

**THE ZONING ORDINANCE FOR
PLEASANT PLAINS TOWNSHIP**

Adopted _____, 2013

**PLEASANT PLAINS TOWNSHIP ZONING ORDINANCE
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CHAPTER 1
TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 1.00 TITLE

This Ordinance shall be known and may be cited as the “Pleasant Plains Township Zoning Ordinance,” “this Ordinance,” “the Ordinance,” or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Pleasant Plains Township Zoning Ordinance.

SECTION 1.01 PURPOSE

- A. This Ordinance is based upon the Pleasant Plains Township Master Plan and provides for the establishment of zoning districts and district uses, standards, and regulations designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy, to meet the needs of the state’s citizens for food, fiber and other natural resources, places of residence, recreation, agriculture, industry, trade, service and other uses of land; to ensure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.

- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 1.02 SCOPE

- A. Zoning affects all structures, buildings, and land uses within the Township.

- B. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.

- C. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot area; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 1.03 LEGAL BASIS

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (the “Zoning Act”).

SECTION 1.04 REPEAL

Any ordinance or any provision of any ordinance inconsistent with the terms hereof shall be and is hereby repealed. This Ordinance replaces the Pleasant Plains Township Zoning Ordinance adopted in 1999, including any amendments thereto.

SECTION 1.05 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance and the balance of this Ordinance shall remain unaffected and in full force and effect.

SECTION 1.06 THROUGH 1.99 - RESERVED FOR FUTURE USE

CHAPTER 2

DEFINITIONS AND RULES OF CONSTRUCTION

SECTION 2.00 RULES APPLYING TO TEXT

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

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control. Illustrations are provided for general reference only.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. “**And**” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “**Or**” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “**Either ... or**” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning ordinarily and customarily assigned to them.
- I. The phrase “**Zoning Administrator**” is used throughout the Ordinance pursuant to the review and approval of site plans and other administrative actions. In cases where final review and approval rests with the Planning Commission, Township Board, and/or the Zoning Board of Appeals, the reference to Zoning Administrator shall be interpreted to mean that final review and approval rests with the parties as referenced above.

SECTION 2.01 A - DEFINITIONS

ACCESSORY BUILDING

A subordinate building on the same premises with a main building or a portion of a main building and occupied or devoted to an accessory use; for example, a garden or lawn shed, storage building, or a private garage used for the housing of vehicles owned by the residents of a dwelling to which the private garage is accessory (see Garage, Residential). Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.

ACCESSORY STRUCTURE (see STRUCTURE)

ACCESSORY USE

A use of a lot that is clearly incidental and subordinate to the principal use of the lot and customarily found in connection with the principal use. When “accessory” is used in this text, it shall have the same meaning as accessory use.

ADULT CARE CENTER (See CHILD and ADULT CARE CENTERS)

ADULT USES (also called ADULT-ORIENTED BUSINESSES)

Uses whose primary business is for an adult bookstore, adult live entertainment theater, adult cabaret, adult merchandise store, adult motel, escort agency, adult motion picture theater, or a combination thereof. See also the definitions and regulations in Section 3.50.

AGRICULTURE

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally associated with the foregoing agricultural uses are considered a part of the agricultural activity and are permitted subject to compliance with local, state, and federal regulations, as applicable.

ALTERATIONS (ALTERATION OF BUILDINGS OR STRUCTURES)

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building or structure, such as walls or partitions, columns, posts, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building, or the removal or relocation of a building.

AVERAGE GRADE (See Also GRADE)

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.

SECTION 2.02 B - DEFINITIONS

BASEMENT

That portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story for height measurement, nor counted as floor area

BASEMENT, WALKOUT

A basement having at least one (1) wall with its floor to ceiling height above grade, and with such wall having an entrance/exit to the outside of the dwelling.

BED AND BREAKFAST

A single-family dwelling occupied by the owner or permanent tenant in which overnight lodging and breakfast are made available to transient guests (tourists) for a fee. Individual guest rooms do not contain kitchen (cooking) facilities and may or may not contain private bathrooms. Guest stays are short-term in duration, generally one (1) week or less. Bed and breakfast shall not mean hotel or motel.

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.

BILLBOARD or SIGNBOARD (See Chapter 15, SIGNS)

BODY SHOPS (See VEHICLE REPAIR)

BOARD (ZONING BOARD OF APPEALS)

When used in this Ordinance, the term “Board” shall mean the Township Zoning Board of Appeals as authorized by this Ordinance pursuant to the Zoning Act.

BOARDING HOUSE or ROOMING HOUSE

A dwelling having one kitchen and used for the purpose of providing meals (including breakfast, lunch, and/or dinner) and lodging for compensation to more than two persons other than members of the family occupying such dwelling. The length of stay for lodging purposes may be short or long term. Boarding house or rooming house shall not mean a hotel or motel.

BUFFER STRIP (BUFFER LANDSCAPE)

A strip of land required between certain properties, land uses, and districts and reserved for plant material, berms, walls, or fencing to serve as a visual and/or noise barrier.

BUILDING

A structure possessing a roof and erected on site, pre-manufactured, or pre-cut and designed primarily for the shelter, support, or enclosure of persons, animals or property of any kind.

BUILDING CODE

The currently adopted code or codes governing the erection and maintenance of buildings as enforced within the jurisdiction of Pleasant Plains Township.

BUILDING HEIGHT (See HEIGHT)

The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

BUILDING INSPECTOR (See ZONING ADMINISTRATOR)

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Pleasant Plains Township. In the event said codes are enforced by Lake County, the person designated to serve as Building Inspector on behalf of or within Pleasant Plains Township shall be appointed by the Lake County Board of Commissioners, or as provided for by said Lake County Board of Commissioners.

BUILDING LINE

A line formed by the eave of the building, or the most horizontal appendage of the building; and for the purposes of this Ordinance, a minimum building line is the same as the front setback.

BUILDING PERMIT

A permit required for the erection, construction, alteration, removal, and/or modification of a building or structure in conformity with applicable Township, county, state, and/or federal regulations. Unless otherwise provided for by law, issuance of a Building Permit shall not have the effect of, nor be construed as, superseding the provisions of this Ordinance.

SECTION 2.03 C - DEFINITIONS

CASH VALUE (see TRUE CASH VALUE)

CERTIFICATE OF ZONING COMPLIANCE (LAND USE PERMIT)

A document signed by the Zoning Administrator, or his/her authorized representative, as a condition precedent to the commencement of a use of land or the construction of a structure or building that acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance. Also called a Zoning Compliance Permit.

CHILD and ADULT CARE CENTERS

Any facility other than a private residence, licensed by the Michigan Family Independence Agency, in which one (1) or more children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child or adult. Child and adult care centers include facilities that provide care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child and adult care centers do not include Sunday schools, vacation Bible schools, or religious classes that are conducted by a religious organization where children or adults 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 or adults are cared for not greater than four (4) hours per day, while persons responsible for the children or adults are attending religious classes or services.

COMMERCIAL

Any use or activity that is for profit or is business, commercial, industrial, or nonresidential in nature.

COMMERCIAL WAREHOUSE

Any building or buildings used primarily as a commercial business for the inside storage of goods and materials.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES

Shall mean a licensed commercial telecommunication service, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public for communication purposes.

COMMON LAND (COMMON AREA)

A parcel or parcels of land, or portion thereof, with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision, site condominium, planned unit development, or similar land development arrangement. In certain instances, the phrase “common land” may include land in which the use and enjoyment are intended to be shared by the general populace as a whole.

COMMON OPEN SPACE

An unoccupied area within a development that is reserved primarily for the leisure and recreational use of all the development residents, owners, and occupants, and generally owned and maintained in common by them, often through a homeowners, or similar, association. In certain instances, the phrase “common open space” may include land in which the use and enjoyment are intended to be shared by the general populace as a whole.

COMMUNICATION TOWER (Also referred to as TOWER)

A public or private ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. A communication tower may or may not be regulated by the Federal Communications Commission (FCC). A Single-User Tower is a tower to which are affixed only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required by this Ordinance. A Multi-User Tower is a tower to which are affixed the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

COMMUNICATION TOWER BUILDING

A building accessory to a communication tower and used to house equipment necessary for the operation of the tower and associated antenna or other such device.

CONDOMINIUM (CONDOMINIUM PROJECT)

A development subject to Michigan Public Act 59 of 1978, as amended. A condominium project shall be equivalent to Subdivision as used in this Ordinance and Subdivision Regulations.

CONVALESCENT HOME (NURSING HOME)

A home for the care of the elderly, infirm, or a place of rest for those suffering serious bodily disorders necessitating twenty four (24) hour care, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable state law (Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948).

CONVENIENCE STORE

A retail outlet providing food and sundry products typically consumed on a daily basis. Customer visits to the store are short term in duration, generally less than fifteen (15) minutes per trip.

CONVENIENCE STORE with GASOLINE SALES

A Convenience Store that has been established in conjunction with gasoline sales. Unlike a Vehicle Service Station, a Convenience Store with Gasoline Sales does not house space or equipment for the installation of minor vehicular operating commodities such as oil, coolants, lubricants, batteries, tires, and the like. Equipment to furnish air for the inflation of vehicular tires may be provided.

COUNTY BOARD

Shall mean the County Board of Commissioners of Lake County, Michigan.

SECTION 2.04 D - DEFINITIONS

DAY CARE HOMES:

- A. **FAMILY DAY CARE HOME** is any private residence in which the operator permanently resides as a member of the household, registered with the Michigan Family Independence Agency, in which one (1) but less than seven (7) minor children or adults 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 or adults related to an adult member of the family by blood, marriage, or adoption. Family day-care homes include homes that give care to unrelated minor children or adults for more than four (4) weeks during a calendar year.
- B. **GROUP DAY CARE HOME** is any private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Family Independence Agency, in which more than six (6) but not more than twelve (12) minor children or adults 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 or adults related to the operator of the home by blood, marriage, or adoption. Group day-care homes include homes that give care to unrelated minor children or adults for more than four (4) weeks during a calendar year.

DISTRICT (ZONE DISTRICT)

A Zoning District in which land and buildings are regulated by use, dimensional standards, various placement criteria and, in certain instances, special standards of a discretionary and nondiscretionary type. See Chapter 4 of this Ordinance.

DRIVE-THROUGH FACILITY

Any facility used in connection with 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 or merchandise carry-out. Such facilities often require the stacking or queuing of vehicles while awaiting pick-up of goods.

DRIVEWAYS:

- A. **RESIDENTIAL** – A private way for the purpose of serving residents of a single family dwelling, or a farmyard adjacent to a farm residence, or a single plot of land owned by the same person or persons, allowing access to county or private roads. The driveway is located entirely within the lot or parcel served.
- B. **COMMERCIAL** – A drive located entirely within the same parcel or lot where the property is used for a commercial, business, for-profit, or industrial use.

DWELLING, MULTIPLE-FAMILY

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE FAMILY

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY (DUPLEX)

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT

A single housing unit providing complete, independent, living facilities for one (1) family for living, sleeping, cooking, eating, and sanitation, and that does not require entry through another dwelling unit.

SECTION 2.05 E - DEFINITIONS

EFFICIENCY UNIT

A living unit consisting of one room, exclusive of kitchen and bathroom, but having access to a bathroom that is shared by the occupants of the dwelling to which the efficiency unit is affixed.

ERECTED

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

ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, antennas, satellite dishes, poles, wires, 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, that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. This definition shall not include communication towers and antennas, communication tower buildings, sanitary landfills, recycling centers, and nonpublic utility transfer stations.

ESSENTIAL PUBLIC SERVICES BUILDINGS

Buildings and structures used in connection with, and accessory to, Essential Public Services.

ESSENTIAL PUBLIC SERVICES OUTSIDE STORAGE YARDS

Yards accessory to an Essential Public Service that are used for the outside storage of poles, cable and wire, and other such materials necessary for the operation of the Essential Public Service.

EXCAVATION

Any breaking of ground, except common household gardening, bona fide farming operations, and ground care.

SECTION 2.06 F - DEFINITIONS

FAMILY

An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, nonprofit housekeeping unit in a dwelling unit; or, a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient, distinct domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include a penal institution, halfway house, correctional facility, society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term, jail or prison term, or terms of other similar determinable period.

FARM

A parcel of land directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer or with assistance of members of the household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, hog farms, commercial feedlots, apiaries, truck farms, and forestry operations, provided, however, the aforementioned farm uses may be subject to specific regulations as provided for by this Ordinance.

Stockyards, recreation parks, stone quarries, gravel, dirt or sand pits, raising or keeping of fur bearing animals or game, kennels, stables, riding academies, and mineral extraction are not considered farm uses.

FENCE

A fence is an accessory structure intended for use as a barrier to property ingress or egress; a screen to block views or noise; a screen serving to separate incompatible uses; a screen to provide a barrier or buffer between uses; and/or, a screen for decorative use. In addition to

manmade material, a fence may include hedges, outdoor walls, shrubs, or other such plant material if so arranged, designed, and of a character suitable to accomplish the intended purpose of a fence. Fence shall also include any associated gate.

FLOOD ZONE

A land area that on the basis of available information is subject to a one (1) percent or greater chance of flooding (inundated by water) in any given year.

FLOOR AREA, GROSS (GFA)

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

FLOOR AREA, USABLE (UFA)

That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers; or the area used in a dwelling unit for living purposes. Floor area that is used or intended to be used principally for the storage or processing of merchandise, for hallways used by the general public, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls. Useable floor area must have at least five (5) feet clear height between floor and ceiling, or as required by the Building Code.

FLOODPLAIN

Any land area susceptible to being inundated by water from any source.

FRONTAGE

Is the continuous linear distance along which a parcel of land fronts on a public or private street, measured along the line where the property abuts the public street right-of-way or private road easement or measured along the shoreline of a lake, river, or stream.

SECTION 2.07 G - DEFINITIONS

GARAGE, RESIDENTIAL

A building accessory to a principal dwelling used primarily for the storage of vehicles under the ownership and/or control of the residents of said principal dwelling, and where no vehicular servicing for profit is conducted unless authorized under the provisions of this Ordinance.

GARAGE, COMMERCIAL

A building used for the commercial repair and/or storage of vehicles.

GLARE

Is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOVERNING BODY

The Township Board of Pleasant Plains Township. Also known as the Township Board.

GRADE (See also AVERAGE GRADE)

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

GREENBELT (See also BUFFER STRIP)

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.

SECTION 2.08 H - DEFINITIONS

HEIGHT (See BUILDING HEIGHT)

The vertical distance measured from the average grade to the highest point of a structure, provided, however, the height of a building with a roof shall be determined as based on the definition of **BUILDING HEIGHT**.

HOME BUSINESS

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit but that has a potential to possess characteristics resulting in noncompliance with the more traditional Home Occupation standards of this Ordinance. Examples of home businesses include, but are not limited to, light automobile repair, light machine shop, wood shop, storage for builder's equipment, and art and craft shop.

HOME OCCUPATION

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit and that does not negatively impact the residential character of the neighborhood in which the home occupation is located and that meets the Home Occupation requirements of this Ordinance.

HOSPITAL

A state licensed medical establishment whose facilities provide in-patient and out-patient accommodation and care, a wide range of medical and surgical care, and other in-patient, out-patient, and emergency health services for sick, ailing or injured persons; and including such related facilities as examination rooms, rehabilitation facilities, laboratories, outpatient departments, training facilities, central services and staff offices and residences that are integral with and accessory to the principal use of the establishment.

HOTEL (See also MOTEL)

A building in which transient lodging or boarding is offered to the public for compensation. The design of a hotel is typically such that all patrons enter the building via a central or main lobby area and move to respective sleeping rooms without having to exit the building. Unlike a motel, patron parking is often concentrated to clustered locations rather than dispersed throughout the site. A hotel may contain restaurants, gift and specialty shops, and lounges provided these uses are clearly accessory to the hotel. A hotel shall not be considered or construed to be a bed and breakfast establishment, multiple family dwelling, motel, boarding or rooming house, or other such use or facility.

SECTION 2.09 I - DEFINITIONS

INDOOR RECREATION USE

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, billiard establishments, and racquetball and tennis clubs. Indoor recreation uses (establishments) do not include video establishments or video arcades.

INOPERABLE VEHICLE

A vehicle that is no longer able to propel itself or that is significantly dismantled.

INSTITUTIONAL USE (See PUBLIC USE)

Institutional uses shall not include penal institutions, half-way houses, or similar uses.

SECTION 2.10 J - DEFINITIONS

JUNK

Any worn out or discarded materials including, but not necessarily limited to, scrap iron and other metals, waste paper, rags, rubber, tires, bottles, inoperable motor vehicles and parts, construction material, household wastes, garbage, discarded appliances, and yard debris.

JUNK YARD (SALVAGE YARD)

An open area where junk and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to, scrap iron, other metals, paper, rags, rubber, tires, and bottles. A “junk yard” or “salvage yard” includes automobile wrecking yards and includes any outdoor area of more than two hundred (200) square feet (singularly or in combination) used for the storage, keeping, and/or abandonment of junk.

SECTION 2.11 K - DEFINITIONS

KENNEL, COMMERCIAL

Any lot or premise on which any combination of four (4) or more dogs, cats, or other household pets, six (6) 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 or provided to the public without cost in excess of one (1) litter (or similar brood, progeny, off-spring, or birth of young) per year.

SECTION 2.12 L - DEFINITIONS

LAND USE PERMIT

(See **CERTIFICATE of ZONING COMPLIANCE** or **ZONING COMPLIANCE PERMIT**)

LOADING SPACE

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

LOT

A lawful parcel of land adjoining a dedicated public street or a recorded approved private street, and separated from other parcels by legal description, deed, or subdivision plat. The word “lot” shall include “plot” or “parcel.” In the case of a development or use of land on the basis of condominium ownership (e.g., site condominium), “lot” shall also include the portion of the condominium project designed and intended for separate ownership in use and described in the master deed (e.g., a condominium unit). For purposes of this Ordinance, the legal description of a lot may include adjoining street rights-of-way and other legal easements.

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 (135) degrees. All yards of said lots adjacent to streets shall be considered frontage for purposes of setback requirements.

LOT, COVERAGE

The percentage of a lot that is covered by buildings, structures including the principal building, accessory buildings, porches, asphalt, concrete, and other impermeable surfaces, breezeways, patio roofs (whether open or closed), and other such structures. Fences, walls, hedges, and swimming pools shall be excluded from the definition of structure.

LOT, FLAG

A lot so called due to its resemblance to that of a flag (flag shape). The street frontage of a flag lot, and immediate connecting interior width, is typically undersized (referred to as the “pole” portion of the flag lot). Eventually, the width of the interior portion of the lot expands to a size that normally equals or exceeds lot width requirements (the “flag” portion of the lot).

LOT, INTERIOR

A lot other than a corner lot or through lot.

LOT, THROUGH

Any interior lot having frontage on two parallel streets. In the case of a row of double frontage 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 DEPTH

The horizontal distance between 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 lot having frontage on a body of water, the front lot line shall be considered that lot line on the waterfront.
- B. **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot that 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

Any lawful lot or parcel of land, the dimensions of which are shown on a document or map on file with the Lake County Register of Deeds as of the date of adoption of this Ordinance or any relevant amendment thereto that would affect such lot, which lot actually lawfully exists as shown or any part of a 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 front setback line intersects the side lot lines.

SECTION 2.13 M - DEFINITIONS

MAIN (PRINCIPAL) BUILDING

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

MANUFACTURED HOME

A transportable, factory-built, home designed and manufactured in one or more components or modules that are placed and erected on a site and used as a year-round residential dwelling. A manufactured home shall meet the dwelling standards of this Ordinance. A manufactured home may also be referred to as a **MODULAR HOME**.

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 that is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and is not intended for use as a temporary trailer park. A manufactured home park may contain homes other than manufactured homes.

MASSAGE

Is the rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the state of Michigan.

MASSAGE CLINIC

An establishment where for any form of consideration or gratuity, massage services are provided by a licensed medical practitioner including physicians, chiropractors, or persons under the direction of a licensed medical practitioner, and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.

MASTER PLAN

The Master Plan currently adopted by Pleasant Plains Township, as amended, including graphic and written proposals, indicating the physical development of the Township, and includes any unit or part of such plan.

MEDICAL MARIHUANA DISPENSARY

Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, grown, processed, delivered, or distributed by or to one or more of the following:

- A. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 et seq., as amended).
- B. A qualifying patient (as defined by Initiated Law 1 of 2008, as amended, being MCL 333.26421 et seq., as amended).
- C. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana or such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 et seq., as amended) so long as it is done in full compliance with all applicable Michigan laws and regulations.

MOBILE HOME

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

MOBILE HOME LOT

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

MOBILE HOME PARK (see MANUFACTURED HOME PARK)

MODULAR HOME (See MOBILE HOME)

MOTEL (See also HOTEL)

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping units that are independently accessible from the outside with parking spaces located on the lot and designed for, or occupied by, automobile and truck travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, tourist cabins, or by any other title intended to identify them as providing lodging for compensation on a transient basis. A motel shall not be considered or construed to be a bed and breakfast establishment, multiple family dwelling, hotel, boarding or rooming house, or other such use or facility.

SECTION 2.14 N - DEFINITIONS

NONCONFORMING BUILDING OR STRUCTURE (also called a Lawful Nonconforming Building or Structure)

A building, structure, or portion thereof lawfully existing at the effective date of this Ordinance or applicable amendments thereto and that does not conform to the provisions of this Ordinance.

NONCONFORMING USE (also called a Lawful Nonconforming Use)

A use or activity that lawfully occupied a building or land at the effective date of this Ordinance or applicable amendments thereto and that does not conform to the use regulations of the District in which it is located or this Ordinance.

SECTION 2.15 O - DEFINITIONS

OFF-STREET PARKING LOT

A public or private facility or area providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles, but not to include such driveways and parking when associated with a single-family or two-family dwelling..

OPEN AIR BUSINESSES

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

- A. Bicycle, utility truck or trailer, motor vehicles, boats, and equipment rental services.
- B. Sales of motor homes, recreation vehicles, manufactured homes, farm equipment, construction equipment, snowmobiles, swimming pools and similar activities.
- C. Retail and commercial uses such as sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, landscape materials, trellises, lawn furniture, playground

equipment and other home garden supplies and equipment, including lumberyards, flea markets, boot sales, farmers markets or similar commercial uses.

- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, golf courses, miniature golf, golf driving range, shooting ranges, go cart facilities, water parks, ice rinks, children's amusement parks or similar recreational uses (transient or permanent).

ORDINARY HIGH WATER MARK or SHORELINE

The line between upland and bottom land that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

SECTION 2.16 P - DEFINITIONS

PARKING SPACE (PARKING STALL)

An area of definite length and width used for vehicular parking. 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 SERVICES BUSINESS

Any commercial business conducting personal services that are performed primarily on the premises. Examples include barber shop, hair salon, tanning salon, spa, fitness club, nail salon, and other uses offering personalized services consistent with the above uses.

PLANNED UNIT DEVELOPMENT (PUD)

A development of land that is under unified control and designed 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

The Pleasant Plains Township Planning Commission duly appointed and authorized by the Pleasant Plains Township Board to act as a Planning Commission pursuant to Michigan law. The Planning Commission shall exercise the duties and powers of the Zoning Board.

PRIMARY ROAD

A County Primary roadway as designated by the Lake County Road Commission. For purposes of this Ordinance, a state Trunkline shall also be considered a County Primary.

PRINCIPAL USE (MAIN USE)

The primary use to which the premises is devoted.

PRIVATE ROAD (STREET)

(See also Private Road/Street Regulations of this Ordinance)

“Private road” or “private street” means any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or lots or two (2) or more principal buildings, dwelling units, structures, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an easement. Any and all extensions, additions, or branches of or to a private road shall be considered part of the private road that abuts the public road. A private road shall also include the following:

- A. An access serving one (1) parcel or lot if that parcel or lot does not have the requisite amount of frontage on a public road as required by this Ordinance.
- B. Where two (2) or more parcels or lots or dwellings share or utilize a common access drive, even if each parcel or lot has the required frontage on a public road.

PUBLIC USE

Uses under the ownership or control of a governmental entity or agency and uses often referred to as quasi-public including churches, public schools, private and charter schools teaching academic subjects comparable to the public school system, hospitals, convalescent and nursing homes, private parks, and uses of a similar nature.

PUBLIC UTILITY

A person, firm, corporation, municipal department, board, or commission duly authorized to furnish to the public under federal, state, or municipal regulations, gas, steam, electricity, sewage disposal, communication, cable television, telegraph, transportation, water, or other public utilities of a similar character.

SECTION 2.17 Q – DEFINITIONS – RESERVED FOR FUTURE USE.

SECTION 2.18 R – DEFINITIONS

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 jet skis and trailers designed to transport boats and jet skis.
- 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. 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 and duly licensed for such use.

