

Reynolds Township

**Zoning
Ordinance**

Zoning Ordinance

Reynolds Township, Michigan

Adopted: November 5, 1998
Effective: November 16, 1998
Revised: April, 2003

Sec 2.1 Gen Provisions; Sec 2.17 Home Occupation; Sec 11.4, 11.7 & 11.8 Planned Unit
Dev (PUD); Sec 14.2, 14.4 & 14.6 Special Land Use; Sec 15.1, 15.2, 15.3, 15.4, 15.6
ZBA; Sec 16.5 Fees; Sec 17.2 Intent- **September 22, 2007**

Sec. 13.3 Signs - **March 10, 2011**

Sec. 8.2 & 8.4 C-1 Commercial, 9.3C Special Land Use - **September 8, 2011**

Sec. 2.30 Med Marijuana, Sec. 9.3 & 9.3E Special Land Use - **March 8, 2012**

Section 2.3 Fences – **January 25, 2015**

Sec. 1.2 & 2.2 Acc Bldg; Sec 2.3 & 2.32 Swimming Pools - **January 26, 2015**

Sec. 2.3B Fences, 13.2 Off-street Parking, Zoning Map - **March 30, 2015**

Sec. 13.3B, 13.3C4 & 13.3G10-D Signs - **November 30, 2015**

Section 2.13 Keeping of Animals – **October 13, 2016**

1.19, 4.2.33, Sec. LL Solar - **December 26, 2022**

Sec. 1.4, Sec. 1.8, Sec 2.30, Sec 4.3, Sec. 8.3, Sec. 14.6Marihuana - **May 13, 2023**

Sec. 3.2, Sec. 9.1 Highway Commercial/residential - **June 1, 2023**

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CHAPTER 1 DEFINITIONS

SECTION 1.1. CONSTRUCTION OF LANGUAGE

The following rules apply to the text of this Ordinance:

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

SECTION 1.2. DEFINITIONS – A

(Amended 1/8/2015)

ACCESSORY BUILDING (Amended 1/8/2015)

A building, structure, or use on the same lot with, and of a nature which is customarily incidental and subordinate to the principal building, structure, or use. (See specific definition and regulations for Dwelling Unit, Accessory.)

ACCESSORY USE OR ACCESSORY

A use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An accessory use shall be located on the same lot as the principal use. When “accessory” is used in this text, it shall have the same meaning as accessory use.

ADULT BOOKSTORE

A building used for the sale of motion picture films, video cassettes, magazines, posters and other printed material, tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical area,” as defined in this Ordinance, for sale to patrons therein.

ADULT FOSTER CARE FACILITY

A facility defined as an “adult foster care facility” by the adult foster care facility licensing act, Act. No.2 18 of the Public Act of Michigan of 1979 (MCL 400.701 et seq.) as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An “adult foster care facility” includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis, but who do not require continuous nursing care.

ADULT FOSTER CARE FAMILY HOME

A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

ADULT LIVE ENTERTAINMENT THEATER

A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical area,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”

ADULT MOTION PICTURE THEATER

A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.

AGRIBUSINESS

An animal slaughter house or slaughter operation, meat processing plant, farm implement sales, farm implement reconditioning, fertilizer sales, seed cleaning and distribution, custom crop applications and wood chip processing and distribution operations.

ALLEY

Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS

Any change addition or modification in construction of type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

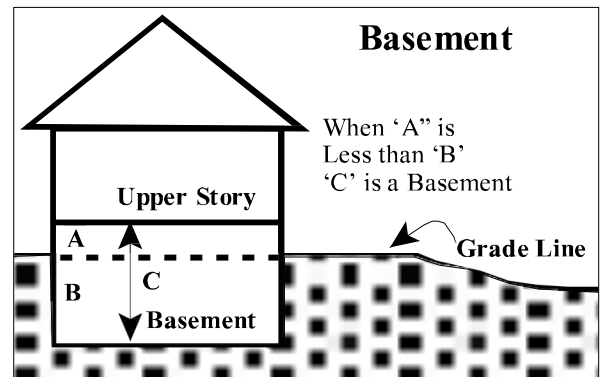
AWNING

A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that project from the exterior wall of a building.

SECTION 1.3. DEFINITIONS – B

BASEMENT

That portion of a building which has part, but not less than one-half (1/2) of its height below grade. A basement shall not be counted as a story.



BED AND BREAKFAST ESTABLISHMENT

A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BLOCK

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARD OF APPEALS OR ZONING BOARD OF APPEALS

The Zoning Board of Appeals of Reynolds Township.

BUFFER STRIP

A strip of land required between certain zoning districts reserved for plant materials, berms, walls, or fencing to serve as a visual barrier or to block noise, light and other impacts.

BUILDING

An independent structure, temporary or permanent, having a roof supported by columns, walls, or

any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

BUILDING CODE

The code or codes governing the erection and maintenance of buildings as currently adopted by Reynolds Township.

BUILDING LINE

The line parallel to the street line formed by the face of the building or touching that part of a building closest to the street. For the purposes of this Ordinance, a minimum building line is the same as the front setback. (See also Chapter 12, District Regulations and Section 2.6 Projections into Yards.)

BUILDING OFFICIAL OR BUILDING INSPECTOR

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Reynolds Township.

BUILDING SITE

This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element) including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above,) taken together with any contiguous and appurtenant limited common element.

SECTION 1.4. DEFINITIONS – C

CERTIFICATE OF OCCUPANCY

A document signed by an authorized Township Official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE CENTER OR DAY CARE CENTER

A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one (1) or more preschool or school age children are given care and supervision for period of less than twenty-four (24) hours per day and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a vacation Bible school or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4)

hours per day for an indefinite period or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

CLUB

An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL STORAGE WAREHOUSE

A building or buildings used primarily as a commercial business for the storage of goods and materials, also referred to as mini-warehouse.

CONVALESCENT OR NURSING HOME

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

SECTION 1.5. DEFINITIONS - D

DAY CARE CENTER

See “CHILD CARE CENTER.”

DRIVE-THROUGH BUSINESS

A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DWELLING UNIT

A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, bathroom and sleeping facilities. In no case shall a motor home, trailer, automobile chassis, tent or portable building be considered a dwelling. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY

A building containing three or more individual dwelling units or apartments.

DWELLING, SINGLE FAMILY DETACHED

A building containing only one dwelling unit.

DWELLING, TWO-FAMILY

A building on a single lot containing two attached dwelling units.

SECTION 1.6. DEFINITIONS – E

ERECTED

Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for construction, excavation, fill drainage, etc.

ESSENTIAL PUBLIC SERVICES

The erections, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electric, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term “essential services” shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

EXCAVATION

Any breaking of ground, except common household gardening and ground care.

SECTION 1.7. DEFINITIONS – F

FAMILY

A person living alone in a single dwelling unit or two or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. “Family” does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding or lodging house or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

FAMILY DAY CARE HOME

A private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks

during a calendar year.

FARM

All the contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, stock yards or sand and gravel pits shall not be considered farms.

FLOOD

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland waters
- B. the unusual and rapid accumulation of runoff of surface waters from any source

FLOOD HAZARD AREA SPECIAL

Land within the Township subject to a one percent or greater chance of flooding in any given year. Also known as “area of 100-year flood,” and shown on the Flood Insurance Rate Map (FIRM) as “Zone A.”

FLOOD INSURANCE RATE MAP

An official map of the Township, on which the Federal Insurance Administration has delineated both the special flood hazard area and the risk premium zones applicable to the community.

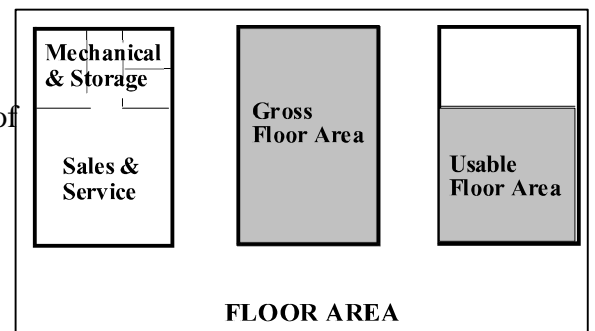
FLOOD PLAIN

Land designated as Special Flood Hazard Area.

FLOOR AREA, GROSS

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA, USABLE (For the purposes of computing parking) That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of “usable floor area.” Measurement of usable floor area shall be the sum of the horizontal areas of the



several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE

The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

SECTION 1.8. DEFINITIONS – G

GRADE

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent.

GRADE AVERAGE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

GREENBELT

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance. (See also BERM and BUFFER STRIP.)

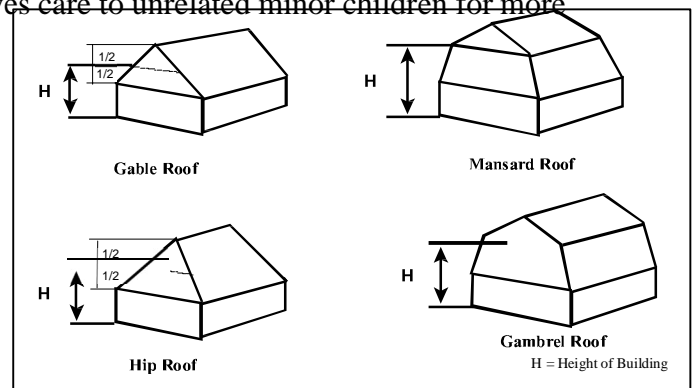
GROUP DAY CARE HOME

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

SECTION 1.9. DEFINITIONS – H

HEIGHT

The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable,



hip, and gambrel roofs.
HOME OCCUPATION

An occupation or profession carried on within a portion of a dwelling unit that is clearly a customary, incidental, and secondary use of the residential dwelling unit including instruction in music, crafts or fine art, within a dwelling by a member of the family residing in the dwelling.

HOTEL/MOTEL

A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms and recreational facilities.

HOUSING FOR THE ELDERLY

A residential facility that provides room, board and supervised care to unrelated, non-transient individuals 60 years of age or older or couples where either the husband or wife is 60 years of age or older. School facility shall be licensed as a “home for the aged” by the State Department of Public Health under Article 17 of the Public Health code, Act. No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq. MSA 14.15 (20101,)) as amended. This does not include a development that contains convalescent or nursing home as licensed under Act No., 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

SECTION 1.10. DEFINITIONS – I

INOPERABLE VEHICLE

A motor vehicle which is unlicensed or can no longer propel itself.

INTENSIVE LIVESTOCK OPERATIONS

A concentrated livestock of poultry breeding, raising, holding, boarding or feeding operation or business with a total of 300 dairy cattle (all classes,) 300 slaughter or feeder cattle, 300 swine (all classes,) 1000 poultry (all classes,) 300 sheep or goats (all classes) or 75 horses (all classes) or more at one operation, on one parcel or as an aggregated total on adjoining or contiguous parcels.

SECTION 1.11. DEFINITIONS – J

JUNK

Any worn out or discarded materials including, but not necessarily limited to: scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances and yard debris.

JUNK YARD

An open or outdoors area where waste junk or used or second-hand materials are bought and sold,

exchanged, stored, maintained, kept, baled, packaged, disassembled or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. “Junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping of abandonment of junk, but does not include uses established entirely within enclosed buildings.

SECTION 1.12. DEFINITIONS – K

KENNEL, COMMERCIAL

Any lot or premise on which three (3) or more dogs, cats or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes.

SECTION 1.13. DEFINITIONS – L

LOADING SPACE

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise materials.

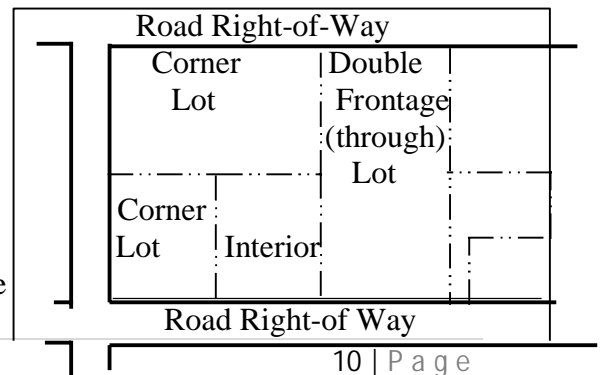
LOT

A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes within a platted subdivision or site condominium, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirement of this ordinance:

- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A building site as defined in this ordinance in connection with a site condominium project.

LOT, CORNER

Any lot having at least two (2) contiguous sides abutting Upon a street, provided that the interior angle at the Intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle



of less than one hundred thirty-five (13) degrees.

LOT, FLAG

A lot with access provided to the bulk of the lot by means
Of a narrow corridor fronting on a public street.

LOT, INTERIOR

A lot other than a corner lot, flag lot or through lot.

LOT, THROUGH

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

LOT, WATERFRONT

A lot having a property line abutting a shoreline.

LOT AREA

The total horizontal area within the lot lines.

LOT COVERAGE

The part of the lot occupied by any building, including accessory buildings.

LOT DEPTH

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES

The lines bounding a lot as defined herein:

A. FRONT LOT LINE

In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a waterfront lot, the front lot line shall be considered the lot line abutting the water.

B. REAR LOT LINE

That lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

C. SIDE LOT LINE

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD

A parcel of land, the dimensions of which are shown on a document or map on file with the Montcalm County Register of Deeds, which actually lawfully exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH

The horizontal straight-line distance between the side lot lines, measured between the two points where the required front setback line intersects the side lot lines.

SECTION 1.14. DEFINITIONS – M

MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED HOME

A transportable, factory-built home, designed to be used as a year-round residential dwelling.

MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore; together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MARQUEE

A permanent structure constructed of rigid materials that project from the exterior wall of a building.

MASSAGE PARLOR

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by State of Michigan, noir barber shops or beauty salon in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit 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, nor practices of massage therapists who meet one or more of the following criteria.

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

MASTER PLAN

The Master Plan currently adopted by Reynolds Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public facilities and all physical development of the township and any unit or part of such plan and any amendment to such plan.

MEDICAL MARIHUANA FACILITY (5/13/23)

A marihuana facility as defined in and regulated by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 et. seq.), as amended.

SECTION 1.15. DEFINITIONS – N

NONCONFORMING BUILDING OR STRUCTURE

A building or structure, the size, dimensions or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

NONCONFORMING LOT

A lot, the area, dimensions or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

NONCONFORMING USE

A use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

NURSING HOME

A nursing care facility licensed as a “nursing home” by the State Department of Public Health under article 17 of the public health code, Act No 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.) as amended. A “nursing home” as defined by this section shall include extended care facility and convalescent home.

SECTION 1.16. DEFINITIONS – 0

OFF-STREET PARKING LOT

A facility providing parking spaces, along with adequate drives, maneuvering areas and aisles, for the parking of more than three (3) vehicles.

OPEN-AIR BUSINESS

Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumber yards.

OPEN SPACE, (Definition pertaining to)

A. OPEN SPACE

Undeveloped land not part of any required yard which is set aside in a natural site or for an agricultural use.

B. OPEN SPACE, COMMON

Open space which is held for the collective use and enjoyment of the owners, tenants or occupants of a single development.

C. OPEN SPACE, DEDICATED

Common open space dedicated as a permanent recorded easement.

D. OPEN SPACE DEVELOPMENT

A development in which the lot sizes are reduced by below those normally required in the zoning

district in which the development is located in return for the provision of permanent open space on-site.

E. OPEN SPACE, USABLE

That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

SECTION 1.17. DEFINITIONS – P

PARKING SPACE

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT

A commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT (PUD)

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements.

PLANNING COMMISSION OR COMMISSION

The Reynolds Township Planning Commission.

PRINCIPAL USE

The main use to which the premises are devoted.

PUBLIC UTILITY

Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications,) telegraph, transportation or water services; provided that this definition shall not include any person, firm or corporation engaged in radio or television broadcasting.

SECTION 1.18. DEFINITIONS – R

RECREATIONAL MARIHUANA ESTABLISHMENT

A marihuana establishment as defined in and regulated by the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended. This term includes designated consumption establishments, temporary marihuana events, and any other specialty license type authorized by the State of Michigan Cannabis Regulatory Agency or its successor agency.

RECREATIONAL MARIHUANA MICROBUSINESS”

A marihuana microbusiness as defined in and regulated by the Michigan Regulation and Taxation of Marihuana Act, II 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

RECREATIONAL MARIHUANA RETAILER

A marihuana retailer as defined in and regulated by the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 332.27951 *et. seq.*), as amended.

RECREATIONAL VEHICLE OR EQUIPMENT

Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and trailers designed to transport boats;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles;
- E. Pop-up tent and camper trailers;
- F. Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle.

This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

RESIDENTIAL DISTRICT

This term shall include the R-2, R-3 and R-4 Districts, and any residential uses within an approved Planned Unit Development District.

ROOF LINE

Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.

SECTION 1.19. DEFINITIONS - S

SALVAGE YARD

An open area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including house wrecking and structural steel materials and

equipment and automobile wrecking.

SATELLITE DISH ANTENNA

An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SECONDARY STREET

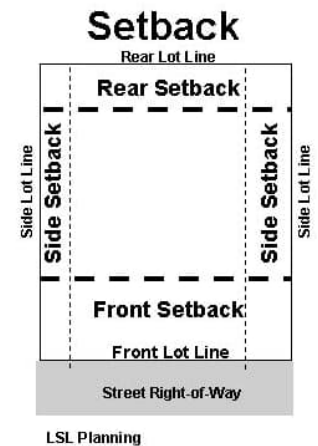
The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

SETBACK

The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SIGN

A device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.
(See also Sec. 13.3B.)



SIGNIFICANT NATURAL FEATURE

A natural area as designated by the Planning Commission, Township Board or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological or historical characteristics such as a wetland, flood plain, river, lake or other unique natural features.

“SOLAR ENERGY SYSTEMS (SES) and RELATED DEFINITIONS

A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area and are sometimes referred to as “concentrated solar power” systems or “CSP” systems.

- A. Small Solar Energy System (Small SES): A roof-mounted or ground-mounted SES located on the same lot as the use served by the SES and occupies no more than one thousand (1,000) sq. ft. of roof area or land area, including access aisles between solar panels.
- B. Medium Solar Energy System (Medium SES): A roof-mounted or ground-mounted SES located on the same lot as the use served by the SES and occupies more than one thousand (1,000) sq. ft. but not more than ten thousand (10,000) sq. ft. of roof or land area, including access aisles between solar panels.
- C. Large Solar Energy System (Large SES): A roof-mounted or ground-mounted SES that occupies more than ten thousand (10,000) sq. ft. of roof or land area, including access

aisles between solar panels. A Large SES may serve one (1) lot that may include multiple businesses or buildings, or may be designed to serve uses and parcels on which solar panels and other SES equipment is not located thereon including the supplying of energy-to-energy utility providers.

- D. Ground-Mounted SES: A SES that relies on solar panels independently supported from the ground by poles or similar support systems and is not attached or otherwise supported by a building.
- E. Roof-Mounted SES: An SES that relies on solar panels directly attached to or are otherwise supported by the roof of a building including framing extending from the roof to support panels attached to the framing.
- F. Solar Collection Panels: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity.
- G. Solar Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.”

