) Additional Requirements. In addition to the information required for Site Plan Review (Chapter 19) and Special Land Use (Chapter 17) applications for towers shall include the following supplementary information:
 - (1) Tower plans and sealed drawings from a qualified licensed professional engineer which provide tower height and design, including cross sections and elevations; capacity of the tower; steps taken by the applicant to avoid interference; a professional engineer’s stamp and registration number certifying compliance with FCC and FAA regulations, Building and Electrical Codes and other applicable Township Ordinances, if any; and other information necessary to evaluate the request.
 - (2) A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower with reasonable terms and conditions.
 - (3) The applicant shall also submit a search area map and a promulgation map.
 - (4) The applicant shall also submit a map showing other sites within the township; other sites within a 7 mile radius and future “to build sites”.

SECTION 16.26 HOME OCCUPATIONS. A home occupation as defined in Chapter 3 may be permitted in the AG, R-1, R-1a, R-2 and R-3 Districts and in any Planned Unit Development where single family homes are a permitted principal use as special land uses subject to the minimum conditions of this section and the provisions and general standards of Chapter 17.

- (a) A home occupation shall be conducted entirely within a residential dwelling and the space that is devoted to the occupation cannot exceed 300 square feet in area. No retail sales shall be allowed other than the incidental sale of items related to the permissible services being performed.
- (b) Allowable home occupations may include the following and substantially similar types of operations:
 - (1) Architecture, engineering and interior design.
 - (2) Beauty salons and barber shops.
 - (3) Secretarial services, book keeping, accounting and financial planning.
 - (4) Computer programming and software development.
 - (5) Consulting and counseling services, private tutoring.
 - (6) Drafting and illustration services.
 - (7) Dressmaking, sewing and tailoring.
 - (8) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making.

- (9) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs
 - (10) Office attorneys, insurance underwriters, members of the clergy.
 - (11) Office of building contractor or building trades persons.
 - (12) Office of a sales person, sales representative or manufacturer's representative.
 - (13) Photographic services, taxidermy, painting, sculpturing and writing.
 - (14) Television, computer and other small appliance repair.
 - (15) Telephone answering service and telephone solicitation work.
 - (16) Travel agent and booking service.
 - (17) Watch repair, gun repair service.
 - (18) Medical Marijuana Use by a Primary Care Giver (ref. Sec. 11.26 (d)).
- (c) Minimum Conditions for Home Occupations. The following minimum conditions shall apply to all home occupations:
- (1) It shall be carried out only by the residents of the dwelling and not more than one other person.
 - (2) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes and the appearance of the structures shall not be altered. The occupation must not be conducted in a manner that will cause the premise to take on a non-residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.
 - (4) One identification or on premise advertising sign, not exceeding eight square feet may be used to identify home occupation therein.
 - (5) There shall be no overt marketing of goods, merchandise or supplies on site. Orders that have been previously made by computer, telephone or at a sales event off the premises may, however, be filled on the premises.
 - (7) No storage or display shall be visible from outside the dwelling.
 - (8) No combustible, toxic or hazardous material may be used or stored on the premises, except in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
 - (9) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 - (10) Motor vehicle and pedestrian traffic generated by the home occupation shall in terms of volume, frequency or type or type of traffic, not be found to be inconsistent with that which prevails within the zoning district in which the use is located.

- (11) There shall be adequate off-street parking spaces. On street parking, or parking within the street right of way is prohibited.
- (12) Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.

SECTION 16.27 FAMILY BUSINESS. A Family Business as defined in Section 3.02 may be permitted in the AG, R-1, R-1a, R-2 and R-3 Districts as special land uses subject to the minimum conditions of this section and the general standards and provisions of Chapter 17.

- (a) The business must be operated solely within a building or structure.
- (b) No outdoor storage shall be allowed unless same cannot be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the business and shall be adequately screened to effectively block all view from adjoining roads and properties.
- (c) The business shall be located on the same parcel with the family's residence and shall remain subsidiary to the primary residential use of the property.
- (d) The family business shall be carried out only by the residents of the single family dwelling located on the premises and not more than one other person unless additional workers or employees are specifically authorized by the Planning Commission using the following criteria:
 - (1) The activities of the additional workers or employees (who do not reside within the dwelling) will not cause conflicts due to a general increase in vehicle traffic or conflicting traffic movements.
 - (2) That the onsite accommodations made for the additional employees such as for parking and safety will not change or impair the residential character of the surroundings
 - (3) If the business is one that involves the performance of off-site services, additional employees or assistants reporting to the site may only be permitted if such reporting does not involve the regular daily arrival or departure of heavy equipment, delivery or service vehicles rated in excess of one ton of gross vehicle weight.
- (e) There shall be no expansion of the business without approval of the Planning Commission.
- (f) No service shall be sold or conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- (g) There shall be a minimum distance of 25 feet between any adjoining property line and any building, storage area or parking area used in connection with the business.
- (h) In approving any such special land use permit for a family business, the Planning Commission may impose restrictions and limitations upon the use, relating but not limited to consideration of the following:

- (1) The type of business
- (2) The floor area of the use.
- (3) The area, height, bulk and location of any principal or accessory building.
- (4) The ownership or sale of the business to others
- (5) The length or duration of business operations.
- (6) The storage or display of goods, inventory or equipment that will be visible from outside the dwelling or an accessory building and the screening thereof.
- (7) The storage or use of combustible toxic or hazardous materials on the premises.
- (8) Machinery or electrical activity that will interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (9) Motor vehicle and/or pedestrian traffic and its circulation on and off site.
- (10) The amount of off-street parking provided, and the location and surfacing and drainage thereof. If the family business involves vehicles such as vans or trucks, these shall be stored at the rear of the property. All other vehicles shall be in the side or rear yard but not parked or stored in the front yard area.
- (11) Water usage and the adequacy of the water supply.
- (12) Solid and human waste generation and the proposed means and adequacy of treatment, storage and disposal.

SECTION 16.28 FENCES, WALLS AND SCREENS. For purposes of this Section the terms fence, wall or screen shall mean any artificially constructed barrier of any non-vegetative material or combination of materials erected to serve as a physical barrier, marker, screen or enclosure.

(a) General Construction- Standards Applicable to all Zoning Districts.

- (1) All fences and walls shall be of sound construction and shall be properly maintained.
- (2) The use of razor/concertina wire is prohibited in all zoning districts unless specifically authorized by the Planning Commission as an accessory use on a site plan authorizing a principal business, industrial, public or institutional use.
- (3) Where barbed wire or electrically charged wire is permitted, and when not used to enclose animals, the strands of barbed wire or electrically charged fence may not extend out ward from the base or vertical line of the main portion of the fence. Barbed wire, spire tips, sharp objects and electrically charged strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet.
- (4) Fences or walls or any portion thereof, greater than six feet in height, as measured from the grade at the base of the fence, may not be of a solid or opaque construction.

- (5) A fence or wall shall be erected so that the finished side of the fence or wall faces adjacent properties with any posts or supports located on the inside of the fence or wall.
- (6) Any fence constructed on the front or side of a lot fronted by a sidewalk shall be erected on the lot, at least eighteen (18) inches from the inside edge of the sidewalk.
- (7) Private fences or barriers are prohibited within a public right of way.

(b) Standards Specific to Certain Districts and Locations.

- (1) Standards for the R-1a, R-2, R-3 and R-4 Residential Districts (in association with land uses permitted by right).
 - a. Only decorative or ornamental fences not exceeding thirty (30) inches in height may be permitted in front yards. A fence of this height may be permitted from the front building line of a residence to within eighteen (18) inches of the sidewalk provided that the fence may not interfere with clear vision of and for vehicles at intersections or driveways.
 - b. Barbed wire, spire tips, sharp objects, or above ground electrically charged fences up to a maximum of seven (7) feet of height may be erected in the R-1A, R-2, R-3 or R-4 District when used for protection of public utility facilities or as animal enclosure on a farm, as defined in Chapter 3 provided that the fence location is not within three hundred feet of a dwelling structure located in an area where three or more homes exist and the average distance between the residential dwelling structures is three hundred feet or less.
- (2) Standards for the AG, R-1, C-1 and I-1 districts and special land uses in all other districts.
 - a. All fences or walls shall be limited to a maximum height of ten feet.
 - b. Subject to adherence to above sub-section (a) (3), the use of barbed wire, spire tips, sharp objects or above ground electrically charged fences may be permitted provided the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade unless the fence is used as an animal closure.
 - c. Subject to a determination of the Zoning Administrator, within the C-1, C-I-1 Districts and for any special land use in any other zoning district, fence and wall construction may be subject to site plan approval as a major or minor site plan change, if it is determined that the fence or wall will interfere with or alter any physical feature previously approved as part of an official site plan.