REQUIRED YARD (See YARD, REQUIRED)

SECTION 2.19 S - DEFINITIONS

SALVAGE YARD (See JUNK YARD)

SATELLITE DISH ANTENNA

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone, or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially or extraterrestrially-based sources. This definition includes, but is not limited to, devices commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

SCREEN (SCREEN WALL)

A structure such as a fence, wall, landscape screen, or combinations of same, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

SERVICE DRIVE

A drive that generally parallels the public right-of-way but runs along the back of a land use that fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

SETBACK (See SETBACK, REQUIRED and see YARD)

Is the horizontal distance between a front, rear, or side lot line and a building line.

SETBACK, REQUIRED

Is the required minimum horizontal distance between a front, rear, or side lot line and a building line. On lots with multiple street frontages, such as corner lots, all sides of said lots abutting a street shall be considered front yards pursuant to required setback. (Separate definitions for condominium projects are listed under "CONDOMINIUM, SETBACKS.")

SETBACK

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

SIGN

(See **Chapter 15 - SIGNS**)

SIGNIFICANT NATURAL and CULTURAL FEATURES

Any natural area or cultural feature as designated by the Township Master Plan, Township Zoning Map, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan State Historic Preservation Officer, the United States Fish and Wildlife Service or other such state or federal agency that exhibits unique topographic, ecological, hydrological, or historical (cultural) characteristics such as a wetland, floodplain,

water features, or other unique natural features, and features considered to be of historic or cultural significance.

SIMILAR

Shall mean a use or service that is comparable, consistent, corresponding, or equivalent to the range of uses and services provided for within a zone district in which said use or service may be placed.

SINGLE OWNERSHIP

Ownership as of record by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common.

SITE PLAN

A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

SPECIAL LAND USE

A use of land not permitted by right, but that is allowed within a particular zoning district or districts after demonstration of compliance with specific special land use standards. A special land use requires that a special land use permit be obtained.

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 - SIX 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), that 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 located between the eaves and ridge line and having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches.

STREET

A public or private thoroughfare, street, or road that affords the principal means of access to abutting property.

STRUCTURE

Except as otherwise provided in this Ordinance, anything constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location, including, but not limited to, buildings, signs, radio towers, billboards, light posts, swimming pools, animal enclosures, garages, sheds, portable garages or shelters, decks, carports, platforms, satellite dishes, gazebos, tennis courts, storage bins, and accessory buildings but excluding lawful fences, sidewalks, paving on streets, driveways or parking areas. The definition of structure also excludes retention walls, seawalls, decks or patios, no portion of which is located more than two (2) feet above the ground or closer than five (5) feet to any lot line.

STRUCTURAL ALTERATIONS

Any changes in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams, or girders.

SUBDIVISION

A development subject to the platting provisions of the Michigan Land Division Act.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the replacement cost 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, beam, 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 that are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SWIMMING POOL

Any outdoor structure or container whether located above or below ground designed to hold water to a depth of greater than twenty four (24") inches, intended for swimming, relaxation,

therapeutic purposes, or bathing. A swimming pool shall be considered an accessory building for purpose of determining required yard setbacks.

SECTION 2.20 T - DEFINITIONS

TEMPORARY BUILDING, STRUCTURE, or USE

A building, structure, or use permitted to exist during periods of construction of the principal building, structure, or use. Temporary use shall also mean any use that, by its very nature or character, is considered short term in duration. Such uses include, but are not limited to, gravel and sand mining operations; carnivals and festivals; outdoor retail sales of seasonally and locally grown food products; and, retail sales of Christmas tree. Unless otherwise provided for, temporary uses shall be subject to the standards applicable to a permanent use.

TENT

Shall mean a temporary shelter of canvas, plastic, or the like supported by poles and fastened by cords or pegs driven into the ground, provided, however, for regulatory purposes, tents shall not include tents used solely for children's recreational (play) purposes.

THEATER, INDOOR

Any building used for the presentation of drama, shows, movies, or other public entertainment that has a roof completely sheltering actors and patrons and that is open to the public with or without charge.

THEATER, OUTDOOR

Any place used for the presentation of drama, shows, movies, or other public entertainment in which the actors and/or patrons are not completely sheltered by a roof and that is open to the public with or without charge.

TOWER - See COMMUNICATION TOWER

TOWNSHIP

Unless otherwise provided for, Township shall mean Pleasant Plains Township, Lake County, Michigan.

TOWNSHIP BOARD

The Township Board of Pleasant Plains Township.

TRAVEL TRAILER

Shall mean a camping trailer that is less than twelve (12) feet in width and is generally moved from location to location by a motorized vehicle and is generally used for recreational purposes of a short-term duration.

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 and/or stored.

TRUE CASH VALUE

The value placed on a property by the Township Assessor on the last tax day, being December 31st of each year, as kept in the records of the Township.

SECTION 2.21 U – DEFINITIONS

USE

Is the purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

SECTION 2.22 V – DEFINITIONS

VARIANCE

A relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and the Zoning Act, including any amendments thereto.

VEHICLE

Any device in, upon or by which any person or property is or may be transported or drawn upon any street or highway. This definition also includes boats, trailers, farm and construction equipment, mobile homes, sport utility vehicles, and other similar vehicles.

VEHICLE REPAIR (Including VEHICLE STORAGE ESTABLISHMENT)

A building or land used for caring for, servicing, repairing, refinishing, equipping, adjusting or otherwise working on vehicles for compensation, including, but not limited to, major mechanical and body work, storage of damaged or inoperable vehicles awaiting repair, and other vehicle repair work creating noise, glare, fumes, or smoke, or used for the storage and impounding of vehicles, not including wrecking, junking, or salvaging of vehicle parts.

VEHICLE SALES

The sale, lease, or rental of vehicles as part of a business or commercial operation. This definition includes any area used for the display, sale, or rental, but not for the repair of, new or used motor vehicles. Said vehicles and equipment shall be in operable condition.

VEHICLE SERVICE STATION

Buildings and premises where the principal uses include the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories, or the minor servicing of vehicles, including such activities as engine tune-ups, oil changes, muffler replacements, and other similar minor repairs, but not including body shops.

VETERINARY CLINIC

A building, or any portion thereof, used for the treatment of animals as outpatients. Kenneling of animals shall be indoors and shall be limited to those requiring overnight care due to medical reasons. The outside kenneling of animals shall be permitted in connection with a veterinary clinic provided:

- A. The outdoor kennel operation is located in a zone district that permits outdoor kennels.

- B. The outdoor kennel has been approved as such by the Township subject to the kennel provisions of this Ordinance.

VIOLATION

Any action resulting in the violation of the requirements of this Ordinance, or the requirements or conditions attached to the use or development of a parcel, building, or facility resulting from the bona fide actions of the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals.

SECTION 2.23 W - DEFINITIONS

WASTE DUMPSTER

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

WETLAND

Is land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WETLAND, REGULATED

Is certain wetlands regulated by the Michigan Department of Natural Resources or Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WHOLESALE STORE

Any building or structure in which goods, wares, or merchandise are sold to a retailer for resale and not direct consumption.

WIND ENERGY CONVERSION SYSTEM (WECS)

A surface area, either variable or fixed, for utilizing the wind for electrical power; and a shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and the generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and the tower, pylon, or other structure upon which any, all, or some combination of the above are mounted or any building or accessory equipment.

Wind Energy Conversion System shall also mean any combination of the following:

- A. A mill or machine operated by wind acting on oblique vanes, blades, or sails that radiate from a horizontal shaft.
- B. A surface area such as a blade, rotor, or similar device (either variable or fixed) for utilizing the wind for electrical or mechanical power.

- C. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
- D. The generator, alternator, or other device used to convert the mechanical energy of the surface area into electrical energy.
- E. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- F. A building or equipment accessory thereto.

WIND ENERGY CONVERSION SYSTEM (WECS) TOWER HEIGHT

The distance between the ground and the highest point of the WECS in the upright position.

SECTION 2.24 X – DEFINITIONS - RESERVED FOR FUTURE USE.

SECTION 2.25 Y - DEFINITIONS

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. Also known as a setback area.

- 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. In the case of a lot having frontage on a body of water, the front yard shall be considered that area between the shoreline and the building line of the main building. In the case of a corner lot, all lot lines abutting a street (public or private) shall be considered a front lot line with front yards provided for each.
- 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. In the case of a waterfront lot, the rear lot shall be located between the (rear) building line and abutting street (private or public), provided, however, setbacks for the rear yard of a waterfront lot abutting a street shall be no less than those required for the front yard.
- C. **SIDE YARD.** An open space between a main building and the 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 the building setback area set forth in the applicable sections of the Pleasant Plains Township Zoning Ordinance as the minimum setback requirement for a lot or parcel in each zoning district for front, side, and rear yards.

SECTION 2.26 Z - DEFINITIONS

ZONING ACT

The Michigan Zoning Enabling Act, as amended.

ZONING ADMINISTRATOR

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

ZONING BOARD OF APPEALS (See BOARD or ZBA)

The Pleasant Plains Township Zoning Board of Appeals.

ZONING PERMIT (See CERTIFICATE of ZONING COMPLIANCE)

SECTION 2.27 THROUGH 2.99 - RESERVED FOR FUTURE USE.

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.00 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

- A. Required Area or Space - A lot or lots in common ownership or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered, or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- B. Existing Lots of Record - A lot that is platted, or otherwise lawfully of record as of the effective date of this Ordinance, but that does not meet the area or lot width requirements of the district in which said lot is located, may be used as specified in the District provided that:
1. The lot is capable of supporting the on-site placement of an approved well and septic system, has connection to a public water and sanitary sewer system, or has connection to a private well and sanitary sewer system. All such systems to be approved by the County Health Department.
 2. The use proposed is capable of meeting all Building Code requirements.
 3. The main building shall be located on the lot to assure maximum compliance with all yard and setback requirements for the District in which the lot is located.
 4. A boundary survey of the lot, completed by a Registered Professional Surveyor or Engineer licensed in the state of Michigan, is provided detailing the lot location, size, proposed building placement, easements, and other such features normally found on a boundary survey.
 5. Prior to construction, the lot lines and proposed buildings shall be staked by a Registered Professional Surveyor or Engineer, licensed in the state of Michigan, in order to permit the Zoning Administrator to properly ascertain compliance with the provisions of this Section.
 6. Accessory structures shall meet the setback requirements of Section 3.11.
- C. Height Exceptions
1. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, public monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generators, and

television and radio reception and transmission antennas and towers that do not exceed one hundred (100) feet in height.

2. Additions to an existing building or structure that now exceed the height limitations of their District up to the height of said existing building or structure, provided:
 - a. The lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building to which an addition is being placed. Said radius to be measured from the structure or building that shall serve as the center of the circular area.
 - b. The Pleasant Plains Township Fire Department, or acting department, finds that existing firefighting equipment and/or building code requirements are capable of handling/supporting the emergency services needs of the building occupants of the building to which additions are being made.

SECTION 3.01 REQUIRED YARDS and LOTS
(See also DOUBLE FRONTAGE LOTS)

- A. Minimum Requirements - All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located and all other applicable provisions of this Ordinance.
- B. Exclusion of Private Street Easements, Public Right-of-Way, and Bottomlands in Computing Lot Area and Width - Computations for minimum lot area and width shall not include lands or areas used for private easements granted to other properties for purposes of establishing or maintaining a private street, land located under or comprising a public road right-of-way, or land or bottomlands located under a lake, stream, or river.
- C. Measuring Yard Setbacks (See also Section 3.06):
 1. Front Yard - Required front yard setbacks shall be measured from the right-of-way line of a public road, except for lots that have frontage on a private road, in which case the front yard setback shall be measured from the private road easement line. All sides of a lot abutting a street shall be considered front yards for purposes of determining setback.
 2. Side and Rear Yard Setbacks - Side yard setbacks shall be measured from the side lot lines and rear yard setback shall be measured from the rear lot line.
- D. Dwellings on More Than One (1) Lot - If a structure is to be located on two (2) or more lots under single ownership, the entire parcel (all lots) shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.

SECTION 3.02 PRINCIPAL USE OR MAIN BUILDING ON A LOT

- A. In all Districts, no more than one (1) principal use or main building shall occur or be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking, access, and other similar site features.
- B. If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other nonresidential use, the part thereof used for residence purposes shall comply with the underlying residential district standards. If the underlying district does provide for residential standards, than the requirements of the Rural Forest District shall apply to that part of the building used for residential purposes.

SECTION 3.03 DOUBLE FRONTAGE LOTS (See also REQUIRED YARDS AND LOTS)

- A. Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.
- B. Other than corner lots with frontage on two (2) intersecting streets, double frontage lots shall not be permitted.
- C. Lots fronting on a lake shall comply with front yard requirements on that part of the lot abutting the shoreline. In such cases, the yard opposite the front yard shall be considered the rear yard.

SECTION 3.04 MINIMUM LOT WIDTH and LOCATION ON STREET FRONTAGE

- A. Minimum Lot Width - The minimum lot width required in each zoning district shall be maintained across the entire length of the lot. All lots shall have frontage on a public or approved private street for a distance equal to or greater than the minimum lot width specified for the district in which the lot is located. For all lots abutting or having frontage on a lake, river or stream, each lot shall have frontage on the lake, river, or stream, as measured at the normal highwater mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located
- B. Exclusion of Right-of-Way - For purposes of this Ordinance, the measurement of lot width and frontage shall exclude all road or street right-of-way or easements.
- C. Cul-de-sac Lots - Notwithstanding the above, 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), provided, however, that the lot width at the front setback line (or rear setback line in the case of waterfront lots) shall satisfy the minimum lot width requirement of the district in which the lot is located.

SECTION 3.05 USE OF BASEMENT FOR DWELLING PURPOSES

The use of any unfinished basement or finished basement without a direct outside access shall be prohibited for use as a dwelling unit. Any dwelling without a full floor above grade shall be considered a basement dwelling.

SECTION 3.06 PROJECTIONS INTO YARDS WHEN MEASURING SETBACKS

Certain architectural features such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, roof overhangs, and similar features may project no further than four (4) feet into a required front or rear yard and shall not project into the required sideyard.

SECTION 3.07 CLEAR VISION CORNERS

On any street corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight (8) feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty-five (25) feet from the intersection of the right-of-way lines.

SECTION 3.08 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

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

SECTION 3.09 TEMPORARY USES OR STRUCTURES

A. Temporary Offices.

1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment that is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than twelve (12) calendar months and may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
2. Upon application, the Zoning Administrator may issue a permit for a temporary sales office that is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and shall be valid for a period of not more than twelve (12) calendar months and may be renewed by the Zoning Administrator for three (3) additional successive periods of twelve (12) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

B. Mobile Homes/Motor Homes/Travel Trailers/Fifth (5th) Wheels as Temporary Residences.

1. The Zoning Administrator may issue a permit to an individual to park and occupy a mobile home, trailer, or 5th wheel trailer as a temporary residence for a temporary period of time in any District provided that the Zoning Administrator makes the following determinations:
 - a. The mobile home/motor home/travel trailer/5th wheel trailer will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
 - b. A Building Permit has been issued for construction on a permanent residence to the individual applying for the temporary mobile home permit.
 - c. The mobile home dwelling meets the requirements of the Lake County Health Department and all applicable Township ordinances.
2. Upon applying for a temporary residence permit, the applicant shall pay a fee to the Township as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. The original temporary mobile home permit shall be limited to a period of twelve (12) months. If the permanent residence is not approximately fifty percent (50%) complete, as determined by the Zoning Administrator, within the twelve (12) month period, a six (6) month extension or less may be permitted by the Zoning Administrator only for the purpose of completing the residence.
3. Upon the filing of an application for “continuation” of any temporary residence permit, the applicant shall pay an additional fee, as determined by the Township Board; and such fee shall be remitted to the Township Treasurer. Such fee shall be for the consideration of such application, and no refund shall be made in the event of denial.
4. In addition to the original application fee, the applicant shall post with the Township a bond, cash deposit, or other security in a form and amount acceptable to the Township Board, as a guarantee that a temporary residence will be removed within thirty (30) days after expiration of the temporary residence permit. In the event the temporary residence is not removed as required, the Township may use any or all of the guarantee to have the temporary residence removed and stored. Any portion of the guarantee not used by the Township for the above stated removal and storage shall be returned to the applicant.
5. The Township shall also have the discretion to require the applicant to enter into a signed agreement with the Township to implement the temporary residence permit.

- C. Standards for Temporary Uses and Structures - In considering authorization for all temporary uses or structures, the Zoning Administrator shall consider the following standards:
1. That the use or structure does not have an unreasonable detrimental effect upon adjacent properties;
 2. That the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 3. That the use or structure generally conforms to the placement standards of permanent uses and structures;
 4. That the use or structure does not negatively impact the surrounding neighborhood; and,
 5. That access to the use or structure is located at the least offensive point.
- D. Conditions - The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met.

SECTION 3.10 ACCESSORY USES

- A. In any District, accessory uses, incidental only to a permitted use, are permitted when located on the same property; provided that such accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of Home Occupations or Home Businesses as regulated by this Ordinance, nor shall it exclude the operation of a garage or yard sale.
- B. Garage and yard sales shall be permitted as a use accessory to a residential dwelling, provided that such sale is not operated for more than a total of six (6) days within any sixty (60) day period and all evidence of sale shall be removed. Operation of a garage or yard sale in excess of six (6) days within any sixty (60) day period shall constitute a commercial retail operation.
- C. Gardening and the keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses to which said gardening and keeping of animals are attached; subject to the requirements of this Ordinance and the underlying zone district.
- D. Except as otherwise expressly provided by this Ordinance, no accessory use shall be established on any lot unless a principle use has been established on the same lot or by an approved Temporary Use permit.

SECTION 3.11 ACCESSORY BUILDINGS AND FENCES

A. General Requirements

1. In any District, except as noted, an accessory building may be erected detached from the main building, or may be erected as an integral part of the main building.
2. When erected as an integral part of the main building, it shall comply in all respects with the requirements of this Ordinance that are applicable to the main building.
3. No accessory building shall be erected in the required front yard, except that on lots with frontage on a lake, river or stream and with a single family dwelling, not more than one (1) accessory building may be erected in the required front yard, but such accessory building shall be located at least fifteen (15) feet from the shoreline and shall not exceed one-hundred (100) square feet in area.
4. The distance between detached accessory buildings or garages and the main building or buildings shall not be less than ten (10) feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is less than ten (10) feet or when attached to the main building by a breezeway, portico, covered colonnade, or similar architectural device.
5. Except in the Rural Forest (R-F) District or by Special Land Use approval, no accessory building shall be erected or placed on a lot unless a primary residence has been erected, placed, or established on the same lot.
6. Except for bona fide farms, one (1) accessory building may be placed on a vacant lot in the Rural Forest (R-F) District provided:
 - a. The lot shall be no less than ten (10) acres.
 - b. The building shall not be placed in a required front, side, or rear yard.
 - c. The building shall only be used for the noncommercial storage of personal property of the lot owner.
 - d. The building shall conform to all other conditions established in this Ordinance for accessory buildings.

B. Accessory buildings shall be permitted within the N-R, R-F, A-1, A-2, A-3 and MHP Districts or with any residential use provided that the following restrictions are met:

1. Except for farms associated with residential uses, no more than two (2) detached accessory buildings and one (1) residential garage shall be permitted on any residential lot.

2. Except for Residential Garages and bona fide farms, the total area of all accessory buildings shall not exceed fifty percent (50%) of the gross floor area of the dwelling unit. On parcels of five (5) or more acres, any accessory building area exceeding fifty percent (50%) of the dwelling unit may be approved by the Planning Commission as a Special Land Use.
3. Bona fide farm operations may erect accessory buildings as needed to support ongoing and on-site agricultural activities.
4. Except for bona fide farm use, accessory buildings in excess of two hundred (200) square feet shall be aesthetically compatible in design and appearance with that of the main building.
5. Except for bona fide farm use, accessory buildings on vacant lots in the Rural Forest (R-F) District shall be aesthetically compatible in design and appearance with other buildings, located outside of manufactured home parks, within five hundred (500) feet of the subject property.
6. The compatibility of design and appearance, pursuant to Subsections 4 and 5 above, shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular accessory building.
7. An appeal by the aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of the main building and other buildings, located outside of manufactured home parks, within five hundred (500) feet of the subject property.
8. The forgoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, specific uses, unique land contour, or relief from the common or standard designed accessory building.
9. Prior to issuance of a Zoning Permit for any accessory building, construction plans, including a site plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to and approved by the Zoning Administrator.
10. The drip edge of any detached accessory building shall not be located closer than ten (10) feet to any side or rear lot line.
11. Except as noted, no accessory building shall exceed the height requirements for buildings as stated in the District regulations.
12. Approval for Residential Garages in excess of four (4) vehicle bays may be approved by the Planning Commission as a Special Land Use.

C. Accessory Buildings and Structures in Non-Residential Districts

Accessory buildings shall be permitted within the Commercial and Industrial Districts provided that the following requirements are met:

1. No more than three (3) detached accessory buildings shall be permitted on any lot.
2. The total area of all accessory buildings shall not exceed twenty-five percent (25%) of the total floor area of the main building(s). On parcels of five (5) or more acres, additional accessory building area, not to exceed one hundred percent (100%) of the total floor area of the main buildings may be secured subject to site plan review and approval by the Planning Commission.
3. A detached accessory building shall meet all setback requirements for the District in which it is located.
4. No detached accessory building shall be located nearer than ten (10) feet to any main building.
5. No accessory building shall exceed the permitted height for main buildings in the District in which it is located.

D. Construction of Accessory Building. 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 agricultural storage or activities, or to tool sheds or similar storage structures utilized pursuant to the construction of a building under an approved Temporary Use permit.

E. FENCES

Fences shall be subject to the following requirements.

DISTRICT	HEIGHT (FEET) (MAXIMUM HEIGHT FOR FENCE LOCATED IN REQUIRED YARD)		
	Front Yard	Side Yard	Rear Yard
N-R	3	6	6
R-F	3	6	6
A-1, A-2, A-3	3	6	6
C	8	8	8
I	8	8	8
MHP	3	6	6

Notes:

- [a] For all fencing, fence height shall be measured from the ground surface to the highest point of the fence. If a fence post exceeds the height of the fence, then the fence height shall be measured from the ground surface to the highest point of the fence.
- [b] Fences used for the containment of animals may exceed the above height limitations, not to exceed a maximum fence height of ten (10) feet. A fence in excess of ten (10) feet may be approved by the Planning Commission subject to special land use approval.
- [c] Fences located within a required front yard in any District shall not exceed three (3) feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to six (6) feet in height. Fences within the required front yard shall be of a type that is not more than fifty percent (50%) solid, so as not to totally obscure vision at the right-of-way or property line of the lot or parcel on which the fence is placed. Fences shall not obscure the vision of motorists within the clear vision area as defined by this Ordinance including waterfront property front and backyards.
- [d] Fences shall not be erected within any public right-of-way.
- [e] Fencing associated with a bona fide farm or for the containment of farm animals may contain barbed wire and/or may be electrified.
- [f] Fencing in the commercial or industrial districts that enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed wire portion of the fence shall be at least six (6) feet from ground level. Fencing shall not be electrified nor contain razor blades or other such security devices.
- [g] Fences erected for the containment of animals that are not native to the state of Michigan or that require a state or federal permit for said containment shall require a Special Use Permit prior to the erection of said fence.
- [h] All fences shall be erected with new, or high quality used, material and shall be maintained to prevent deterioration, loss of function, and potential harm to the public. The finished portion of a fence shall face outward from the property where it is located. Car hoods and other vehicular parts, junk, stumps, and other such materials shall not be used for fencing.
- [i] All fencing shall meet applicable building codes.
- [j] No fence over three (3) feet high shall be located within fifty (50) feet of the ordinary high water mark of a lake or river.

SECTION 3.12 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section; provided, however, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a zoning permit has been obtained.

- C. The outside edge of the pool wall shall be at least ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least six (6) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than six (6) feet above the underlying ground; all gates must be self-latching with latches placed six (6) feet above the underlying ground or otherwise made inaccessible from the outside to small children. Water retaining devices such as spas and hot tubs shall be exempt from the above fence and gate requirements.
- E. All swimming pool, spa, and hot tub installations shall comply with the building codes in force in Pleasant Plains Township and all standard codes referred to therein.

SECTION 3.13 HOME OCCUPATIONS and HOME BUSINESSES

- A. **Home Occupations** - All home occupations shall be subject to the following restrictions and regulations:
 - 1. The home occupation shall be subject to Site Plan Review by the Zoning Administrator.
 - 2. The home occupation shall be conducted within the dwelling unit only by a person resident of said unit; except that not more than one (1) person may be employed who is not a resident of the premises.
 - 3. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference or to be audible from off-site.
 - 4. There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than twenty-five percent (25%) of the living area of the dwelling shall be devoted to such home occupation. The home occupation shall be conducted entirely within the dwelling and no portion of the use shall occur outdoors or within an accessory building.
 - 5. No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
 - 6. All articles or materials used in connection with such home occupation shall be stored in the dwelling. No outside storage is permitted.
 - 7. Shall not generate more than eight (8) client trips to the home during the hours of 8:00 AM to 8:00 PM. Clients shall not be received during other hours. The parking need generated by the conduct of such home occupation shall be provided off the street and not within the required front yard.