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

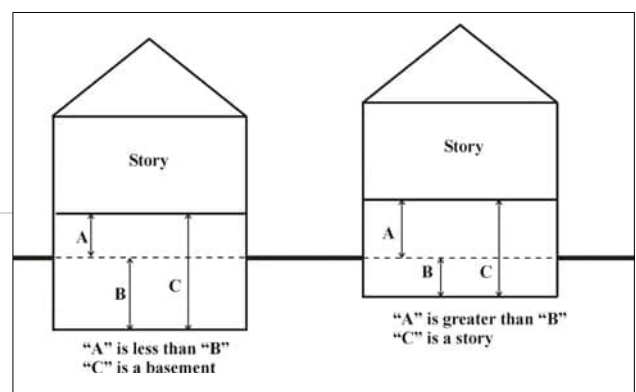
- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS)

A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the public Acts of Michigan of 1973; MCL 722.111 et seq., as amended,) which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “state licensed residential facility (six or less persons)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY

That part of a building included between the surface Of any floor above the average grade or ground at the Foundation and the surface of the next floor, or if



There is no floor above, then the ceiling next above.

STORY, HALF

An uppermost story lying under a sloping roof having
An area of at least two hundred (200) square feet with
With a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET, PRIVATE

A private street shall mean any roadway or drive which is not a dedicated public road right-of-way and which provides or is intended to provide the primary means of ingress/egress to two (2) or more lots or dwelling units, whether created by private road right -of-way, agreement, license, lease, joint ownership, easement or prescription. Any and all extensions to a private road shall be considered part of the primary private street which abuts the private road. The term “private street” shall also include a path, drive, trail or road which is privately built and maintained and which is located on a public road right-of-way or easement.

STREET, PUBLIC

A public dedicated right-of-way other than an alley, which affords the principal means of access to abutting property.

STRUCTURE

Anything constructed, erected or placed item or material or combination of materials or items in, on or upon the ground having a fixed location, including, but not limited to buildings, sheds, towers, signs, swimming pools, animal enclosures, garages, accessory buildings, decks, patios, docks, platforms, satellite dishes, gazebos, tennis courts and storage bins, but excluding lawful fences, sidewalks and paving on street, driveways or parking area. The definition of structure also excludes retention walls, seawalls, decks or patios, no portion of which is located more than 12 inches above the natural grade nor closer than 5 feet to any lot line.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however; include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on a National Register of Historic Places or the Michigan Register of Historic Places.

SECTION 1.20. DEFINITIONS – T

TRUCK TERMINAL

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks are parked or stored.

SECTION 1.21. DEFINITIONS – V

VEHICLE SERVICE STATION

Building and premises where the primary use is the supply and dispensing, at retail, of motor fuels, lubricants, batteries, tires and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair and servicing, but not including vehicle repair as defined herein.

VEHICLE REPAIR

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

VEHICLE WASH

A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

SECTION 1.22. DEFINITIONS – W

WASTE DUMPSTER

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL

A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS,) specialized mobilized radio (SMR,) enhanced specialized mobilized radio (ESMR,) paging, and similar services that are marketed to the general public.

SECTION 1.23 DEFINITIONS – Y

YARDS

The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

A. FRONT YARD

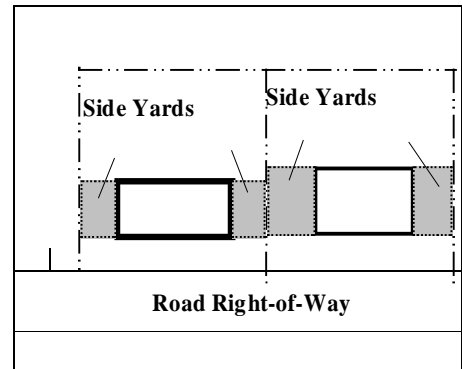
An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.

B. REAR YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. SIDE YARD

An open space between a main building and side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



YARD, REQUIRED

The required yard shall be that set forth as the minimum yard setback requirement for each district.

SECTION 1.24. DEFINITIONS – Z

ZONING ACT

The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

CHAPTER 2 GENERAL PROVISION

SECTION 2.1. NON-CONFORMING LOTS, BUILDING AND (Amended 9/22/2007) STRUCTURES, AND USES

A. Intent

1. It is recognized that there exist in zoning districts certain lots, building and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal non-conforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Non-conforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

B. Non-conforming Lots of Record

1. Where a residential lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that the lot is at least 10,800 square feet in area, the lot width is at least 90 feet, the side yard is at least 10 feet, and further provided that any building or structure constructed on the lot complies with all other yard setback requirements.
2. If two or more lots of record or combination of lots and portions of lots of records, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C. Non-conforming Uses

1. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.

2. No part of any non-conforming use shall be moved unless such movement eliminates the non-conformity.
3. If a non-conforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A non-conforming use shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute intent on the part of the property owner to abandon the non-conforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the non-conforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
 - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the non-conforming use.
4. A non-conforming use may be changed to another non-conforming use provided that all of the following determinations are made by the Planning Commission
 - a. The proposed use shall be as compatible as or more compatible with the surrounding neighborhood than the previous non-conforming use.
 - b. The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

D. Non-conforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its non-conformity, except in cases in which the setback of a building or structure is non-conforming by fifty (50) percent or less of the distance required by this Ordinance. Only in these cases may the non-conforming setback be extended along the same plane as the existing non-conforming setback, provided that in so doing, the setback itself is not further reduced.
 - b. Should a non-conforming building or structure be destroyed to an extent of more than seventy (70) percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of

this Ordinance.

- c. Should a non-conforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.

2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any non-conforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

- E. The Township may acquire, through purchase or condemnation, private non-conforming, buildings, structures or land. The Township Board may make this purchase of private property in the manner provided for by law.

SECTION 2.2. ACCESSORY BUILDINGS, STRUCTURES AND USES

(Amended 1/8/2015)

A. Accessory Building – General (Amended 1/8/2015)

1. Where an accessory building is attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
2. Accessory buildings shall be erected only in the rear yard, except in the R-1 and R-2 Districts, a detached accessory building or garage may be permitted between the street right-of-way and the main building, provided that the lot has a minimum of two hundred and fifty (250) feet of depth and further provided that such accessory building is located no nearer than one-half (1/2) the distance from the front lot line and the main building. Where accessory buildings are placed in the front yard such buildings shall maintain a minimum side yard setback of fifty (50) feet.
3. Accessory buildings shall be permitted on a lot or parcel that does not have a main dwelling building, provided it conforms to all regulation of the Ordinance applicable to main dwelling units.

B. Accessory Uses – General

1. An accessory use must be in the same zoning district as the main use on a lot.
2. No accessory building shall be used or occupied as a dwelling.
3. Accessory uses shall not be permitted in the front yard.

C. Residential Accessory Buildings and Structures

Accessory buildings shall be permitted with the R-2, R-3 and R-4 Districts or with any residential use provided that the following restricts are met:

1. No more than two (2) detached accessory buildings shall be permitted on any lot. The total area occupied by all accessory buildings shall not exceed twenty (20) percent of the rear yard area.
2. No detached accessory building shall be located closer than ten (10) feet to any main

- building.
3. No accessory building shall exceed (16) feet in height; provided that in the R-1 and R-2 districts such buildings may be constructed to a height of twenty (20) feet.
 4. These restrictions shall not apply to farm buildings used in conjunction with a bona fide farm operation.

D. Other District Accessory Buildings and Structures

Accessory buildings shall be permitted within the C-1, C-2 and I Districts provided the following restrictions are met:

1. No more than two (2) detached accessory buildings shall be permitted on any lot.
2. The combined area of all accessory buildings shall not exceed twenty-five (25) percent of the floor area of the main building.
3. Detached accessory buildings shall meet all setback requirements for the zone district in which they are located.
4. No detached accessory building shall be located nearer than ten (10) feet to any other building on the property.
5. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

E. Accessory Buildings and Structures on Waterfront Lots

One (1) accessory building may be constructed within the required setback from the ordinary highwater mark on any waterfront lot, provided it is no larger than one hundred forty-four (144) square feet with no side linder than twelve (12) feet and a height of not more than eight (8) feet. The area of such accessory building shall be counted toward the total number and area allowed for all accessory buildings on the property. Any other accessory building or structure shall otherwise comply with the applicable requirements of Section 2.2.

SECTION 2.3. FENCES

(Amended 1/25/2015)

(Amended 1/26/2015)

(Amended 3/12/2015)

- A. Fences in residential districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence. In the R-1 district, fences used to enclose vacant land or land used for agricultural purposes, may be erected within any yard up to a height of seven (7) feet. Such fences shall be of an open type so as to not obstruct vision.
- B. Fences erected within the front yard in any district shall not exceed forty-eight (48) inches in height. Fences within the front yard shall be of a type which is not more than fifty (50) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. (Amended 3/30/2015.)
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire to be electrified.

- D. Fences in Businesses and Industrial Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground. The total height of fences in any non-residential district shall not exceed ten (10) feet.
- E. Fences shall be erected within any public right-of-way in any district.
- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection.
- G. Fences shall not be erected within two (2) feet from a sidewalk, where the sidewalk is within the public right-of-way.
- H. Fences surrounding swimming pools shall comply with the most recent version of the Michigan Building Code, MCL 408.30o401, et seq., at the time of issuance of the permit for construction. (Amended 1/8/2015)
- I. Snow fencing shall have a time limitation and may be erected or installed from the last day of October of that calendar year until the last day of March of the following calendar year. (Amended 1/25/2015.)
- J. Temporary construction fencing shall be allowed to be erected or in place only while construction is taking place.

SECTION 2.32. SWIMMING POOLS

(Amended 1/8/2015)

Private swimming pools are permitted in all districts, subject to the following:

- 1. The swimming pool shall be maintained in a clean and healthful condition in accordance with Montcalm County Health requirements.
- 2. No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on any land if a storm drain is readily accessible to the premises.
- 3. Every swimming pool shall be completely enclosed with a permanent substantial fence with gates consistent with Section 2.3H of this Ordinance.
- 4. No opening shall be designed, built or maintained as to permit access to the pool except under the supervision of the possessor or by his/her permission.
- 5. The swimming pool shall not be installed closer than ten (10) feet to any side or rear lot line and no part of any pool shall be constructed within the front yard or the required side street side yard.
- 6. Construction of the swimming pool shall be subject, and pursuant, to Section 16.2B of this Ordinance.

SECTION 2.4. REQUIRED ACCESS

Any lot created shall have frontage upon a public or private street for a distance equal to the minimum lot width requirement in the zoning district where the property is located. Lots with frontage on a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than forty (40) feet of such frontage,) and further provided that the lot width at the front setback line (or the rear setback

line in the case of waterfront lots) and beyond shall satisfy the minimum lot width requirements of the zoning district in which the lot is located.

SECTION 2.5 MAIN BUILDING OR USE

No more than one main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, multiple family dwellings or manufactured homes contained within a single, integrated complex, sharing parking and access.

SECTION 2.6 PROJECTIONS INTO YARD

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations,) gutters, chimneys, pilaster and similar features may project no further than four (4) feet into a required front, rear or side yard.
- B. An open, unenclosed and uncovered porch, paved terrace, deck, balcony or window awning may project no further than ten (10) feet into a required front yard, no further than fifteen (15) feet into a required rear yard and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line.
- C. Any porch, terrace, deck or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.
- D. No roof, roof overhang or soffit shall be permitted to extend into a required side yard.

SECTION 2.7. PUBLIC SERVICES

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

SECTION 2.8. BUILDING HEIGHT EXCEPTIONS

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lots, water tanks, public monuments, church spires and penthouses or roof structures housing necessary mechanical appurtenances.

SECTION 2.9 REQUIRED AREA OR SPACE

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimension or area below the minimum requirement of this Ordinance. If already less than the minimum requirement of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase it noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls or garages attached to a dwelling unit or other main building in a substantial manner, such as by

a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provision of this Ordinance concerning required yards.

- C. No property access easement or device or lake, stream or river access easement or device shall be created except in compliance with this Ordinance and prior to approval by the Township.

SECTION 2.10. REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

Any single-family dwelling on a lot, whether constructed and erected or a manufactured home, shall be permitted only if it complies with all of the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Township, provided, however; that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.
- D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwelling. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty-four (24) feet. Floor area of 800 square feet with a minimum width of twenty-four (24) feet. Special Requirements: all prefabricated homes shall be no older than ten (10) years.
- H. Storage area shall be provided within a building, with an area of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic or

attached garage in a main building or in a detached accessory building which is in compliance with all other applicable provisions of Section 2.2.

- I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first-floor entry of the dwelling unit and the adjacent grade.
- J. The pitch of the main roof of the dwelling unit shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
- K. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coating with clean, white, gloss exterior enamel.
- L. The dwelling unit shall be placed on the lot that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
- M. The dwelling unit shall have no less than two (2) exterior doors, with one being in either the rear or the side of the dwelling unit.

SECTION 2.11. ILLEGAL DWELLINGS

The use of any portion of a garage or accessory building for welling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Township building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area for the district in which it is located.

SECTION 2.12. CONSTRUCTION BUILDINGS AND STRUCTURES

Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- A. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.
- B. No construction building or structure shall be used as a dwelling unit.
- C. A building permit shall be issued by the Building Inspector prior to installation of a construction building or structure.
- D. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

SECTION 2.13. KEEPING OF ANIMALS

(Amended 10/13/2016)

- A. The keeping of household pets, including dogs, cats, fish, birds, hamster and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However; no more than three (3) dogs or cats, four (4) months of age or older, in any combination thereof, shall be kept or housed in or at one (1) dwelling unit.
- B. The keeping of animals not normally considered household pets, including but not limited to

horses, pigs, sheep, cattle and poultry is prohibited in all zoning districts except Rural-Agricultural Residential (R-1) and low density residential (R-2,) subject to the following:

1. The minimum required area shall be two acres;
2. Any keeping of animals allowed under this section must be in compliance with the Right to Farm Act (RTFA,) MCL 286.471 et seq., and generally accepted agricultural and management practice (GAAMP) regulations;
3. Chickens consisting of six hens and no roosters may be kept in the backyard of properties located in the medium density district (R-3) as long as such activity is in compliance with RTFA and GAAMP provisions;
4. All storage of odor or dust producing materials shall be set back a minimum of fifty (50) feet from property lines, and all buildings and water wells shall meet the minimum setback requirements of the R-2 district.

- C. Agricultural fencing, including barbed wire and electric fencing, may be used in residential zones, as long as such use is limited to confining agricultural animals and meets the requirements of any other provisions of this Ordinance regarding fencing, and is expressly prohibited for any other condition or reason.

SECTION 2.14. WATER AND SANITARY SEWER SERVICE

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial water. Such installations and facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department, The Montcalm County Health Department, and the Subdivision Regulations, Building Code and other applicable ordinances of Reynolds Township.

SECTION 2.15. CORNER LOTS

- A. A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the short of the two lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, the Zoning Administrator shall determine the principal front lot line.
- B. General Provisions:
1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
 2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.

C. Commercial and Industrial Zoning Districts:

For a corner lot which is completely within a C-1, C-2, or I Zoning District, the setback along the secondary street(s) shall not be less than thirty (30) feet. All other setbacks shall comply with the minimum setback requires of the zoning district within which the lot is located.

SECTION 2.16. REQUIRED GREENBELTS/BUFFERS

In order to provide protective screening for residential areas adjacent to or near nonresidential areas, a landscaped greenbelt shall be provided along the district boundary line by the non-residential property owners. Such greenbelt shall be a strip of at least ten (10) feet in width which is planted and maintained with evergreens, such as spruce, pines or firs at least five (5) feet in height and fifteen (15) feet on-center; or a hedge of evergreens at least four (4) feet in height, situated so as to provide an effective sound and visual buffer. The portion of the greenbelt not covered by such trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance. Any shrubs, bushes or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner. Such greenbelt and the trees, shrubs or landscaping thereof shall be maintained at all times and any dead or dying tree or landscaping item shall be replaced within 90 days or a date certain as determined by the Zoning Administrator based on seasonal weather conditions, whichever is greater.

SECTION 2.17. HOME OCCUPATIONS

(Amended 9/22/2007)

- A. Home occupations shall be approved the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section.
- B. No persons other than members of the immediate family residing on the premises shall be engaged in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the main building. The home occupation shall be operated entirely within the principal dwelling and not within any detached accessory building or structure.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and not in the required front yard.
- F. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuation in line voltage off the premises.

SECTION 2.18. PRIVATE STREETS

A. Purpose.

The Township determines that it is in the best interest of the community to regulate the construction, improvement, extension, relocation and use of private streets. These provisions have been enacted to assure that:

1. Proposed private streets will not be detrimental to the public health, safety or general welfare;
2. Proposed private streets will not adversely affect the long-term development policies of Reynolds Township;
3. Private streets will be designed and constructed with adequate width, surface and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
4. Private streets will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and the natural environment of the Township.

B. Definitions.

1. "Condominium Act" Means Public Act 59 of the Michigan Public Acts of 1978, as amended.
2. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.
3. "Condominium project" means a plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
4. "Master Deed" means the condominium document recording the condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the project.
5. "Frontage" means the continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private road easement.
6. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
7. "Private driveway" means an improved or unimproved path or road extending from a public right-of-way or private road easement to a single building, dwelling or structure, intended to provide ingress and egress primarily for occupants thereof.
8. "Private street" means an undedicated, privately controlled and maintained easement designed and maintained in compliance with the provisions of this Ordinance that provides the means of access to two (2) or more abutting parcels or lots. The term "road" shall be synonymous with the terms street, avenue, place, way drive, lane, boulevard, highway or other thoroughfare.
9. "Road Commission" means the Montcalm County Road Commission.

C. Frontage and Access.

1. All parcels utilizing a private street shall have frontage on the approved private road

of a distance equal to or greater than the minimum lot width required for the District in which the parcel is located: provided that for parcels abutting a cul-de-sac, the minimum street frontage of sixty-five (65) feet shall be required. A parcel shall be considered to be abutting a cul-de-sac if the parcel has more than one-half (1/2) its required frontage on the cul-de-sac. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the easement line.

2. All private streets shall have direct access to a public road.

D. Permits.

1. No individual, association, corporation or entity, either public or private, shall construct, upgrade or extend a private street after the effective date of this Ordinance without first having obtained a private road permit from the Township Board.
2. The Building Inspector shall not issue building permits for construction of any building or structure on lots or condominium units served by a private street until construction of the private street as approved by the Township Board has been completed.
3. A driveway permit shall be obtained from the Montcalm County Road Commission prior to issuance of any building permit.
4. A soil Erosion and Sedimentation Control permit shall be obtained from the Montcalm County Drain Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.
6. The Township Board may elect to have all design and construction plans reviewed by the Township's attorney, engineer or planner prior to consideration of the application for the private street permit.

E. Application. The application for a Private Street shall be submitted and processed under the following procedures.

1. An application shall be submitted through the Zoning Administrator and shall contain the following:
 - a. An application form and fee as established by the Township Board.
 - b. A detailed written description of the development to be served by the private street.
 - c. Ten (10) copies of a site plan, drawn to scale, prepared by a registered engineer, showing a general location sketch, the precise location, grade route, elevation, dimensions and design of the private street and any proposed extensions thereto, existing and proposed curb cuts and the location and distance to any public street which the private street is to intersect. The plan may be prepared by a registered surveyor rather than a registered engineer, if the proposed private street is to serve five (5) or fewer parcels, main buildings, etc., and the Planning Commission waives said requirement in writing. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.