SECTION 16.29 STANDARDS PERTAINING TO DWELLINGS OUTSIDE OF MOBILE HOME PARKS. It is the intent of this Section to provide specific conditions and standards, which must be met by single and two family dwellings located outside of manufactured home parks or other developments regulated by the Manufactured Home

Commission of the State of Michigan. These standards are considered necessary to assure compliance with minimum structural standards and the reasonable compatibility of a dwellings exterior appearance with other dwellings in the same vicinity, whether constructed on or off site.

- (a) All of the requirements of the zone district within which the lot is located shall be met and no dwelling shall be erected, installed or located upon any lot or parcel of land unless it meets all specifications of the adopted Township Building Code pertaining both to the structure itself and to the manner in which it is affixed upon the lot or parcel of land.
- (b) Exterior Dimensions. The minimum width of any dwelling shall be twenty four (24) feet which shall extend at least two thirds (2/3) of the length of the dwelling.
- (c) There shall be a minimum habitable floor to ceiling height of seven one-half feet.
- (d) All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code adopted by the Township and any space between the grade elevation of the lot and structure shall have a 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. If the dwelling is a mobile home the dwelling shall 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 and shall contain a perimeter skirting wall as required in subsection.
- (e) The dwelling shall have no fewer than two exterior doors to provide a means of ingress and egress from the dwelling.
- (f) All dwellings shall be provided steps designed to enable safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade. All steps and/or porches shall be securely attached to a permanent foundation and shall be constructed in conformance with the Township Building Code.
- (g) If the dwelling is a mobile home, each mobile home shall be installed with the wheels removed. No dwelling shall be sited having any exposed towing mechanisms, undercarriage or chassis.
- (h) If the dwelling is a mobile home, each mobile home shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. The skirting shall compliment the appearance of the main walls of the mobile home and consist of the same material or materials of equal or greater durability as those customarily used on the exterior walls of mobile homes. Brick or concrete block wall construction shall be permitted as skirting. The skirting shall be securely attached and sealed to the mobile home body and shall contain a rat proof wall or slab to prevent the entrance of rodents and other animals underneath the mobile home. A minimum of one (1) access door shall be required in the skirting and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more than twenty (20) feet so as to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times. Unprotected flammable materials including hay bales or newspaper shall not be allowed as skirting for mobile homes.
- (i) All dwellings shall meet or exceed all applicable roof snow load and strength

requirements shall otherwise comply with all pertinent building and fire codes adopted by the Township. In the case of a mobile home, all construction and all plumbing, electrical 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.

- (j) Building additions attached to the dwelling shall meet all the requirements of this ordinance and the applicable building, health, electrical and mechanical codes.
- (k) All dwellings shall be connected to a public sewer system and public water supply system as required by the Township or to such private sewer and water facilities as approved by the Allegan County Health Department.
- (l) A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Building Inspector.
- (m) Prior to issuance of a building permit for any dwelling unit, construction plans at a scale of no less than one quarter inch (1/4") to one foot (1'), including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.
- (n) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of mobile home parks within seven hundred fifty (750) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

SECTION 16.30 GOLF COURSES, AGRICULTURAL TOURISM ACTIVITIES, EVENTS OR ATTRACTIONS, ARCHERY AND FIRE ARM SHOOTING RANGES, MOTORIZED SPORTS AND OTHER OUTDOOR RECREATIONAL FACILITIES.

- (a) Unless specifically waived by the Planning Commission, the proposed site shall front upon a paved county road and primary ingress and egress shall be from said road.
- (b) A minimum lot size of five (5) acres, and minimum lot frontage of three hundred thirty (330) feet shall be required. This requirement may be waived if the use is to be located within an existing building or structure situated on a lot that otherwise conforms to the standards for commercial uses within the district in which it is located.
- (c) Spectator areas, principal and accessory buildings, structures and event areas for non-motorized events, including but not limited to trails, runs, obstacle courses, pathways,

and athletic fields shall be located at least one-hundred (100) feet of any property line and shall otherwise be screened and located so as to minimize any adverse effects upon adjoining property properties and the occupants there of. In the case of any fire arm and archery shooting ranges, or any motorized recreation activity, the setbacks for event areas shall be at least two hundred (200) feet from a lot line and at least 1000 feet from an adjacent residential district or residential use.