8. There shall be no sale of products or services except as are produced on the premises by such home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.
9. The home occupation shall comply with all applicable Building Code requirements.
10. The home occupation shall be permitted one (1) unlighted wall sign, not to exceed two (2) square feet in size. Such sign shall be attached to the dwelling.
11. Shall not include deliveries by trucks greater than normal U.S. Postal or United Parcel Service step type vans.
12. Instruction in craft or fine art, within a dwelling, by a resident member of the family residing in the dwelling, shall be considered a home occupation and shall be subject to the requirements for a home occupation.

The allowance of a home occupation by the Township, subject to the regulations of this Ordinance, shall not in any way or manner constitute an acceptance of, or give validity to, the introduction of nonresidential uses into any residential district.

B. Home Business - An occupation conducted in the home, or building accessory to a home, that does not meet the above standards may be considered by the Township as a home business subject to the following:

1. The home business shall require a Special Land Use approval.
2. Included with the Special Land Use application shall be detail on the nature of the proposed home business including:
 - a. Type of business.
 - b. Hours of operation.
 - c. Number of employees.
 - d. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.
 - e. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
 - f. Anticipated traffic levels (customer, delivery vehicles, etc.).
3. No more than four (4) persons who are not residents of the dwelling shall be employed on the premises at which the home business is conducted.

4. Any need for parking generated by the conduct of such home business shall be provided off the street and not within the required front yard.
5. The home business shall be conducted entirely within the dwelling or an approved accessory building. The home business shall not occupy more than twenty-five (25) percent of the gross floor area of the dwelling. An accessory building used for the home business shall not exceed one thousand (1,000) square feet.
6. The home business shall not result in the alteration of the dwelling, nor the construction of an accessory building, that is not customary to dwellings and residential accessory buildings. Special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of motor oil, lubricants, and anti-freeze), and other such systems shall not be permitted.
7. In addition to meeting the standards of this section and the Special Land Use standards for approval, it shall be demonstrated that the home business will not be detrimental to the commercial viability of the Township's commercially zoned districts.

SECTION 3.14 RESIDENTIAL DWELLING UNITS - USE FOR COMMERCIAL OR INDUSTRIAL

Residential dwelling units, or buildings accessory thereto and additions to the same, may not be used for commercial or industrial purposes, except as may be permitted in Section 3.13. This does not preclude, however, the conversion of a residential dwelling unit for commercial or industrial use if the requirements of this Ordinance and all building code requirements have been met.

SECTION 3.15 MECHANICAL APPURTENANCES AND UTILITY WIRES

Mechanical equipment shall not be closer than twenty (20) feet to adjoining properties. Utility wires (electric, telephone, cable, etc.) shall be buried as opposed to placement above ground where feasible.

SECTION 3.16 DISH ANTENNA

- A. Dish antennas are permitted in all Districts upon approval of the Zoning Administrator provided the setback requirements for detached accessory buildings are maintained and the following conditions satisfied:
 1. The antenna shall be permanently anchored to a foundation.
 2. No portion of the antenna shall conduct or display any advertising, message, or other graphic representation intended for commercial purposes other than the manufacturer's name.

3. No ground mounted dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.
 4. A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the peak of the roof of the building, including the mounting structure.
 5. No dish antenna shall be located within any front yard.
 6. A Zoning Compliance Permit is required for all dish/antenna larger/exceeding 40 inches in diameter.
- B. If the antenna is to be located in the front yard, side yard, or in the rear yard on the street side of a lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.
- C. Modification of the provisions of this Section may be approved by the Zoning Administrator provided the applicant demonstrates that reception comparable to other such installations in the Township may not be achieved as a result of complying with said provisions. In such instances, the Zoning Administrator shall modify only those requirements necessary to obtain proper reception.
- D. Dish Antennas forty (40) inches or less in diameter are exempt from the above requirements.

SECTION 3.17 ESSENTIAL SERVICES

- A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication (except communication towers), or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith that are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any District.
- B. Notwithstanding the provisions contained above:
1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
 2. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.

3. Public utility facilities in any district are required to be constructed and maintained in a neat and orderly manner. Any building and fence or wall that is constructed shall be landscaped and shall conform with the general character of the surrounding neighborhood.

**SECTION 3.18 PLEASANT PLAINS TOWNSHIP AND OTHER
GOVERNMENTAL BUILDINGS, STRUCTURES, AND USES**

The regulations and requirements of this Ordinance shall apply to all federal, state, county and other units, agencies, and bodies. However, with regard to the Pleasant Plains Township government, the following shall be applicable:

- A. Any land or facilities owned by Pleasant Plains Township (or any agency, body, or commission of Pleasant Plains Township) that is used for recreation by the general public (which includes, but is not limited to, parks, nature preserves, playgrounds, community centers, boat launching sites, public docks, swim beaches, picnic areas, and athletic grounds) shall be allowed where specified within the zoning districts. Such use and facilities shall, however, be subject to an advisory review by the Planning Commission prior to the commencement or expansion of any such use or facility, except for minor improvements, upgrades or projects.
- B. Any building, use, or facility owned, conducted by, engaged in, or controlled by Pleasant Plains Township (or any of its agencies, bodies, or commissions) apart from those uses specified in Subsection A hereof (or where otherwise expressly allowed as a permitted use) shall be allowed in any zoning district with special land use approval.

Unless preempted by statute, the provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state, county, and local.

SECTION 3.19 HEALTH DEPARTMENT APPROVAL

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

**SECTION 3.20 RESTORING UNSAFE BUILDINGS AND RAZING OF
BUILDINGS**

- A. Restoring Unsafe Buildings - Nothing in this Ordinance shall prevent the strengthening or repair to a safe condition any part of a building or structure declared to be unsafe by the Zoning Administrator or Building Official. Such strengthening or repair shall not be interpreted as authorizing a use, or continuation of a use, not permitted by the underlying zone district, nor to permit the restoration of a building or structure that has been officially condemned.

- B. Razing of Buildings - No building or structure exceeding three hundred (300) square feet shall be razed until a demolition permit has been obtained. The Zoning Administrator shall be authorized to require a performance guarantee in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building or structure to be razed. Said guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations, proper termination of utility connections, and other applicable codes. The razing of buildings, including those three hundred (300) square feet or less, shall also comply with all applicable building codes.

SECTION 3.21 MOVING OF BUILDINGS OR STRUCTURES

- A. No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a permit is issued by the Zoning Administrator. All such buildings shall meet the requirements of this Ordinance and the construction code as adopted by the Township or in use therein. Pursuant to zoning approval, the Zoning Administrator shall consider the following standards:
 - 1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
 - 2. Whether or not the type, age, and character of the building is in keeping with adjoining and neighboring buildings.
 - 3. The requirements of this Ordinance.

SECTION 3.22 KEEPING OF ANIMALS AND PETS

- A. No more than three (3) adult [six (6) months of age or older] dogs shall be kept or housed for each dwelling unit in any zoning district.
- B. Farm Animals - Except for bona fide farms, the keeping, housing, raising, or care of fowl and animals other than house pets by the occupants of the premises are subject to the following regulations:
 - 1. On lots at least one (1) acre in size, but less than three (3) acres in size, the raising or keeping of fowl and/or rabbits and/or other small animals as pets shall not exceed three (3) per lot.
 - 2. On lots equal to or greater than three (3) acres in size, but less than five (5) acres in size, the raising and/or keeping of fowl and/or rabbits and/or other small animals commonly raised for human consumption shall not exceed in numbers the number of animals required to satisfy the personal needs of the human residents of the premises.

3. On lots equal to or greater than five (5) acres in size to ten (10) acres in size, the uses permitted (in addition to those allowed in Paragraph 2, above) include one (1) horse or one (1) cow or one (1) pig for each acre or part thereof over five acres.
 4. On lots greater than ten (10) acres in size, the restrictions of Subsections 1, 2, and 3 above do not apply.
- C. Commercial kennels, riding stables, animal hospitals, and veterinary clinics shall be subject to the District requirements in which they are permitted.
- D. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will, shall be provided.
- E. All premises for the keeping of animals shall be regularly maintained in a safe and sanitary condition, including reasonable and sanitary management and control of both manure and feed to minimize dust and odors that could adversely affect the surrounding area.
- F. Except for bona fide farms, the keeping of animals, other than household pets, on lots of ten (10) acres or less shall be subject to review and approval by the Zoning Administrator. In granting approval, the Zoning Administrator shall base his/her determination on the following:
1. The premises shall be maintained in a safe and sanitary condition.
 2. Necessary fencing shall be erected and maintained in good repair.
 3. All animals shall be provided adequate shelter/housing.
 4. All shelter/housing for animals shall be kept in a safe and sanitary condition.
 5. The location of animal housing shall not be detrimental to adjacent property.
 6. A written management plan for feed storage and manure control and disposal.
- G. Any building or structure housing farm animals shall be a minimum of seventy (70) feet from all property lines.
- H. Approval by the Zoning Administrator for placement of animals on lots of ten (10) acres or less shall be given to, and limited to, the resident of the property. Should said resident cease to reside on said property, all approvals shall become null and void. The new resident shall not house animals regulated by this Section until he/she receives authorization from the Zoning Administrator who shall determine approval based on application of the above or amended standards.

- I. The temporary keeping of horses for recreational use on less than ten (10) acres shall be allowed by Temporary Use permit provided substantial compliance of the conditions for keeping of animals as defined above are met. All manure, feed, and other materials incidental to such use shall be cleaned up and removed and/or properly stored as needed to limit negative impact on the surrounding area.

**SECTION 3.23 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE
MANUFACTURED MOBILE HOME PARKS**

- A. All dwellings and dwelling units located outside of manufactured home parks shall comply with the following standards:
 1. The dwelling shall comply with all applicable building, electrical, plumbing, fire, mechanical, energy, and other similar codes, provided, however, that where a dwelling is required by law to comply with any federal or state regulation or standard for construction, and where such regulations or standards for construction are different than those imposed by the Township, then the federal or state regulations and standards shall apply. Appropriate evidence of compliance with such regulations or standards shall be provided to the Building Code official.
 2. The dwelling shall comply with all requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yards, and maximum building height limitation of the zone district in which it is located.
 3. The minimum width of all elevations (sides of the home) shall be no less than sixteen (16) feet.
 4. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
 5. The wheels, pulling mechanism and tongue shall be removed from any manufactured home prior to placement on a foundation.
 6. All dwellings shall be connected to a public sanitary sewer system and water supply system and/or a well and sewage disposal system approved by the Lake County Health Department.
 7. All dwellings shall provide steps or porch areas, permanently attached to a foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
 8. All additions to dwellings shall meet all of the requirements of this Ordinance.

9. The pitch of the main roof of the dwelling unit shall not be less than three (3) feet of rise for each twelve (12) feet of run, and shall have no less than a six (6) inch overhang.
 10. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 11. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling.
 12. An appeal by the aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings, located outside of manufactured home parks, within five hundred (500) feet of the subject dwelling.
- B. Subsections 10 and 11, above, shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- C. Prior to issuance of a Zoning Permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator.
- D. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township or County (whichever is applicable).

SECTION 3.24 RIPARIAN ACCESS

The following restrictions are intended to limit the number of users of lake, river, or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

- A. In all Districts, there shall be at least sixty-five (65) feet of 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 utilizing or accessing the lake, river, or stream frontage; provided however, the above frontage requirement shall not supersede frontage requirements that may be greater as provided elsewhere within this Ordinance or for a particular zoning district or by state or federal regulation.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream

waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

- C. In all zoning districts, no lake 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 district in which it is located and further such use is also approved as a special land use or planned unit development.
- D. 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 projects or developments.
- E. In addition to the above limitations, no easement, private park, common area or lot or access property abutting or adjoining a lake 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 is permitted in the zoning district in which it is located and furthermore such use must also be approved as a special land use or planned unit development.
- F. New canals or channels may not be created.
- G. All riverfront properties on a designated natural river shall also conform to the State of Michigan Natural Rivers Zoning Act.

SECTION 3.25 PRIVATE ROADS (STREETS)

- A. Pleasant Plains Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to assure the following:
 - 1. That private roads are designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
 - 2. That private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
 - 3. That private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
 - 4. That private roads are properly maintained.

B. Permits Required; Special Land Use Approval:

1. No private road shall be constructed, extended, used, utilized, upgraded to serve additional parcels, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, the permit fee established by the Township has been paid, the private road has been approved as a special land use, and a permit has been issued.
2. The private road construction permit shall be issued only if the private road has been approved as a special land use after review and approval by the Township Planning Commission and the Township Board, which shall consider the following review standards:
 - a. Whether the private road meets the requirements of this section.
 - b. Whether the private road is reasonably necessary to be private, or if it would be in the best interests of the Township for the road to be a public road.
 - c. Whether the use of such private road has the potential to create conditions that may be detrimental to the health, safety, or welfare of persons or property through the creation of hazardous or potentially hazardous situations.
 - d. Whether the special land use requirements and standards of this Ordinance are met.
3. The application for such permit shall provide all of the following information:
 - a. Owners - The name(s) of the owner(s) and any other parties having any legal interest in the private road and the property across that it is to be constructed.
 - b. Site Plan - A site plan drawn to scale, prepared by a registered engineer, showing all proposed lots along the private road, and also showing the precise location, grade, route, elevation, dimensions, and design of the private road and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets that the private road is to intersect. The plan may be prepared by registered surveyor, other than a registered engineer, if the proposed private road is to serve ten (10) or fewer parcels, main buildings, etc.
 - c. Survey - A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
 - d. Utilities - 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 road right-of-way or within twenty (20) feet of either side thereof. Copies of the instrument describing and granting such easements shall be submitted with the application.

- e. Water Bodies - The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one hundred (100) feet thereof.
- f. Buildings and Structures - The location of any other buildings and structures located, or to be located, within one hundred (100) feet of the private road right-of-way.
- g. Maintenance Agreement - A proposed maintenance agreement, as defined in this section.
- h. Other Requirements - Any other requirements of this Ordinance.

C. The Zoning Administrator or his/her designee shall have the right to enter upon the property where the private road is (or will be) located to conduct such inspections as may be necessary to enforce this section.

D. Standards for Private Roads

- 1. No special land use approval for a private road shall be approved and no private road construction permit shall be issued until and unless the plans, maintenance agreement, and proposed construction comply with the following standards:
 - a. Right-of-Way Easement - All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
 - b. Cleared Width - The area in which the private road is to be located shall have a minimum cleared width of forty (40) feet, which clearing shall always be maintained. The private road shall meet the standards contained in the chart below:

**PRIVATE ROAD CONSTRUCTION STANDARDS
Pleasant Plains Township**

Private Road Standards	Serving 1 to 5 Parcels	Serving 6 or More Parcels
Width of traveled road bed	20 feet	Follow the design and construction requirements of the Lake County Road

Private Road Standards	Serving 1 to 5 Parcels	Serving 6 or More Parcels
Construction Materials	Minimum subbase of 10 inches of sand and 6 inches of finished compacted gravel (No. 22A) on the top thereof	Commission for public roads

- c. Turn-Around - Any private road serving one (1) to five (5) parcels that terminates at a dead-end shall have a means for vehicle turnaround either by use of a cul-de-sac, with a minimum right-of-way radius of seventy (70) feet and an improved turning radius of thirty five (35) feet, or by a continuous loop private road system, both of which must be constructed in accordance with the standards set forth in this section. A private road serving more than five (5) parcels shall meet the cul-de-sac requirements of the Lake County Road Commission for public roads.
- d. Distance Limitation - No private road shall extend for a distance of more than three thousand (3,000) feet in length from the nearest public street right-of-way, as measured along the centerline of the private road, without a second direct access thereto being available from another public street.
- e. Crown - The road surface shall have a minimum crown of two-tenths (.2) of one (1) foot from the centerline of the private road to the outside edge thereof.
- f. Shoulders - A road shoulder, composed of six (6) inches of compacted gravel shall be provided on each side of the private road surface, with a minimum width of two (2) feet, containing a slope of twenty-two hundredths (.22) of a foot from the outside edge of the road surface to the toe of the slope.
- g. Grade - The maximum longitudinal road grade shall not exceed six percent (6%), provided that the Township may allow up to a ten percent (10%) grade provided that the applicant produces written justification satisfactory to the Township engineer, that an increase in the road grade with not adversely affect public safety and the design of the road system(s).
- h. Connection to Public Road - The layout of a private road and the intersection of a private road with either a public or private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than

three-hundred (300) feet, measured along the right-of-way or easement thereof.

- i. Drainage - The private road shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Township Engineer to ensure adequate drainage and runoff.
- j. Stream Crossings - 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.
- k. Signage - The private road shall be given a name and street signs shall be installed in accordance with the standards and approval of the Lake County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high. Private roads shall have a standard stop sign where the private road abuts the public road. All signs and addresses shall comply with the Lake County 911 Emergency System. All signage shall be paid for and maintained by property owners on private roads.

- E. The applicant(s)/owner(s) of the private road agree that by applying for and securing a permit to construct the private road that they shall indemnify and will hold the Township, and all personnel employed by the Township pursuant to review and approval of the private road and related instruments, harmless from any and all claims for personal injury and/or property damage arising out of the use of the private road or of the failure to properly construct, maintain, repair, and replace the private road.
- F. The applicant(s)/owner(s) of the proposed private road right-of-way or private road shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township that shall provide for and assure that the private road shall be regularly maintained, repaired, and snow plowed so as to assure that the private road 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 road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township Attorney for approval prior to the issuance of the permit.
- G. Upon completion of construction of the private road, the applicant(s) and owner(s) shall remove and properly dispose of, any and all trees, shrubs, construction debris, and rubbish.

H. Certificate of Compliance

1. Upon completion of construction of the private road, the Zoning Administrator or his/her designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. The applicant shall provide the Township with a set of “as built” drawings bearing a certificate and statement from a registered engineer or registered surveyor certifying that the private road has been completed in accordance with the requirements of the permit.
2. If the completed private road 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 in this Ordinance. No Building Permit shall be issued for a lot along a private road until and unless this private road fully complies with this Ordinance.

I. Fees

Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Said fees shall be sufficient to cover the costs of having the Township attorney, engineer, or other professional review the private road plans, specifications, and maintenance agreements, and to do the necessary inspections.

J. Maintenance and Repairs of Private Road

All costs for maintenance and repair of the private road shall be the responsibility of the property owners or any property owners’ association served by the private road.

K. Location and Use of Private Roads

Private roads may be located in all zoning districts.

L. Permits for Buildings on Private Roads

No building or other permit shall be issued for any building, dwelling, use, or structure the primary access to which is to be provided by a private road until a private road construction permit has been issued and the private road has been approved and constructed in accordance with the requirements of this section, or a performance guarantee for such private road has been provided.

M. Approval by the Road Commission. All private roads shall be connected to public roads pursuant to compliance with the requirements of the Lake County Road Commission. Proof of said compliance shall be provided to the Township prior to issuance of a private road construction permit.

- N. Frontage. All parcels utilizing a private road shall have frontage on the approved private road right-of-way equal to the minimum lot width requirement of the zoning district where the property is located.
- O. Disclosure. The following statement shall be put in a deed restriction and recorded for any parcel serviced by a private road, before each parcel is sold or transferred: **“This property does not abut or front on a public road. If a public road or street does not abut or service the property, it is private and is not required to be maintained by any governmental unit, and must be maintained by the property owners.”**
- P. Planned Unit Development. If the private road is proposed as part of a Planned Unit Development, the provisions of this section may be modified by the Township Board at its sole discretion for good cause shown.
- Q. Performance Guarantee. The Township may, as a condition of the private road construction permit, require that the applicant provide a performance guarantee to ensure construction of the road as approved.
- R. Effect
1. New Private Roads - The provisions of this section shall apply to all private roads constructed from and after the effective date of this Ordinance.
 2. Extending a Private Road - All additions to an existing private road shall comply with the provisions of this Ordinance. If the existing private road, from which the extension will originate, does not meet the private road standards of this Ordinance, said road shall be upgraded to comply with the provisions of this Ordinance. In the event said compliance is not possible or feasible due to existing development, inability of the applicant to secure necessary right-of-way, or other such factor, the Planning Commission may allow use of the existing, nonconforming, road subject to the following:
 - a. A determination that sufficient right-of-way exists to accommodate projected traffic volumes.
 - b. Use of the nonconforming road segment is not likely to result in traffic and safety concerns for motorists and pedestrians.
 - c. The nonconforming segment is able to accommodate Township fire equipment and other emergency and safety vehicles.
 - d. That satisfactory written arrangements have been made to ensure the adequate, year round, maintenance of the nonconforming segment.
 - e. That satisfactory written provisions have been made to permit the placement of public utilities within the existing nonconforming road right-of-way, or that satisfactory alternate arrangements have been made to service all parcels with said utilities.

- S. All such private roads should be continuously maintained per the maintenance agreement in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.

SECTION 3.26 STORAGE AND USE OF RECREATION EQUIPMENT

- A. It shall be unlawful for any person to park, or cause to be parked, any recreational vehicles on any street, highway, or public place for storage, use as a dwelling, or for overnight stops outside of a licensed mobile home park or recreational vehicle park, except as permitted herein:
1. The storage of two (2) unoccupied recreational vehicles is permitted as an accessory use in any Residential District, Natural River District or the Rural Forest District only on a lot occupied also by a permanent residential dwelling meeting the residential dwelling standards of this Ordinance. More than two (2) unoccupied recreational vehicles or equipment may be stored when located in an enclosed lawful building on a lot with a residential dwelling. Recreational vehicles shall not be stored in the required front yard and must be parked at least five (5) feet from adjacent properties.
 2. Tents and recreational vehicles shall not be used for dwelling purposes or parked on otherwise unoccupied lots within the Township, except as noted below.
 - a. Tents, camper trailers, travel trailers, fifth wheel trailers, motorhomes, and other camper units may be located and occupied on any lot in a Residential, Natural River, or Rural Forest District not to exceed one hundred twenty (120) days per calendar year with an approved Temporary Use Permit. The camping unit or tents and all personal property used for camping shall be removed upon expiration of the Temporary Use Permit.
 - b. Recreational Vehicles (as defined in Section 2.18A) may be connected to water and electric from a permanent residential dwelling on the same lot.
 - c. Recreational Vehicles (as defined in Section 2.18A) shall properly dispose of sewage and holding tanks only into approved disposal facilities as approved by the Lake County Health Department.
 - d. Recreational Vehicles (as defined in Section 2.18A) may be occupied for longer than the permitted time on any lot in a Residential District, Natural River District or Rural Forest District during the construction of a permanent residential dwelling meeting the residential dwelling standards of this ordinance as a Temporary Building if a Temporary Use Permit is approved.
 3. Recreational vehicles stored on occupied or unoccupied lots cannot be rented or leased to the public by the property owner.

4. The storage of unoccupied recreational vehicles is a permitted use in the Commercial District, subject to the provisions of said district.
5. The placement of the recreational vehicles or tents shall not be detrimental or diminish the value of the land, buildings or structures or change the essential character of the surrounding properties; that the use of the recreational vehicle will not be significantly more objectionable to nearby property by reason of traffic, noise, vibration, dust, fumes, order, or disposal of waste: or that the use shall not increase the hazard from fire or other danger to the property or adjacent property.

SECTION 3.27 STORAGE AND REPAIR OF VEHICLES

- A. The repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations (bona fide farming operations are exempt from these provisions):
 1. Procedures or projects exceeding one week (7 days) in duration or that require the vehicle to be immobile or inoperable in excess of one week (7 days) shall be carried out within a garage. Only one such period shall be permitted within a single thirty (30) day period
 2. It shall be unlawful for the owner, tenant or lessee of any lot in any Residential District to permit the open storage or parking outside of a building of semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

SECTION 3.28 BED AND BREAKFAST OPERATIONS

Bed and breakfast operations may be allowed as a special land use in the Rural Forest and residential districts if the Planning Commission finds that the following standards are met (in addition to the general special land use standards):

- A. The dwelling unit in which the operation takes place shall be the principal residence of the operator, and said operator shall live on the premises while the operation is active.
- B. There shall be no separate cooking facilities for use by the individuals of the bed and breakfast stay.
- C. Sufficient off-street parking shall be provided.
- D. All public health requirements of the Lake County Health Department shall be met.

SECTION 3.29 DRIVEWAYS

All driveways shall meet the following requirements:

- A. An approved driveway permit shall be obtained and completed from the State Highway Department or the Lake County Road Commission and submitted to the Zoning Administrator prior to any issuance of a Zoning Compliance Permit for a project requiring access to any public or private road.