- d. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity and television cable to be located within the private street easement or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - e. The location of any lakes, streams, wetlands and drains within the proposed easement or within one-hundred (100) feet thereof.
 - f. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.
2. Review procedures will be as follows:
- a. The application, along with all other required information, shall be forwarded to the Planning Commission at its next scheduled meeting; provided that streets intended to serve four (4) or fewer parcels may be reviewed and approved by the zoning administrator.
 - b. The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing notice of such hearing in a newspaper of general circulation in the Township and to all property owners within 300 feet of the subject property at least (5) days, but not more than fifteen (15) days prior to such hearing.
 - c. The Planning Commission shall consider the request based on the standards of Sec. 2.19.F, as well as the design requirements of Sec. 2.19.G, and all other relevant provisions of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions or deny the request.
 - d. The Township Board shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports of the Planning Commission, and shall approve, approve with conditions, or deny the request and state the basis for the decision and any conditions which should be imposed.
 - e. No petition for Private Road approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

F. Design Requirements.

The construction of private streets shall conform to the Road Commission construction standards for local roads, excepting pavement width and grade requirements and as otherwise provided in this Ordinance, as follows:

- 1. No private street shall extend for a distance of more than two-thousand six-hundred and forty (2,650) feet in length from the nearest public street right-of-way, as measured along the centerline of the private street, without a second direct access thereto being available from another public street.
- 2. All private streets shall have a recorded permanent right-of-way and easement with a

- minimum width of at least sixty-six (66) feet.
3. The area in which the private street is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained.
 4. Pavement widths shall conform to the following table. Any private street serving four (4) or fewer parcels which is subsequently extended to serve more than four (4) parcels shall be upgraded in its entirety to meet the pavement width requirements of this Section.

| Standards | Serving 4 or Fewer Lots | Serving More Than 4 Lots |
|----------------|--|---|
| Pavement Width | 12 feet | 20 feet |
| Materials | Road surface may be gravel, but shall meet the minimum construction standards of the Montcalm County Road Commission for gravel roads. | Road surface shall be paved with bituminous aggregate and shall meet the minimum construction standards of the Montcalm County Road Commission for paved local roads. |

5. Any private street which terminates at a dead-end shall have a means for vehicle turnaround either by use of a cul-de-sac, with a minimum radius of forty (40) feet, or by a continuous loop private street system, both of which must be constructed in accordance with the standards set forth in this Section.
6. The road surface shall have a minimum crown of .02 foot per foot from the centerline of the private street to the outside edge thereof.
7. A road shoulder at least two (2) feet wide, composed of six (6) inches of compacted gravel, shall be provided on each side of the private road surface and shall slope one-half (1/2) inch per foot from the outside edge of the road surface to the toe of the slope.
8. The maximum longitudinal road grade shall not exceed six percent (6%), provided the Township Board may allow up to a ten percent (10%) grade if the applicant produces written justification, satisfactory to the Township Board, that an increase in the road grade will not adversely affect public safety and the design of the road system(s). The Township Board may seek written recommendations from the Township Engineer.
9. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than three hundred (300) feet, as measured along the right-of-way line thereof.
10. The private street shall be constructed with such storm water runoff, culverts and drainage contours as required by the Township Board and Montcalm County Drain Commission to ensure adequate drainage and runoff.
11. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any other agency having jurisdiction thereof.

12. The private street shall be given a name and street signs shall be installed in accordance with the standards and approval of the Road Commission. The private street addresses shall be posted in a conspicuous place at the entrance to the private street (at the intersection with the public road) in letters at least three (3) inches high. Private streets serving two (2) or more dwellings shall have a standard stop sign where the private street abuts the public street.

G Approval Standards.

1. Prior to approving a private street permit application, the Township Board shall determine the following:
 - a. The proposed private street will not be detrimental to the public health, safety or general welfare.
 - b. The proposed private street will not adversely affect the use of land.
 - c. That the private street is designed and constructed with width, surface and grade to assure safe passage and maneuverability of private and public safety vehicles.
 - d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and natural environment of the Township.
2. The Township Board may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.

H. Maintenance and Repairs.

1. Private streets shall be maintained in a manner that complies with the provisions of this Section.
2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety and welfare of the inhabitants of the Township and are readily accessible to, and usable by, emergency vehicles in all types of weather.
3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners (if less than five lots) or a property owners' association (if five or more lots) served by the private street.
4. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein (if less than five lots) or a property owner's association (if five or more lots) which shall provide that the private street shall be regularly maintained, repaired and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. Once approved by the Township, a copy of said agreement as recorded with the Montcalm County

Register of Deeds Records shall be furnished to the Township prior to the issuance of the private street permit.

I. Performance Guarantee.

The Township Board may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of Section 16.3.6. Inspections/Certificate of Compliance.

1. Upon completion of construction of the private street, the Township Zoning Administrator or his designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit and this Ordinance.
2. The applicant(s), at the applicant(s) expense, shall provide the Township with a set of “as built” drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit.
3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for this Ordinance.

J. Fees.

Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner or other professional review the private street plans, specifications and maintenance agreements, and to do the necessary inspections.

K. Indemnification.

The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair and replace the private street.

SECTION 2.19. CLEAR VISION

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at point twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than

- thirty (30) inches.
- B. No plantings shall be established in any required front yard which, in the opinion of the Zoning Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
 - C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes, shall be placed in any road right-of-way.

SECTION 2.20. VEHICLE REPAIR IN RESIDENTIAL DISTRICTS

No person, as owner or tenant, shall perform mechanical or body work on any motor vehicle in a Residential District, except under the following conditions:

- A. Work may be done only on a vehicle used by the property owner or tenant or his immediate family, as family transportation.
- B. The property owner or tenant must have proof of ownership available for inspection.
- C. The vehicle being repaired must be currently licensed by the State of Michigan.
- D. No unlicensed, inoperable, partially dismantled, wrecked, junked or discarded vehicle, nor any parts thereof, shall be parked, stored or placed in the open for longer than five (5) days on any premises in any Residential District.

SECTION 2.21. FLOOD PLAIN

The flood plain area of lakes, ponds, rivers and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA,) the County Engineer, the U.S. Army Corp of Engineers or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

SECTION 2.22. TEMPORARY DWELLINGS

- A. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary dwelling in any District provided that the following conditions are met:
 - 1. The temporary dwelling will be used only as a temporary use on the lot while the property owner is constructing a permanent residence on that same lot, and further provided that:
 - a. A building permit has been issued for the construction of a permanent residence to the property owner applying for the temporary dwelling permit.
 - b. The temporary dwelling is permanently connected to an approved well and septic system.
 - c. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
 - 2. The temporary dwelling will be as a temporary or seasonal residence within the R-1, R-2 or R-3 district, and further provided that:
 - a. The dwelling shall be a wheeled vehicle, licensed and registered; in compliance

with the Michigan Motor Vehicle Code; having properly inflated tires; and working turn signals and brake lights.

- b. The dwelling shall be designed for sleeping and camping and shall contain, at a minimum, portable sanitary facilities.
 - c. The dwelling shall not be occupied for a period in excess of thirty (30) days, unless permanent, on-site sanitary facilities, approved by the Montcalm County Health Department are installed, in which case the permit may be issued for a period from April 1 through November 30.
- B. The Zoning Administrator shall determine the required size of the dwelling and placement on the lot. Such determination shall be consistent with the standards of Section 2.23. D.
- C. Upon applying for a temporary dwelling approval, the applicant shall pay a fee as determined by the Township Board. All original temporary dwelling permits issued in conjunction with the construction of a permanent dwelling shall be limited to a period of six (6) months. If the permanent residence is not approximately fifty (50) percent complete, as determined by the Zoning Administrator, within the six (6) month period, one (1), six (6) month extension or less may be permitted by the Zoning Administrator only for the purpose of completing the residence.
- D. In considering authorization for any temporary uses or structures, the Zoning Administrator shall consider the following standards:
- 1. That all applicable requirements of Section 2.23 A.1, and 2, are met;
 - 2. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants or adjacent properties;
 - 3. That in the case off occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 - 4. That the use or structure does not impact the nature of the surrounding neighborhood;
 - 5. That access to the use, area, or structure is located at the least offensive point on the property; and
 - 6. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.
- E. The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met.
- F. All temporary dwellings, buildings and uses shall be removed from the premises following the expiration of the permit and any extensions or upon completion of the permanent building or structure.

SECTION 2.23. RIPARIAN ACCESS

- A. In all districts, there shall be at least one hundred (100) feet of a lake, river or stream frontage, as measured along the ordinary high-water mark of the lake, river or stream, for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit utilizing or accessing the lake, river or stream frontage; provided however, the above front shall not supersede frontage requirements which may be greater as provided elsewhere in this Ordinance.
- B. In all zoning districts, no lake or river access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or

- entertainment) facilities, institutional, nonresidential or nonagricultural uses or purposes unless such use complies with the requirements of the zoning district in which it is located.
- C. The lake, stream and river access and use regulations contained in this section shall be fully applicable to all planned unit development and special land use project or developments.
 - D. In addition to the above limitations, no easement, private park, common area or lot or access property abutting or adjoining a lake or river shall be used to permit access to the lake, river or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is permitted in the zoning district in which it is located and further more such use must also be approved as a special land use or planned unit development.

SECTION 2.24. BASEMENT DWELLINGS

The use of any basement as a dwelling is prohibited. Any dwelling without a full floor above grade level shall be considered a basement dwelling. An underground home approved pursuant to a special land use is not considered a basement dwelling.

SECTION 2.25. UNWHOLESOME SUBSTANCE

- A. No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped or accumulated by any person in any body of water or on or under any land, private or public, in the Township, unless such place has been designated as a public dumping ground by the Township, or unless such substance is housed in a completely enclosed building and in a safe and sanitary manner. For purposes of this Section only, the term “unwholesome substance” shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, stone, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, ashes, clinkers, cinders, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public. For the purposes of this Section only, the term “automobile body” shall be defined to mean any vehicle which (1) is unable to be driven upon a street under its own power and/or (2) which lacks all of the necessary component parts to make it operable and serviceable as a vehicle. For purposes of this Section only, the term “trailer body” shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of the necessary component parts to make it operative and serviceable as a trailer to be pulled as such on a street. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizer or other soil conditioners as part of a farm operation.
- B. No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Montcalm County Health Department.
- C. No boxes, carrels, waste wood, lumber, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat or rodent harborage.

SECTION 2.26. CONSTRUCTION TIME LIMITS

Once construction or installation has begun regarding a building or structure, such building or structure shall be finished and an occupancy permit shall be issued in accordance with all other applicable township ordinances.

SECTION 2.27. LOT WIDTH-TO-DEPTH RATIO

In all zoning districts, the depth of all lots created of record after the adoption of this ordinance shall not exceed four (4) times the width of the lot. The Planning Commission may permit, as a special land use, a lot with a depth greater than four (4) times the width of the lot, if the Planning Commission determines that the area in which the lot is located is not suitable for future development because of the presence of wetlands or severe topography or if such lot or parcel is located in a flood plain. In addition, as to lands in the R-1 Rural-Agricultural district, the Planning Commission shall permit such a special land use only if it determines that the following conditions have been satisfied:

- A. The parcel is poorly suited for agricultural production due to existing soil conditions, slope or the presence of natural vegetation, such as wood lots, brushland and wetlands. The Planning Commission, in make its determination, may consider facts such as, but not limited to, past and present uses of the parcel, past productivity and the difficulty in making the parcel suitable for farming, including the presence of highly erodible land, as defined by the Soil Conservation Service.
- B. There will be a minimal likelihood of conflicts arising between the residential use and the surround agricultural activities.
- C. The permitting of the residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of Reynolds Township.

SECTION 2.28. CONSTRUCTION OF ACCESSORY BUILDINGS

Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure; provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed one (1) year.

SECTION 2.29. LAND DIVISIONS

(Amended 10/1/2018)

No lot, parcel or access easement shall be created that does not fully comply with the minimum area, width, frontage and other requirements of the Reynolds Township Zoning Ordinance, as amended. (Widest point of the parcel may be substituted to meet the minimum width requirement.) All land divisions, splits or boundary reconfiguration of platted lots and unplatted parcels shall meet the requirements of the Reynolds Township Zoning Ordinance, as amended, and the requirements of the Michigan Land Division Act (MCL 560.101 et seq; MSA 26.430(101) et seq.) No land division, lot split, creation of an access easement or reconfiguration of boundary lines shall occur until and unless a land division permit has been obtained from the Reynolds township Zoning Administrator or such

other person as may be designated from time to time by resolution of the Township Board. No permit for a land division shall be issued until and unless the Township determines that the land division, lot split, access easement or boundary reconfiguration, as well as the resulting lots, access easement or parcels fully complies with the requirements of the Reynolds township Zoning Ordinance, as amended, and all other applicable Township Ordinances. Fees for a land division permit shall be set as determined from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application is accompanied by a survey done by a registered land surveyor or engineer showing all resulting lots or parcels, easements (if any) and full legal descriptions. The Township can waive the requirement of a survey in a given case for good cause shown by the applicant. No permit for division of a platted lot or lots, or reconfiguration of boundary lines for a platted lot or lots, shall be issued until and unless such land division is also approved by the Township Board. No platted lot shall be portioned or divided into more than four parts.

SECTION 2.30. MARIHUANA BUSINESSES

(Amended 3/8/2012)

(Amended 5/13/23)

A. Recreational marihuana establishments are prohibited within the Township unless specifically authorized by and operated in compliance with this Zoning Ordinance, Township Ordinances, statutes of the State of Michigan, and other township or State rules and regulations.

B. Medical Marihuana facilities are prohibited within the Township.

SECTION 2.31. CATEGORIES OR BUSINESSES OR USES NOT EXPRESSLY DESIGNATED; UNLAWFUL USES

Any use, use of land, activity, building, structure or development activity not expressly allowed by this Ordinance is prohibited, unless the Zoning Administrator finds that the proposed use is identical in character to a use or item listed in this Ordinance. Uses, activities, enterprises or purposes that are contrary to, or violate federal, state or county laws or regulations, this Ordinance, or other Township ordinances are prohibited. An individual may apply to the Planning Commission for consideration of an amendment to the Zoning Ordinance to include a proposed use in one (1) or more of the zoning districts of this Ordinance, either as a Permitted Use or a Special Land Use. At their option and discretion, the Planning Commission and Township Board may consider an appropriate amendment to the Zoning Ordinance, but are not required to do so. (Amended 3/8/12)

SECTION 2.32. SWIMMING POOLS

(Amended 1/8/2015)

Private swimming pools are permitted in all districts, subject to the following:

1. The swimming pool shall be maintained in a clean and healthful condition in accordance with Montcalm County Health requirements;
2. No swimming pool shall be emptied in any manner that will cause water to flow upon

- another lot or to be emptied on any land if a storm drain is readily accessible to the premises;
3. Every swimming pool shall be completely enclosed with a permanent substantial fence with grates consistent with Section 2.3H of this Ordinance;
 4. No opening shall be designed, built or maintained as to permit access to the pool except under the supervision of the possessor or by his/her permission.
 5. The swimming pool shall not be installed closer than 10 feet to any side or rear lot line and no part of any pool shall be constructed within the front yard or the required side street yard.
 6. Construction of the swimming pool shall be subject, and pursuant, to Section 16.2B of this Ordinance.

SECTION 2.33. SOLAR ENERGY SYSTEMS (SES) SMALL AND MEDIUM
 (Amended 12/16/22)

A. Authorization, Review and Approval Procedures: Small and Medium SES are prohibited except as authorized by this Section.

1. Small SES: Small SES are permitted as accessory uses and structures only and are authorized in all districts, subject to the issuance of a zoning permit. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall be accompanied by the same scope of information and drawings required for the principal use of the lot including the delineation of all SES structures and equipment. The following Small SES are exempt from the need for a zoning permit but shall be subject to all other requirements of this Section:
 - a. A SES that does not exceed four (4) square feet in total solar collector panel area, intended to provide energy to operate a device to which such panel is attached such as in the case of a solar panel powering an exterior light or an attic fan, or solar powered walkway lights,
2. Medium SES: Medium SES are permitted as accessory uses and structures only and are authorized in all districts, subject to the issuance of a zoning permit. Medium SES shall be subject to site plan approval by the Planning Commission according to Section 13.1.

B. Use and Development Standards: The following standards shall apply to both Small and Medium SES unless specified otherwise.

1. Minimum Lot Area: A ground-mounted SES shall not be located on a lot less than one-half (1/2) acre in area.
2. Structures: Unless provided elsewhere in this Section, all SES structures shall comply with the accessory uses and structures standards of Section 2.2.
3. Solar Glare: SES collection panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this requirement. When deemed necessary, the Planning Commission may require a report from a registered civil engineer or other professional deemed qualified by the Planning Commission, attesting to the glare and radiation impact on nearby properties and public roads.
4. Yard Restrictions: No ground mounted SES panels and support equipment that

exceed a total of fifty (50) sq. ft. in area or six (6) feet in height as measured from the ground below, shall be located in a front yard unless such panels and equipment are set back a minimum distance of fifty (50) feet from the front lot line and screening is provided according to the landscape screening provisions of subsection (7)(a).

5. Panel Setbacks and Heights:

- a. Small SES ground mounted panels shall be set back a minimum of twenty-five (25) feet from lot lines and shall not exceed fifteen (15) feet in height as measured from the ground below.
- b. Medium SES ground mounted panels shall be set back a minimum of fifty (50) feet from lot lines and shall not exceed fifteen (15) feet in height as measured from the ground below.

- c. Roof-mounted solar panels may exceed the maximum height standard for the structure to which it is attached according to the District in which it is to be located, but no portion of the panels shall extend more than four (4) feet above the roof surface directly below.

6. Advertising: No portion of a SES shall be used for advertising purposes.

7. Screening: In the case of a Medium SES ground mounted solar collection panel(s) located on a lot that is adjacent to a lot in an R-1, R-2, R-3, or R-4 District, where the panels are to be located within one hundred (100) feet of a shared lot line with such lot, the panels shall be screened from view from such lot.

- a. Screening shall consist of a minimum of one (1) evergreen tree and one (1) low-branching deciduous tree per forty (40) linear feet of perimeter panel length, and one (1) shrub per twenty (20) linear feet of perimeter panel length. A minimum of fifty percent (50%) of the trees shall be of evergreen species. Nothing in this subsection (a) shall prohibit an applicant from installing only evergreen plant materials provided the intended screening effect of this subsection (a) will be met. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size, and the selected plant material shall be predominantly species native to Michigan.

- 1) All trees shall be a minimum of six (6) feet in height at the time of planting, have a projected growth rate of a minimum of six (6) inches per year, and have a minimum projected growth height of at least fifteen (15) feet. All shrubs shall be of a dense growth habit, shall be a minimum of two and one-half (2.5) feet in height at the time of planting, shall have a projected growth rate of a minimum of six (6) inches per year, and shall have a minimum projected growth height of at least eight (8) feet. All required plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.

- b. The Planning Commission may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features

are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), or where other conditions may be present that make the normally required screening requirements ineffective or otherwise unnecessary.