- (d) Concession stands, pro-shops, clubhouses, and other incidental commercial type uses may be permitted provided they are and are operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists.
- (e) No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed.
- (f) Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.
- (g) Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.
- (h) Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be separated from adjacent residential uses and zoning districts by a minimum of 75 feet. The number of parking spaces provided shall be sufficient to satisfy peak periods of use.
- (i) Fencing may be required where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.
- (k) All outdoor lighting shall be directed away from and otherwise arranged so the source of the light (the lumen) is not visible from adjacent residences, public roads or highways and that no light trespass onto adjacent parcels will occur.
- (l) The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of the adjoining residential property owners and to insure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the neighborhood in which the same is located.

SECTION 16.31 GRAIN ELEVATORS AND FARM SERVICE FACILITIES. Uses involving the storage, processing and shipping of grain, silage, feed, fertilizer, agronomy products and associated commodities such as fuel, lumber or masonry products may be permitted as special land uses in the I-1 and AG Districts subject to general standards of Chapter 17 and the following

- (a) All operations and activities, other than parking, loading and bulk storage, shall be conducted wholly within enclosed buildings and structures.
- (b) Outdoor storage of materials or equipment shall only be permitted in areas approved in advance as part of the site plan approval. Outdoor storage areas shall be screened from the view of neighboring properties and streets through the use of an approved landscape screen, buffer, wall or solid fence. Materials or equipment shall not be visible above the

screening. Outdoor storage is not permitted in any minimum setback area or in any area within 100 feet of an adjacent to a residential use or an, R-1, R-1a, R-2, R-3 R-4 district or residential PUD.

- (c) No activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration, electromagnetic radiation or heat that will adversely affect permitted uses on neighboring properties
- (d) Unless specifically exempted by the Planning Commission, no activity shall emit noise that exceeds the standards of the Heath Township Noise Ordinance.

SECTION 16.32 OUTDOOR WOOD FURNACES

- (a) Purpose and Findings. The purpose of this section is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the Heath Township so as to secure and promote the public health, safety and welfare of the Township and its inhabitants. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor furnaces.
- (b) Outdoor Furnaces Defined. The term "outdoor furnace" shall mean a furnace, stove or boiler that located within a building or structure that is not designed for or capable of or being occupied, inhabited or containing the presence of humans or domestic animals, but that provides heat or hot water for such building or structure.
- (c) Where permitted. Outdoor furnaces may be permitted in any residential or agricultural district except they may not be installed or used on any parcel used to support a two family or multi-family residential structure. Outdoor furnaces shall not be installed and used in any Commercial or Industrial District or in support of any business or institutional use located in any other district.
- (d) Furnace Setback and Perimeter.
 - (1) Outdoor furnaces must be installed not less than 100 feet from an existing residence or occupied structure which is not on the same property as the outdoor furnace and not less than 75 feet from any front property line.
 - (2) Outdoor furnaces shall only be located in the rear yard area as defined in Chapter 3 and shall be positioned at least 20 feet from a side or rear property line and forty feet from the waters edge of any stream or body of water.
 - (3) An outdoor furnace shall not be located within any yard fronting on a street.
 - (4) The area around an outdoor wood furnace shall be free of vegetation or other combustible materials.
- (e) Chimney Height. The chimney shall be not less than 15 feet above the ground elevation. If there are residences or occupied structures on adjoining property within 150 feet of the furnace, the chimney shall extend at least as high above the ground surface as the height of the roof peak of all such residences.

- (f) Fuel. No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned or stored on the site in association with the wood furnace. The following materials are specifically prohibited:
- (1) Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - (2) Waste oil or other oily wastes.
 - (3) Asphalt and products containing asphalt.
 - (4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - (5) Plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (6) Rubber, including tires and synthetic rubber-like products.
 - (7) Newspapers, corrugated cardboard, container board or office paper.

SECTION 16.33 MEDICAL MARIHUANA USE AND PROHIBITION. Medical marihuana use by patients and primary caregivers and the lawful cultivation and distribution of medical marihuana shall be in compliance with the Michigan Medical Marihuana Act, PA 208, Initiated Law, MCL 333.26421 and the Administrative Rules of the Michigan Department of Community Health as both may be amended from time to time. No medical marihuana dispensaries, collectives or cooperatives, smokehouses or the like shall be conducted, commenced, operated or utilized in any zoning district or on or from any property within the Township.