- B. Construction requirements:
 - 1. Only one driveway is allowed for a residential property with road frontage less than or equal to 150 feet. One additional residential driveway may be permitted where the road frontage exceeds 150 feet. Two residential driveways may be permitted, in lieu of the above requirement, to serve as a circle driveway if the frontage is 150 feet or more. Residential driveways serving the same property shall be spaced no closer than 60 feet measured from the center of the driveway to the center of the driveway at the edge of the road.
 - 2. A driveway shall be located so that there is no interference with the free movement of traffic on the public or private road and sight distance will be assured at all times. If a driveway is to be located adjacent to a county road intersection, it shall be at least 66 feet from the intersection. All driveways shall enter perpendicular to the existing roadway as is practicable.
 - 3. All portions of a residential driveway, including the turning radius, shall be located entirely within the lot involved. A driveway radius may be extended outside of that area if the adjoining property owner gives written permission and it is recorded in the deed.
 - 4. The driveway shall be reasonably level with a minimum cleared area of 15 feet and a maximum cleared area of 25 feet at the intersection with the roadway right of way line. A minimum overhead height of 15 feet should be maintained.
 - 5. The driveway surface shall be a minimum of 10 feet wide and a maximum width of 20 feet and shall have a surface of hard packed aggregate or crushed material, concrete or asphalt. All hard surfaced driveways shall meet the existing roadway with a curved radius.
 - 6. The driveway will be so constructed that no water will drain onto any county road or private road. The County Road Commission shall determine whether a drainage structure (culvert) is required for all driveway installations and also determine the minimum diameter and length of the culvert that is needed. The installation and culvert costs are the responsibility of the property owner.
 - 7. The method and construction technique to be used when a driveway has to cross any natural stream, wetland, or drainage course shall satisfy the requirements of

the Township engineer and any other agency having jurisdiction thereof. All fees and costs shall be paid by the property owner.

8. Upon completion of the construction of the driveway, the applicant (s) and owner (s) shall remove and properly dispose of all construction debris, rubbish, trees and shrubs that had to be removed.
- C. All driveways should be continuously maintained year-round in such a way that they are readily accessible to and useable by emergency and fire vehicles in all types of weather.
- D. Every commercial driveway shall be at least fifteen (15) feet wide and shall have a surface of hard packed aggregate or crushed material, concrete or asphalt. Commercial service drives shall comply with the same requirements.

SECTION 3.30 UNWHOLESOME SUBSTANCES

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

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

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

SECTION 3.31 SITE CONDOMINIUMS

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

- A. All site condominium subdivisions shall require site plan review and approval by the Planning Commission. In addition to the information required along with a site plan review, the following information shall also be included:
 - 1. A condominium subdivision plan as required in Section 66 of the Condominium Act.
 - 2. If in effect, all information required by the Pleasant Plains Township Subdivision Regulations.
 - 3. Documented proof of review by the Lake County Road Commission, Drain Commissioner, Health Department, Michigan Department of Transportation and Michigan Department of Natural/Environmental Quality.
- B. All site condominium subdivisions shall meet the requirements of the district in which it is located, including minimum lot size, minimum setbacks and minimum floor area.
- C. Private roads meeting the requirements of this Ordinance shall be permitted, provided, however, the review and approval of private roads shall require a special land use permit.
- D. The Pleasant Plains Township Clerk and Zoning Administrator shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Pleasant Plains Township will not be responsible for maintenance or liability of the nondedicated portions of the subdivision and that all private roads will be properly maintained by the landowners. Snow removal will be provided by the landowners and there is adequate access and turnaround for emergency vehicles. Responsibility for maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas must be clearly stated.¹
- E. The Zoning Administrator shall be furnished with nine (9) copies of all proposed “as-built” drawings for review by the Township Engineer for compliance with all Township ordinances prior to issuance of any Township permits. Fees for this review shall be established by the Township Board.

SECTION 3.32 DIVISION OF PARCELS OR LOTS

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

SECTION 3.33 LOT WIDTH-TO-DEPTH RATIO

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

SECTION 3.34 RESIDENTIAL USES IN COMMERCIAL DISTRICTS

Residential uses shall not be permitted in the commercial districts; provided, however, that a residential use or a combined residential-commercial use may be permitted in a commercial district as a special land use if a special land use permit is obtained from the Planning Commission. If such a special land use is granted, all use (other than the residential use prohibition), dimension, sign and other applicable requirements of the commercial district shall apply to the residential use or the combined residential-commercial use.

SECTION 3.35 LAND DIVISIONS—DIVISION OF PARCELS OR LOTS

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 Pleasant Plains Township Zoning Ordinance, as amended. All land divisions, splits, and boundary reconfigurations of platted lots and unplatted parcels shall meet the requirements of the Pleasant Plains Township Zoning Ordinance, as amended, and the requirements of the Michigan Land Division Act, as amended. 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 Pleasant Plains 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 easements or parcels, fully complies with the requirements of the Pleasant Plains 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 lot 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 a 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 partitioned or divided into more than four parts.

SECTION 3.36 WORKING AND STORAGE SURFACE FOR CERTAIN OPERATIONS TO PREVENT ENVIRONMENTAL DAMAGE

For any junkyard, scrap yard, salvage operation, automobile or vehicle repair or overhaul operation or similar business that utilizes an area exceeding one-fourth (1/4) acres, all areas (indoors and outdoors) used for junk, scrap or materials storage and/or repair, salvage or overhauling operations shall be paved with a layer of concrete at least four (4) inches thick or asphalt at least three (3) inches thick. No chemicals or potentially hazardous substances from such operations shall be disposed of on-site or leaked or deposited onto or into the soil or ground. Such hard surface shall be repaired and maintained such that leakage into the soil shall not occur. The above requirements do not preclude compliance with applicable state and federal environmental regulations and other such regulations.

SECTION 3.37 GRADE AND GRADE MODIFICATIONS

A grade modification shall not result in significant negative impacts on surrounding property, local streets and roads, sidewalks, and other public infrastructure. Such impacts include, but are not limited to, increases in the off-site discharge of surface water unless said increase is based on an approved site plan in which the discharge of surface water has been permitted based on appropriate engineering studies, elimination of natural views through a site, traffic and other safety hazards, and the like.

SECTION 3.38 TRASH RECEPTACLES AND DUMPSTERS

A. All Districts:

1. All trash receptacles and dumpsters, including any enclosure and surrounding area, shall be maintained in a neat, sanitary, orderly, and safe condition free from rubbish, garbage, and debris.
2. All trash receptacles and dumpsters shall have lids that shall be kept closed all times, except for times of filling and collection.
3. All trash receptacles and dumpsters shall be emptied with sufficient frequency to prevent the unreasonable development of odors and attraction of rodents and other pests.
4. No dumpster shall be permanently located in the front yard unless approved by the Township body responsible for final site plan review and approval of the project for which the dumpster shall be associated. The Zoning Administrator shall be authorized to permit the temporary placement of a dumpster in a required yard in any district when associated with site clean-up, site construction, special events, and other such activities of a short term duration. In approving the temporary placement of a dumpster, the Zoning Administrator shall be authorized to approve the dumpster location and period of placement. Said period not to exceed twelve (12) months, or the duration of any zoning permit associated therewith.

B. All Uses, Except Single-Family - In addition to the above requirements, all uses, except single-family residential, shall meet the following standards:

1. Dumpsters shall be placed in a nonrequired rear or side yard.
2. Dumpsters shall be screened by a wood fence, decorative masonry wall, evergreen plantings, or other material as approved by the Zoning Administrator. All screening shall be of a height and character to shield views of the dumpster from off-site.

SECTION 3.39 SCREENING

A. General Screening Requirements - All uses listed below shall be screened as required by this Ordinance. Screening may consist of decorative walls and fences, vegetation, berms, or a combination of any of these (as shown in a site plan) and shall be approved by the Planning Commission. The use of natural vegetation for purposes of screening is highly encouraged.

1. Off-street parking lots associated with multiple-family, institutional, commercial, and industrial uses.
2. Loading and unloading areas.
3. Trash and refuse storage areas.
4. Outdoor storage yards.
5. Outdoor processing operations and yards of mining and other industrial operations.
6. Uses that have been conditioned based on the placement of screening.
7. All uses specifically identified by this Ordinance as requiring screening.

B. Plant Material and Berms - All plant material and berms used for screening shall meet or exceed the following requirements:

Vegetation Type	Size at Planting	Spacing
Deciduous Trees	1 2“ caliper - minimum 4’ high from top of root ball	25’ on center
Pine/Conifer Trees	minimum 5’ from top of root ball	15’ on center
Shrubs/Evergreens	minimum 1 gallon container or equivalent	7’ feet on center
Berms	3 feet in height (minimum 2:1 width to height ratio)	Not Applicable

Berms shall be seeded and mulched so as to achieve an immediate grass cover. Berms shall also be landscaped with trees and/or shrubs based on the above standards. At least fifty (50) percent of the trees and shrubs shall be placed on the exterior (street) side of the berm.

All vegetation shall consist of hardy variety capable of sustaining the Township’s climatic conditions.

Any required vegetation that is destroyed, removed, diseased, or dies shall be replaced within six (6) months, or the next growing season if the six month period falls in a nongrowing season time period.

The use of existing natural vegetation is encouraged and may be used/maintained in lieu of new plantings, provided, said vegetation is approved by the Planning Commission.

- C. Internal Landscaping of Parking Lots - The internal area of parking lots shall contain landscaping as a means of mitigating the negative visual impacts of large expanses of hard surfaced areas and to achieve greater compatibility with surrounding land uses and the natural environment. Landscaping may be evenly dispersed throughout the lot and/or clustered as landscape islands, landscape rows, or similar such design features. Internal landscaping shall consist of trees, shrubs, lawn, ground cover, and flowers, or any combination of same. Internal landscaping shall be in addition to required perimeter (border) landscaping. The percentage of the parking lot to receive internal landscape shall be as follows:

Spaces	Percent of Internal Portion of Lot to be Landscaped
25 or less	None required
25 to 100	5 percent of parking lot
over 100	8 percent of parking lot

- D. Other Land Uses - As a condition of site plan approval, the Planning Commission may require landscaping and/or screening that is more stringent than elsewhere specified if the Planning Commission determines that greater standards are necessary to protect the public health, safety, and welfare.
- E. Performance Guarantee - A performance guarantee, as described in the Ordinance, may be imposed to ensure compliance with screening and landscape requirements.

SECTION 3.40 PARKING OF COMMERCIAL VEHICLES

Except as noted, the overnight parking of commercial vehicles exceeding a rated capacity of one and one-half (1 1/2) tons is prohibited in the Natural River, Resort Residential, Medium Density Residential, and Multiple-Family Districts. Commercial vehicles exceeding the above standards may be parked in the above districts if directly associated with constructed activity for which a

Building Permit has been issued or if approved as a special land use. The vehicles shall be removed within five (5) days of the completion of construction or upon the termination of the special land use.

SECTION 3.41 COMMUNICATION TOWERS

A. Communication towers shall be processed as follows:

Tower and Antenna Height	Processing Method
Less than 50 feet	Site Plan Review by the Zoning Administrator
50 to 100 feet	Site Plan Review by the Planning Commission
Greater than 100 feet	Special Land Use

B. All towers shall be properly secured and shall meet all building code requirements.

C. A tower, or tower and antenna, one hundred (100) feet or higher may serve as the principal use of a lot or parcel in the Rural Forest, Commercial, or Industrial District. Towers, or towers and antennas, one hundred (100) feet or higher shall not be permitted in other zone districts unless it can be demonstrated by qualified engineering personnel that placement in the Rural Forest, Commercial, or Industrial Districts will not permit an acceptable range of coverage when compared to that achievable in one of the other zone districts. In such cases, the Township may authorize placement in another district, subject to special land use approval.

D. Towers one hundred (100) feet or higher shall be set back from all property lines a minimum of one (1) foot per each one (1) foot of tower and antenna height. Towers of less height shall not encroach on required yard setbacks.

E. Towers, including antennas, one hundred (100) feet or higher shall be at least five hundred (500) feet from a residential dwelling. Towers, including antennas, three hundred (300) feet or higher shall be at least one thousand (1,000) feet from a residential dwelling.

F. Towers

1. Shall contain no advertising.

2. Towers one hundred (100) feet or higher shall be designed to support the placement of multiple antennas. Commercial towers (tower owners) shall provide reasonable opportunity for the placement of antennas by those other than the owner of said tower.

3. Shall comply with all state and federal regulations.

4. Shall only contain lighting if necessary to comply with state or federal regulations. In any case, the extent of said lighting shall be the minimum necessary to achieve state or federal compliance.
5. Removal – Towers shall be removed after 90 days of nonuse.

SECTION 3.42 GRADING, EXCAVATION, FILING, CREATION OF PONDS AND CLEARING OF TREES

Clearing vegetation and trees from a vacant site of over one-quarter (1/4) acre or grading, excavation, filling, soil removal and the creation of ponds not associated with a Building Permit for one single family residence may be permitted only after review and approval by the Township. The approval may be in the form of a Zoning Compliance Permit issued by the Zoning Administrator (in the case of a single-family use) or through the site plan approval process with the Planning Commission.

SECTION 3.43 WOOD FURNACE OR OUTDOOR WOOD STOVE

Due to the nuisance smoke and concerns regarding the public safety and welfare of residents living in relatively close proximity to one another, outdoor wood or similar furnaces are only allowed on lots of over two (2) acres in size. The heating unit shall be set back a minimum of seventy five (75) feet from all property lines. Smokestacks shall be at least ten (10) feet in height as measured from the top of the grade.

SECTION 3.44 PROHIBITION OF MEDICAL MARIHUANA DISPENSARIES

No medical marihuana dispensary shall be commenced, operated, or utilized in any zoning district or on or from any property within the Township.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008 (the ‘Act’), as amended, being MCL 333.26421 et seq., as amended) so long as it is done in full compliance with all applicable Michigan laws and regulations.

SECTION 3.45 REPRESENTATIONS AND PROMISES OF DEVELOPERS AND PROPERTY OWNERS

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

zoning approval. In such case, the promise, condition, or representation shall be deemed an express and enforceable condition of the zoning approval.

SECTION 3.46 GRADE LIMITS

Sand, dirt and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:

- A. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- B. Increase the height of a building or structure so as to unreasonably decrease the view on one or more adjoining properties of a lake, stream or natural vista or create a situation which is incompatible with the surrounding uses.

Any party aggrieved by the decision of the Zoning Administrator under this section may appeal that determination to the Zoning Board of Appeals within the time limits and procedures specified in this Ordinance.

SECTION 3.47 LOTS PARTIALLY OUTSIDE TOWNSHIP BOUNDARIES

In cases where a lot lies partially outside of the Township's boundaries, if a proposed lot, building, structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this Ordinance with respect to that part of the lot located within the Township, then the minimum provisions of this Ordinance shall be applied with respect to the lot, building, structure, or use as if the entire lot were located within the Township, provided, however, that the entire lot shall comply with the minimum area, width, and frontage requirements of this Ordinance, and provided further that if access to the lot is provided at a location outside the Township boundaries, then such access shall be subject to the approval of the Planning Commission prior to the issuance of a zoning permit or Building Permit by the Township. For purposes of this section, the Township boundaries shall not be deemed to be a lot line.

SECTION 3.48 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. If a permit has no time limit specified therein, a time limit of one (1) year shall apply unless the Zoning Administrator grants time extensions.

SECTION 3.49 NONWAIVER; RULE OF NONESTOPPEL

If any provision of this Ordinance is not enforced against a particular lot, parcel, or property or throughout the Township in general, that shall not be deemed to be a waiver (or constitute laches) regarding the ability of the Township to enforce that provision (or any other provision) of this Ordinance against a particular lot, parcel, or property involved or throughout the Township in general. Furthermore, should any Township official, body, board, or commission render any zoning approval or opinion, or undertake (or not undertake) any other action pursuant to this

Ordinance, and it is determined that any such opinion, interpretation, approval, action or inaction was done in error or in an ultra vires or other mistaken fashion, that shall not preclude the Township from reversing, revoking, or revising any such zoning approval, interpretation, opinion, action, or inaction which was done in error and to thereafter enforce the provision or provisions of this Ordinance involved. The Michigan common law “rule of municipal nonestoppel” shall benefit the Township, as well as its officials, officers, bodies and commissions.

SECTION 3.50 ADULT USES/ADULT-ORIENTED BUSINESSES

A. Location and Approval. An adult use or adult-oriented business shall be allowed only as a special land use and only if all of the following standards are satisfied:

1. Adult-oriented businesses shall be allowed only within the I-Light Industrial zoning district and if approved as a special land use.
2. No adult-oriented business shall be located within five hundred (500) feet of another adult-oriented business.

For purposes of this subsection 2, and subsections 3 and 4 below, the distance between a proposed adult-oriented business and (A) another adult-oriented business, (B) the boundary of any land in the agricultural or any residential zoning district or approved as a planned unit development for residential purposes, or (C) land used for any single-family, two-family or multiple-family dwelling; Township, county or state park; school; library; licensed childcare facility; playground; church or place of worship, shall be measured in a straight line from the nearest property line of the parcel of land upon which the proposed adult-oriented business is to be located to (i) the nearest property line of the parcel of land used for the other adult-oriented business, (ii) the nearest boundary of the land in the agricultural or any residential zoning district or approved as a planned unit development or a plat for residential purposes, or (iii) the nearest property line of the parcel of land used for a single-family, two-family or multiple-family dwelling; Township, county or state park; school; library; licensed childcare facility; playground; church or place of worship.

3. No adult-oriented business shall be located on a parcel or lot that is within five hundred (500) feet of the boundary of any land in the agricultural or any residential zoning district, or approved as a planned unit development for residential purposes.
4. No adult-oriented business shall be located on a parcel or lot within five hundred (500) feet of any single-family, two-family or multiple-family dwelling; any Township, county or state park; school; library; licensed child care facility; playground; church or place of worship.
5. No adult-oriented business shall be located within any principal or accessory building or structure already containing another adult-oriented business.

6. The proposed use shall conform to all requirements of the zoning district in which it is located.
7. The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and regulations of the county, state and federal government and, to the extent required, all governmental approvals must be obtained.
8. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent right-of-way of a public street or private street.
9. Any sign or signs proposed for the adult-oriented business shall comply with the provisions of this Ordinance; may not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas, specified sexual activities or obscene representations of the human form; and may not include animated or flashing illumination.
10. Entrances to the proposed adult-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: (a) "Persons under the age of 18 are not permitted to enter the premises," and (b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
11. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public street or private street or a neighboring property.
12. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m., Monday through Saturday. All adult-oriented businesses shall remain closed on Sundays and legal holidays.
13. All off-street parking areas shall comply with this Ordinance and shall be illuminated after sunset during all hours of operation of the adult-oriented business, and until one (1) hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one (1) foot candle, with a 3:1 uniformity ratio. The illumination shall not reflect-on and shall be screened from adjoining properties.
14. Any booth, room or cubicle available in any adult-oriented business, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:

- a. Be handicap accessible to the extent required by law;
- b. Be unobstructed by any floor, lock or other entrance and exit control device;
- c. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
- d. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
- e. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

B. **Special Land Use Process.** Any special land use application for an adult-oriented business shall be processed under the provisions of Chapter 14 of this Ordinance.

C. **Definitions.** For purposes of this Section and Ordinance, the following words, phrases, and terms shall have the following meanings:

- 1. Adult cabaret means a nightclub, restaurant, or other establishment that regularly features or displays:
 - a. Live performances, displays, or dancing predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity; or
 - b. Films, motion pictures, video cassettes, DVDs, slides, computer displays, other photographic reproductions or other visual media predominantly characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area.
- 2. Adult merchandise store means an establishment that emphasizes merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area. An establishment emphasizes merchandise that is predominantly distinguished by its 'emphasis on matter depicting, describing, or relating to any specified sexual activity or any specified anatomical area' if any one or more of the following applies to the establishment:
 - a. 25% or more of the establishment's retail display space (excluding bathrooms, office areas, fitting rooms, eating areas, storage areas, closets, and other nonpublic areas) is used for the sale of merchandise that is predominantly distinguished or characterized by its emphasis on matter

- depicting, describing or relating to any specified sexual activity or any specified anatomical area.
- b. 25% or more of the establishment's visible inventory is comprised of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
 - c. 25% or more of the establishment's gross revenues are generated by the sale or rental of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
 - d. The establishment is operated consistently with its being an adult-oriented business (e.g., advertising is directed to an "adults only" market; the establishment self-imposes, or imposes consistent with state or federal law, prohibitions on minors being present in the establishment, etc.).
3. Adult motel means a hotel, motel or similar establishment that:
- a. Offers accommodation to the public for any form of consideration and provides patrons with close-circuit television (as distinguished from commercial cable services), transmissions, films, motion pictures, video cassettes, DVDs, slides, computer displays, other photographic reproductions or visual media that are characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area; or
 - b. Offers a sleeping room for rent, or allows a tenant or occupant of a sleeping room to sub-rent the room, for a period of time that is less than ten (10) hours, if the rental of such rooms accounts for more than ten percent (10%) of the establishment's gross revenues.
4. Adult-oriented business means a business or commercial establishment engaging in one or more of the following enterprises, uses, or activities: (a) adult cabaret; (b) adult merchandise store; (c) adult motel; (d) adult theater; (e) escort agency; (f) nude or semi-nude model studio; or (g) sexual encounter center.
5. Adult theater means a theater, concert hall, auditorium, or similar establishment that regularly features live performances predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity or that regularly or primarily shows films, motion pictures, video cassettes, DVDs, slides, computer displays, other photographic reproductions or visual media predominantly characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area. This definition includes, without limitation, establishments that offer individual viewing booths.

6. Employee means a person who performs any service for any consideration on the premises of an adult-oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated as an employee, independent contractor, agent, or otherwise, and whether or not said person is paid a salary, wage, or other compensation by the operator of said adult-oriented business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.
7. Escort means a person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. Escort agency means a person or entity that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An escort agency is deemed to be operated in the location where (a) a request for an escort is received, or (b) the escort and the person requesting the escort are together.
9. Material means anything tangible, whether through the medium of reading, observation, viewing, sound, or in any other manner, including, but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, DVD, film, computer display, transparency, slide, audiotape, audio disk, computer tape, holographic images, or any other medium used to electronically produce or reproduce images, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent. This definition is intended to include material that is the product of any technology, whether that technology is available on the effective date of the ordinance that added this definition or becomes available after that date.
10. Merchandise means material, products, and novelties.
11. Novelty means any instrument, device, or paraphernalia that depicts or describes any specific anatomical area or any specific sexual act, or that is designed for use, or commonly used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products.
12. Nudity, Nude, or State of Nudity means the knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola. Nudity, as used in this Section does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

13. Nude or semi-nude model studio means any place where a person who displays any specified anatomical area is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by any other person who pays money or any form of consideration, but does not include the following:
 - a. An educational institution funded, chartered, or recognized by the state of Michigan; or
 - b. Any modeling session for a local, non-profit organization, that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two-dimensional or three-dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
14. Operate or Cause to Operate shall mean to cause to function or to put or keep in a state of doing business. Operator means any person on the premises of an adult-oriented business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public, or who causes to function or who puts or keeps the business open or in operation. A person may be found to be operating or causing to be operated an adult-oriented business regardless of whether that person is an owner or part owner of the business.
15. Patron means a customer of the adult-oriented business or a person from the general public, not an “employee” of the business, who is on the premises to obtain, receive, or view the products, services, or performances offered by the business.
16. Regularly mean recurring, attending, or functioning at fixed or uniform intervals.
17. Semi-Nudity or Semi-Nude or in a Semi-Nude Condition means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited in a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
18. Sexual encounter center means an establishment, except that which is part of the practice of and under the supervision and control of a physician, psychologist, or psychiatrist licensed to practice in Michigan, that offers:
 - a. Activities between male and female persons and/or persons of the same sex when one or more of the persons exposes or displays any specified anatomical area; or

- b. The matching and/or exchanging of persons for any specified sexual activities.
19. Specified anatomical area means any or more of the following:
- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
20. Specified sexual activity means any of the following:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or
 - b. A sex act, actual or simulated, including intercourse, oral copulation, or sodomy; or
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of or in connection with any of activities set forth in (a), (b) or (c) above.
- D. Each adult-oriented business shall comply with all applicable Township ordinances and codes.