- c. The screening requirements of this Section shall replace the screening provisions of Section 2.16.
8. Construction/Operation: Small and Medium SES shall conform with all applicable industry standards including those of the American National Standards Institute (ANSI), shall conform with all applicable local, state, and federal standards and requirements including electrical and building codes, and shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request by the Zoning Administrator, a copy of the manufacturer's installation instructions and construction specifications and details shall be provided.
9. Abandonment: If a ground mounted SES ceases to operate or is abandoned for six (6) consecutive months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features, and restore the ground to its preconstruction state. Restoration of the site shall be completed no more than one hundred eighty (180) days of the applicant's initiation of decommissioning or after the Zoning Administrator notifies the applicant in writing of a determination of abandonment."

CHAPTER 3 ZONING DISTRICTS – GENERAL

SECTION 3.1. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, Reynolds Township is hereby divided into the following Zoning Districts:

| CURRENT DISTRICT DESIGNATION | | PREVIOUS ORDINANCE DESIGNATION | |
|------------------------------|-----------------------------------|--------------------------------|---|
| R-1 | Rural-Agricultural Residential | A-R | Agricultural-Residential District |
| R-2 | Low Density Residential | R-100 | Single Family Residential District |
| R-3 | Medium Density Residential | R-80 | Single- and Two-Family Residential District |
| | | R-B | Multiple Family Residential District |
| R-4 | Manufactured Home Park District | R-M | Manufactured Home Park District |
| C-1 | General Commercial District | C-1 | General Commercial District |
| C-2 | Highway Commercial District | C-2 | Highway Commercial District |
| I | Industrial District | I | Industrial District |
| PUD | Planned Unit Development District | PUD | Planned Unit Development District |

SECTION 3.2 DISTRICT BOUNDARIES

A. Boundaries

The boundaries of the districts listed in Section 3.1. are hereby established as shown on the Reynolds Township Zoning Ordinance Map, which is part of this Ordinance.

B. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, roads, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines to Township limits.
3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
4. Boundaries indicated as parallel to or extensions of features indicated in Section 3.2,

- B, I-3, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
5. Where physical or natural features existing on the ground differ from those shown on the Zoning map, or in other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the district boundaries.
 6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.
 7. Highway commercial/Residential/Residential Boundaries. The North side of West Howard City-Edmore Road from the West limit of the Village of Howard City, West to the U.S. 131 Interchange and to the center of Tamarack Creek, or North 600 ft., whichever is reached first, will be the district boundaries. The South side of West Howard City-Edmore Road from the West limit of the Village of Howard city, West to the U.S. 131 Interchange and 600 ft. South from the center-line of West Howard City-Edmore Road will be district boundaries.

SECTION 3.3. ZONING OF VACATED AREAS

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between them according to the adjacent zone, unless the Township Board shall otherwise designate.

CHAPTER 4

R-1 RURAL-AGRICULTURAL RESIDENTIAL DISTRICT

SECTION 4.1. INTENT

This District is intended to provide a low intensity, rural environment which preserves those natural features that are important to the character of Reynolds Township. General farming, large-lot residential, some institutions and large open space uses are permitted in this District. It is the further intent to minimize undue development pressures upon those land owners who operate farms and wish to continue to do so.

SECTION 4.2. PERMITTED USES

No land and/or buildings in the R-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Agriculture, including farms for both general and specialized farming, together with farm dwellings and other installations used and operated as part of the farm, but not including intensive livestock operations or agribusinesses.
- B. Greenhouses and nurseries.
- C. Roadside stands for the display and sale of products grown on the property; provided that off-street parking and access to such parking shall be provided on the property and no hazardous traffic condition shall result from such activity.
- D. Single-family detached dwellings.
- E. Family day care homes.
- F. State licensed residential family care facilities.
- G. Public parks, playgrounds and other public uses of an open space recreational character.
- H. Accessory buildings, structures and uses.
- I. Home occupations

SECTION 4.3. SPECIAL LAND USES

(Amended 12/16/2022)

(Amended 5/13/23)

No land and/or buildings in the R-1 District may be used, except for the following purposes when approved in accordance with the requirements of Chapter 14.

- A. Utility and public service buildings, without storage yard.
- B. Commercial campgrounds
- C. Private non-commercial and public recreation areas or community recreation centers.
- D. Churches (including schools and day care centers.)
- E. Golf courses or country clubs.
- F. Hunt clubs and shooting clubs.
- G. K-12 schools, provided such schools are not operated as commercial enterprises.

- H. Bed and breakfast establishments.
- I. Cemeteries.
- J. Site condominiums for single-family homes.
- K. Kennels.
- L. Private stables
- M. Airports and landing fields.
- N. Municipal buildings
- O. Wireless communication towers and radio and television broadcast towers.
- P. Amusement parks and race tracks.
- Q. Sanitary landfill facilities.
- R. Sand and gravel mining.
- S. Group day care homes.
- T. Intensive Livestock Operations.
- U. Agribusinesses.
- V. Storage buildings not accessory to a principal use.
- W. Open Space Developments.
- X. Large solar energy systems (Large SES)
- Y. Recreational Marihuana Microbusinesses.

SECTION 4.4. SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 13, Section 13.1.
- B. Parking is required in accordance with Chapter 13, Section 13.2.
- C. Signs are permitted in accordance with the requirements of Chapter 13, Section 13.3.
- D. Setbacks, height, area and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 12.

CHAPTER 5

R-2 LOW DENSITY RESIDENTIAL

SECTION 5.1. INTENT

This District is intended to provide a low-density, single family residential living environment and to foster stable, high-quality neighborhoods consistent with Reynolds Township's small-town character. At the same time the regulations for this district recognize the need to preserve existing housing stock, allow infill development within older subdivisions, accommodate waterfront development, and provide housing that is affordable for the present and future residents of Reynolds Township. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

SECTION 5.2 PERMITTED USES

No land and/or buildings in the R-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Family day care homes.
- C. State licensed residential family care facilities.
- D. Public parks, playgrounds and other public uses of an open space recreational character.
- E. Accessory buildings, structures and uses.
- F. Home occupations.

SECTION 5.3. SPECIAL LAND USES

No land/and or buildings in the R-2 District may be used, except for the following purposes when approved in accordance with the requirement of Chapter 14:

- A. Utility and public service buildings, without storage yards.
- B. Private non-commercial and public recreation areas or community recreation centers.
- C. Churches (including schools and day care centers.)
- D. Golf courses or country clubs.
- E. K-12 schools, provided such schools are not operated as commercial enterprises.
- F. Bed and breakfast establishments.
- G. Cemeteries.
- H. Site condominiums for single-family homes.
- I. Private storage building as a principal use.
- J. Sand and gravel mining operations.
- K. Storage buildings not accessory to a principal use.
- L. Open Space Developments.

SECTION 5.4. SITE DEVELOPMENT REQUIREMENTS

All permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 13, Section 13.1.
- B. Parking is required in accordance with Chapter 13, Section 13.2.
- C. Signs are permitted in accordance with requirements of Chapter 13, Section 13.3.
- D. Setbacks, height, area and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 12.

CHAPTER 6

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 6.1. INTENT

This District is intended to provide medium density, single, two family and multiple family residential living environment and to foster stable, high-quality neighborhoods while providing for additional variety in housing opportunities and choices. At the same time, the regulations for this District recognized the need to preserve existing housing stock and provide housing that is affordable for the present and future residents of Reynolds Township. Non-residential uses are allowed to the extent that they serve to further the creation of stable residential neighborhoods.

SECTION 6.2. PERMITTED USES

No land and/or buildings in the R-3 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the R-2 District.
- B. Two-family dwellings, including conversions of existing single family detached dwellings to two family dwellings, provided all applicable requirements for living area, lot size and setbacks are met.

SECTION 6.3. SPECIAL LAND USES

No land and/or buildings in the R-3 District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 14.

- A. Any Special Land Use permitted in the R-2 District, excluding kennels, private stables and private storage buildings as a principal use.
- B. Multiple Family Units.
- C. Housing for the elderly.
- D. Child care center.
- E. Open Space Developments.

SECTION 6.4 SITE DEVELOPMENT REQUIREMENTS

All permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 13, Section 13.1.
- B. Parking is required in accordance with Chapter 13, Section 13.2.
- C. Signs are permitted in accordance with the requirements of Chapter 13, Section 13.3.
- D. Setbacks, height, area and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 12.

CHAPTER 7

R-4 MANUFACTURED HOME PARK DISTRICT

SECTION 2.1. INTENT

Consistent with the Township's goal to provide a mix of housing styles, types and densities to accommodate the residential needs of all groups, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to permit additional variety in housing opportunities and choices.

SECTION 7.2 PERMITTED USES

No land and/or buildings in the R-4 District shall be used, erected, altered or converted in whole or in part, except for the following purposes by right:

- A. Manufactured homes located in a state-licensed manufactured home park.
- B. Manufactured home parks in accordance with the requirements of Section 7.5.
- C. Family day care homes.
- D. State licensed residential family care facilities.
- E. Accessory buildings, structures and uses.
- F. Home occupations.

SECTION 7.3. SPECIAL LAND USES

No land and/or buildings in the R-4 District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 14.

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wire and underground utility systems.
- B. State licensed residential group home care facilities.

SECTION 7.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for Manufactured Home Parks and all Special Land Uses in accordance with Chapter 13, Section 13.1.
- B. Parking is required in accordance with Chapter 13, Section 13.2.
- C. Signs are permitted in accordance with the requirements of Chapter 13, Section 13.3.

SECTION 7.5. LICENSED MANUFACTURED HOME PARKS

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended.
- B. The parking of more than one (1) manufactured home on a single parcel of land shall be illegal

in Reynolds township, irrespective of the requirements of any other ordinance of Reynolds Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.

- C. All applications to establish a Manufactured Home Park Zoning District must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Ordinance.
- D. the business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development provided the development permits the sale.

CHAPTER 8

C-1 GENERAL COMMERCIAL DISTRICT

SECTION 8.1. INTENT

The District is intended to accommodate uses which meet the general community-wide retail and service needs of the residents of Reynolds Township and other nearby communities. It is the intention to promote the concentration of such uses in planned areas of the community, rather than in a random or linear pattern.

SECTION 8.2 PERMITTED USES

(Amended 9/8/2011)

No land and/or buildings in the C-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any retail business whose principal activity is the sale of merchandise within an enclosed building.
- B. Personal and business service establishments including barbers, electronic repair, printing, publishing, photo reproduction, blue-printing, or related trades or arts.
- C. Assembly buildings including dance pavilions, auditoriums, churches and private clubs.
- D. Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks and similar uses as determined by the Zoning Administrator.
- E. Commercial schools including, but not limited to, dance, music, trade, martial arts.
- F. Restaurants, clubs and other drinking establishments which provide food or beverage for consumption on the premises; excluding drive-ins.
- G. Health and physical fitness salons.
- H. Municipal and public utility buildings and installations.
- I. Plant nurseries and greenhouses. (Amended, 9/8/11)

SECTION 8.3. SPECIAL LAND USES

No land and/or buildings in the C-1 District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 14.

- A. Offices and showrooms of plumbers, electricians, decorators or similar trades.
- B. Vehicle service stations.
- C. Vehicle repair establishments.
- D. Vehicle wash establishments.
- E. Drive-in establishments including restaurants, banks, dry cleaning pick-up stations, pharmacies and other similar uses.
- F. Open air businesses.
- G. Mortuaries.
- H. Veterinary hospitals and kennels.
- I. Child care centers.
- J. Wireless communication towers and radio and television broadcast towers.

K. Recreational Marihuana Retailers.

SECTION 8.4. SITE DEVELOPMENT REQUIREMENTS

(Amended 9/8/2011)

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 13, Section 13.1.
- B. Parking is required in accordance with Chapter 13, Section 13.2.
- C. Signs are permitted in accordance with the requirements of Chapter 13, Section 13.3.
- D. Setbacks, height, area and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 12.

CHAPTER 9

C-2 HIGHWAY COMMERCIAL DISTRICT

SECTION 9.1. INTENT

1. This District is intended to provide an appropriate location for commercial and business enterprises which primarily serve the motoring public. These uses are encouraged to locate near the U.S. 131 freeway and other major highways and interchanges where their heavy traffic and other characteristics will not prove detrimental or incompatible.
2. When a residential property of record is in existence at the time of an amendment of this chapter the property may be used for any purposes permitted by the district in which the property is located. If a residential property in highway commercial/residential district sells, it may remain residential or be sold as commercial, based on the special land use in the highway commercial/residential district. If a property use is abandoned for any reason for a period of one year, any subsequent use shall conform to the requirements of this chapter. Conditions of abandoned property in this section shall include utilities disconnected; water, gas, electric, etc. and/or buildings fallen into despair.

SECTION 9.2 PERMITTED USES

No land and/or buildings in the C-2 District shall be used, except for the following purposes by right:

- A. Any Permitted Use in the C-1 District.
- B. Hotels and motels.

SECTION 9.3 SPECIAL LAND USES

(Amended 9/8/2011)

(Amended 3/8/2012)

No land and/or building in the C-2 District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 14. (Amended 9/8/11, 3/8/12)

- A. Any Special Land Use permitted in the C-1 District.
- B. Outdoor display areas.
- C. Building supply and equipment establishments.
- D. Outdoor commercial recreation such as mini-golf, go-cart tracks, golf driving ranges and similar uses as determined by the Zoning Administrator.
- E. Wireless communication towers and radio and television broadcast towers. (Amended 3/8/2012)
- F. Commercial storage warehouse.
- G. Truck terminals.
- H. Billboards.

SECTION 9.4. SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 13, Section 13.1.
- B. Parking is required in accordance with Chapter 13, Section 13.2
- C. Signs are permitted in accordance with the requirements of Chapter 13, Section 13.3
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 12.
- E. A maximum of one (1) driveway per street shall be permitted per principal use, or collective principal use, as defined in Section 1.17. A second driveway may be permitted provided that such drive is constructed and permitted to share access with an adjoining principal use or existing lot within the same zoning district. The Planning Commission may permit additional driveways, if justified by a professional traffic study provided by the applicant or owner indicating the need for such additional driveway.

CHAPTER 10

I-INDUSTRIAL DISTRICT

SECTION 10.1 INTENT

This District is intended to accommodate wholesale, warehousing, manufacturing, storage and other industrial-related uses.

SECTION 10.2. PERMITTED USES

No land and or/buildings in the I District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting and other similar professional activities, as determined by the Zoning Administrator.
- B. Banks, credit unions, savings and loan associations and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Research and development facilities, including production activities.
- D. Wholesale establishments
- E. The manufacture, compounding, processing, packaging, warehousing or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses,) cosmetics, pharmaceuticals, pottery or other ceramic products, monuments, glass products, musical instruments, toys, furniture, molded rubber or plastics products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge and machine shops, excluding stamping operations.
- F. Laboratories (experimental, film, research or testing.)
- G. Central dry-cleaning and laundry establishments performing cleaning operations on the premises, provided a customer counter may be permitted as an accessory use.
- H. Trade or industrial schools.
- I. Utility and public service buildings, including storage yards.
- J. Contractor's showrooms and storage yards.
- K. Child care centers.
- L. Accessory buildings, structures and uses.

SECTION 10.3 SPECIAL LAND USES

No land and/or buildings in the I District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 14.

- A. Vehicle repair.
- B. Lumber and planing mills.
- C. Metal plating, buffing and polishing.
- D. Commercial storage warehouse
- E. The manufacture, compounding, processing, packaging or treatment of products requiring stamping or punch press operations.
- F. Recycling centers.

- G. Adult bookstores, adult live entertainment theaters, adult motion picture theaters and massage parlors.
- H. Junk yards.
- I. Truck terminals.
- J. Outdoor storage, display area and sale of farm implements and commercial construction equipment.
- K. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
- L. Productions, refining or storage of petroleum or other flammable liquids.
- M. Municipal water and wastewater treatment facilities.
- N. Dog kennels.
- O. Veterinary hospitals and clinics.
- P. Billboards.

SECTION 10.4. SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required
- B. Parking is required in accordance with Chapter 13, Section 13.2.
- C. Signs are permitted in accordance with the requirements of Chapter 13, Section 13.3.
- D. Setbacks, height, area and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 12.
- E. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and designated outdoor storage areas meeting all applicable requirements for location and screening.

CHAPTER 11

PUD-PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 11.1. INTENT

Planned Unit Development in Reynolds Township may be established as distinct zoning districts when approved by the Township Board in accordance with the procedures specified herein. The purpose of the planned unit development district is to further implement the intent of the Reynolds Township Master Plan, which calls for “maintaining the primarily residential character by encouraging homes in rural setting with an appropriate mixture of supporting land uses” and “...promote the protection of water resources, woodlots and other natural features which shall be reviewed as part of the plan approval process.” It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; to encourage useful open space; and to create better living, working and shopping environments. In order to accomplish these objectives, this Chapter permits the relaxation of the conventional requirements found in other zoning Districts. The use of land and the construction and use of buildings and other structures as Planned Unit Development shall be in conformance with the procedures, standards, requirements and conditions for eligibility contained in this Chapter.

SECTION 11.2. QUALIFYING CONDITIONS

Any development which fails to meet the following conditions, at a minimum, shall not be considered for the PUD District.

- A. The PUD site shall be not less than ten (10) acres in area. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be twenty (20) acres. Recreational amenities such as golf courses and health clubs and ancillary commercial activities such as club houses and pro shops shall not be considered non-residential uses for purposes of this Section.
- B. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
- C. the proposed uses and densities of the PUD must be consistent with the Reynolds Township Master Plan for the subject property, unless otherwise noted in this Chapter.

SECTION 11.3. PERMITTED USES

Any use permitted by right or special approval in any District shall be permitted within a PUD, subject to compliance with the qualifying conditions and other applicable regulations of this Chapter unless otherwise noted in this Chapter.

SECTION 11.4. DENSITY BONUS OPTION

(Amended 9/22/2007)

A. Qualifying Conditions

In order to apply for review of a Density Bonus Options as defined in this Section, the property proposed for development shall meet all of the following minimum qualifications:

1. The property shall be designated as “Rural Estate” on the Reynolds Township Future Land Use Map.
2. Uses shall be restricted to the following:
 - a. Single family detached dwellings.
 - b. Agricultural, including farms for both general and specialized farming, together with farm dwellings and other installations used and operated as part of the farm.
 - c. Parks, playgrounds, playfields, golf courses and other uses of a recreational nature.
 - d. The following commercial uses shall be permitted in accordance with the requirements of paragraph C.2.d of this Section:
 - (1) Any retail business whose principal activity is the sale of merchandise within an enclosed building.
 - (2) Personal and business service establishments including barbers, electronic repair, printing, publishing, photo reproduction, blue-printing or related trades or arts.
 - (3) Assembly buildings including dance pavilions, auditoriums, churches and private clubs.
 - (4) Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks and similar uses as determined by the Zoning Administrator.
 - (5) Commercial schools including, but not limited to, dance, music, trade, martial arts.
 - (6) Restaurants, clubs and other drinking establishments which provide food or beverage for consumption on the premises; excluding drive-ins.
 - (7) Health and physical fitness salons.
 - (8) Municipal and public utility buildings and installations.
3. The minimum site area shall be forty (40) acres.
4. The proposed Density Bonus Option site shall have a minimum frontage on an existing public street of six hundred and sixty feet (660,) as measured at the front lot line.
5. The applicant must demonstrate that the property proposed for Density Bonus Option contains unique site conditions, significant natural features, large open spaces or active agricultural lands which would otherwise be developed but which will be preserved from development as a result of the Density Bonus Option.

6. The applicant must demonstrate, in writing and other appropriate material, that the proposed Density Bonus Option meets the Purpose and Objectives of these regulations.

B. Definitions.

1. Building Envelope – That portion of a lot within which the principal building and accessory buildings are to be constructed, outside of all yards and setbacks required by this Ordinance or as approved as part of the Density Bonus Option approval.
2. Clearance Zone – Those portions of a building envelope which are required to be excavated or cleared of existing vegetation and/or topsoil, for the purposes of construction of main buildings, accessory buildings, utility lines, driveways, sidewalks and other similar necessary structures or facilities.
3. Community Wastewater Disposal System – All aspects of a complete system required to properly collect, treat and dispose of wastewater from all of the individual dwelling units or other buildings within the Density Bonus Option, including all pumps, pipes, laterals, controls, valves, treatment units and other equipment necessary to collect, treat and dispose of wastewater at a central location.
4. Community Water Service System – All aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the Density Bonus Option from a central location of water source.
5. Open Space – For the purposes of the Density Bonus Option, open space shall include any lands outside a building envelope, excluding easements for public or private streets. Dedicated open space is not intended to include regular clearing and mowing or other active maintenance other than cleanup of storm damage or removal of diseased plant materials.
6. Density Bonus Option – Any development of two (2) or more single-family dwelling units meeting the qualifications of a Density Bonus Option as stated in this Section. A Density Bonus Option site shall be composed of all lots or parcels included as part of the application for the Density Bonus Option.
7. Sensitive Lands – Lands classified for purposes of density calculation that contain a minimum contiguous area of two (2) acres and which contain significant natural features or farmland in active production planned for preservation.
8. Significant Natural Feature – Any area which exhibits unique topographic, ecological or hydrological characteristics such as a wetland, floodplain, water features, woods or other unique natural features, as designed by the Planning Commission, Michigan Department of Environment Quality or another appropriate agency.
9. Unconstrained Lands – Lands classified for purposes of density calculation which are not classified as sensitive lands.

C. Density Bonus Option Design Requirements:

1. Land Classification.
 - a. The land area within the PUD using Density Bonus Option shall be classified

into either sensitive or unconstrained lands. The proposed classification map shall indicate the acreage included in each area of the classified lands.

- b. Any area classified as sensitive lands shall include a detailed description of the character of such lands, including a breakdown of the approximate square footage/acreage of major types of significant natural features (wetlands, woodlands, steep slope, etc.)
2. a. All Lands: The following development regulations apply to all lands within the Density Bonus Option.
 - (1) Main and accessory buildings shall maintain at least a thirty (30) foot setback from the boundaries of the Density Bonus Option site, unless a greater distance is required by this Chapter.
 - (2) Minimum floor area for single family units shall be 800 sq. ft. with at least 600 sq. ft. on the ground floor. The maximum building height shall be 35 feet.
 - (3) No building site shall be permitted to gain direct access to any public or private street not constructed or planned as part of the Density Bonus Option.
- b. Sensitive Lands: The following development regulations apply to all lands classified as sensitive:
 - (1) The total clearance zone area of any lot shall be limited to that necessary to construct buildings, drives, sidewalks or other facilities or structures, but in any case, shall be limited to fifteen thousand (15,000) square feet, or twenty-five percent (25%) of the area of the lot, whichever is less. The Planning Commission may allow additional lot clearance area upon finding that any of the following conditions exists:
 - (a) The applicant demonstrates to the Planning Commission that such a limitation does not allow sufficient area for building and lot development, due to the presence of natural features or other limitations related to the physical features of the site.
 - (b) Where the Montcalm County Health Department or other applicable agency, requires additional land clearance for septic systems, water wells, roadways or another similar requirement.
 - (c) The application demonstrates to the Planning Commission that the clearance zone prevents development of the site in a manner that would contribute significantly to the purpose and objectives of the Density Bonus Option.
 - (2) Clearance zone areas shall be clearly staked on each lot prior to any construction activity or land clearing and no disturbance of the site shall take place outside of the clearance limit.
- c. Development setbacks: No building envelope shall be located nearer than two hundred

(200) feet to any existing public street right-of-way not included as part of the PUD in accordance with the following:

- (1) No native or natural vegetation shall be removed from the development setback, except for that necessary for entrance roads. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the Density Bonus Option.
- (2) No grading or changes in topography shall be permitted, except as may be necessary to construct entrance roads or provide screening, as not in (3) below.
- (3) The required 200-foot setback may be reduced to one hundred (100) feet if an opaque natural screen is present for at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way and having a depth of at least fifty (50) feet is either present or provided within the design of the PUD. The natural screen shall be approved by the Planning Commission and shall have at least fifty percent (50%) opacity from the roadside view, as determined by the Planning Commission and consist of either existing vegetation, land forms or landscaped areas using native or natural materials, or a combination thereof.
- (4) Sites abutting more than one (1) public street for at least three hundred (300) feet shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. The provisions of paragraph (1) and (2) of this subsection shall apply.

d. Commercial Uses: The Planning Commission may allow commercial uses within the Density Bonus Option, subject to the following requirements:

- (1) All Commercial uses allowed in the PUD shall occupy not more than five percent (5%) of the acreage included as unconstrained lands.
- (2) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
- (3) Such uses shall be permitted only if they will not materially alter the residential character of the area and/or the Density Bonus Option.
- (4) all merchandise for display, sale or lease shall be entirely within an enclosed building(s.)
- (5) Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - (a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - (b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

D. Density Calculation.

1. Development density shall be calculated for the entire PUD site which is intended to be used for residential purposes or any individual phase thereof, by using the following chart. The chart is intended to serve only as a means to calculate the maximum permitted dwelling units over the entire PUD. Dwelling units shall only be permitted on land(s) designated as unconstrained.

| Development Area | Density Calculation |
|-------------------------|----------------------------|
| Unconstrained Lands | 2 acres/dwelling unit |
| Sensitive Lands | 1 acre/dwelling unit |

2. Lands within any public utility easement shall be excluded from any density calculation, but may be used as part of the dedicated open space calculation of paragraph E.1.
3. Density Bonuses for Utility Services: The Planning Commission may permit the following additional dwelling units subject to the requirements noted:
 - a. A fifty percent (50%) increase in the number of dwelling units may be permitted if all of the dwelling units within the Density Bonus Option are served by a community wastewater disposal system.
 - b. A twenty-five percent (25%) increase in the number of dwelling units may be permitted if all of the dwelling units within the Density Bonus Option are served by a community water service system.
 - c. If both a community wastewater disposal system and a community water service system is provided to serve all dwelling units within the Density Bonus Option, the Planning Commission may permit up to a one hundred percent (100%) increase in the total number of permitted dwelling units.

E. Open Space Requirements:

1. Any land outside a building envelope, excluding any easements for public or private streets, used for the calculation of overall density, shall be considered open space and designated as such on the Density Bonus Option plan. The Density Bonus Option shall provide a minimum open space area according to the following chart.

| % of Unconstrained Lands | Minimum % Open Space Required |
|---------------------------------|--------------------------------------|
| 70% or greater | 40% |
| 40% to 69% | 30% |
| Less than 40% | 20% |

2. To the extent possible, open space areas shall be continuous and contiguous throughout the Density Bonus Option. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the Density Bonus Option. For the purposes of this Section, the area(s) designated as sensitive lands for density calculations may be included as open space to meet this requirement.

3. Open Space Maintenance
 - a. All open spaces shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the ownership and maintenance of the open space; or
 - b. In lieu of a property owners' association, evidence shall be given that is satisfactory to the Township Board, that arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.

4. The applicant(s) for the proposed development shall provide the Township with a recordable maintenance or restrictive covenant agreement between the owner(s) of the open space or other documentation satisfactory to the Township which shall provide for and assure that the open space shall be preserved in perpetuity and maintained as needed. Suitable recorded instruments shall be submitted to the Township Planning Commission for review prior to final approval of the Density Bonus Option.

SECTION 11.5. OPTIONAL PRE-APPLICATION CONFERENCE

- A. A pre-application conference may be held with the Planning Commission for the purpose of determining the eligibility of the request for consideration as a PUD and/or Bonus Density Option.
- B. A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time with the Planning Commission. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation and land use for the entire site.
- C. The Planning Commission shall advise the applicant of the conformation of the PUD concept with the intent and objective of the PUD in Reynolds Township, whether it qualifies under the minimum requirements of Section 11.2 or 11.4.A (Density Bonus Option,) and whether the general concept is consistent with the Township's Master Plan. In no case shall any representations made by the Planning Commission be construed as an endorsement of the PUD or an approval of the concept.

SECTION 11.6 PUD APPLICATION AND PRELIMINARY DEVELOPMENT PLAN

Applicants seeking approval of a PUD District shall submit a complete application for review and a preliminary development plan to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. Such application shall include the following:

- A. A completed application form, supplied by the Zoning Administrator.
- B. A completed Density Calculation Worksheet (for Bonus Density application only.)
- C. Payment of a fee, as established by the Township Board.
- D. A narrative statement describing:

1. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Sec.,11.1.
 2. The relationship of the PUD to the Reynolds Township Master Plan.
 3. Phases of development and approximate time frame for each phase.
 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 5. Anticipated start and completion of construction.
 6. Location, type and size of areas to be dedicated for common open space.
 7. Any area classified as sensitive lands, including a breakdown of the approximate square footage/acreage of major type or significant natural features (Density Bonus Option only.)
- E. Twelve (12) copies of a preliminary development plan. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:
1. Name of development, applicant's name, name and address of firm and individual who prepared the plan, scale and north arrow.
 2. Property lines, dimensions of all property lines and size of the PUD (and individual phases) in areas.
 3. Existing zoning and land use of all abutting properties.
 4. Existing natural features on the site including water, stands of trees, drainage ways, flood plains, wetland, steep slopes and similar features.
 5. Existing buildings on the site.
 6. Proposed uses and their approximate locations.
 7. Right-of-way and pavement edges of existing streets abutting the PUD.
 8. Approximate locations of proposed access drives and streets within the PUD.
 9. Proposed method of providing water, sanitary sewer and storm water drainage facilities.
 10. Layout and typical dimensions of proposed lots.
 11. Approximate phases of development.
 12. Proposed residential density by area or phase.
 13. Location of building envelopes, permitted clearance zone area and sensitive and unconstrained lands (Density Bonus Option applications only.)

SECTION 11.7. NOTICE AND PUBLIC HEARING FOR PUD

(Amended 9/22/2007)

- A. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the Zoning Act. The notice shall:
1. Describe the nature of the proposed PUD.
 2. Describe the property which is the subject of the PUD application, by both legal description and street address.
 3. State the time, date and place of the public hearing.
 4. State when and where written comments will be received concerning the application.

- B. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD for the purpose of receiving public comment on the application.

SECTION 11.8. PLANNING COMMISSION RECOMMENDATION

(Amended 9/22/2007)

Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the Township Master Plan, compatibility with surrounding uses, and consistency with the intent and qualifying conditions of the Chapter; and shall make a recommendation to the Township Board to approve, approve with conditions or deny the PUD zoning. In its recommendation to the Board, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the Ordinance and identify those specific conditions, if any, it considers necessary. Such recommendation shall also be forwarded to Montcalm County in conformance with the require of the Zoning Act.

SECTION 11.9. TOWNSHIP BOARD ACTION

After receiving the recommendation of the Township and County and applying the standards of Sec. 11.12, the Township Board shall review the application package, preliminary development plan, the record of the Planning Commission proceedings and the recommendation. The Board shall then, make its findings as to approval, approval with conditions or denial. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the final development plan to the Township Board.

SECTION 11.10 FINAL DEVELOPMENT PLAN APPLICATION

Within twelve (12) months of the Township Board's approval of the PUD district and the preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following.

- A. A completed application form, supplied by the Zoning Administrator.
- B. Payment of a fee, as established by the Township Board.
- C. A written response to the findings, review comments and conditions, if any, from the Planning Commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
- D. A site plan containing all of the information required in Sec. 13.IC.2. For developments consisting of three (3) or more phases, a plan meeting the requirements of 11.6.E may be submitted for the overall PUD and a detailed plan as required for final development plan may be submitted for the first phase. Each subsequent phase shall be reviewed in the same manner.

SECTION 11.11. PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD district approval. If it is determined that the final plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary

- development plan review, in accordance with the procedures of Sections 11.7-11.9 of this Chapter.
- B. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the criteria of Sec. 11.12.
 - C. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions or deny the final development plan.
 - D. The decision of the Planning Commission may be appealed to the Township Board which shall review the record of the proceedings, along with all materials submitted and shall make its decision in accordance with the standards of Sec. 11.12.

SECTION 11.12. STANDARDS FOR APPROVAL

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Sec. 11.2 or 11.4.A (Density Bonus Option).
- B. The uses to be conducted within the proposed PUD are consistent with the Township's Master Plan.
- C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- D. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- E. The proposed project is consistent with the spirit and intent of the PUD District, as described in Sec. 11.1 and represents a development opportunity for the community that could not be achieved through conventional zoning.
- F. The proposed PUD meets all the review standards of Sec. 13.1.D.
- G. The following additional review standards and requirements shall be applied to proposals for the Density Bonus Option before such developments may be approved:
 1. That the Density Bonus Option preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate to the satisfaction of the Township Board that the land preserved would otherwise be capable of development under the existing zoning.
 2. That the Density Bonus Option can accommodate adequate and safe disposal of sanitary sewer and provide an adequate, assured source of water for domestic use.
 3. That the density Bonus Option meets the Purpose and Objectives of this Chapter.
 4. The Planning Commission may require evidence that groundwater sources will be protected and that environmental, traffic or other concerns are met. Approval of the County Health Department, County Road Commission or other agencies, while required to develop the site, shall not be the sole determining factor in this regard.
 5. The Planning Commission may require any additional information it deems necessary to ensure compliance with the review standards and other requirements of this Chapter, including additional soil borings, soil reports, hydrological tests, traffic studies or other such evidence which shall be submitted by the applicant prior to approval.

SECTION 11.13. PUD AGREEMENT

Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Montcalm County Register of Deeds.

SECTION 11.14. CHANGES TO AN APPROVED PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans, up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes required or requested by the Township, Montcalm County or other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

SECTION 11.15. TIME LIMIT FOR APPROVED PUD DISTRICT

Each development shall be under construction within one (1) year after the date of approval of the PUD final development plan, except as noted in this Section.

- A. The Township Board may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
 - 1. The applicant presents reasonable evidence that said development has encountered

- unforeseen difficulties beyond the control of the applicant; and
2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan are reasonable related to said development have not changed.
- B. Should neither of the provisions of Section 11.15.A be fulfilled, or an extension has expired without construction underway, the PUD approval shall be null and void.

CHAPTER 12 DISTRICT REGULATIONS

SECTION 12.1 SCHEDULE OF REGULATIONS

Unless expressly specified otherwise elsewhere in this Ordinance, all lots, uses, structures and buildings shall conform to the following Schedule of Regulations and the accompanying footnotes shown on the following pages. No lot shall be created which does not meet the following application requirements.

SCHEDULE OF REGULATIONS*

| DISTRICTS | AREA (a) (SQ. FT.) | WIDTH (FT.) | YARD SETBACKS (FT.) (b) | | | | HEIGHT | | COVERAGE (%) |
|--|-----------------------|------------------|----------------------------|-------------|---------------|--------|--------|---------|-----------------|
| | | | Front | One Side | Both Sides | Rear | Feet | Stories | |
| R-1, Rural-Agricultural Residential | 87,120 | 165 | 50 | 20 | 50 | 25 | 35 | 2 ½ | 20 |
| R-2, Low Density Residential | 54,450 | 165 | 30 | 15 | 35 | 25 | 35 | 2 ½ | 35 |
| R-3, Medium Density Residential | 43,560 (c, d, e) | 100 (c, d, e) | 20 (e) | 6(e) | 20(e) | 25 (e) | 35 | 2 ½ | 40 |
| R-4, Manufactured Home Park | See Chapter 7 | | | | | | | | |
| C-1, General Commercial | 15,000 | 80 | 70 (g) | (f) | none | 25(f) | 35 | 2 | none |
| C-2, Highway Commercial | 20,000 | 80 | 70 (g) | (f) | none | 25(f) | 25 | 2 | none |
| I, Industrial | 43,560 | 100 | 40 (g) | 15(f) | 30 | 40(f) | 40 | 3 | none |

*Footnotes are an integral part of these District Regulations and should be read in conjunction with above schedule.

SECTION 12.2. FOOTNOTES TO DISTRICT REGULATIONS

(a) All dwellings shall contain a minimum floor area in accordance with the following:

Single family: 800 sq. ft., with at least 600 sq. ft. on the ground floor

Two-family: 750 sq. ft., with at least 400 sq. ft. on the ground floor

Multi-family:

1 bedroom 500 sq. ft.

2-bedroom 600 sq. ft.

3-bedroom 750 sq. ft.

4-bedroom 900 sq. ft.

- (b) Where a rear yard abuts the side yard of an adjacent lot, the side yard on the street side shall meet the minimum front yard setback requirements.
- (c) Lots served by public sanitary sewer may be reduced to a minimum area of 12,000 sq. ft. and a minimum width of 85 ft. for single family units and a minimum area of 20,000 sq. ft. with a minimum width of 100 ft. for two-family units.
- (d) All two-family dwellings shall have a minimum lot area of 54,450 sq. ft. without public sewer.
- (e) Multiple family dwellings shall have a minimum lot size of (1) acre and be served by public water and sanitary sewer facilities or by a private water and/or sanitary sewer system acceptable to a township authorized engineer and approved by the County Health Department or Michigan Department of Environmental Quality, as applicable. A maximum of four (4) dwelling units per net acre shall be permitted. Net acreage shall be the total site area, exclusive of any dedicated public right-of-way or private easement for either interior or abutting streets. No building shall exceed an overall length of one hundred eighty (180) ft. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) ft., whichever is greater. In no case shall the minimum required setback be less than the height of the building.
- (f) Where a die or rear yard abuts a Residential District, a buffer shall be provided in accordance with Sec. 2.16.
- (g) The first twenty (20) ft. of the required front yard shall not be used for parking or aisles and shall be landscaped.

CHAPTER 13

SITE DEVELOPMENT REQUIREMENTS

SECTION 13.1. SITE PLAN REVIEW

A. Purpose

The purpose of this Chapter is to consider and evaluate the applicant's planned objectives in the utilization of land and to ensure compliance with the regulations of this Zoning ordinance.

B. Uses Subject to Site Plan Review

1. A Building Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Site Plan has been reviewed and approved under the following procedure:

a. The following uses shall be subject to Site Plan Review in accordance with the provision of this Section.

(1) All permitted uses within the R-3, C-1, C-2 and I Districts, except the following:

- (a) One and two-family dwellings.
- (b) Temporary buildings and uses.
- (c) Accessory uses or structures.

(2) Special Land Uses in any zone district.

(3) Site condominiums in any district.

b. All site plans not reviewed under Section 13.1 B.1.a, (1) -(3,) shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking and other specific Zoning Ordinance requirements.