SECTION 3.51 DEDICATED AREAS ALONG THE LAKEFRONT

In plats, there are often a variety of dedicated areas, including, but not necessarily limited to, public roads, private street, parks, boulevards, and walkways. Establishing setbacks for buildings from such dedicated areas near lakes often presents a challenge to municipal officials. Accordingly, the following setbacks and regulations are applicable where dedicated areas are present:

- A. No building shall be constructed, built, or expanded on, into, over, or within any dedicated public road right-of-way, private street, alley, easement, park, walkway, or other common area.
- B. Where a dedicated area such as a park, public road right-of-way, private street easement, walkway, or other common area is located between the shoreline of a lake and a lot adjoining said dedicated area, and there was no intervening land between such dedicated area and the water as shown on the original plat, then the following is applicable:
 - 1. For a dedicated park, walkway or similar common area, or for a public road right-of-way or private street easement where no road has been physically installed and

utilized therein, the setback shall be measured from the ordinary high water mark of the lake or body of water involved.

2. Where a public road right-of-way or private street easement has been improved with a road existing therein, the setback shall be measured from the edge of the public road right-of-way or private street easement closest to the building site.
- C. If a dedicated area such as a park, public road right-of-way, private street easement, walkway, or other common area is located along the side or rear of any lot, the rear or side yard setback requirements (where applicable) shall be measured from such dedicated area.
 - D. Such setbacks for any dedicated public road right-of-way, private street, easement, park, walkway, or other common area shall not negate normal side, front, or rear setback requirements. Where there is a conflict between the normal side, rear, or front yard setback requirement based on property lines and the setback requirement specified above with regard to setbacks from dedicated areas such as parks, public road rights-of-way, private street easements, walkways, or other common areas would normally apply, the more stringent (greater) setback requirement shall be met for any building or structure.
 - E. Where there is a dedicated public road right-of-way, private street, or walkway (or a relatively narrow dedicated park or other common area) located between a lake and an adjoining lot (i.e., a first tier lot) and there was no intervening land shown on the original plat or subdivision between the lake and the dedicated park, public road right-of-way, private street easement, walkway, or other common area, such adjoining lot shall be deemed to be a waterfront lot in any situation where 2000 Baum Family Trust v Babel, 488 Mich 136; 793 NW2d 633 (2010) or Dobie v Morrison, 227 Mich App 536; 575 NW2d 817 (1998), is applicable. In such situations, the following shall also apply:
 1. One stairway may be built and maintained within such dedicated area to benefit such waterfront lot.
 2. The issuance of a zoning permit for such stairs shall not negate the requirement that the property owner comply with any private deed restrictions/restrictive covenants or other rules and regulations governing the plat or subdivision at issue.
 3. No building, shed, boathouse, or similar building or structure shall be built within such dedicated park, public road right-of-way, private street easement, walkway, or other common area.

SECTION 3.52 WIND ENERGY CONVERSION SYSTEM (“WECS”)

A WECS may be a principal use or an accessory use on a parcel.

- A. Minimum lot size for a commercial WECS shall be ten (10) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property. Minimum lot size for a non-commercial WECS shall be two (2) acres.

- B. Any WECS over forty (40) feet in height shall require special land use approval.
- C. In addition to the requirements for site plan review and approval, the following information shall be included with any application for a Special Land Use for a WECS:
1. Location of overhead electrical transmission or distribution lines.
 2. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
 3. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
 4. A proper buffer or greenbelt to screen the use from any adjacent Residential District or use and the public road.
 5. Existing and proposed setbacks of all structures located on the property in question.
 6. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
 7. Access road to the WECS facility with detail on dimensions, composition, and maintenance.
 8. Planned security measures to prevent unauthorized trespass and access.
 9. WECS maintenance programs shall be provided that describes the maintenance program used to maintain the WECS, including removal when determined to be obsolete.
- D. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the state of Michigan.

- E. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code. Additionally, WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township.
- F. No part of a WECS shall be located within or above any required front, side or rear yard setback of the Zoning District in which it is located.
- G. WECS towers shall be set back from the closest property line two (2) feet for every one (1) foot of system height.
- H. WECS shall not be located within thirty (30) feet of an above ground utility line.
- I. The height of a WECS shall be measured from grade to the height of the blade in the vertical position or the highest point of the WECS, whichever is greater. Maximum height for a commercial WESC shall be two hundred (200) feet and a maximum height of one hundred and thirty (130) feet for a non-commercial WECS.
- J. WESC shall be of monopole design and shall not have guy wires.
- K. Colors and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
- L. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the WECS.
- M. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
 - 1. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - 2. A locked anti-climb device shall be installed on the tower.
 - 3. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
- N. Each WECS shall have one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain all of the following information:
 - 1. Warning high voltage.
 - 2. Manufacturer's name.
 - 3. Emergency phone number.
 - 4. Emergency shutdown procedures.

- O. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
- P. WECS shall be designed and constructed so as not to cause radio and television interference.
- Q. Noise emanating from the operation of WECS shall not exceed sixty-five (65) decibels, as measured on the dBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.
- R. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.
- S. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.
- T. The WECS shall be located and designed such that shadow flicker will not fall on, or in, any existing residential structure.
- U. The Township hereby reserves the right upon issuing any WECS special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- V. Any WECS that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The Township shall require a performance guarantee.

SECTION 3.53 THROUGH 3.99 - RESERVED FOR FUTURE USE

CHAPTER 4 MAPPED DISTRICTS

SECTION 4.00 DISTRICTS

Pleasant Plains Township is hereby divided into the following Districts:

ABBREVIATION	DISTRICT NAME	ORDINANCE CHAPTER
N-R	Natural River	Chapter 5
R-F	Rural Forest	Chapter 6
A-1	Resort Residential	Chapter 7
A-2	Medium Density Residential	Chapter 8
A-3	Multiple-Family Residential	Chapter 9
C	General Commercial	Chapter 10
I	Light Industrial	Chapter 11
A-4	Manufactured Home Park	Chapter 12

SECTION 4.01 ZONING MAP

- A. The locations and boundaries of the Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled “The Zoning Map of Pleasant Plains Township, Lake County, Michigan,” that accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.
1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
 4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
 5. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property

lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

- B. Whenever all or part of a street 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 different Districts, the area shall be divided along a line half-way between them according to the adjacent District, unless the Township Board shall otherwise designate.

SECTION 4.02 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a District on the zoning map, such land shall be in the R-F District.

SECTION 4.03 THROUGH 4.99 - RESERVED FOR FUTURE USE

CHAPTER 5 NATURAL RIVER DISTRICT (N-R)

SECTION 5.00 DESCRIPTION AND PURPOSE

This District is intended to implement public objectives embodied in the Pere Marquette Natural River Management Plan and the Pleasant Plains Township Land Use Plan. These objectives seek to preserve and enhance the values of the Pere Marquette River and its tributaries, as outlined in the respective plans, and especially to protect the economic value of this scenic resource and to prevent ecological and aesthetic damage that may result from overcrowding, overuse, or unwise or disorderly development.

SECTION 5.01 PERMITTED USES

Land and/or buildings in the N-R District may be used for the following purposes as Permitted Uses:

- A. Single family dwellings.
- B. Family day care homes.
- C. Home occupations.
- D. Accessory buildings, structures and uses customarily incidental to a Permitted Use.

SECTION 5.02 SPECIAL LAND USES

Land and/or buildings in the N-R District may be used for the following as Special Land Uses subject to review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Parks, playgrounds, historic sites, wildlife preserves, nature centers, community centers, schools, churches, libraries, public uses and buildings and similar uses when owned and operated by a public agency, school district, or unit of government or a nonprofit neighborhood group or property owners association.
- B. Campgrounds.
- C. Resorts, camps, lodges, hunting and fishing clubhouses, and similar facilities.
- D. Private roads

SECTION 5.03 SCHEDULE OF N-R DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

N-R District Schedule

[Refer to Chapter 14 for additional requirements for Special Land Uses]

SETBACK/DIMENSIONAL ITEM	STANDARD/REQUIREMENT
FRONT YARD	150 feet measured from the ordinary high water mark. For lots not abutting the Pere Marquette River or tributary, the setback may be reduced to 30 feet from the public right-of-way or private road easement, provided, said reduction shall not result in placement of a structure less than 150 feet from the ordinary high water mark of the Pere Marquette River or tributary.
SIDE YARD	Single-Family Dwelling - 15 feet [each side]
	Other Residential and Non-Residential Uses - 25 feet [each side]
REAR YARD	25 feet
BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	30%
MINIMUM LOT AREA	24,000 square feet
MINIMUM LOT WIDTH AND ROAD FRONTAGE	120 feet
MINIMUM DWELLING UNIT FLOOR AREA	a) One Story - 720 square feet b) Above One Story - Ground floor area no less than 600 square feet.

SETBACK/DIMENSIONAL ITEM	STANDARD/REQUIREMENT
OTHER	<ol style="list-style-type: none"> <li data-bbox="675 296 1401 401">1. New buildings and appurtenances shall be set-back from the public right-of-way or private road easement a minimum of 20 feet. <li data-bbox="675 422 1360 562">2. All regulations pursuant to the Pleasant Plains Floodplain Management Resolution, as amended, adopted January 25, 1982, must be complied with.

SECTION 5.04 THROUGH 5.99 - RESERVED FOR FUTURE USE

CHAPTER 6

RURAL FOREST DISTRICT (R-F)

SECTION 6.00 DESCRIPTION AND PURPOSE

This District is intended to primarily conserve and protect lands determined suitable and appropriate for large tracts devoted to forestry, farming and agricultural operations, and to foster the rural character of the Township. The District shall also accommodate low density residential development and other uses generally associated with forestry, agricultural, and rural residential uses. As a recognized agricultural district, certain impacts such as odors, noise, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

SECTION 6.01 PERMITTED USES

Land and/or buildings in the R-F District may be used for the following purposes as Permitted Uses:

- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- B. Customary forest management including the cutting of timber, but not including the construction of buildings for saw milling and similar uses.
- C. Single-family dwellings.
- D. Family day care homes.
- E. Home occupations.
- F. Non-intensive recreation facilities such as snowmobile trails, cross country ski trails, archery and rifle ranges, skeet or gun range, and hunting and fishing clubs or preserves in which there is no construction or use of a lodge, clubhouse, cabin, or other such structure.
- G. Cemetery.
- H. Accessory buildings, structures and uses customarily incidental to a Permitted Use.

SECTION 6.02 SPECIAL LAND USES

Land and/or buildings in the R-F District may be used for the following as Special Land Uses subject to review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Intensive recreation facilities such as snowmobile trails, cross country ski trails, archery and rifle ranges, skeet or gun range, and hunting and fishing clubs or preserves and associated accessory activities such as a hotel, lodge, retail stores, provision of personal services, and related facilities and services.
- C. Roadside stands exceeding two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- D. Sale of animal feed, seed, fertilizers, and related farm products when conducted as part of a bona fide farming operation and when located on the premises of said farming operation.
- E. Commercial greenhouses and nurseries.
- F. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- G. Campgrounds
- H. Radio and television transmitting buildings and towers.
- I. Parks, playgrounds, historic sites, wildlife preserves, nature centers, community centers, schools, churches, libraries, public uses and buildings and similar uses when owned and operated by a public agency, school district, or unit of government or a nonprofit neighborhood group or property owners association.
- J. Group day care homes.
- K. Sawmills.
- L. Utility and public service buildings, including storage yards.
- M. Nursing homes and similar elder care facilities.
- N. Kennel.
- O. Home business.

- P. Fairgrounds, festivals, religious and social gatherings, and similar uses of a temporary or seasonal nature.
- Q. Canoe and Boat Liveries.
- R. Resorts, camps, lodges, hunting and fishing clubhouses, and similar facilities.
- S. Private roads

SECTION 6.03 SCHEDULE OF R-F DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

R-F District Schedule
[Refer to Chapter 14 for additional requirements for Special Land Uses]

SETBACK/DIMENSIONAL ITEM	STANDARD/REQUIREMENT
FRONT YARD	40 feet For lots abutting a lake, the front yard shall be measured from the ordinary high water mark.
SIDE YARD	Single-Family Dwelling - 15 feet [each side]
	Other Residential and Non-Residential Uses - 25 feet [each side]
REAR YARD	40 feet
BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	35%
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH AND ROAD FRONTAGE	150 feet
MINIMUM DWELLING UNIT FLOOR AREA	a) One Story - 720 square feet b) Above One Story - Ground floor area no less than 600 square feet.

SECTION 6.04 THROUGH 6.99 - RESERVED FOR FUTURE USE

CHAPTER 7

RESORT RESIDENTIAL DISTRICT (A-1)

SECTION 7.00 DESCRIPTION AND PURPOSE

This District recognizes lands generally used for single family residential development. The district is void of public water and sanitary sewer systems. Accordingly, the provision of potable water and the disposal of waste water must be accommodated through on-site means. This district is designed to support residential development reliant on wells and septic systems. Due to the residential character of the district and lack of infrastructure, it is the intent of the district to limit the use of land for nonresidential purposes.

SECTION 7.01 PERMITTED USES

Land and/or buildings in the A-1 District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings.
- B. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- C. Family day care homes.
- D. Home occupations.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use.

SECTION 7.02 SPECIAL LAND USES

Land and/or buildings in the A-1 District may be used for the following as Special Land Uses subject to review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Roadside stands exceeding two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- C. Amusement facilities.
- D. Parks, playgrounds, historic sites, wildlife preserves, nature centers, community centers, schools, churches, libraries, public uses and buildings and similar uses when owned and

operated by a public agency, school district, or unit of government or a nonprofit neighborhood group or property owners association.

- E. Group day care homes.
- F. Utility and public service buildings, including storage yards.
- G. Nursing homes and similar elder care facilities.
- H. Cemetery.
- I. Campgrounds.
- J. Resorts, camps, lodges, hunting and fishing clubhouses and similar facilities.
- K. Canoe and boat livery.
- L. Private roads

SECTION 7.03 SCHEDULE OF A-1 DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

**A-1 District Schedule
[Refer to Chapter 14 for additional requirements for Special Land Uses]**

SETBACK/DIMENSIONAL ITEM	STANDARD/REQUIREMENT
FRONT YARD	30 feet For lots abutting a lake, the front yard shall be measured from the ordinary high water mark.
SIDE YARD	Single-Family Dwelling - 10 feet [each side] Other Residential and Non-Residential Use - 25 feet [each side]
REAR YARD	20 feet
BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	35%
MINIMUM LOT AREA	10,500 square feet
MINIMUM LOT WIDTH AND ROAD FRONTAGE	70 feet

SETBACK/DIMENSIONAL ITEM	STANDARD/REQUIREMENT
MINIMUM DWELLING UNIT FLOOR AREA	a) One Story - 720 square feet b) Above One Story - Ground floor area no less than 600 square feet.

SECTION 7.04 THROUGH 7.99 - RESERVED FOR FUTURE USE

CHAPTER 8

MEDIUM DENSITY RESIDENTIAL DISTRICT (A-2)

SECTION 8.00 DESCRIPTION AND PURPOSE

This District is intended for moderate density single family residential development located in the residential growth sectors of the Township. The planned provision of utilities offers opportunity for placement of homes at a somewhat higher density level than the A-1 District, as well as provision for a greater range of land uses.

SECTION 8.01 PERMITTED USES

Land and/or buildings in the A-2 District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings, including single-family site condominiums.
- B. Farms that are limited to cropland, pasture, or orchard.
- C. Family day care homes.
- D. Home occupations.
- E. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

SECTION 8.02 SPECIAL LAND USES

Land and/or buildings in the A-2 District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- B. Group day care homes.
- C. Parks, playgrounds, historic sites, wildlife preserves, nature centers, community centers, schools, churches, libraries, public uses and buildings and similar uses when owned and operated by a public agency, school district, or unit of government or a nonprofit neighborhood group or property owners association.
- D. Cemetery.
- E. Agricultural operations other than those devoted strictly to cropland, pasture, or orchards.
- F. Resorts, camps, lodges, hunting and fishing clubhouses and similar facilities.

G. Roadside stands for the sale of produce grown on the premises.

H. Private roads

SECTION 8.03 DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

A-2 District Schedule

[Refer to Chapter 14 for additional requirements for Special Land Uses]

FRONT YARD	30 feet For lots abutting a lake, the front yard shall be measured from the ordinary high water mark.
SIDE YARD	Single-Family Dwelling - 15 feet [each side]
	Other Residential and Non-Residential Use - 25 feet [each side]
REAR YARD	20 feet
BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	35%
MINIMUM LOT AREA	<u>Single Family Dwellings</u> 8,000 square feet with public sanitary sewer service 10,000 square feet without public sanitary sewer service
	Non-Residential Uses - 10,000 square feet
MINIMUM LOT WIDTH AND ROAD FRONTAGE	65 feet
MINIMUM FLOOR AREA	a) One Story - 720 square feet b) Above One Story - Ground floor area no less than 600 square feet.

SECTION 8.04 THROUGH 8.99 - RESERVED FOR FUTURE USE

CHAPTER 9

MULTIPLE-FAMILY RESIDENTIAL DISTRICT (A-3)

SECTION 9.00 DESCRIPTION AND PURPOSE

The Multiple-Family Residential District (A-3) represents locations appropriate for higher density residential development of a clustered and/or attached variety. This includes residential housing such as apartments, townhouses, condominiums, cluster housing, and similar housing and project design types. It is envisioned that A-3 uses will ultimately be served by public water and sanitary sewers or comparable private systems capable of supporting higher residential densities. In lieu of such systems, A-3 uses shall be placed on lots of a size and character to support on-site well and septic needs. A-3 Districts have ready access to adjacent all-season roads.

SECTION 9.01 PERMITTED USES

Land and/or buildings in the A-3 District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings, including single-family site condominiums.
- B. Two-family dwellings/duplexes.
- C. Family day care homes.
- D. Home occupations.
- E. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

SECTION 9.02 SPECIAL LAND USES

Land and/or buildings in the A-3 District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Group day care homes.
- B. Nursing homes and elder care facilities.
- C. Parks, playgrounds, historic sites, wildlife preserves, nature centers, community centers, schools, churches, libraries, public uses and buildings and similar uses when owned and operated by a public agency, school district, or unit of government or a nonprofit neighborhood group or property owners association.
- D. Cemetery.
- E. Three-family and larger multiple-family apartments and similar housing units.

- F. Utility and public service buildings, without storage yards.
- G. Resorts, camps, lodges, hunting and fishing clubhouses, and similar facilities.
- H. Private roads

SECTION 9.03 SCHEDULE OF A-3 DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

A-3 District Schedule
[Refer to Chapter 14 for additional requirements for Special Land Uses]

FRONT YARD	30 feet For lots abutting a lake, the front yard shall be measured from the ordinary high water mark.
SIDE YARD	Single-Family Dwelling - 15 feet
	Other Residential and Non-Residential Use - 25 feet [each side]
REAR YARD	20 feet
BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	40%
MINIMUM LOT AREA	<u>Single Family Dwellings</u> 8,400 square feet with public sanitary sewer service 10,500 square feet without public sanitary sewer service
	<u>Two-Family and Multiple Family Dwelling (3 or more units)</u> Without Public Water and Sewer - 10,000 square feet per first unit plus 5,000 square feet per each additional unit With Public Water or Public Sewer - 8,000 square feet per first unit plus 4,000 square feet per each additional unit.
	Other Uses - 1 acre
MINIMUM LOT WIDTH AND ROAD FRONTAGE	One Family Dwelling - 70 feet
	Other Uses - 100 feet
MINIMUM FLOOR AREA	720 square feet UFA per unit

SECTION 9.04 THROUGH 9.99 - RESERVED FOR FUTURE USE

CHAPTER 10 COMMERCIAL DISTRICT (C)

SECTION 10.00 DESCRIPTION AND PURPOSE

This District is intended to provide appropriate locations for the accommodation of uses meeting the office, personal service, retail needs, and other business needs of the residents and visitors of Pleasant Plains Township. In providing for commercial opportunities, the Township recognizes the proximity of the commercial center associated with the Village of Baldwin, and the importance of that center to area residents and the region as a whole. It is the desire of the Township to supplement, rather than supplant, commercial opportunities found within the Village.

SECTION 10.01 PERMITTED USES

Land and/or buildings in the Commercial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 12.

- A. Office buildings for any of the following occupations:
 - 1. Executive, administrative, professional, accounting, and other similar professional activities.
 - 2. Medical and dental offices and clinics.
- B. Banks, credit unions, savings and loan associations, and other similar uses, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurants, but without drive-through facilities.
- G. Private clubs, fraternal organizations, and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Indoor recreational facilities, but not bowling alleys.
- J. Commercial child care centers.

- K. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- L. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

SECTION 10.02 SPECIAL LAND USES

Land and/or buildings in the Commercial District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Commercial greenhouses and nurseries.
- B. Commercial kennels.
- C. Funeral homes and mortuary establishments.
- D. Hotels and motels.
- E. Theaters or similar places of public assembly.
- F. Restaurants with drive-through facilities.
- G. Vehicle service stations, excluding body shops.
- H. Vehicle wash establishments, either self-serve or automatic.
- I. Open air businesses.
- J. Veterinary hospitals and animal clinics.
- K. Bowling alleys.
- L. Commercial storage warehouses.
- M. Canoe and Boat livery.
- N. Amusement facilities.
- O. Campgrounds.
- P. Vehicles sales excluding body shops.
- Q. Parks, playgrounds, historic sites, wildlife preserves, nature centers, community centers, schools, churches, libraries, public uses and buildings and similar uses when owned and operated by a public agency, school district, or unit of government or a nonprofit neighborhood group or property owners association.

R. Private roads

SECTION 10.03 SITE REQUIREMENTS (GENERAL)

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.
- B. All commercial sites shall be developed in a fashion that promotes pedestrian safety, proper vehicular access, limited curb cuts to the public highway system, and due consideration to the rural residential character of Pleasant Plains Township.
- C. Commercial uses abutting a residential use or district shall provide a landscape buffer (greenbelt) along the abutting side of no less than ten (10) feet, or greater as provided for by this Ordinance.

SECTION 10.04 SCHEDULE OF COMMERCIAL DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

Commercial District Schedule
[Refer to Chapter 13 for additional requirements for Special Land Uses]

FRONT YARD	85 feet (as measured from the center of the traveled portion of the frontage roadway)
	The first 20 feet of the front yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	Side abutting Residential Districts or uses - 50 feet
	Side abutting other Districts - 20 feet Street side of a corner lot - 50 feet
REAR YARD	20 feet (plus sufficient area for loading/unloading)
	Rear abutting other Districts – 40 feet
MAXIMUM LOT COVERAGE	60% excluding parking area
BUILDING HEIGHT	35 feet or 22 stories
MINIMUM LOT AREA	One (1) acre
MINIMUM LOT WIDTH AND	100

ROAD FRONTAGE	
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SECTION 10.05 THROUGH 10.99 - RESERVED FOR FUTURE USE

CHAPTER 11 LIGHT INDUSTRIAL (I)

SECTION 11.00 DESCRIPTION AND PURPOSE

This District is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial uses that may be supported by minimal public infrastructure. Certain commercial uses consistent with the intent of the District are also permitted.

SECTION 11.01 PERMITTED USES

Land and/or buildings in the Industrial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 13.

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
- B. Banks, credit unions, savings and loan associations, and other similar uses, including those with drive-through facilities.
- C. Office equipment sales and service.
- D. Vehicle sales.
- E. Mobile home and model home sales.
- F. Laboratories (experimental, film, or testing).
- G. Trade or industrial schools.
- H. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- I. Contractor's showrooms and storage yards, lumber yards, and similar uses.
- J. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

SECTION 11.02 SPECIAL LAND USES

Land and/or buildings in the Industrial District may be used for the following purposes subject to review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Vehicle Repair and body shops.
- B. Saw mills, lumber and planing mills.

- C. Metal plating, buffing, and polishing.
- D. Commercial storage warehouses.
- 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, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- F. Junk yards, salvage yards.
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Adult uses.
- I. Research and development facilities, including production activities.
- J. Private roads

SECTION 11.03 SITE REQUIREMENTS (GENERAL)

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

- A. The outdoor storage of goods or materials shall be screened from the view from the street or from abutting properties.
- B. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, on-site parking of vehicles, and the outside storage of materials used in conjunction with the industrial operation.
- C. Industrial uses abutting a residential use or district shall provide a landscape buffer (greenbelt) along the abutting side of no less than twenty five (25) feet or greater as required by this Ordinance.

SECTION 11.04 SCHEDULE OF INDUSTRIAL (I) DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, nor any lot, shall hereafter occur or be created unless the following requirements are fully met and maintained in connection with such building, structure, lot, use, or enlargement.

Industrial District Schedule
[Refer to Chapter 14 for additional requirements for Special Land Uses]

FRONT YARD	50 feet
	The first 25 feet of the Front Yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	Side abutting Residential Districts or uses - 50 feet
	Side abutting other Districts - 20 feet [When abutting an Industrial District, the side yard may be reduced to 15 feet.]
	Street side of a corner lot - 50 feet
REAR YARD	Abutting Residential Districts or uses – 50 feet
	Abutting other Districts - 50 feet [When abutting an Industrial District, the rear yard may be reduced to 25 feet.]
MAXIMUM LOT COVERAGE	50%
BUILDING HEIGHT	40 feet
MINIMUM LOT AREA	5 acres
MINIMUM LOT WIDTH AND ROAD FRONTAGE	150 feet

SECTION 11.05 THROUGH 11.99 - RESERVED FOR FUTURE USE

CHAPTER 12

MANUFACTURED HOME PARK DISTRICT (A-4)

SECTION 12.00 INTENT

The Manufactured Home Park District is intended to provide opportunity for placement of mobile homes in clustered settings and parks.