C. Application and Review Procedures

1. Application Procedures

a. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 13.1 C.1. c. and 13.1.C.2, are met, then transmit it to the Planning Commission.

b. Review comments shall be submitted by such departments and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered.

c. An application for Site Plan Review shall consist of the following:

- (1) A completed application form, as provided by the Township
- (2) Seven (7) copies of the Site Plan.
- (3) Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.
- (4) A legal description, including the permanent parcel number of the subject property and a boundary survey map.
- (5) Other materials as may be required by this Section or the Planning Commission.

2. Site Plan Requirements

Site Plans shall be professionally prepared by a registered engineer, surveyor, architect, landscape architect or community planner to a scale of not more than one (1) inch equals one hundred (100) feet (1" =100') showing the existing and proposed arrangement of the site and shall include the following:

- a. Small scale sketch of properties, streets, and use of land within one quarter (1/4) mile of the subject property.
- b. Existing adjacent streets and proposed streets and existing curb cuts within one hundred (100) feet of the property.
- c. All lot lines with dimensions.
- d. Parking lots and access points.
- e. Proposed buffer strips or screening.
- f. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
- g. Location of any signs not attached to the building.
- h. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
- i. General topographical features including existing contours at intervals no greater than two (2) feet.
- j. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives and open space.
- k. Dwelling unit densities by type, if applicable.
- l. Proposed method of providing sewer and water service, as well as other public and private utilities.
- m. Proposed method of providing storm drainage.
- n. Written description of the computation for required parking.
- o. Name, address and phone number of the applicant.
- p. Name, address, phone number and professional seal of the individual responsible for preparing the plan.

3. The Planning Commission shall review the Site Plan, along with any comments Submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Commission may request from the applicant any additional graphic or

written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to aerial photography, photographs, traffic impact studies, impact on significant natural features and drainage, soil test, and other pertinent information.

4. The Planning Commission shall approve, deny, or approve with conditions the site plan based on the requirements of this Ordinance and specifically, the standards of Section 13.1D.
5. No petition submitted for Site Plan review which has been denied, shall be resubmitted for a period one (1) year from the date of denial, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Site Plan Review Standards

1. All site plans shall be approved, approved with conditions or denied based on the purposes, objective and requirements of this Ordinance, and specifically, the following considerations when applicable:
 - a. The relationship of uses proposed will not adversely affect the public health, safety or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
 - b. Safe, convenient, uncongested and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - c. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Reynolds Township.
 - d. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - e. Satisfactory assurances shall be provided that the requirements of all other applicable Ordinances, codes and requirements of Reynolds Township will be met.
 - f. The general purposes and spirit of this Ordinance and the Master Plan of Reynolds township shall be maintained.

E. Approved Plans and Amendments

1. Upon approval of the Site Plan, the Planning Commission Chairman shall sign three (3) copies thereof. One (1) signed copy shall be made a

part of the Township's files; one (1) copy of the site Plan shall be forwarded to the Building Official for issuance of a building permit; and one (1) copy shall be returned to the applicant.

2. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.
 - a. The Planning Commission may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:
 - (1) The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - (2) The Site Plan requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonably related to said development have not changed.
 - b. Should neither of the provisions of Section 13.1 E.2.a be fulfilled or an extension has expired without construction underway, the Site Plan approval shall be null and void.
 - c. Amendments to an approved Site Plan may occur only under the following circumstances:
 - (1) The holder of a valid Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - (2) Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Board. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the Township, Montcalm County or other State or Federal regulatory agency in order to conform to other laws or regulations.

- (3) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor; a new site plan shall be submitted and reviewed as required by this Chapter.

SECTION 13.2. OFF-STREET PARKING AND LOADING

(Amended 3/30/2015)

A. General Requirements

1. Off-street parking for all non-residential zone districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
2. The storage of merchandise or products, motor vehicles displayed for sale or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage or combination there, and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than thirty-three (33) percent of the required front yard.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
5. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking.
7. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - a. Areas proposed for deferred parking shall be shown on the Site plan and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended Site Plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

B. Parking Lot Design Standards

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

| Parking Pattern | Two-Way Aisle Width | One-Way Aisle Width | Width | Length |
|---------------------|---------------------|---------------------|-------|--------|
| Parallel Parking | 18 Ft. | 12 Ft. | 9 Ft. | 25 Ft. |
| 30-75- degree Angle | 24 Ft. | 12 Ft. | 9 Ft. | 21 Ft. |
| 76-90-degree angle | 24 Ft. | 15 Ft. | 9 Ft. | 20 Ft. |

2. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
3. All parking lots shall be constructed with a durable and dustless surface and properly maintained at all times.
4. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of Reynolds township and the Montcalm County Drain Commission.
5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling into adjacent residential districts or uses.
6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.
 - c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
 - d. Any other change which, in the opinion of the Zoning Administrator constitutes a major change.

C. Off-Street Parking Requirements

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

| Use | PARKING SPACE PER UNIT OF MEASUREMENT |
|---|---|
| Residential | |
| Single family dwellings | 2 for each dwelling unit |
| Housing for the elderly | One (1) space for each 2 dwelling units, plus one (1) for each employee, plus one 1 space for each five dwelling units to be marked as visitor spaces |
| Multiple family dwellings | Two (2) for each dwelling unit, plus one (1) additional space for each 2 units |
| Two family dwellings | Two (2) for each dwelling unit |
| Institutional | |
| New Churches and any subsequent additions approved after the adoption date of the Ordinance | One (1) space for each 4 seats in the main unit of worship or one (1) space per each 8 feet of pew length, whichever is less. |

| Use | PARKING SPACE PER UNIT OF MEASUREMENT |
|--|---|
| Existing churches and any subsequent additions approved after the adoption date of the Ordinance | One (1) space for each 8 seats in the main unit of worship or one (1) space per each 16 feet of pew length, whichever is less. |
| Group day care homes and group foster care homes | One (1) space for each four 4 clients, plus one (1) space for each employee |
| Schools, elementary and middle | One-and-a-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating |
| Schools, secondary and institutions of higher learning | One (1) space for each (8) students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating |
| Theaters, assembly areas, auditoriums, gymnasiums | Two (2) spaces for each 5 seats, for each 8 feet of pew length, or one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Commercial | |
| Assembly halls without fixed seats | One (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances |
| Beauty/barber shop | Three (3) spaces or each chair |
| Bowling alleys | Four (4) spaces for each bowling lane plus required spaces for each accessory use |
| Funeral homes and mortuary establishments | One (1) space for each 50 square feet of usable floor area |
| Furniture, appliance and household goods retail sales | One (1) space for each 1000 square feet of usable floor area |
| Hotels and motels | One space for each guest room, plus required spaces for any accessory uses |
| Open air business | One (1) space for each 200 square feet of indoor usable area, plus one (1) space for each 1000 square feet of outdoor display area |
| Personal service establishments | One (1) space for each 50 square feet of usable floor area |

| Use | PARKING SPACE PER UNIT OF MEASUREMENT |
|---|--|
| Restaurants with drive-through facilities | One (1) space for each 100 square feet of gross floor area, or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Restaurants - without drive- through facilities | One (1) space for each 100 square feet of usable floor area, or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Retail stores not otherwise specified | One (1) space for each 200 square feet of usable floor area |
| Vehicle service stations | 1 space for each service stall, plus one (1) space for each pump island, plus 1 space for each maximum number of employees on the premises |
| Vehicle wash (automatic) | One (1) space for each employee |
| Vehicle wash (self service) | One (1) space for each 5 stalls |
| Video rental stores | One (1) space for each 100 square feet of usable floor area, plus one (1) space for the maximum number of employees on the premises at any one time |

| Use | PARKING SPACE PER UNIT OF MEASUREMENT |
|--|--|
| Offices | |
| Banks, credit unions, savings and loan associations and other similar uses | One (1) space for each 150 square feet of usable floor area, plus 3 spaces for each non-drive through automatic teller machine |
| Medical and dental offices and clinics | One Space for each 300 square feet of usable floor area |
| Offices not otherwise specified | One (1) space for each 300 square feet of usable floor area |

| Industrial | |
|--|---|
| Manufacturing, processing, and research establishments | One (1) space for each 1,000 square feet of gross floor area, plus the required amount for offices located on the premises |
| Warehouses and wholesale | One (1) space for each 2000 square feet of gross floor area, plus those spaces required for offices or other accessory uses located on the premises |

D. Off-Street Loading Requirements

1. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. In the C-1 and C-2 Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front linear foot of building and shall be computed separately from off-street parking requirements.

3. For non-residential uses in residential districts all loading spaces shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
4. I District:
 - a. In the I District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50,) or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - b. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
5. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
6. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

E. Off-Street Parking (Amended 3/12/15)

1. Off-street parking in all residential districts on persons, who are required by their employment, to drive to and from their residence in a commercial vehicle, may park their vehicle off-street, subject to the following:
 - a. Each vehicle shall be registered with a current and visible license plate.
 - b. Each vehicle shall be parked in a garage, on a driveway, or in a side or back yard so long as all setbacks described in this Ordinance are not violated as long as the parking of said vehicle is not a hindrance to safe travel on the roadway.
 - c. Vehicles with more than two axles may be parked on the property subject to the foregoing for no more than one week, unless the Zoning Administrator, in his/her discretion grants a longer period.

SECTION 13.3 SIGNS

(Amended 3/10/2011)

(Amended 11/30/2015)

A. Intent

This section is intended to protect and further the health, safety and welfare of the resident of Reynolds Township; to maintain and improve the appearance of Reynolds Township; to conserve community character; to prevent traffic hazards; to provide safer condition for pedestrians; and to promote economic development by regulating the construct, alteration, repair, maintenance, size, location and number of signs. These regulations are further intended to provide reasonable identification for business and other uses within the community, but are not intended to serve as a means of advertising.

B. Sign Definitions (Amended 11/30/2015)

1. Awning sign: A sign affixed against the surface of an awning.
2. Balloon sign: A sign composed of non-porous bag of material filled with air.

3. Banner sign: A fabric, plastic or other sign made of non-rigid material without an enclosing structural framework.
4. Billboard: A sign which advertises an establishment, product, service or activity not available on the premises on which the sign is located.
5. Construction Sign: A temporary sign which identifies the owners, financiers, contractors, architects and engineers of a project under construction.
6. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
7. Freestanding Sign: A sign not attached to a building or wall.
8. Electronic Display: A sign or portion of a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
9. Government Sign: A temporary or permanent sign erected by Reynolds Township, Montcalm County, or the state or federal government.
10. Ground Sign: A freestanding sign resting directly on the ground or supported by short poles not attached to a building or wall. Generally, supporting poles are shorter than the width dimension of the sign.
11. Marquee Sign: A sign affixed flat against the surface of a marquee.
12. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
13. Off-Premise Sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
14. On-Premise Sign: Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
15. Placard: A sign which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
16. Political Sign: A temporary sign used in connection with an official Reynolds Township, school district, county, state, or federal election or referendum.
17. Portable sign: Any sign not permanently attached to the ground or other permanent structure and designed to be transported, including, but not limited to, signs designed to be transported by means or wheels, or signs mounted on A-frames or T-frames.
18. Property Development Sign: A sign advertising a new residential subdivision or other residential development.
19. Pylon Sign: A freestanding sign supported on poles or pylons and not attached to a building or wall.
20. Reader Board: A portion of a sign on which copy is changed manually. The changeable copy portion of a portable sign shall not be considered a reader board.
21. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
22. Roof Sign: a sign erected above the roofline of a building.
23. Sign: A device, structure, fixture or placard using graphics, symbols and/or written

- copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.
24. Special Event Sign: Temporary signs containing public messages concerning special events other than elections sponsored by governmental agencies or nonprofit organizations.
 25. Temporary Sign: A sign, flag, banner, balloon, pennant or valance usually constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, or any other sign, other than a portable sign, that is not permanently secured and is not intended or designed for permanent use.
 26. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building.
 27. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

C. General Sign Provisions
(Amended 11/30/2015)

1. No person shall erect, alter, place or permit to be placed or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit:
 - a. Directional signs of six (6) square feet in size or less
 - b. Government signs
 - c. Placards of two (2) square feet in size or less
 - d. Temporary signs of four (4) square feet in size or less
 - e. Window signs
 - f. Political signs
2. Signs shall be maintained free of peeling paint or paper, fading staining, rust or other condition which impairs legibility or intelligibility.
3. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
4. Illumination: Signs may be internally illuminated or if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or neighboring property. Maximum brightness levels shall not exceed 0.2-foot candles over ambient light levels measure within 150 feet of the sign at all times of the day and night. (Amended 11/30/2015)
5. No sign shall be placed in, upon or over any public right-of-way, alley or other public place, except as may be otherwise permitted by this Section.
6. No light pole, utility pole or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
7. No sign shall be erected in any place where it may, by reason of its position, shape, color or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or constitute a nuisance per se.
8. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.

9. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
10. No wall sign shall extend beyond the edge of the wall to which it is affixed.
11. No sign shall be erected above the roof line of a building.
12. No wall sign shall extend more than twelve (12) inches from the exterior face of the wall to which it is attached.
13. Signs that are held by or supported by a person for commercial advertising purposes are prohibited.

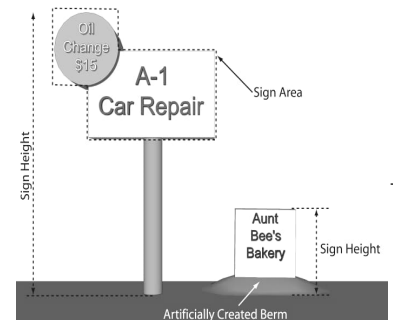
D. Exempted Signs

The following signs shall be exempt from the provisions of the Reynolds Township Zoning Ordinance, except for the provisions of Section 13.3, C:

1. Government signs
2. Historical markers
3. Window signs
4. Memorial signs or tablets
5. Murals
6. Signs not visible from any street
7. Signs for essential services
8. Placards not exceeding two (2) square feet, provided that no more than twelve (12) square feet of any wall or window surface may contain placards.
9. Signs with address, owner or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
10. Flags or insignia of any nation, state, township, community organization or educational institution.

E. Non-conforming Signs, Illegal Signs and Accessory to Non-Conforming Uses

1. Every permanent sign which does not conform to the height, size, area or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
2. A sign erected illegally is not eligible for non-conforming status.
3. Non-conforming signs may not be altered, expanded, enlarged or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
4. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply; and the sign may not be replaced.
5. A non-conforming sign destroyed by fire or another casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.



6. Any sign which for a period of one year or more no longer advertises a bona fide business conducted or product sold shall be moved by the owner of the building, structure or property upon which such sign is located, within thirty (30) days after cessation of the business.
7. A sign accessory to a non-conforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

F. Units of Measurement

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of freestanding, ground or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

G. Sign Regulations Applicable to All Zoning Districts

1. Reader boards.
 - a. A ground, wall or freestanding sign may include a reader board. Except as otherwise allowed by this section, reader boards may not occupy more than forty (40) percent of the sign area.
 - b. In the C-1 and C-2 districts, if a lot contains both a pylon sign and a ground sign meeting the requirements of subsection H, below, only one of the allowed signs may include a reader board. Up to eighty (80) percent of the sign may be occupied by the reader board.
 - c. A reader board is not permitted on a sign with an electronic display.
2. Any sign, including awning signs, marquee signs, pylon signs and projecting signs, except ground signs and directional signs shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
3. Real estate signs shall be removed within thirty (30) days after completion of the

sale or lease of the property.

4. Construction signs are permitted within any zone district, subject to the following restrictions:
 - a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
 - b. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - c. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.

5. Property development signs are permitted for each residential subdivision or development under construction subject to the following restrictions:
 - a. There shall be no more than one (1) such sign per each major entrance to the development.
 - b. No property development sign shall exceed eight (8) feet in height.
 - c. No such sign shall exceed thirty-two (32) square feet in area.
 - d. All property development signs shall be removed when seventy (70) percent of the dwelling units within the development have been sold or leased.

6. Special event signs, including banner signs, are permitted in any zone district, subject to the following restrictions:
 - a. No more than four (4) such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held.
 - b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.

7. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-promise establishment, but no advertising copy.
 - b. no such sign shall exceed six (6) square feet in area or four (4) feet in height.
 - c. Directional signs shall be limited to traffic control functions only.

8. Garage and estate sale signs are permitted subject to the following restrictions:
 - a. One (1) sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any

side or rear property line.

9. Political signs are permitted subject to the following restrictions:
 - a. One (1) political sign per issue or candidate shall be permitted per lot.
 - b. No political sign shall be higher than six (6) feet or more than six (6) square feet in area.
 - c. A political sign shall be set back a minimum of fifteen (15) feet from any side or rear property line.
 - d. Political signs shall be removed within five (5) business days after the election of referendum.

10. Electronic displays are permitted in those districts as listed in Section 13.3, H, below, subject to the following requirements: (Amended 11/30/2015)
 - a. An electronic display is permitted only on pylon or grounds signs, except that an electronic display that displays time and temperature only may be allowed as part of a wall sign.
 - b. An electronic display is not permitted on a sign that has a reader board.
 - c. The entire sign face shall only convey a single product or message at any one time.
 - d. Shall not appear to flash, undulate, pulse, portray explosions, fireworks, flash of light, blinking or chasing lights, move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or engage in other similar movements. A traveling or scrolling message may only come from one direction. Shall have a single-color background that displays a single color at any one time and shall not have audio output.
 - e. Displays may change no less than five seconds apart.
 - f. An electronic display strictly for the purpose of stating gasoline prices is exempt from these requirements; however, the area of any such display shall be included in the total permitted area of the sign on which the display is a part.

11. Portable signs are permitted for any use except one (1) or two (2) family dwellings, subject to the following requirements:
 - a. All portable signs shall be maintained and repaired in good working condition. Broken panels, etc. must be repaired as soon as practicable. All frames, etc. shall be painted and rustproofed and kept in like-new condition.
 - b. Lettering shall be maintained to create complete words and readable messages. Missing letters shall be replaced as soon as practicable.
 - c. The portable sign structure may only be illuminated with a steady, non-intermittent internal light source. There shall be no moving or flashing elements or intermittent lighting.
 - d. A portable sign may only be illuminated with a steady, non-intermittent internal light source. There shall be no moving or flashing elements or intermittent lighting.
 - e. A portable sign shall require a temporary permit, with a maximum length of twenty (20) days. There shall be no more than three (3) permits issued per any one (1) premises in any calendar year.

- f. any portable sign existing as of the date of adoption of the amending Ordinance establishing these requirements that does not comply with the above requirements is hereby declared an illegal use and shall be removed.

H. Schedule of Sign Regulations

Signs in each Zoning District shall be subject to the following regulations:

| R-1, R-2, R-3, AND R-4 ZONING DISTRICTS - PERMITTED SIGNS | |
|---|--|
| Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, group day care, group adult foster care, or other similar non-residential uses allowed in the district | |
| Number | One (1) per major entrance |
| Size | No greater than thirty-two (32) square feet |
| Location | Minimum of fifteen (15) feet from any side or rear property line |
| Height | No higher than six (6) feet |

| R-1, R-2, R-3, AND R-4 ZONING DISTRICTS - PERMITTED SIGNS | |
|--|---|
| Other | Electronic displays are allowed provided they occupy no more than forty-percent (40%) of the total sign area. |
| Wall signs for home occupations | |
| Number | One (1) per lot or parcel |
| Size | No greater than four (4) square feet |
| Location | On wall of house facing street |
| Illumination | Signs for home occupations shall not be illuminated. |
| Wall signs for non-residential uses | |
| Number | One (1) per street frontage |
| Size | No greater than five (5) percent of the wall area to which the sign is affixed. |
| Location | On wall of building facing street |
| Real estate signs | |
| Number | One (1) per lot or parcel |
| Size | No greater than six (6) square feet for developed properties or lots; sixteen (16) square feet for vacant lots or parcels |
| Location | Minimum of fifteen (15) feet from any side or rear property line |
| Height | No higher than six (6) feet |

| C-1 GENERAL COMMERCIAL, C-2 HIGHWAY COMMERCIAL- PERMITTED SIGNS | |
|--|--|
| Ground signs | |
| Number | One (1) per lot or parcel |
| Size | No greater than thirty-two (32) square feet |
| Location | Minimum of fifteen (15) feet from any property line |
| Height | No higher than six (6) feet |
| Other | Electronic displays are allowed provided they occupy no more than fifty-percent (50%) of the total sign area. |
| Pylon signs | |
| Number | One (1) per lot or parcel |
| Size | No greater than fifty (50) square feet |
| Location | Minimum of fifteen (15) feet from any property line |
| Height | No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign. |

| C-1 GENERAL COMMERCIAL, C-2 HIGHWAY COMMERCIAL- PERMITTED SIGNS | |
|--|---|
| Other | Electronic displays are allowed provided they occupy no more than fifty-percent (50%) of the total sign area. |
| Wall signs | |
| Number | One (1) per street frontage |
| Size | No greater than ten (10) percent of the wall area to which the sign is affixed, not-to-exceed a maximum sign area of one hundred fifty (150) square feet. |
| Location | On wall of building facing street |
| Real estate signs | |
| Number | One (1) per lot or parcel |
| Size | No greater than sixteen (16) square feet |
| Location | Minimum of fifteen (15) feet from any side or rear property line |
| Height | No higher than six (6) feet |
| Temporary commercial event signs | |
| Number | One (1) per frontage |
| Size | No greater than thirty-two (32) square feet |

| | |
|----------|---|
| Location | Signs made of flexible or nondurable materials, such as vinyl or cardboard, may only be mounted securely on the building wall and may not extend above the top of the wall; or shall be attached to poles, other signs or to the ground, on the subject property only, and mounted to protect the sign from damage by wind or other elements. |
| Other | A permit for a commercial event sign shall be valid for no more than twenty (20) consecutive days. No more than 4 permits shall be issued for the same property in a calendar year. |

| I INDUSTRIAL DISTRICT - PERMITTED SIGNS | |
|--|---|
| Ground signs | |
| Number | One (1) per lot or parcel |
| Size | No greater than thirty-two (32) square feet |
| Location | Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line |
| Height | No higher than six (6) feet |
| Other | Electronic displays are allowed provided they occupy no more than fifty-percent (50%) of the total sign area. |
| Wall signs | |
| Number | One (1) per street frontage |
| Size | No greater than ten (10) percent of the wall area to which the sign is affixed, not-to-exceed a maximum sign area of two hundred (200) square feet. |

| I INDUSTRIAL DISTRICT - PERMITTED SIGNS | |
|--|---|
| Location | On wall of building facing street |
| Real estate signs | |
| Number | One (1) per lot or parcel |
| Size | No greater than sixteen (16) square feet |
| Location | Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line |
| Height | No higher than six (6) feet |

CHAPTER 14 SPECIAL LAND USES

SECTION 14.1. APPLICATION PROCEDURES

- A. Application for a special land use permit shall be made to the Zoning Administrator and shall include the following:
 - 1. Seven (7) copies of a site plan containing the information required by Section 13.1, C.2.
 - 2. A completed application form.
 - 3. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Township Board.

SECTION 14.2 NOTIFICATION, HEARING AND REVIEW PROCEDURES

(Amended 12/15/2006)

(Amended 9/22/2007)

- A. Upon receipt of an application for a special land use permit, the Zoning Administrator shall cause notice to be given of a special land use public hearing, in accordance with the requirements of the Zoning Act. The notice of which shall be given by publication in a newspaper of general local circulation not less than fifteen (15) days prior to the date of said hearing.
- B. Following notice, the Planning Commission shall hold a public hearing on the special land use permit application.
- C. The Planning Commission shall approve, approve with conditions or deny the special land use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing and the applicable standards of this Chapter.
- D. If the Planning Commission finds that the request meets all required standards, they shall approve the special land use request.

SECTION 14.3. GENERAL STANDARDS FOR APPROVAL

(Amended 12/16/22)

(Amended 5/13/23)

- A. The Planning Commission shall approve, or approve with conditions, a special land use Permit request only upon a finding that all of the following general standards for approval are complied with:
 - 1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land and will not change the essential character of the area in which it is proposed.

2. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal and schools. Adequate water and sewer facilities must be available.
 3. The use does not involve activities processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 5. The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the special land use as contained in section 14.6
 6. The use is consistent with the Reynolds Township Master Plan.
- B. The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Commission minutes.
- C. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 14.4. CONDITIONS OF APPROVAL

(Amended 9/22/2007)

- A. The Planning Commission may impose reasonable conditions in conjunction with the approval of a special land use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 14.3 and the Specific Design Standards of Section 14.6.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Act.

SECTION 14.5. APPROVAL TERM AND EXPIRATION

A special land use permit, including conditions imposed, is attached to and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

SECTION 14.6. SPECIAL LAND USE SPECIFIC DESIGN STANDARDS

(Amended 9/22/2007)

(Amended 12/6/22)

(Amended 5/13/23)

The following Special land uses shall be subject to the requirements of the District in which located in addition to all the applicable conditions, standards and regulations as cited in this Section. The following uses have such conditions, standards or regulations:

A. Adult uses.

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly, when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.
2. Any adult use is permitted if:
 - a. The use is located within a zone district where the use required special land use approval.
 - b. The use is not located within a 1,000-foot radius of another such use except that such restrictions may be waived by the Planning Commission, if the following findings are made:
 - (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - (2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - (3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - (4) That all applicable state laws and local ordinances will be observed.
 - (5) Prior to the granting of any waiver as herein provided, 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.
 - c. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health or building codes.
 - d. No adult use shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M., and no such use shall be open on Sundays.
 - e. No alcohol shall be served at any adult use.
 - f. No adult use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors

are not allowed.

- g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
- h. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church or park, measured from lot line to lot line.

B. Agribusinesses.

- 1. Structures shall be located at least 100 feet from all property lines.
- 2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
- 3. all storage processing and truck parking shall take place at least 50 feet from all Property lines.
- 4. The use must provide a Health Department approved sewage disposal and water system.

C. Banks, credit unions, savings and loan association, and other similar financial institutions, as determined by the Zoning Administrator, having drive-through facilities.

- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.
- 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear Yard setback of ten (10) feet.
- 3. Access driveways shall be located no less than seventy-five (75) feet from the nearest right-of-way line of any intersection street or fifty (50) feet from the nearest edge of any other driveway.

D. Bed and breakfast establishments.

- 1. The establishment shall be located on property abutting a public street.
- 2. No such use shall be permitted on any property where there exists another bed-and breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
- 3. Such uses shall only be established in a single family detached dwelling.
- 4. Parking shall be located to minimize negative impacts on adjacent properties.
- 5. The number of guest rooms in the establishment shall not exceed three (3,) plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed seven (7) guest rooms in any case.
- 6. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
- 7. Signs for bed and breakfast establishments shall comply with the requirements of the

- zone district in which the use is located.
8. The establishment shall contain the principal residence of the operator.
 9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
 10. Meals shall be served only to the operator's family, employees, and overnight guests.

E. Cemeteries.

1. Minimum lot size of ten (10) acres is required.
2. Plan must show any roads and plot areas.
3. A five (5) foot tall fence is required along any property line not adjacent to a road right of-way.
4. One (1) sign is permitted that must conform with the district restrictions for signs.

F. Churches.

1. Minimum lot width shall be two hundred (200) feet.
2. Minimum lot area shall be two (2) acres; plus, an additional fifteen thousand (15,000) sq. ft. for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100.)
3. The property location shall be such that at least one (1) side of the property abuts and has access to a county primary road.

G. Commercial storage warehouses.

1. Minimum lot area shall be one (1) acre
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single family detached dwelling in the R-3 District.
 - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
 - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
 - d. All driveways, parking, loading, storage and vehicular circulation areas shall be paved.

H. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred fifty (150) feet.

3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-side or onto any public street.
5. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

I. Group day care homes.

1. A drop off/pickup area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet or more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.
4. The group day care home shall not be located closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home licenses under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code 1978 PA 368, MCL 333.6101 to 333.6523.
 - d. Community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
5. The operator shall maintain the property consistent with the visible characteristics of The neighborhood.
6. The group day care home shall not exceed 16 hours of operation during any 24-hour period. The Planning Commission may limit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
7. The group day care home may have a sign in accordance with Chapter 13, Section 13.3, H, for home occupations in residential districts.

J. Hotels and motels.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear

- yard setback of ten (10) feet.
3. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

K. Housing for the elderly.

1. All dwelling units in the building shall have a minimum of four hundred fifty (45) square feet per unit.
2. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted advertising such accessory use.
3. The allowable density of the zoning district may be increased by no more than fifty (50) percent for all nursing care units licensed by the State of Michigan and no more than twenty-five (25) percent for non-licensed nursing care and supportive care units.
4. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public street.
6. The maximum height may be increased by one story for each additional forty (40) feet the building is set back from all required yards.

L. Intensive Livestock Operations.

1. The ILO shall be established on a single parcel or contiguous parcels under single ownership of at least forty (40) acres.
2. All buildings, structures, enclosed area, and storage areas for waste, feed or other materials associated with the ILO shall be located at least two hundred fifty (250) feet from any lot line.
3. All buildings, structures, enclosed areas and storage areas for waste, feed or other materials associated with the ILO shall be located at least five hundred (500) feet from any water body or flood plain, including wetlands, flowing streams or designated county drains.
4. No ILO shall be permitted where any lot line is within one thousand three hundred twenty (1,320) feet of an existing residential dwelling; provided that dwellings on the ILO parcel shall be excluded from this limitation, and the future construction of dwellings within this area after an ILO is established shall not prevent the expansion of such ILO.
5. No ILO shall be permitted where any lot line is within five thousand two hundred eighty (5280) feet of another ILO lot line.

M. Kennels.

1. For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
2. Buildings in which animals are kept, runs and/or exercise areas shall not be located nearer than two hundred (200) feet to any lot line and shall not be located within any

required yard area.

N. Lumber and planning mills.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

O. Lumberyards.

1. The lot area used for parking, display or storage shall be paved and shall be graded And drained so as to dispose of all surface water.
2. Any display materials or equipment stored or displayed outside of an enclosed Building shall not extend into any required yard or occupy any required parking or Maneuvering areas for vehicles.
3. Materials stored within ten (10) feet of the property line of the use may be stacked to a height not exceeding ten (10) feet.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.

P. Manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

Q. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
2. The principal and accessory buildings and structured shall not be located within one thousand (1,000) feet of any residential use or district.

R. Metal plating, buffing, and polishing.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

S. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or Mineral resources.

The following information shall be provided and the Planning Commission shall find that The proposed use will not unduly impact surrounding properties and the Township in general, in accordance with the following:

1. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed.

2. The amount of topsoil, sand, gravel or other such materials which is to be removed.
3. The purpose of such removal.
4. The effect of such removal on adjoining property; all removal activities shall be set Back a minimum of one-hundred (100) feet from any adjoining residential district or use.
5. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
6. The potential for such removal to cause the creation of sand blows, stagnant water pools or swampy area.
7. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources.
8. Potential traffic congestion and problems because of trucks or other vehicles or Means utilized to haul and transport the materials removed.
9. Any change of the natural contour of the land, both during mining operations and at The time of abandonment, shall be maintained in a safe condition.
10. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a Permitted Use within the District in which the extraction activity is located.
11. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
12. All of the operation shall be screened with an evergreen screen planting on any side adjacent to residentially occupied property.
13. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with natural surroundings.
14. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.
15. The Township Board may require such bond as deemed necessary to ensure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained.
16. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section., In addition, topsoil, or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
17. The applicant shall secure all necessary permits from Township, County and State authorities.

T. Open air business.

1. The lot area used for parking, display or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest

- edge of any other driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
 4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

U. Outdoor storage, display, and sale of farm implements and commercial construction equipment.

1. The lot area used for parking display or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
3. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

V. Private noncommercial and public recreation areas or community recreation centers.

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
4. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

W. Private storage buildings as a principal use.

1. All minimum lot area, width and setback requirements of the district shall be met.
2. The storage buildings shall have a pitched roof and be constructed of materials compatible with the residences on surrounding lots.
3. The maximum height of such building shall not exceed fourteen (14) feet.
4. The owner of the storage building shall occupy a residence on property within one hundred (100) feet of the lot or parcel containing the storage building.
5. No business, home occupation or other use, except storage, shall be conducted within the building.

X. Production, refining, or storage of petroleum or other flammable liquids.

1. Access driveways shall be located at least one hundred (100) feet from the nearest

- right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
2. The principal and accessory building and structures shall not be located within one thousand (1,000) feet of any residential use or district.

Y. Recycling centers.

1. A six (6) foot fence or wall shall be constructed along the rear and side of the lot, capable of keeping trash, paper and other debris from blowing off the premises.
2. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district property line.

Z. Restaurants, exclusive of drive-through facilities.

1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setback of ten (10) feet.
2. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

AA. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersection street or seventy-five (75) feet from the nearest edge of any other driveway.

BB. Salvage yards, Junk yard.

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall abut and have suitable access to a paved County primary road to

- ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within one thousand (1,000) feet of any residential use or district, or any church, school, park, or cemetery.
 4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be of uniform appearance and continuously maintained in good condition and shall contain only approved signs.
 5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
 6. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
 7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
 8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 9. All portions of the storage area shall be accessible to emergency vehicles.
 10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide continuous loop drives separating each row of vehicles.
 11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
 12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
 13. The property shall be a minimum size of at least six (6) acres.
 14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
 15. No chemicals or potentially hazardous substances from such operations shall be disposed of on-site or leaked or deposited onto or into the soil or ground.
 16. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Reynolds Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

CC. Site condominiums.

1. The minimum lot size, width, and setbacks shall conform to the requirements of the zoning district in which the project is located.
2. The minimum floor area per unit shall conform to the requirements of the zoning district in which the project is located.

3. All sites shall be required to use public utilities if located and available within three hundred (300) feet of the property boundary of the overall development.
4. All site condominium lots shall have access to and frontage on a public or approved private street.

DD. Truck terminals.

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.
4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
6. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
7. The minimum required lot area shall be two (2) acres with a minimum lot width of two hundred (200) feet.

EE. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the lot area and yard setback requirements of the district in which it is located.

FF. Vehicle repair.

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district property line.
2. Minimum lot area shall be twenty thousand (20,000) square feet and minimum lot width shall be one hundred (100) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
6. No chemicals or potentially hazardous substances from such operations shall be

- disposed of on-site or leaked or deposited onto or into the soil or ground.
7. Access driveways shall be located at least one hundred (100) feet from the nearest right- of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
 8. Where adjoining residentially zoned property a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

GG. Vehicle service stations.

1. Minimum lot area shall be (20,000) square feet and minimum lot width shall be one hundred (100) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of (10) feet above the average grade.
7. Access driveways shall be located at least one hundred (100) feet from the nearest right- of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
8. Where adjoining residentially zoned property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

HH. Vehicle wash establishment, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self- service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential district line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district property line.
3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened and such screening shall be continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge

- of any other driveway.
5. Where adjoining residentially zoned property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

II. Veterinary hospitals and veterinary clinics.

1. Runs, exercise areas, pens, or other outdoor areas where animals are kept shall meet the requirements for kennels, as provided in this Chapter.

JJ. Wireless communications tower.

1. Minimum lot size shall be the same as that of the district in which the tower is located.
2. The tower shall be set back from all lot lines a minimum distance equal to one-half ($\frac{1}{2}$) the height of the tower. In Residential Districts, such towers shall be setback a minimum of 200 feet or half the height of the tower, whichever is greater, from all lot lines.
3. All buildings, structures, and guy wires shall meet the minimum setback requirements of the Zoning District.
4. A security fence at least six (6) feet in height shall be constructed around the tower and supports.
5. All parking and drives shall be surfaced with compact gravel.
6. New Tower facilities shall be required to accommodate multiple users in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall provide evidence that construction of the tower will accommodate collocation of additional antennas for future users.
7. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission, that no existing tower or structure can accommodate the applicant's proposed antenna.

KK. Open Space Developments.

1. **Description and Purpose.** The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD, and other design objectives intended to foster an improved living environment.
2. **Qualifying Conditions**

- a. The tract of land for which an OSD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.
- b. The property which is the subject of an OSD application must be a minimum of twenty (20) contiguous acres. The Planning Commission may consider a lesser development size if the proposed project substantially forwards the purpose of the OSD regulations, or include a noncontiguous parcel if significant natural features may be preserved as a result.
- c. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which could be otherwise be developed but will be preserved as a result of the OSD.
- d. Only traditional farming activities (except intensive livestock operations) and single-family dwellings and their accessory uses may be approved as part of the OSD.

3. Review Procedures

a. Sketch Plan Approval

- 1. To be considered as an OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Chapter.
- 2. In addition to the requirements of Chapter 13, the application materials shall include seven (7) copies of all of the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Written documentation that the proposal meets the standards of this subsection.
 - b. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - c. Arrangement and area calculations for open space, including upland and wetland open space areas.
- 3. Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:
 - a. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may

determine necessary to evaluate the feasibility of the parallel plan.

- b. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an area of sufficient size and shape to date the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
- c. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
- d. While intended as a conceptual plan, the Planning Commission shall only approve the parallel plan after a determination is found that the submitted plan would otherwise be approvable under current Township ordinances and review considerations.

- 4. The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the sketch plan.

b. Final Site Plan Approval.

- 1. After receiving approval of a sketch plan the applicant shall, within one (1) year, submit a final site plan to the Planning Commission.
- 2. The final site plan may be for either the entire project or for one (1) or More phases.
- 3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary.
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file the application.
 - b. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - c. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - d. A completed application form, supplied by the Zoning Administrator.
 - e. A final site plan meeting the requirements of Chapter 13.
- 4. Failure to submit a final site plan for approval within the one (1) year period shall void the previous sketch plan approval and a new application shall be

required to be submitted and approved in accordance with these provisions.