SECTION 12.01 PERMITTED USES

Land and/or buildings in the Manufactured Home Park District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 13.

- A. Mobile homes located in a state-licensed manufactured home park.
- B. Family day care homes.
- C. Single family dwellings, including single family site condominiums.
- D. Home occupations.
- E. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

SECTION 12.02 SPECIAL LAND USES

Land and/or buildings in the Manufactured Home Park District may be used for the following purposes following review by the Planning Commission and approval by the Township Board as a Special Land Use as regulated by Chapter 14:

- A. Manufactured Home Parks (see Section 12.03)
- B. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- C. State licensed residential group home care facilities.
- D. Private roads

SECTION 12.03 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, provided further that said developments meet the standards and conditions and all other provisions as herein established.

- B. The parking of more than one (1) manufactured home on a single parcel of land or on two or more adjoining parcels of land under common ownership shall be illegal in Pleasant Plains Township, irrespective of the requirements of any other ordinance of Pleasant Plains 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. No manufactured home shall be occupied within the park area until such time as a “Manufactured Home Occupancy Permit” shall be issued by the Zoning Administrator.
- D. The Manufactured Home Park Occupancy Permit shall be issued by the Zoning Administrator only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A permit may be issued if weather conditions or other temporary obstructions makes complete compliance impossible. In such case, the Zoning Administrator may require the submission of a performance bond covering the cost of the necessary improvements, provided that such improvements are completed within six (6) months from the date of the request for the Permit.
- E. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.
- F. The Planning Commission and Township Board shall consider the following standards when considering an application for a manufactured home park:
 - 1. Whether the proposal is in accordance with the Master Plan.
 - 2. Whether the proposal meets all the design standards of this Ordinance, other applicable local codes, regulations, and ordinances, and applicable state and federal requirements.
 - 3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 - 4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
 - 5. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
 - 6. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.

G. **Manufactured Home Park Requirements:**

All manufactured home parks shall be designed and developed in accordance with the following requirements:

1. Minimum site size for a manufactured home park shall be ten (10) acres.
2. Each manufactured home park site shall have direct access to a primary, all season, road as defined by the Lake County Road Commission.
3. No access to the site shall be located closer than two-hundred (200) feet from the centerline of the intersection of any arterial street.
4. Minimum street widths within the manufactured home park shall be in accordance with the following schedule.
5. All streets within the manufactured home park shall be of bituminous aggregate or similar surface, meeting the Private Road construction specifications of this Ordinance. Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park and at entries to the park site.
6. Maximum height for any permanent building shall not exceed one (1) story or twenty-five (25) feet, whichever is greater.
7. Each manufactured home lot, exclusive of streets shall have a minimum size of six-thousand five hundred (6,500) square feet and a minimum width of fifty (50) feet. No more than one (1) manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.
8. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to, storage sheds, cabanas, and porches shall be twenty (20) feet from the inside of the sidewalk; and the minimum spacing from any rear lot line shall be ten (10) feet, and from the side lot line on the entry side ten (10) feet, and from the side lot line on the nonentry side, five (5) feet.
9. The nearest building of the manufactured home park shall be set back a minimum of one-hundred (100) feet from the right-of-way of any adjacent public street. This setback shall be properly landscaped with grass and maintained by the owner and/or operator of the manufactured home park.

**Mobile Home Park
Required Street Width for On-Street Parking**

Parking	Direction	Minimum Street
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		Width
No on-street parking	one way	14 feet
	two way	20 feet
Parallel parking on one side of street	one way	20 feet
	two way	30 feet
Parallel parking on both sides of street	one way	26 feet
	two way	36 feet

10. Each lot shall front on sidewalks at least five (5) feet in width, located directly next to and parallel to the street.
11. Each lot shall provide a minimum of two (2) off-street, paved parking spaces.
12. The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one (1) shade tree shall be provided for every two (2) lots. Trees shall be located to provide shade for manufactured home park sites.
13. The manufactured home park shall provide a minimum of a fifty (50) foot buffer strip separating the manufactured home park from adjacent property. This strip shall be landscaped with trees or shrubbery planted in such a manner as to provide a screen at least five (5) feet in height. No part of this strip shall be used for any structure, right-of-way, drive, or parking space. The strip shall be maintained by the owner and/or operator of the manufactured home park.

H. Utility Standards - The following utility standards shall apply to all manufactured home parks:

1. All utilities shall be underground.
2. All lots shall be provided with an approved method of providing water and sanitary sewer service, and all manufactured homes shall be connected thereto. Said approval to be granted by the Lake County Health Department, Michigan Department of Natural Resources, the Pleasant Plains Township Board, or any other required agency, as appropriate. All expense of installation and connection shall be borne by the owner or operator of the manufactured home park in accordance with procedures established by the Township Board.
3. The mobile home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site storm water detention or retention may be required where deemed necessary by a Professional Engineer. All storm drainage and surface drainage facilities shall be approved by the Lake County Drain Commission.

I. Manufactured Home Standards

1. All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Mobile Home Commission rules and regulations applicable to manufactured home pad design and set up.
2. All manufactured homes shall have a minimum width of fourteen (14) feet across any horizontal surface, exclusive of carports or overhangs.

J. Recreation and Shelter Facilities

1. The manufactured home park shall contain one or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home park residents. A minimum of two-hundred and fifty (250) square feet for every manufactured home park lot shall be provided. Buffer strip areas shall not be counted toward this requirement.

K. Inspection and Permits

1. The Zoning Administrator or such other person designated by the Township Board shall inspect the manufactured home park at least once each year. The fee for such inspection shall be determined by the Township Board.
2. In the event that the Zoning Administrator or such other designated person find that the condition of the manufactured home park is such that it does not comply with the safeguards and conditions as set out in this resolution, the Zoning Administrator or such other designated person shall serve written notice upon the owner or operator of such manufactured home park of such defects. The notice shall include a demand that such defects or deficiencies be corrected within thirty (30) days of receipt of the notice.

In the event that the owner or operator of the manufactured home park does not correct the deficiencies within the thirty (30) day period, either the owner or operator of the manufactured home park or the Zoning Administrator may request that the Township Board set a date for a public hearing on the defects or deficiencies. The hearing shall be held by the Township Board, provided that the notice is given to the owner and operator of the manufactured home park, and that such notice is posted in three (3) prominent places within the manufactured home park at least thirty (30) days prior to the hearing.

At the date of the hearing, the Township Board may amend or modify the terms of the original notice, or if the modifications thereof shall not be corrected within the thirty (30) days allowed for corrections to be made, or any extension thereof, the Township, in order to preserve the health and welfare of the residents of the Township and the value of the properties of the residents within the manufactured home park, and to prevent the manufactured home park from becoming a public nuisance, may enter upon the manufactured home park and correct the defects

and/or deficiencies, or may revoke the approval for the manufactured home park and order it closed.

L. Manufactured Home Sales

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
2. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or an agent of the owner, or those home occupants as permitted in this Ordinance, provided that a manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

M. All persons, including but not limited to Township officials or police officers, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their governmental duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.

N. The riparian access requirements of Section 3.24G are fully applicable and each individual mobile home will be considered a dwelling for purposes of those regulations.

SECTION 12.04 THROUGH 12.99 - RESERVED FOR FUTURE USE

CHAPTER 13

SITE PLAN REVIEW

SECTION 13.00 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission and Township Board in order that the applicant may accomplish planned objectives in the utilization of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development may be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future land uses and the environment in the immediate area and Township as a whole.

SECTION 13.01 SITE PLANS TO BE REVIEWED

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any principal use until a Final Site Plan has been reviewed and approved as required by this Ordinance. No use, structure, or building requiring site plan approval shall commence, occur, or be installed prior to site plan approval.

- B. All plans not subject to review by the Planning Commission or Township Board shall be subject to review and approval by the Zoning Administrator, who shall ensure that the site plan is in conformance with the Zoning Ordinance.

- C. Uses requiring site plan approval:
 - 1. All Uses within any of the following districts:
 - a. A-4 – Manufactured Home Park
 - b. C – General Commercial
 - c. I – Light Industrial
 - 2. A Manufactured Home Park.
 - 3. All Special Land Uses in any district.
 - 4. Multi-family residential developments.
 - 5. Any plat and residential development other than as exempted below.
 - 6. Condominiums, site condominiums, and subdivisions (plats) in any district.
 - 7. Planned unit developments in any district.
 - 8. Private Roads.
 - 9. Essential Services.

10. Any commercial, industrial, business, or office use.
11. Any expansion, enlargement, or change to any of the preceding.
12. All new construction and new uses: expansion of existing buildings, structures, and uses, except that:

Where a new use is being established in an existing lawful principal structure and is a permitted use (or similar use as determined by the Zoning Administrator) in the underlying zoning district, and will not result in expansion of the footprint, size, or height of the structure, the site plan for the new use may be approved through an administrative review process directed by the Zoning Administrator. The following conditions shall apply:

- a. The proposed use shall comply with all requirements of this Ordinance except where, in the determination of the Zoning Administrator, strict adherence to the requirements of this Ordinance due to existing conditions on the subject property cannot reasonably be met. The scope of the project proposed shall be determined in the first instance by the Zoning Administrator, provided however, that the discretion of the Zoning Administrator shall not extend to waiver of conditions which directly relate to the safety and welfare of the general public, or in the use or occupancy of the property.
- b. No less than 50% of the minimum number of parking spaces required for the proposed use.
- c. This exemption shall not apply to uses in the MHP or I zoning districts.
- d. Where a mutual agreement on the plan cannot be reached, or where, in the opinion of the Zoning Administrator, the proposed development warrants a more intensive review, the Zoning Administrator shall require formal application for site plan review and approval by the Planning Commission.

SECTION 13.02 APPLICATION PROCEDURES

- A. An application for Site Plan Review by the Planning Commission shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness.
- B. An application for Site Plan Review shall consist of the following:
 1. Nine (9) copies of the Site Plan and related documentation.
 2. A completed application form, as provided by the Township.
 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.

4. A legal description, including permanent parcel number, of the entire property that is the subject of the Site Plan Review.
5. Other materials as required by this Chapter, the Zoning Administrator, Planning Commission, or Township Board.

SECTION 13.03 REVIEW PROCEDURES

A. Review in Which a Public Hearing is not Required.

Upon receipt of a valid application for Site Plan Review, the Planning Commission shall review and process the application subject to the review standards of this Ordinance.

B. Review in Which a Public Hearing is Required.

The review and approval of site plans for Special Land Uses, Planned Unit Developments, and certain other uses provided for by this Ordinance require that a public hearing be held by the Planning Commission as provided in Section 19.10 of this Ordinance.

C. Preliminary Site Plan Review

1. If desired by the applicant, a Preliminary Site Plan may be submitted for general review by the Planning Commission prior to formal consideration of a final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs that might be necessary for final site plan approval.
2. Preliminary Site Plans shall include the following.
 - a. A Site Plan at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') showing any existing or proposed arrangement of:
 - (1) Existing adjacent streets and proposed streets.
 - (2) Lots.
 - (3) Parking lots and access points.
 - (4) Proposed buffer strips or screening.
 - (5) 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.
 - (6) Location of any signs not attached to the building.

- (7) Existing and proposed buildings.
 - (8) General topographical features including contour intervals no greater than ten (10) feet.
 - (9) All buildings and driveways within one hundred (100) feet of all property lines.
 - (10) A certified survey maybe required.
- b. A narrative describing:
- (1) The overall objectives of the proposed development.
 - (2) 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.
 - (3) Dwelling unit densities by type, if applicable.
 - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the Preliminary Site Plan and may make recommendations accordingly. Such recommendations, if made, shall not be construed to imply approval of said plan. Site plan approval shall require submission of a full application, site plan, fees, and other documentation as required by this Ordinance.

SECTION 13.04 FINAL SITE PLAN REVIEW

- A. If desired by the applicant, a Final Site Plan may be submitted for review without first receiving review of a preliminary site plan. Final site plans shall include the following information.
- 1. Legal description of the property, including permanent parcel number.
 - 2. Small scale sketch of properties, streets, curb cuts, and uses of land within two hundred (200) feet of the subject site.
 - 3. A narrative describing the proposed development, unless the site plan provides full descriptive detail of the project.
 - 4. Nine (9) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'), or as necessary to provide for proper review. The following items shall be shown on the plan:

- a. Date of preparation/revision.
 - b. Name and address of the preparer.
 - c. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
 - d. Existing man-made features.
 - e. Dimensions of setbacks, locations, heights and size of buildings and structures.
 - f. Street rights-of-ways, indicating proposed access routes, internal circulations, and relationship to existing rights-of-ways.
 - g. Proposed grading.
 - h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - i. Location and type of fences, landscaping, buffer strips, and screening.
 - j. Location and type of signs and on-site lighting.
 - k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 13.
 - l. Easements, if any.
 - m. Dimensions and number of proposed lots.
 - n. All buildings and driveways within one hundred (100) feet of all property lines.
- B. The Planning Commission, prior to granting approval of a Final Site Plan, may request from the applicant any additional graphics 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 impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
- C. The Planning Commission shall approve, deny, or approve with conditions the Final Site Plan. For plans requiring final review and approval by the Township Board, the findings of the Planning Commission shall be made in the form of a recommendation to the Board. The Township Board shall review the Final Site Plan and approve, approve with conditions, or deny the Final Site Plan based on the purposes, objectives and requirements of this Ordinance.

SECTION 13.05 SITE PLAN REVIEW STANDARDS

- A. Site plans and site plan applications shall be reviewed and approved, approved with conditions, or denied on the determination of compliance with the purposes, objectives and requirements of this Ordinance, and specifically, the following standards, as applicable:
1. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. 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.
 2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
 3. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.
 4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that 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.
 5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
 6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Township Fire Department and the Lake County Sheriff's Department.
 7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened.

8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
9. Necessary off-street parking and loading areas shall be provided.
10. The general purposes and spirit of this Ordinance and the Master Plan of the Township.
11. The site plan shall be harmonious with, and not injurious to, existing and projected uses in the immediate area.
12. The site plan is adequate to provide for the health, safety and general welfare of the persons and property on the subject site and in the neighboring area.

SECTION 13.06 CONDITIONS

The approval of a site plan may include the attachment of reasonable conditions necessary to ensure compliance of the request with this Ordinance. Such conditions may include, but are not limited to, additional landscaping and buffering; drainage improvements; modification of the parking and circulation system; additional setback distance; required shared use of drives; fencing; preservation of the natural landscape; additional noise buffering; exterior lighting and signage modifications; and other such modifications.

SECTION 13.07 APPROVED SITE PLANS

- A. Upon approval of a Final Site Plan, the Chairperson of the Planning Commission, or Acting Chairperson, shall sign and date three (3) copies thereof. One (1) signed copy shall be made a part of the Planning Commission's files; one (1) shall be forwarded to the Zoning Administrator for issuance of a Zoning Permit; and one (1) copy shall be returned to the applicant. The signed and dated site plan shall be the official copy for purposes of future action or matters regarding the site and associated development.

Upon approval of the Final Site Plan by the Township Board (when required), the Township Supervisor, or the Township Board member acting as Chairperson for the meeting, shall sign four (4) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) shall be forwarded to the Zoning Administrator for issuance of a Zoning Permit; and one (1) copy shall be returned to the applicant and one (1) copy to the Planning Commission.

- B. Each development shall be under substantial construction within one (1) year after the date of approval of the Final Site Plan, except as noted below.
 1. The Planning Commission may grant one (1) six (6) month extension provided the applicant applies for such extension prior to the date of the expiration of the Final Site Plan.

2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
3. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.

C. Amendments to an approved Final Site Plan may occur only under the following circumstances:

1. The holder of a valid Final Site Plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Township that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Township. 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. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
 - e. Changes in floor plans that do not alter the character of the use.
 - f. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
 - g. Changes required or requested by the Township for safety reasons shall be considered a minor change.
3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

In no instance shall modification of a site plan condition required as part of site plan approval be considered a minor modification.

SECTION 13.08 PERFORMANCE GUARANTEE

The Planning Commission may require a performance guarantee or guarantees in accordance with Section 19.08 to ensure compliance with any conditions associated with the granting of a site plan approval.

SECTION 13.09 REVOCATION

Every structure, building, land use, or activity covered by or subject to an approved site plan must fully comply at all times with that site plan. If a violation of the site plan (or any conditions of approval attached thereto) occurs, then the Planning Commission shall have the authority to revoke the approved site plan after reasonable notice has been given to the property owner or applicant and a hearing has been held pursuant to Section 19.10.

SECTION 13.10 THROUGH 13.99 - RESERVED FOR FUTURE USE

CHAPTER 14 SPECIAL LAND USES

SECTION 14.00 PURPOSE

Special Land Uses are those uses of land that are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, overburdening public services and facilities, and conflicts with adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance that are applicable to the Special Land Use under consideration.

SECTION 14.01 APPLICATION AND REVIEW PROCEDURES

- A. An application for approval to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission.
 2. A valid application for a Special Land Use approval shall consist of the following:
 - a. Nine (9) copies of a (Final) Site Plan meeting the requirements of Chapter 13 of this Ordinance.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d. A legal description, including permanent parcel number, of the entire property that is the subject of the Special Land Use.
 - e. A statement with regard to compliance with the criteria required for approval in Section 14.02, and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
 - f. Other materials as required by the Planning Commission.

B. Public Hearing

1. Upon receipt of a valid application for a Special Land Use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the Special Land Use application.
2. Notice of the public hearing for the Special Land Use shall be given in accordance with the requirements of the Zoning Act, as detailed under Section 19.10 of this Ordinance.
3. The Planning Commission shall review the application for a Special Land Use and make a determination on the application in accordance with:
 - a. The site plan and other materials submitted in relation to the Special Land Use application.
 - b. The standards for approval stated in Section 14.02.
 - c. Other standards contained in this Ordinance that relate to the Special Land Use under consideration.
4. In the event final approval of a special land use is subject to Township Board approval, the Planning Commission shall recommend the Special Land Use application to the Township Board with its approval, approval with conditions, or a denial. If the authority for approval rests with the Planning Commission, said Commission shall approve, approve with conditions, or deny the request.
5. If denied, the decision making body, whether Planning Commission or Township Board, shall state the reasons for such denial in its minutes and provide the applicant with a copy.

SECTION 14.02 BASIS OF DETERMINATION

- A. Prior to approval of a Special Land Use application, the decision making body shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

The decision making body shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

2. The Special Land Use shall not change the essential character of the surrounding area.
 3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment that will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes or glare.
 4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
 5. The special land use shall be harmonious and consistent with the intent of the Township Zoning Ordinance and Master Plan.
 6. The special land use will not establish a precedent for developments or uses that could adversely affect the long-term goals of the Township zoning Ordinance or Master Plan.
 7. The special land use shall be designed to preserve environmental features, such as lakes, rivers, streams, flood plains, agricultural areas and natural areas.
- B. The decision making body may impose conditions with the approval of a Special Land Use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.

SECTION 14.03 APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 14.04, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six (6) consecutive months in which case the approval shall be deemed expired as of the end of such period of six (6) consecutive months and thereupon shall no longer be valid.
- B. If, by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

- D. Re-application for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

SECTION 14.04 REVOCATION OF SPECIAL LAND USE APPROVAL

- A. If the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval or any other applicable provisions of this Ordinance, the Planning Commission shall so notify the applicant of the applicable infractions. If these infractions are not corrected within the stated time, the Planning Commission may revoke the Special Land Use and site plan approvals and all rights associated with said use shall cease.
- B. Prior to revoking a Special Land Use approval or related site plan, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 19.10.
- C. Following the public hearing, the Planning Commission shall revoked the Special Land Use and site plan, shall permit the Special Land Use and site plan to remain in effect with all of the original conditions and requirements subject to compliance with the requirements of this Ordinance, or that it be modified with additional conditions imposed. If the Planning Commission finds that the Special Land Use and site plan shall be modified, the Planning Commission shall include in its motion the conditions, requirements, or other matters as to which modification is required.
- D. In the event approval of the Special Land Use and site plan rests with the Township Board, the above actions of the Planning Commission shall be completed in the form of a recommendation to said Board. After receipt of the Planning Commission recommendation, the Township Board shall thereafter determine whether the Special Land Use and site plan shall be modified, revoked or remain in effect without change. The actions of the Board shall be duly recorded in the minutes of said Board.
- E. Notwithstanding the provisions of this Section, the Township may enforce the correction of any violation of this Ordinance as provided for by said Ordinance.

SECTION 14.05 EXISTING SPECIAL LAND USES

Uses of land and/or development projects granted Special Land Use status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions under which the Special Land Use was approved are met.

SECTION 14.06 SPECIFIC SPECIAL LAND USE STANDARDS

The following uses, when listed as a Special Land Use shall be subject to the requirements of the District in which it is located, in addition to Section 14.02 and all the applicable conditions, standards, and regulations as are cited in this Ordinance. In no instance shall the standards for special land uses be less than those of permitted uses except through the Variance process.

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Roadside stands with more than two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Multiple family dwellings.
- G. State licensed residential group care facilities.
- H. Group and commercial day care homes and facilities.
- I. Funeral homes and mortuary establishments.
- J. Hotels and motels.
- K. Theaters or similar places of public assembly, as determined by the Zoning Administrator.
- L. Restaurants with drive-through facilities.
- M. Vehicle service stations, excluding body shops.
- N. Vehicle wash establishments, either self-serve or automatic.
- O. Open air businesses.
- P. Veterinary hospitals, animal clinics, and commercial kennels.
- Q. Bowling alleys.
- R. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- S. Body shops.
- T. Lumber and planing mills.
- U. Metal plating, buffing, and polishing.

- V. Commercial storage warehouses.
- W. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- X. Junk yards/salvage yards.
- Y. Adult uses.
- Z. Reserved for future use.

Special Land Uses
Additional Development Standards
[Theses standards are in addition to the general
standards applicable to all special land uses.]

- AA. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
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 District or use.
 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
 4. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.
 5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
 6. Minimum lot size shall be no less than ten (10) acres, provided, however, the Planning Commission may permit a lot size reduction, upon demonstration by the applicant that the proposed use will not result in a negative impact to adjacent properties.
- BB. Roadside stands with more than two hundred (200) square feet of sales area for sale of produce grown on the premises.
1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
 2. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.
 3. No lighting shall be provided for any such use.
 4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

CC. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.

1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.
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.
5. Minimum lot size shall be no less than five (5) acres.

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

The Township shall not approve such use until the following information is provided and the Township finds 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 that 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 areas.
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 blended as nearly as possible with the 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.
18. Minimum lot area shall be no less than five (5) acres.
19. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

EE. Public or Private campgrounds.

1. Minimum lot area shall be no less than five (5) acres.
2. Minimum area per campsite (pad area) shall be no less than one thousand (1,000) square feet with a minimum width of twenty (20) feet.

3. Access drives (driveways) shall be located no less than sixty-six (66) feet apart and no less than sixty six (66) feet from other public or private driveway or access. All such drives and accesses shall also comply with all applicable Lake County Road Commission and state highway requirements.
4. The design and construction of all water and sanitary facilities shall be under the direction and certification of a Michigan Registered Professional Engineer.
5. All sanitary facilities shall be centrally located. Said facilities shall include showers and toilets facilities for the use of campers.
6. All campgrounds shall have a building that is at least partially used for office purposes. The building shall meet all building codes and shall be designed to blend in with the natural character of the campground area. A mobile home, recreational vehicle, shed, pole building, or other such structure shall not be used for store or office purposes.
7. Accessory buildings may be constructed for the indoor storage of equipment and supplies used for the operation and maintenance of the campground. Said buildings shall fall under the accessory building provisions of this Ordinance, provided, however, the Planning Commission may modify these provisions based on proof that the proposed accessory buildings will be designed, located, and constructed to blend in with the natural character of the campground. Accessory buildings shall be used solely for the operation of the campground and related uses.
8. Lighting for parking areas and/or outdoor activity areas shall be shielded to prevent light from spilling on to any residential district or use.
9. In addition to the normal site plan requirements of this Ordinance, all campground site plans shall fully detail the location, use, and dimensions of all campsites, recreational vehicle pad areas, parking areas, setbacks, campsite and pad spacing, internal roads and paths, trash receptacles, bathrooms, shower areas, sanitary sewage facilities, wells, security systems, fire containment measures, fencing, activity areas, office building, camp stores, and other information as determined by the Planning Commission to be necessary for the determination of compliance with the provisions of this Ordinance.
10. Retail commercial uses may be approved within the campground provided that all commercial uses allowed shall occupy no more than five percent (5%) of the campground lot for building and parking areas.