5. The Planning Commission shall deny, approve, or approve with conditions, the final site plan for the OSD.
 6. Major changes in the final site plan shall be submitted to the Township pursuant to the procedures applicable to the original application.
4. **Density Bonus:** In order to preserve the maximum amount of open space, an OSD may Permit an increase in the number of dwelling units above the base density established in the parallel plan.
- a. In no case shall the density bonus exceed fifty percent (50%) of the base density.
 - b. The OSD may qualify for density bonuses in accordance with the following:

| Facility/Open Space Provided | | Density Bonus |
|---|----------------|----------------------|
| Open Space | 60% open space | 10% |
| | 70% open space | 20% |
| Township or Public Sanitary Sewer Service | | 30% |
| Township or Public Water Service | | 20% |

1. For the purposes of this Section, community sanitary sewer service shall be defined as all aspects of a complete system required to property collect, treat and dispose of wastewater from all of the individual dwelling units or other buildings within the OSD, including all pumps, pipes, laterals, controls, valves, treatment units and other equipment necessary to collect, treat and dispose of wastewater at a central location.
 2. Township water service shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the OSD from a central location or water source.
5. **Design Principles:** The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the community, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.
- a. **Open Space:** Any open space provided in the OSD shall meet the following

considerations and requirements:

1. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire OSD may utilize the available open space.
2. The OSD shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
3. Golf courses shall not be part of the open space calculation.
4. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
5. All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
6. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
7. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than eight to ten (8-10) units per cluster for projects of less than fifty (50) dwelling units and not more than ten to fifteen (10-15) for projects with fifty (50) or more dwelling units.
8. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
9. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. These areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. These areas may, however, incorporate trails or other internal pedestrian circulation paths.
10. The overall design of the Open Space Development should emphasize the rural character of the township, provide views to open

spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

b. Development Setback

1. Any building area, which for the purposes of this Section shall mean any lot on which a principal use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the OSD.
2. No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may require natural vegetation to augment the natural buffer.
 - a. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The one hundred (100) foot landscape screen shall meet all of the following minimum requirements:
 - i. Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
 - ii. Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - iii. Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - iv. Consist of existing vegetation, land forms or landscaped areas using native or natural materials, or a combination thereof.
 - b. OSD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

6. Review Standards

- a. The following review standards will be used by the Planning Commission in its consideration of an OSD. Before these developments may be approved the Planning Commission shall find:

1. That the OSD meets the stated purposes of this Subsection.
2. The OSD is in substantial compliance with the design principles of This Section.
3. That the OSD does not substantially alter the character of the General neighborhood in which the development is proposed.
4. That the location of the buildings of the OSD do not unduly impact Other single family uses in the vicinity of the proposed development.

5. That the OSD preserves, in perpetuity, unique site conditions, such As significant natural features, large open space areas or active Agricultural land.
6. That the OSD can accommodate adequate and safe disposal of Sanitary sewer and can provide an adequate, assured source of water for domestic use.

L.L. Large Solar Energy Systems (Large SES)

(Amended 12/26/22).

1. Authorization, Review and Approval Procedures: A Large SES may function as an accessory or principal use of a lot. A Large SES constitutes a special land use, irrespective of whether the Large SES functions as an accessory or principal use. A Large SES is authorized in only those districts so specified in Chapters 4 – 10. A Large SES that functions as an accessory use are prohibited in all districts except those districts that permit Large SES as a principal use. Roof mounted SES are exempt from the need for a zoning permit but shall be subject to all other requirements of this Section:
2. General Standards

Unless provided elsewhere in this Section, all buildings shall comply with Chapter 12 including in
The case where the SES functions in an accessory role.

 - a. Buildings: Unless provided elsewhere in this Section, all buildings shall comply with Chapter 12 including in the case where the SES functions in an accessory role.
 - b. Structures: Unless provided elsewhere in this Section, all structures that do not constitute buildings shall comply with the accessory structure standards of Section 2.2.
 - c. Solar Glare: Through locationing or other mitigation measures, solar glare shall not be directed onto nearby properties and public roads so as to cause nuisance conditions, or otherwise interfere with pilot vision or air traffic control operations. The applicant shall submit documentation to verify compliance with this subsection, prepared by a registered civil engineer or other professional deemed qualified by the Planning Commission. If an SES subsequently results in nuisance glare conditions, effective mitigation measures shall be employed

within thirty (30) days of notification by the Zoning Administrator.

- d. Visibility: All SES panels and accessory equipment and facilities shall be located to minimize visibility from beyond the lot line of the lot on which the SES is located, to the greatest extent practical without undermining solar access for the panels.
- e. Panel Setbacks and Heights:
 - 1) Ground mounted panels shall be set back a minimum of fifty (50) feet from side and rear lot lines and one hundred (100) feet from a front lot line, but in no case shall a panel be located within one hundred (100) feet of a dwelling unit existing on another parcel at the time a complete SES application is submitted to the Township. Panels shall not exceed twelve (12) feet in height as measured from the ground below.
 - 2) Roof-mounted solar panels may exceed the maximum height standard for the structure to which it is attached according to the District in which it is to be located, but no portion of the panels shall extend more than four (4) feet above the roof surface directly below.
- f. Lighting: No SES exterior lighting shall be erected except upon satisfactory evidence that such lighting is necessary for the proper operation of the facility. No light may adversely affect adjacent lots. All lighting shall be shielded from adjoining lots, and light fixtures are restricted to eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.
- g. Topsoil: No topsoil shall be removed from any lot as part of the SES construction phase and during the operational life of the facility.
- h. Fencing and Wildlife Corridors: Fencing of a minimum height of six (6) feet but not to exceed eight (8) feet shall be erected to prohibit access by the public to all portions of the SES facility. The configuration of the SES facility and associated fencing shall not unreasonably restrict the movement of wildlife in the local area. No continuous fencing shall extend more than five thousand (5,000) feet in distance except upon a finding by the Planning Commission that there are to be measures in place to permit the reasonable movement of deer around or through the SES facility.
- i. Advertising: No portion of a Large SES shall be used for advertising purposes.
- j. Screening: In the case of Large SES ground mounted solar collection panel(s) located on a lot that is adjacent to a lot in an R-1, R-2, R-3, or R-4 District, the panels shall be screened from view from such lot.
 - a) Screening shall consist of a minimum of one (1) evergreen tree per forty (40) linear feet of perimeter panel length, and one (1) shrub per twenty (20) linear feet of perimeter panel length. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size, and the selected plant material shall be species native to Michigan. In the case where solar panels are set back less than two hundred (200) feet from a lot line or within three hundred (300) feet of an existing dwelling, a second staggered row of evergreen trees shall be installed to further screen

the panels from such dwelling. The second row of trees shall be planted no greater than twenty-five (25) feet and no less than fifteen (15) feet from the first tree row.

- 1) All trees shall be a minimum of six (6) feet in height at the time of planting, have a projected growth rate of a minimum of six (6) inches per year, and have a minimum projected growth height of at least twelve (12) feet. All shrubs shall be of a dense growth habit, shall be a minimum of two and one-half (2.5) feet in height at the time of planting, shall have a projected growth rate of a minimum of six (6) inches per year, and shall have a minimum projected growth height of at least eight (8) feet. All required plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.
- b) The Planning Commission may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make the normally required screening requirements ineffective or otherwise unnecessary.
- c) Screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
- d) The screening requirements of this Section shall replace the screening provisions of Section 2.16.
- k. County/State Approvals: No construction shall be initiated prior to the Zoning Administrator receiving approvals from county and state agencies having jurisdiction, as applicable, including Montcalm County Road Commission approvals for SES driveway curb-cuts along public roads, Montcalm County Drain Commissioner approvals for runoff discharge and erosion control, and Michigan Department of Environment, Great Lakes, and Energy approvals for wetland modifications.
- l. Construction/Operation: A Large SES shall be installed, maintained, and used only in accordance with the manufacturer's directions. A Large SES shall conform with all applicable industry standards including those of the American National Standards Institute (ANSI), shall conform with all applicable local, state, and federal standards and requirements including electrical and building codes, and shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request by the Planning Commission, a copy of the manufacturer's installation instructions and construction specifications and details shall be provided.
- m. Abandonment: If a Large SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with

the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state. Restoration of the site shall be completed no more than one hundred eighty (180) days of the applicant's initiation of decommissioning or after the Zoning Administration notifies the applicant in writing of a determination of abandonment, except that the Zoning Administrator may extend the restoration time frame to no more than one (1) year should seasonal conditions necessitate a greater period of time to complete the restoration.

3. **Additional Submittal Requirements for Large SES:** The following information shall be provided in addition to the information required by Section 13.1 for site plan review and Chapter 14 for special land use applications.
 - a. **Project Description and Rationale:** A narrative project description shall be provided that addresses the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, construction phases, likely markets for the generated energy, and possible future expansions.
 - b. **Operator's Agreement:** The operator's agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency proceedings and general safety documentation.
 - c. **Analysis of Traffic:** An assessment of anticipated traffic to the SES during construction phases and once the SES is operational, including the anticipated daily vehicles by frequency and type such as construction workers' and employees' personal vehicles, earth moving and clearing vehicles, and other construction vehicles.
 - d. **Visual Impacts:** A presentation of the visual impact using photos or renditions of the project with consideration given to the tree plantings and setback requirements and shall include setbacks, panel sizes and heights, location of the property lines, buildings, fences, screening, and road right of ways.
 - e. **Wildlife:** A review of the real and potential impacts on wildlife on the site and in the regional area.
 - f. **Lighting:** Indicate the extent of exterior lighting to be installed including locations, heights, fixture specifications, light levels along property lines, and the frequency of lights to be illuminated.
 - g. **Public Safety:** A description of the public health and safety risks the SES may present and measures to address such risks including emergency and standard shutdown procedures, and any security measures that may be employed to manage access to the facility by the general public.
 - h. **Telecommunications Interference:** Provide a description of the extent to which the SES may interfere with wireless communications within one (1) mile of the SES, or otherwise alter electromagnetic field conditions.
 - i. **Connection to Power Grid:** Identify how the SES will connect to the power

grid.

- j. Glare: Provide a report prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads, and verifying compliance with this Section.
- k. Contact Information: Contact information for a responsible party to address public inquiries throughout the life of the facility.
- l. Transportation Plan: An access plan for construction and operational phases including the proposed SES service road system and road widths, ingress and egress points onto public roads, and measures to minimize dust generation during and after construction.
- m. Decommissioning, Reclamation, and Performance Guarantee: Provide a detailed decommissioning plan addressing the project's estimated duration period, the manner in which all SES features shall be removed, and the manner in which the site shall be reclaimed to its former condition. The decommissioning plan shall include a detailed description of the financial security guaranteeing removal of the system and which shall be posted at the time of receiving a zoning permit. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer, shall present a detailed basis for the estimate including estimated hours and costs for labor and equipment, and shall be subject to approval by the Township. The performance guarantee provisions of Section 16.3(B) shall apply except as otherwise provided by this subsection.

M.M. Recreational Marihuana Microbusinesses.

(Amended 12/26/22)

Amended 5/13/23)

- 1. All recreational marihuana microbusinesses must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana microbusiness outside of the recreational marihuana microbusiness.
- 2. Any detectable odor of marihuana or any other odor related to the operation of the recreational marihuana microbusiness outside of the recreational marihuana microbusiness is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.
- 3. All marihuana cultivation must take place inside a fully enclosed permanent building.
- 4. No light used for the cultivation of marihuana may be visible from outside the building in which the cultivation takes place.
- 5. Curbside service, walk-up window service, drive-through window service, and drive-in service are prohibited.
- 6. The lot where recreational marihuana microbusiness is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing

education in kindergarten or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.

N.N. Recreational Marihuana Retailers.

(Amended 5/13/23)

1. All recreational marihuana retailers must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana retailer outside of the recreational marihuana retailer.
2. Any detectable odor of marihuana or any other odor related to the operation of the recreational marihuana retailer outside of the recreational marihuana retailer is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.
3. Curbside service, walk-up window service, drive-through window service, and drive-in service are prohibited.
4. The lot where recreational marihuana retailer is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 is located. Distance is measured at the shortest straight-line distance between lots.

CHAPTER 15

ZONING BOARD OF APPEALS

SECTION 15.1 MEMBERSHIP

(Amended 9/22/2007)

A. Continuation of Present Zoning Board of Appeals

The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in the Zoning Act.

B. Composition and Terms

1. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board for a (3) year term.
2. One member of the Zoning Board of Appeals shall be a member of the Planning Commission.
3. One member of the Zoning Board of Appeals may be a member of the Township Board, but shall not serve as chairperson of the Board of Zoning Appeals.

C. Alternate members

Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member from one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.

B. Vacancies

Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.

C. Officers

The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.

SECTION 15.2. MEETINGS

A. Meetings (Amended 9/22/2007)

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary to the Board, or their representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

B. Hearings

The Zoning Board of Appeals shall make no decision regarding a variance except after a hearing is conducted by the Zoning Board of Appeals. Due notice shall be given to all parties to the appeal stating the time and place of such hearing.

SECTION 15.3 JURISDICTION

(Amended 9/22/2007)

The Zoning B shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Chapter and the laws of the State of Michigan. The Zoning Board of Appeals shall not have the authority to hear appeals from a decision made in respect to any special land use, planned unit development, or rezoning. The powers of the Zoning Board of Appeals include:

A. Hearing of Appeals

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

B. Granting of Variances

A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.

C. Zoning Ordinance Interpretation

The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions is uncertain.

D. Granting of Temporary Uses and Buildings

1. The Zoning Board of Appeals may permit, upon proper application, temporary uses or buildings not otherwise permitted in the district, not to exceed twelve (12) months and to provide up to a twelve (12) month extension when appropriate.
2. The Zoning Board of Appeals, in granting permits for temporary uses and buildings, shall do so under the following conditions:
 - a. The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use or building is permitted.
 - b. The granting of the temporary use or building shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Zoning Board of Appeals.
 - d. The use or building shall be in harmony with the general character of the district.
 - e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in subsection 15.2 B.
 - f. Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.

SECTION 15.4. DECISIONS

A. Procedure

An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Township. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.

B. Filing

The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:

1. Project Information, including:
 - a. the applicant's name;
 - b. name of the development;

- c. the preparer's name;
- d. north arrow;
- e. complete and current legal description and size of property in acres; and
- f. small scale location sketch of sufficient size and scale.

2. Existing Features

- a. property lines and dimensions;
- b. zoning and current land use of applicant's property and all abutting properties and of properties across any public or private road from the site;
- c. lot lines and all structures on the property and within one hundred (100) feet of the site's property lines;
- d. location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed; and

3. Proposed Construction

- a. building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
- b. location and dimensions of parking spaces;
- c. details of site circulation and access design, including:
 - (1) indication of street right-of-way and pavement widths and pavement type;
 - (2) names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and
 - (3) written verification of access easements or agreements, if applicable.

C. Stay of Proceedings

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

D. Decisions

- 1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to grant a non-use variance, while a 2/3

- majority is required to grant a use variance;
2. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- E. Record of Actions. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.
 3. A summary or transcription of all relevant material and evidence presented at hearing; and,
 4. Any conditions attached to an affirmative decision.
- F. Appeals to Circuit Court

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. An appeal shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.

G. Resubmission

No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 15.5. CONDITIONS OF APPROVAL

(Amended 9/22/2007)

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Act and related to the standards by which the decision is reached.

SECTION 15.6. PROCEDURES

A. Authority for Variances

The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

B. Granting of Non-Use Variances

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

C. Granting of Use Variances

1. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:
 - a. That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.

- b. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development or the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship.
 - c. That the proposed use will not alter the essential character of the neighborhood.
 - d. That the immediate hardship causing the need for the variance request was not created by any action of the applicant.
2. Prior to Zoning Board of Appeals hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report the Zoning Board of Appeals. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect if the request on the essential character of the neighborhood, and other such factors as the Planning Commission may deem relevant.

CHAPTER 16 ADMINISTRATION

SECTION 16.1 ZONING ADMINISTRATOR

A. Authority

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Township Board. The Zoning Administrator shall have the power to:

1. Grant Zoning Permits;
2. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
3. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
4. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

SECTION 16.2. PERMITS

A. Zoning Permits

1. No building, structure, or sign shall be erected, altered, or moved unless a Zoning Permit shall have been first issued.
2. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.
3. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.

B. Building Permits

1. No building, structure, or commercial sign shall be erected, altered, moved, or substantially repaired unless a building permit shall have been first issued for such work.
2. No building permit shall be issued for the erection, alteration, or use of any building or structure or for the use of any land which is not in accordance with all provision of this Ordinance and all necessary county, state, and federal permits.
3. The holder of every building permit for the construction, erection alteration, repair, or moving or any building or structure shall notify the Building Inspector immediately upon completion of the work authorized by the permit for a final inspection.

C. Certificate of Occupancy

1. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Certificate of Occupancy is first obtained for the new or different use.
2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure by the Building Department.

SECTION 16.3. ENFORCEMENT

A. Violations

1. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction
For which the fine shall be not less than one hundred (100) dollars nor more than five hundred (500) dollars for the first offense in the discretion of the Court, and in addition to all other costs, damages and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided however that offenses committed on subsequent days within a period of (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
2. Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any of the provisions thereof, is hereby declared to be a nuisance per se.
3. Each day that the violation occurs or continues shall be deemed a separate offence.
4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law:

B. Performance Guarantees

1. As a condition of approval of a private street, site plan review, special land use, or
planned unit development, the Planning Commission or Township Board, whichever is designated as the approving authority, may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or

inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

2. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the Required improvements, plus the cost of necessary engineering and a Reasonable amount for contingencies.
 - b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
 - c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
 - d. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
 - e. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
 - f. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 16.4. AMENDMENTS

The Township Board is authorized The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Planning Commission or by petition of one or more owners of

property in Reynolds Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows (pursuant to the Zoning Act):

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk to set a hearing date and publish notices.
- B. The Planning Commission shall conduct a public hearing, the notice of which shall be given by publication in a newspaper of general local circulation not less than fifteen (15) days prior to the date of said hearing.
- C. The Planning Commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the Township Board and to the Montcalm County Planning Commission for review, as provided in the Zoning Act. The County shall, within thirty (30) days of receiving the request make a recommendation to the Township. If a recommendation is not received within such time period, a recommendation of approval shall be presumed.
- D. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be given according to subsection 16.4 B.
- E. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 16.5. FEES

(Amended 9/22/2007)

The Township Board shall by resolution establish fees for the administration of this ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Township Hall. Such fees may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this ordinance and as to which a fee is prescribed. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provision of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to township attorney fees, township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable

costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

SECTION 16.6. STOP WORK ORDERS

A. Notice to Owner

Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.

B. Unlawful Continuance

Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be in violation of this Ordinance.

SECTION 16.7. SURVEYS

If the Zoning Administrator in the performance of his or her duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, or Township Board pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on property boundaries or corners) in order to ensure that all requirements of this Ordinance will be met, such survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no zoning compliance permit, building permit or other Township permit(s) shall be issued or approved until and unless such survey and related information has been provided by the Township.

CHAPTER 17

TITLE

SECTION 17.1. TITLE

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

SECTION 17.2. INTENT

This Ordinance, enacted under the authority of the Michigan Zoning Enabling Act (Zoning Act), is intended to insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

SECTION 17.3. SCOPE

A. Interpretation and Application

In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

B. Vested Rights

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 17.4. SEVERABILITY

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 17.5. EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance are hereby adopted,

and this Ordinance shall take effect on the 16th day of November, 1998.

SECTION 17.6. REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by Reynolds Township, known as Ordinance No. 9835, and all amendments thereto, are hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal includes the Official Zoning Map of the Reynolds Township Zoning Ordinance, which is hereby adopted as a part of this Ordinance.

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