FF. Multiple family dwellings.

1. All dwelling units in the building shall have a minimum of seven-hundred twenty (720) square feet per unit.

2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.
4. Buildings shall not be constructed closer than a distance equal to one and one-half (1.5) times the height of the taller building.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
6. The maximum density shall not exceed four (4) units per acre.
7. Minimum lot area shall be no less than two (2) acres.

GG. State licensed residential group care facilities.

1. Such facilities shall not be located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities. This standard shall not apply to state licensed residential facilities caring for six (6) or less minors or adults.

HH. Group and commercial day care homes and facilities.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing 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 Township Board 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. Minimum lot area shall be no less than one (1) acre.
5. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

II. 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 no less than one (1) acre and minimum lot width shall be no less than one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities.
4. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

JJ. Hotels and motels.

1. Minimum lot area shall be no less than four (4) acres and minimum lot width shall be no less than two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements,

KK. Theaters or similar places of public assembly.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant that describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets that are likely to provide access to the site.
4. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.
5. Minimum lot area shall be no less than ten (10) acres.

LL. 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 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 in accordance with the County Road Commission or the State Department of Highway requirements.
5. Minimum lot area shall be no less than one (1) acre.

MM. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be no less than two-hundred and fifty (250) 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 repair 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 ten (10) feet above the average grade.
7. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.
8. Where adjoining residentially zoned or used 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. The wall or fence, or portion thereof, may be waived by the Township Board provided the applicant satisfactorily demonstrates that proposed landscaping will be of a character sufficient to accomplish the buffering effects of the wall or fence.

NN. Vehicle wash establishments, 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 or use property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District or use property line.
3. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by 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.
4. Only one (1) access driveway shall in accordance with the County Road Commission or the State Department of Highway requirements.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.
6. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
7. Minimum lot area shall be no less than one (1) acre.

OO. Open air businesses.

1. A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Access driveways shall be in accordance with the County Road Commission or the State Department of Highway requirements.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
5. 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.
6. Minimum lot area shall be no less than one (1) acre.

PP. Veterinary hospitals, animal clinics, and commercial kennels.

1. Buildings, dog runs, and/or exercise areas, or any other area where animals are kept shall be set back one-hundred (100) feet from any property line.
2. All sleeping quarters and runs shall be adequately designed and constructed to protect the health and safety of animals throughout the year during periods of inclement weather.
3. Minimum lot area shall be no less than one (1) acre, provided, however, a minimum lot area of ten (10) acres shall be required whenever the operation involves a kennel, outdoor exercise area, or dog run.
4. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

QQ. Bowling alleys.

1. The principal and accessory buildings and structures shall be located no closer than one-hundred (100) feet to any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width one-hundred and fifty (150) feet.
3. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

RR. 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 yard setback requirements of the District in which it is located.
3. Minimum lot area shall be no less than one (1) acre.
4. Access driveways shall be in accordance with the County Road Commission or the State Department of Highway requirements.

SS. Body shops.

1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.
2. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be one-hundred and fifty (150) 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, vehicles components and parts, trash and supplies 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. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.
6. Where adjoining residentially zoned or used 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.

TT. Lumber and planing mills and sawmills.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District.
2. Minimum lot area shall be no less than ten (10) acres with a minimum lot width of no less than three hundred thirty (330) feet.
3. Storage of timber, saw logs, saw dust, wood chips, partial and finished wood products, and other such materials shall not be stored within one hundred (100) feet of the front property line.
4. Adequate emergency vehicle access shall be maintained to all portions of the operation.
5. Landscaping and/or fencing shall be provided as required by the Planning Commission.
6. Access driveways shall be in accordance with the County Road Commission or the State Department of Highway requirements.

UU. Metal plating, buffing, and polishing.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District.
2. In addition to the site plan, the applicant shall provide design detail on the method for the collection and disposal of liquid and solid waste by-products. The Township may require that engineering plans, sealed by a Professional Engineer registered in the state of Michigan, be provided pursuant to disposal methods that may pose a potential threat to the ground water.

3. The applicant shall secure all necessary permits from Township, county, and state authorities.
4. Minimum lot area shall be no less than five (5) acres.
5. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

VV. Commercial storage warehouses.

1. Minimum lot area shall be no less than two (2) acres.
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 A-2 District.
3. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 - 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 the rental office, for the use of customers.
 - d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
 - e. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

Lane/Aisle	Lane/Aisle Width (ft.)		Lane/Aisles Required	
	One-Way	Two-Way	One-Way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	12 (per each way)	1	2

4. Access driveways shall be located in accordance with the County Road Commission or the state Department of Highway requirements.

WW. The 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 two-hundred (200) feet of any Residential District.
2. Minimum lot area shall be no less than five (5) acres.
3. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

XX. Junk yards/salvage yards.

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 be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
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) nontransparent 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 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 the applicable building setback requirements.
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 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 that 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. Minimum lot area shall be no less than ten (10) acres.
14. Fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
15. The crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Township may impose other conditions, such as greenbelts, landscaping, and other items, that have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.
17. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

YY. Adult uses.

1. The lot or parcel on which the use is located shall not be closer than one-thousand (1,000) feet from any Residential District or use, school, church, or park, as measured from the nearest part of the each lot line.
2. The use is not located within a one thousand (1,000) foot radius of any other such use, as measured from the nearest part of the each lot line.
3. Minimum lot area shall be no less than one (1) acre with a minimum lot width of no less than two hundred fifty (250) feet.
4. Access driveways shall be located in accordance with the County Road Commission or the State Department of Highway requirements.

SECTION 14.07 THROUGH 14.99 - RESERVED FOR FUTURE USE

CHAPTER 15 PARKING AND SIGNS

SECTION 15.00 PARKING -GENERAL REQUIREMENTS

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

SECTION 15.01 PARKING LOT DESIGN STANDARDS

A. 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	Parking Space Width	Parking Space Length
Parallel Parking	18 Ft.	12 Ft.	10 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	10 Ft.	21 Ft.
76-90 degree angle	26 Ft.	15 Ft.	10 Ft.	21 Ft.

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

SECTION 15.02 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

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

**Schedule of Off Street Parking Requirements
Pleasant Plains Township**

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each two (2) units
Institutional	
Group day care homes and group foster care homes	One (1) space for each four (4) clients, plus one (1) space for each employee
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each four (4) seats or each eight (8) feet of pew length or one (1) space for and each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (12) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Vehicle wash establishments (self-service or automatic)	One (1) space for each five (5) stalls
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each one and one-half (12) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each of the maximum number of employees on the premises at any one time
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Open air businesses	One (1) space for each two hundred (200) square feet of indoor usable floor area plus one (1) space for each one thousand (1000) square feet of outdoor display area
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet of usable floor area plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet of usable floor area
Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Industrial	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (2000) square feet of gross floor area plus those spaces required for offices located on the premises

SECTION 15.03 OFF STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the Commercial District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for nonresidential uses in Residential Districts 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.
- D. Industrial District.
 - 1. In the Industrial 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.
 - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

SECTION 15.04 SIGNS - INTENT

This Chapter is intended to regulate the type, number, physical dimensions, erection, placement and maintenance of signs in the Township. Its purpose and intent are to:

- A. Protect, promote, and further the public peace, health, and safety of residents, property owners, and visitors;

- B. Prevent, eliminate, or minimize traffic hazards and pedestrian accidents caused by signage that obstructs vision or views, distracts or confuses motorists, or is improperly secured or constructed;
- C. Protect the public's ability to identify establishments and premises;
- D. Protect the natural beauty and distinctive character of the Township;
- E. Protect commercial, business, office and industrial districts and areas from visual chaos and clutter;
- F. Provide an environment that fosters the reasonable growth and development of business and commerce;
- G. Protect and enhance property values; and
- H. Balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

SECTION 15.05 SIGNS - DEFINITIONS

- A. Awning: A retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Awning sign: A sign affixed flat against the surface of an awning.
- C. Balloon sign: A sign composed of a nonporous bag of material and inflated.
- D. Banner sign: A fabric, plastic, or other sign made of nonrigid material without an enclosing structural framework.
- E. Billboard: A sign that advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Construction Sign: A sign that identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- G. Directional Sign: A sign that 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.
- H. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- I. Government Sign: A temporary or permanent sign erected by Pleasant Plains Township, Lake County, or the state or federal government.
- J. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.

- K. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- L. Marquee Sign: A sign affixed flat against the surface of a marquee.
- M. Mural: A design or representation painted or drawn on a wall that does not advertise an establishment, product, service, or activity.
- N. Placard: A sign not exceeding two (2) square feet that provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
- O. Political Sign: A temporary sign used in connection with an official Pleasant Plains Township, school district, county, state, or federal election or referendum.
- P. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- Q. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- R. Reader Board: A portion of a sign on which copy is changed manually.
- S. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- T. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- U. Roof Sign: A sign erected above the roof line of a building.
- V. 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.
- W. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
- X. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Y. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

SECTION 15.06 GENERAL SIGN PROVISIONS

- A. No person shall erect, alter, move, expand, place, or permit to be placed, or replace any sign without first obtaining a Sign Permit, provided that the following signs shall not require a Sign Permit:
 - 1. Directional signs of six (6) square feet in size or less.
 - 2. Government signs.
 - 3. Placards.
 - 4. Temporary sale signs of four (4) square feet in size or less.
 - 5. Window signs.
 - 6. Political signs.
- B. Signs shall be kept in good condition and repair at all times and shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition that impairs legibility or intelligibility.
- C. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- D. Signs may be internally illuminated. If externally illuminated, except for home occupation signs that shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. 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 Chapter.
- F. 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.
- G. 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.
- H. 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.
- I. No sign shall employ any flashing, moving, oscillating, strobe, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.

- J. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- K. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display are prohibited.
- L. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- M. No sign attached to a building shall be erected above the roof line of that building.
- N. All signs shall pertain only to the business or activity conducted on the premises, with the exception of lawful billboards, political signs, and special event signs.
- O. Any sign not expressly allowed by this Chapter is prohibited.
- P. Digital, LED, and tri-vision billboards and signs are prohibited. Notwithstanding such prohibition, variable time-temperature signs are allowed so long as the sign area displaying such variable time-temperature information does not exceed six (6) square feet per sign and that all other requirements of this Section and Ordinance are met.

SECTION 15.07 EXEMPTED SIGNS

- A. The following signs shall be exempt from the provisions of this Ordinance, except as provided for by the provisions of Section 15.06 and Section 15.11.
 - 1. Government signs.
 - 2. Historical markers.
 - 3. Window signs.
 - 4. Memorial signs or tablets.
 - 5. Murals.
 - 6. Signs not visible from any street or adjoining property.
 - 7. Signs for essential services.
 - 8. Placards of less than two (2) square feet.
 - 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, Pleasant Plains Township, community organization, or educational institution.

**SECTION 15.08 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS
ACCESSORY TO NONCONFORMING USES**

- A. Every permanent sign that does not conform to the height, size, area, or location requirements of this Chapter but was fully lawful as of the date of the adoption of this Ordinance, is hereby deemed to be lawfully nonconforming.
- B. Lawfully nonconforming signs may not be altered, expanded, moved, enlarged, or extended; however, lawfully nonconforming signs may be maintained and repaired so as to continue the useful life of the sign. Any lawfully nonconforming sign that is altered, expanded, moved, enlarged, or extended automatically loses its lawful nonconforming status and must be removed immediately.
- C. For the purposes of this Chapter, a lawfully nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of lawfully nonconforming use.
- D. Any lawfully nonconforming sign damaged or destroyed by accident, fire, wind, or other casualty loss shall not be restored or rebuilt if reconstruction or rebuilding will constitute more than fifty (50) percent of the cost of replacing the sign on the date of loss.
- E. Any sign that for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory to a lawful nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.

SECTION 15.09 SIGNS - UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure that 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.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
- C. 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.

- D. 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.

**SECTION 15.10 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS
[EXCEPT AS OTHERWISE NOTED]**

- A. The following sign regulations are applicable to all Districts, except as noted:
1. Billboards are permitted only in the I-Light Industrial District. Billboards are subject to the following standards and requirements:
 - a. Billboards shall not exceed three hundred (300) square feet in area.
 - b. Billboards shall be set apart a minimum distance of two thousand (2,000) feet. [Note: the spacing requirement includes all sides of roads, as opposed to per road side and regardless of Township boundaries.]
 - c. Digital, LED, Tri-vision, and V-type billboards and billboard faces are prohibited.
 - d. The height of a billboard shall not exceed thirty (30) feet.
 - e. No billboard shall be located within 300 feet of an existing dwelling.
 - f. Billboards shall be located only on an otherwise vacant lawful lot. No billboard shall be located on a lot with a dwelling, building, or other principal use or structure.
 - g. All billboards must be constructed with a monopole-type support structure.
 - h. All billboards shall meet all setbacks applicable to a building in the zoning district involved.
 - i. No billboard shall be approved, installed, or erected at any time where there are five (5) or more existing billboards located within Pleasant Plains Township.
 2. All ground, wall and freestanding signs may include reader boards.
 3. Any sign, including awnings to which signs are affixed or displayed not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
 4. Political signs shall be removed within ten (10) days after the official election or referendum to which such sign pertains.

5. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
6. Construction signs are permitted within any 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 will not be erected until a Building Permit has been issued for the project that is the subject of the proposed sign and construction activity has begun.
 - c. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure that is the subject of the construction sign.
7. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
 - a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off 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 that 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 that is being advertised.
8. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise 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.

9. Garage, estate sale, and roadside stand signs are permitted subject to the following restrictions:
 - a. One (1) sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any side or rear property line.
 - b. Such sign shall not exceed six (6) square feet in area.
 - c. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.

10. Portable, temporary, balloon, and other such signs are permitted for a period not to exceed fourteen (14) days per year per property, provided, however, the Zoning Administrator may permit an additional length of time for the placement of portable signs in the Commercial District not to exceed a total of sixty (60) days per year per property. A permit shall be secured from the Zoning Administrator prior to erection of the sign. Portable, temporary, balloon, and other such signs shall meet applicable building codes. No such sign shall be placed or erected in such a manner that it constitutes a safety hazard.

SECTION 15.11 DISTRICT SIGN REGULATIONS

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

N-R, R-F, A-1, A-2, A-3 AND A-4 DISTRICTS - PERMITTED SIGNS	
Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other nonresidential 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
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, unilluminated
Wall signs for nonresidential uses	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed. A larger wall sign may be permitted by Special Use Permit.

N-R, R-F, A-1, A-2, A-3 AND A-4 DISTRICTS - PERMITTED SIGNS	
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate per parcel
Size	No greater than eight (8) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet
Real estate signs	
Number	Two (2) per lot or parcel
Size	No greater than six (6) square feet for unoccupied properties or lots; sixteen (16) square feet for vacant lots or parcels over one (1) acre in size.
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet

C - COMMERCIAL DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel
Size	No greater than fifty (50) square feet for each sign allowed
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 above natural grade
Wall signs	
Number	One (1) per street frontage
Size	No greater than ten percent (10%) of the wall area to which the sign is affixed. A larger sign may be permitted by Special Use Permit.
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate per 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

C - COMMERCIAL DISTRICT - PERMITTED SIGNS	
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

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 above natural grade
Wall signs	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed. A larger sign may be permitted by Special Use Permit.
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate per 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
Real estate signs	
Number	Three (3) per lot or parcel
Size	No greater than sixteen (16) square feet of total area of signages
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

SECTION 15.12 THROUGH 15.99 - RESERVED FOR FUTURE USE

CHAPTER 16 PLANNED UNIT DEVELOPMENT

SECTION 16.00 DESCRIPTION AND PURPOSE

- A. The purpose of a Planned Unit Development (PUD) is to permit greater flexibility in development than is generally possible under standard District regulations. It is further intended to promote the preservation of significant natural features, the efficient use of land, a harmonious variety of housing choices, and the integration of open space, and necessary commercial and community facilities.
- B. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance or to circumvent rezoning or other pertinent procedures. These provisions are intended to result in land development substantially consistent with the underlying zoning, except as otherwise noted.

SECTION 16.01 QUALIFYING CONDITIONS

- A. 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 affected properties.
- B. The property that is the subject of a PUD application must be a minimum of three (3) contiguous acres in total area and may be located within any District.
- C. To be considered as a PUD the proposed development must fulfill at least one of the following conditions:
 - 1. The PUD contains two or more separate and distinct uses, for example, single family and multiple family dwellings.
 - 2. The PUD site exhibits significant natural features that will be preserved as a result of the PUD plan.
 - 3. The PUD is designed to preserve in perpetuity at least fifty percent (50%) of the total area of the site in active agriculture or open space.

SECTION 16.02 REVIEW PROCEDURES

PUD approval requires a four (4) step process:

- Step 1. Review and approval of a preliminary plan by the Planning Commission with recommendation to the Township Board.
- Step 2. Review and approval of a preliminary plan by the Township Board based on recommendation of the Planning Commission.

- Step 3. Final plan approval by the Planning Commission with recommendation to the Township Board.
- Step 4. Final plan approval by the Township Board based on recommendation of the Planning Commission.

The process is described as follows:

A. Preliminary Plan Approval

1. To be considered as a PUD the applicant shall be required to first receive approval of a preliminary plan in accordance with the requirements of this Chapter.
2. Applications for preliminary plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (45) days prior to the date of first consideration by the Planning Commission.
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 such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 16.04 [Standards for PUD Approval].
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the approximate density and type of proposed housing units within each phase and for the total PUD.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Nine (9) copies of a preliminary site plan meeting the site plan requirements of Chapter 13.
4. The Planning Commission shall conduct a public hearing prior to considering the proposed preliminary plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act.
5. The Planning Commission shall recommend to the Township Board to deny, approve, or approve with conditions, the preliminary plan. The Township Board shall review the preliminary plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the preliminary plan.

6. Changes in the preliminary plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

B. Final Site Plan Approval

1. After receiving approval of a preliminary plan from the Township Board 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 or more phases.
3. Applications for final site plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. 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 such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 16.04.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Nine (9) copies of a final site plan for the phase for which approval is requested, meeting the requirements of Chapter 13. Failure to submit a final site plan for approval within the one (1) year period shall void the previous preliminary plan approval and a new application plus any required fees shall be required to be submitted and approved in accordance with these provisions.
5. The Planning Commission shall conduct a public hearing prior to considering the final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act.
6. The Planning Commission shall recommend to the Township Board to deny, approve, or approve with conditions, the final site plan. The Township Board

shall review the final plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the final site plan.

7. Changes in the final site plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

SECTION 16.03 PERMITTED USES

- A. Uses within a PUD shall be limited to the Permitted or Special Uses provided for within the District underlying the proposed PUD location. Provided, however, in the A-2 District the following combination of residential types shall also be permitted.
 1. Single-family detached dwellings.
 2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
 3. Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.

SECTION 16.04 DEVELOPMENT REQUIREMENTS

- A. Residential Uses
 1. The maximum number of dwelling units permitted may exceed underlying zone district standards by an amount no greater than twenty-five (25%) percent. If the PUD lies in more than one zone district the number of dwelling units shall be calculated on a proportionate basis.
 2. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
 3. The minimum lot area requirements for any lot designated for residential use may be reduced by ten (10%) of the underlying zone district standard. Lot width and building setbacks shall comply with the requirements of the underlying zone district.
 4. Except as specified within this Chapter, residential uses shall comply with the dimensional standards of the underlying zone district.
- B. Non-Residential Uses in a Residential PUD.
 1. All nonresidential uses allowed in a residential PUD shall occupy no more than ten percent (10%) of the PUD project's developable area.

2. All uses shall be integrated into the design of the project with similar architectural and site development elements, including signs, landscaping, and related features.
3. Within residential PUDs, nonresidential uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
5. Buildings designed for nonresidential uses in a residential PUD 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 nonresidential 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 nonresidential use.
6. Except as provided for within this Chapter, all nonresidential uses shall comply with the dimensional standards of the underlying zone district.

C. Open Space in Residential PUD.

1. Not less than ten (10%) of the PUD shall be designated as common open space for the benefit of all PUD property owners. This open space shall be in addition to the space designated to yards and other open space areas customarily associated with individual housing units or other uses. Common open space shall meet the following considerations and requirements:
 - a. Open space may be established to separate use areas within the PUD.
 - b. 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, such that all properties within the entire PUD may utilize the available open space.
 - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
 - e. All land set aside as open space shall be deed restricted 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.

- f. All common open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed that shall take responsibility for the maintenance of the open space and payment of property taxes.

The Planning Commission or Township Board may require an increase in common open space if it is determined that said increase is necessary for the enjoyment or safety of PUD property owners or for the welfare of Township residents as a whole, for the preservation of unique features or wildlife habitat, to ensure compatibility with adjoining properties, or to promote the intent of the PUD regulations.

D. Review Standards

The following review standards will be used by the Planning Commission and Township Board in their consideration of a PUD. Before such developments may be approved the Township Board shall find:

1. That a site plan meeting the provisions of Chapter 12 has been provided and all fees paid.
2. That the PUD does not substantially alter the character of the general neighborhood in which the development is proposed.
3. That the locations of the buildings do not unduly impact single family or other uses legally existing in the vicinity of the proposed development.
4. That the PUD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
5. That the PUD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use. To this end the Planning Commission and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval of the Lake County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence that will be submitted by the applicant and reviewed by the Township prior to approval of the PUD.
6. That the PUD has been designed to provide for the safe and efficient circulation of pedestrians and vehicular traffic, including emergency vehicles, school busses, and pertinent commercial traffic.

7. That the PUD has been designed to properly accommodate surface water drainage, snow storage, and other infrastructure needs.
 8. That the PUD will not unduly burden the capabilities of the Township pursuant to the provision of emergency services.
- E. All electric and telephone transmission wires shall be placed underground.
- F. Parking is required in accordance with Chapter 15.
- G. Signs are permitted in accordance with the requirements of Chapter 15.

SECTION 16.05 THROUGH 16.99 - RESERVED FOR FUTURE USE

CHAPTER 17
ZONING BOARD OF APPEALS

SECTION 17.00 MEMBERSHIP AND PROCEDURES

- A. The Zoning Board of Appeals for Pleasant Plains Township (ZBA) shall consist of three (3), five (5), or seven (7) members (with the specific number of members set by the Township Board) appointed by the Township Board, who shall serve terms of three (3) years, except for the liaison members who are also on the Planning Commission or Township Board, who shall serve only as long as they are members of those bodies. Membership shall be representative of the population distribution and of the various interests present in the Township.
- B. One (1) member of the Planning Commission shall be a member of the ZBA, while a member of the Township Board may be a member of the ZBA, and the remaining members selected and appointed by the Township Board from the electors of the Township. A Township Board member may not be chairperson of the ZBA.
- C. Meetings shall be held at the call of the Chairperson, and at other times as the ZBA in its rules of procedure may specify. The Chairperson, or in his/her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- D. All meetings of the ZBA shall be open to the public. The ZBA shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk, and shall be a public record.
- E. Alternates
 1. The Township Board may appoint up to two (2) alternate members for the same term as regular members of the ZBA.
 2. An alternate member may be called to sit as a regular member of the ZBA to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest or is absent.
 3. The alternate members of the ZBA may be called to sit as regular members of the ZBA, if a regular member is absent from one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for reasons of conflict of interest.
 4. The alternate member having been called to serve on a case shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA.
 5. The records maintained by the ZBA shall reflect the attendance and participation of an alternate member.

SECTION 17.01 VACANCIES AND REMOVAL

- A. Vacancies: If a vacancy occurs in the membership of the ZBA, the Township Board shall appoint another person to the ZBA for the balance of the unexpired term. Upon expiration of the term of a member of the ZBA, a successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
- B. Removal: A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a known conflict of interest constitutes malfeasance in office. Whenever a member of the ZBA has a conflict of interest with respect to a matter presented to the ZBA, the member shall state on the record the nature of the conflict of interest, and the member shall not participate in the ZBA's discussion, consideration, deliberation, or decision of the matter.

SECTION 17.02 RULES OF PROCEDURE

The ZBA may adopt rules and regulations for the conduct of its meetings. The ZBA shall elect from its membership a Chairperson, Vice-Chairperson, Secretary, and other officers as deemed necessary. The ZBA shall not conduct business unless a majority of all of its members are present. The presence of a majority of its members shall constitute a quorum.

The regular place and time of meetings of the ZBA may be established by the ZBA in its rules and regulations. Except as otherwise specified in the rules and regulations of the ZBA, the procedure in meetings of the ZBA shall be governed by Robert's Rules of Order.

Minutes of proceedings shall be kept for all ZBA meetings. These minutes shall list the members absent and present and shall show the action taken by the ZBA, as well as the vote of each member upon each matter presented to the ZBA.

SECTION 17.03 CONFLICT OF INTEREST

A member of the ZBA shall not participate or vote with respect to a matter in which the member has a conflict of interest. Failure of a member to refrain from participating or voting in a matter in which the member has a known conflict of interest shall constitute misconduct in office. A conflict of interest exists whenever a member of the ZBA owns land within the Township which is significantly affected by a matter presented to the ZBA, or a member has a direct financial interest in the matter presented to the ZBA. A conflict of interest may exist in other circumstances as well.

The members of the ZBA should strive to avoid even the appearance of impropriety. Whenever a member of the ZBA has a conflict of interest or appears to have a conflict of interest with respect to a matter presented to the ZBA, the member shall state on the record the nature of the conflict of interest, or the circumstances which exist which could be perceived to be a conflict of interest. If the member has a conflict of interest, the member shall not participate in the ZBA's

consideration of the matter. If circumstances exist which could be perceived to be a conflict of interest, the member, after disclosure of these circumstances, may continue to participate in the ZBA's consideration of the matter if the member can be fair, objective and impartial, subject to the vote of the other members of the ZBA.

Nondisclosure of a known conflict of interest shall constitute misconduct in office, and nondisclosure of circumstances which exist which could be perceived to be a conflict of interest may also constitute misconduct in office.

If a member of the ZBA fails to disclose any circumstances which could be perceived to be a conflict of interest and the ZBA later becomes aware of such circumstances, or if a member of the ZBA participates in the consideration of a matter in which the member has a known conflict of interest, the ZBA may, upon the vote of a majority of the regular members of the ZBA (other than the member who has failed to make the disclosure or who participated in the consideration of a matter in which the member had a conflict of interest), the ZBA may make a recommendation to the Township Board that the member be removed from the ZBA for misconduct in office. If the ZBA makes such a recommendation to the Township Board, the Township Board shall hold a public hearing to consider the recommendation.

SECTION 17.04 INTERPRETATIONS

The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, appeals involving interpretations of this Ordinance made by the Zoning Administrator, and may make decisions on any other questions on which the ZBA is authorized to pass. In exercising all of its powers, the ZBA shall apply the standards of this section.

- A. Text Interpretations: The ZBA may hear and decide upon appeals for the interpretation of the provisions of this Ordinance after the Zoning Administrator has rendered an interpretation. In deciding text interpretations, the ZBA shall be governed by the following such rules.
 - 1. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
 - 2. Interpretations shall give weight to practical interpretations by the Zoning Administrator if applied consistently over a long period of time.
 - 3. Records shall be kept of all interpretations.
 - 4. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one interpretation, the benefit of the doubt shall go to the property owner.
 - 5. Nothing contained in this section shall be construed to give or grant to the ZBA the power or authority to alter or change the language of this Ordinance.

- B. Map Interpretations: When there is any question as to the location of any boundary line between Districts, upon an appeal involving an interpretation of the zoning map from a decision of the Zoning Administrator, the ZBA shall establish the boundary based upon the map and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Ordinance and the Master Plan.
- C. Any appeal shall be filed in writing with the Township within fourteen (14) days of the date when the Zoning Administrator makes his/her interpretation.

SECTION 17.05 APPEALS

- A. Upon application, the ZBA shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other official or body charged with the administration of this Ordinance. Any person aggrieved may make an appeal to the ZBA. The grounds of every appeal shall be stated in writing as part of the application.
- B. An application for appeal shall be filed with the Township within fourteen (14) days after the date of the decision that is the basis of the appeal. The appealing party shall file the notice of appeal with the Township on the form required by the Township and pay the required fee or fees with the Zoning Administrator. The notice shall specify the nature and grounds of the appeal and the application fee or fees shall be submitted to the Township in an amount or amounts as established by the Township Board from time to time.
- C. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action being appealed was taken.
- D. An appeal stays all proceedings from furthering the action being appealed unless the Zoning Administrator certifies to the ZBA that a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court.
- E. The ZBA shall fix a reasonable time for the hearing of the appeal, and give due notice to the applicant and all property owners and occupants within three hundred (300) feet of the subject property via a letter sent first class mail not less than fifteen (15) days before the public hearing the time and place of the hearing. Any party may appear in person or by agent. A public hearing notice shall also be published in a newspaper of general circulation not less than fifteen (15) days before the public hearing. See also, Section 19.10, which shall be applicable.
- F. Following the public hearing, the ZBA shall decide the matter within a reasonable time. The ZBA may reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination, and to that end, shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

SECTION 17.06 VARIANCES

A. Non-Use (Dimensional) Variances: The ZBA may authorize upon written application in specific cases variances from the terms of this Ordinance where, owing to special conditions related to the applicant's property, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty to the applicant. A variance from the terms of this Ordinance shall not be granted by the ZBA unless and until a written application for a variance is submitted and the ZBA finds that all of the following standards 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. Exceptional or extraordinary circumstances or conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter;
 - b. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - c. By reason of the use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
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.
3. That the 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 affirmative action of the applicant or the applicant's predecessors in title.
7. That the reasons set forth in the application justifies the granting of the variance and that the variance is the minimum variance necessary.

B. Use Variances: Subject to other provisions of this Ordinance, the ZBA shall have the jurisdiction to decide applications for use variances. The ZBA shall not grant a use variance unless it finds that an unnecessary hardship will occur unless the variance is granted. Additionally, the ZBA shall not grant a use variance unless it also finds that all of the following standards below are met:

1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.
2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.
3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.
4. The variance will not impair the intent or purpose of this Ordinance.
5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.
6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.
7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.
8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE-a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)
9. As specified above, the ZBA must also find that unnecessary hardship will occur if a use variance is not granted.

No use variance shall be granted unless at least two-thirds (2/3) of all members of the ZBA vote in favor of such use variance. Furthermore, before the members of the ZBA may vote on a given use variance request, the matter shall be referred to the Planning Commission. The Planning Commission shall be asked for its recommendation regarding the proposed use variance request. The ZBA may take final action regarding such a use variance request once the Planning Commission has

forwarded its recommendation on the particular use variance request to the ZBA or 45 days has elapsed since the referral to the Planning Commission, whichever occurs first.

SECTION 17.07 APPLICATIONS AND HEARINGS

- A. Applications for variances shall be submitted to the Zoning Administrator who will review the application for completeness and validity, then transmit it to the Zoning Board of Appeals is complete. Applications not meeting the requirements shall be returned to the applicant for completion.
- B. A valid application for a variance to the ZBA shall consist of all of the following:
 - 1. Ten (10) copies of a site plan drawn to scale, which is sufficient to describe the nature of the request.
 - 2. A completed application form as provided by the Township.
 - 3. Payment of the application fee or fees, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - 4. An escrow deposit where applicable.
 - 5. A legal description and/or parcel number of the entire property that is the subject of the request.
 - 6. A statement with regard to compliance with the standards of Section 17.06, as applicable.
 - 7. Other materials as may be required by the ZBA or the Township.
- C. A public hearing shall be held and noticed pursuant to Section 19.10.

SECTION 17.08 DECISIONS OF THE ZBA

- A. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter. The ZBA shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon. However, no use variance shall be granted unless at least two-thirds (2/3) of all of the members of the ZBA vote in favor thereof.
- B. The ZBA may require a performance guarantee or guarantees and/or impose reasonable conditions in conjunction with the approval of an appeal, variance, or any other decision that it is required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.

- C. All decisions of the ZBA shall become final at the entry of an order, or at the adoption of the minutes, unless the ZBA shall find, and so certify on the record, that it is necessary to cause the order to have immediate effect, in order to preserve property or personal rights.
- D. For each decision of the ZBA, a record shall be prepared including at a minimum, the following items:
 - 1. Description of the applicant's request.
 - 2. The ZBA's motion and vote.
 - 3. A summary or transcription of all competent material and evidence presented at hearing.
 - 4. Any conditions attached to an affirmative decision.
- E. The decision of the ZBA shall be final. However, a party aggrieved by the decision of the ZBA may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the ZBA, or may remand the decision to the ZBA for further hearings or action.
- F. Period of Validity. No variance granted by the ZBA shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of the variance from the ZBA. The ZBA may grant an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

SECTION 17.09 PERFORMANCE GUARANTEE

The Zoning Board of Appeals may require a performance guarantee or guarantees to ensure compliance with any conditions associated with the granting of a variance.

SECTION 17.10 RE-SUBMISSION

No variance request (or similar request) that has been decided by the ZBA shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the ZBA finds that at least one of the following conditions exists:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

SECTION 17.11 LACK OF JURISDICTION

The ZBA is without jurisdiction to hear any appeals or matters involving any of the following:

- A. A planned unit development (PUD).
- B. A special land use.
- C. Site plan decisions.

Notwithstanding the fact that the ZBA generally has no jurisdiction with regard to the above-mentioned matters, the ZBA shall have jurisdiction to entertain variance requests related to subsections A, B, and/or C above, if the Township body which makes the final decision regarding the matter (for example, the Township Board with regard to a PUD or the Planning Commission with regard to a special land use) expressly grants written permission to the landowner or applicant involved to apply to the ZBA for a variance of one or more of the underlying requirements of the Zoning Ordinance. For example, but not by way of limitation, the Planning Commission could approve a particular special land use request contingent upon the ZBA granting a variance for an otherwise applicable requirement within the Ordinance which would normally prohibit the applicant or landowner from taking advantage of a special land use approval absent a variance.

SECTION 17.12 TERMINATION OF A VARIANCE

In the event that the ZBA grants a variance, the individual or successor in interest as to the property involved shall not use the property in question such that it would exceed the rights given by the Zoning Ordinance or the variance or fail to follow any conditions placed thereon by the ZBA. In the event that the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or the property owner fails to follow the conditions placed upon the variance, the variance shall immediately terminate. Alternately, in such case, the ZBA shall also have the authority to terminate a variance after reasonable notice and hearing pursuant to Section 19.10.

SECTION 17.13 NO ADVISORY OPINIONS

The ZBA shall not give advisory, informal, or hypothetical opinions or decisions.

SECTION 17.14 THROUGH 17.99 - RESERVED FOR FUTURE USE

CHAPTER 18
NONCONFORMING USES, LOTS, BUILDINGS, AND STRUCTURES

SECTION 18.00 CONTINUANCE, EXPANSION AND REPAIR

- A. Nonconforming Uses - Except where specifically provided to the contrary, and subject to the provisions of this Chapter, the lawful use of any building or structure or of any land or premises that is existing and lawful on the effective date of this Ordinance, or in the case of an applicable amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any applicable amendment thereto. However, no expansion, extension, or change to such structure, building, or use shall occur.
- B. Buildings or Structures - Except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure that is existing and lawful on the effective date of this Ordinance, or, in the case of an applicable amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or any applicable amendment thereto. However, no expansion, extension, or change to such structure, building, or use shall occur.
- C. Expansion - Structures, buildings or uses that are nonconforming by reason of height, building area (size), parking, and/or loading space provisions only may be extended, enlarged, altered, remodeled or modernized when all of the following conditions and requirements are met:
1. The building or structure shall comply with all height, area, parking, and loading provisions of the underlying district with respect to such extension, enlargement, alteration, remodeling, or modernization.
 2. The Zoning Administrator shall find that the proposed alteration, remodeling, or modernization will make the building or structure more conforming to underlying zoning district standards.
 3. Any use of a building or structure that is nonconforming by reason of parking and loading provisions and is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use that requires greater areas for parking and/or loading space.
- D. Except where subsection C above applies, no nonconforming use of any land, building, or structure shall hereafter be enlarged, expanded, or extended except after the approval of the Zoning Board of Appeals and which approval shall be granted only upon a finding by the Zoning Board of Appeals of all of the following:

1. That the enlargement, expansion, or extension will not substantially extend the probable duration of such nonconforming use.
2. That the enlargement, expansion, or extension will not create requests for variances in the area.
3. That the enlargement, expansion, or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned, nor with their use in compliance with all of the provisions of this Ordinance.

E. Restoration and Repair

1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure that is unsafe.
2. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
3. In the event any nonresidential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed fifty percent (50%) of the cost of replacing the nonconforming building or structure prior to its damage or destruction.
4. In the event any nonresidential nonconforming building or structure is damaged by fire, wind, Act of God, or public enemy such that the cost of restoration or repair would exceed fifty percent (50%) of the cost of replacing the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Zoning Board of Appeals. In considering such authorization, the Board of Appeals shall consider the following standards:
 - a. Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.
 - b. Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable District.
5. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God, or public enemy such that its replacement cost would exceed fifty percent (50%) of the cost of replacing the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.

6. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost is less than fifty percent (50%) of the cost of replacing the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored in its original nonconforming condition.
- F. Loss of Lawful Nonconforming Status - Any lawfully nonconforming use, building, structure, or sign that is enlarged, expanded, extended, moved, or altered (except where expressly allowed by this Chapter) shall automatically lose its nonconforming status and shall be immediately removed or the use cease.

SECTION 18.01 CHANGE OR DISCONTINUANCE

- A. The nonconforming use of a building or structure or of any land or premises shall not be:
1. Changed to any other nonconforming use unless the new use is less nonconforming (i.e., it would be more conforming) than the current use.
 2. Reestablished after it has been changed to a conforming use.
 3. Reestablished after abandoned or discontinued for a continuous period of twelve (12) months or longer. Alternately, a nonconforming 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 nonconforming 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 nonconforming use have been removed.
 - d. Removal of equipment or fixtures that are necessary for the operation of the nonconforming use.
 - e. Other actions that, in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- B. Building or Structure Under Construction on Effective Date of Ordinance - Any building or structure shall be considered existing and lawful for the purpose for which constructed if on the effective date of this Ordinance a Building Permit has been obtained therefore and a substantial start has been made toward construction, and construction is thereafter pursued diligently to conclusion.

SECTION 18.02 NONCONFORMING LOTS

In any zoning district, lawful structures and buildings may be erected on a lot that fails to meet any of the area, frontage, or dimensional requirements of this Ordinance, provided that the lot lawfully existed pursuant to a deed or deed recorded with the Lake County Register of Deeds prior to the effective date of this Ordinance or an affecting amendment. Such lot must be in separate ownership and not contiguous with another lot or lots under the same ownership. Any new structure or dwelling must still meet all applicable setback requirements. See also Section 3.01B.

SECTION 18.03 THROUGH 18.99 – RESERVED FOR FUTURE USE

CHAPTER 19
ADMINISTRATION AND ENFORCEMENT

SECTION 19.00 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Township Board.

SECTION 19.01 DUTIES OF THE ZONING ADMINISTRATOR

- A. This Ordinance shall be enforced by the Zoning Administrator who shall, in no case, issue any permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Zoning Board of Appeals or a court of competent jurisdiction. The Zoning Administrator shall interpret and enforce the Zoning Ordinance. The Building Inspector shall administer applicable building codes and shall issue Building Permits once a land use permit has been issued by the Zoning Administrator.
- B. Violations. The Zoning Administrator shall investigate any alleged violation of this Ordinance coming as may be discovered. If a violation is found to exist, the Zoning Administrator shall contact the owner to attempt to obtain voluntary compliance and/or serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct such violation, the Zoning Administrator shall serve notice upon the owner, notify the Township Board, and prosecute such violator to terminate said violation before a court of proper jurisdiction.
- C. Inspections. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.
- D. Records. The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. He/she shall file and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

SECTION 19.02 ZONING COMPLIANCE PERMITS

- A. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance Permit has been granted by the Zoning Administrator. Application for a Zoning Compliance Permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.

- B. The Zoning Administrator may require plans drawn to scale and shall show all dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a Zoning Compliance or Building Permit.
- C. A Zoning Compliance Permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Compliance Permits shall expire one year from their date of issuance unless extended by the Zoning Administrator.
- D. A copy of all approved permits shall be sent to the Assessor.
- E. A Zoning Compliance Permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance.
- F. The Zoning Compliance Permit and Building Permit shall be displayed so as to be visible at the site where authorized action is being undertaken.

SECTION 19.03 CERTIFICATE OF OCCUPANCY

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A copy shall be sent to the Township Assessor. Where a Building Permit is not involved, the Zoning Administrator shall issue a Zoning Compliance Permit. Said permit may be in the form of a letter or such instrument as determined by the Township Board to fulfill the requirements of this section.

SECTION 19.04 ORDINANCE AMENDMENTS

This Zoning Ordinance may be amended at any time pursuant to the procedures of the Zoning Act, as amended, or its successor legislation.

- A. Initiation
 - 1. An amendment to the Zoning Map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.
 - 2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

B. Procedure for Changes

1. Applications for Zoning Ordinance map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
 - a. A legal description of the property to be affected by a proposed change to the Zoning Map; or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing Ordinance section and language.
 - b. A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within three hundred (300') feet of the property affected by such amendment.
 - c. Payment of a fee or fees, in accordance with a fee schedule, as determined by the Township Board from time to time.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, notice to be given in accordance with the requirements of the Zoning Act. See Section 19.10.
3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary. The notice for such hearing to be the same as required by the Planning Commission public hearing for the same matter.

C. Re-Submission. Whenever a proposed zoning map or text change has not been approved by the Township Board, the Planning Commission shall not reconsider such map or text change for at least one (1) year following the date of the original application unless the Planning Commission 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 that change the nature of the original request.

SECTION 19.05 SCHEDULE OF FEES, ESCROW CHARGES AND EXPENSES

- A. Except as may be provided for otherwise in this Ordinance, the Township Board shall determine and set fees to be collected for all applications for zoning matters, permits, and approvals. These fees shall be collected prior to the issuance of any permit or certificate being issued, and other official actions required by this Ordinance. No application shall be considered complete until all applicable fees have been paid to the Township. Furthermore, Township employees and officials shall not commence work on a given zoning application or matter until any and all fees have been paid to the Township in full.

The fee schedule shall be that adopted by resolution of the Township Board as amended from time to time.

- B. In addition to regularly established fees, the Township Board at its discretion may also require an applicant to submit to the Township, at any time during the zoning review process, 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.
- C. 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 questions, significant Township employee time, 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 pursuant to an escrow fee shall be refunded.
- D. If, for some reason, the applicant does not pay, or the Township does not collect, zoning escrow fees during the zoning review process, the Township can still bill such costs and expenses to the applicant after the zoning review process has been completed and the applicant or landowner shall promptly pay/reimburse the Township for the same.

SECTION 19.06 STOP WORK ORDERS

- A. Notice to Owner. Upon notice from the Zoning Administrator 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 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 19.07 ENFORCEMENT

- A. No property, premise, lot, structure, building, or use shall be used, erected or conducted in such a manner as to cause a nuisance to adjacent property or uses. Any structure, building, lot, or use that violates any provision or this Ordinance shall be deemed to be a nuisance per se.

- B. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- C. A violation of this Ordinance constitutes a municipal civil infraction offense. Any person or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a municipal civil infraction.
- D. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$500 for the first offense and not less than \$100 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as 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 one week following the issuance of a citation for a first offense shall all be considered separate first offenses.
- E. The Township Board, the Zoning Administrator, or their duly authorized representative(s) are hereby charged with the duty of enforcing the Ordinance and are hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the District Court or Circuit Court of Lake County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by this noncompliance or violation may institute suit and/or join the Township in the suit to abate the same.
- F. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 19.08 PERFORMANCE GUARANTEES

- A. As a condition of approval of a site plan review, Special Land Use, PUD, Zoning Agreement, Zoning Compliance Permit, variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee or guarantees of sufficient sum to assure compliance with this Ordinance, to assure compliance with a condition of approval or a permit, and 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.

- B. The features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.
- C. Performance guarantees shall be processed in the following manner:
1. Required Improvement:
 - a. Prior to the issuance of a Zoning Compliance Permit, or other approval or permit, the applicant or their agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
 - b. The amount of the performance guarantee shall be not more than one hundred percent (100%) of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
 - c. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
 - d. The Zoning Administrator shall not sign off on the issuance of a Zoning Compliance Permit until all final plans, development agreements, escrow fees and any required performance guarantees are provided.
 - e. 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. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
 - f. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the 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.
 - g. 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.

- h. The Zoning Administrator shall maintain a record of required performance guarantees.
2. Compliance with Conditions:
- a. As a condition of approval of a site plan, special land use, PUD, Zoning Compliance Permit, variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee or guarantees to ensure compliance with the approval and any conditions attached thereto.
 - b. A required performance guarantee or guarantees shall be payable to the Township and shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee with the amount, form, financial institution, and language acceptable to (and approved by) the Township.
 - c. The Zoning Administrator shall not sign off on the issuance of a Zoning Compliance Permit or other permit or approval until all required fees and performance guarantees are provided to the Township.
 - d. The Zoning Administrator shall maintain a record of required performance guarantees pursuant to this subsection.

SECTION 19.09 CONDITIONAL REZONING/ZONING AGREEMENTS

The Township Board recognizes that there are certain instances where it would be in the best interest of Pleasant Plains Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this section to provide a process by which an applicant seeking a change in zoning districts may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act, as amended.

- A. The following definitions shall apply to this section:
- 1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township that are processed as part of an approval under this section. These conditions shall constitute permanent requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
 - 2. Zoning Agreement - shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the Lake County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the

Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan or other approvals that may be required by this Ordinance.

B. Eligibility: An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning.

C. Zoning Agreement

1. The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:
 - a. The Zoning Agreement and the Rezoning Offer were proposed voluntarily by the applicant, and that the Township relied upon the Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
 - b. The Zoning Agreement and its terms and conditions are authorized by all applicable state and federal laws and constitutions, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
 - c. The property shall not be developed and/or used in any manner that is not consistent with the Zoning Agreement.
 - d. The approval and the Zoning Agreement shall be binding upon the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
 - e. If a rezoning with a Zoning Agreement becomes void in accordance with the Zoning Act, no development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
2. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), structures, activities, or conditions authorized.
3. No part of the Zoning Agreement shall permit any activity, use, structure, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

D. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not allowed in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of Pleasant Plains Township be allowed unless a variance has been previously granted by the ZBA pursuant to the requirements of Chapter 17.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit and/or Site Plan shall be approved as required in this Ordinance prior to establishment of or commencement of development of the use.

E. Procedure for Application, Review and Approval

1. An application for rezoning shall be the same as specified in the Zoning Act. In addition to the required materials listed, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of Township consideration, provided that any amended or additional Rezoning Offers are entered voluntarily by the applicant.
3. The Zoning Agreement shall be reviewed by the Township Attorney prior to the required Planning Commission public hearing. The Township Attorney shall determine that the Zoning Agreement conforms to the requirements of this section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is in a form acceptable for recording with the Lake County Register of Deeds.
4. An escrow fee deposit may be required by the Township to cover any and all costs incurred for addressing the Zoning Agreement request.

F. Approval

1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement (i.e., "A-1-a"). The Township Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district as well as the Zoning Agreement; however, the more restrictive requirements of the

Zoning Agreement shall apply, and the Zoning Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.

3. The approved Zoning Agreement shall be recorded with the Lake County Register of Deeds by the applicant with proof of recording provided to the Township.
4. Prior to development, a site plan shall be approved in accordance with this Ordinance, if otherwise required.

G. Continuation

1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.
2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the Township.

H. Amendment

1. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer in the Zoning Agreement.
2. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

SECTION 19.10 NOTICE AND HEARINGS

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Zoning Act (for example, where a rezoning, ordinance amendment, Special Land Use, PUD, or ZBA matter is involved), notice of the public hearing shall be published and delivered in accordance with the requirements of this section and the Zoning Act.

- A. The notice of public hearing shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten (10) or fewer adjacent properties; for applications to the ZBA; and for all planned unit development and Special Land Use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 1. The applicant;

2. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application;
3. The occupants of all dwellings within 300 feet of the property that is the subject of the application; and
4. All neighborhood organizations, public utility companies, railroads, and other persons that have requested to receive notice.

If the above-described 300-foot radius extends outside of the Township’s boundaries, then notice must also be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.

C. The notice of public hearing shall include the following information:

1. A description of the nature of the application or request.
2. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
3. A statement of where and when the application or request will be considered.
4. Indicate where and when written comments will be received concerning the application or request.

SECTION 19.11 TIME LIMITS

If a zoning approval or permit under this Ordinance has been granted with a specific time limit and the use has not commenced or substantial construction has not begun pursuant to that approval within the time limit specified, the zoning approval or permit shall automatically expire (and be void) at the end of that time limit. No extension to that time limit shall be granted except by the Township body, commission, or official which granted the initial zoning approval or permit. If a zoning approval or permit is silent with regard to a time limitation, the time limitation shall be deemed to be one (1) year, and the zoning approval or permit shall expire (and be void) after one (1) year if the use has not been commenced or substantial construction has not begun within said one (1) year time limitation. A time extension may be granted only by the body, commission, or official that granted the initial zoning approval or permit.

SECTION 19.12 PROOF OF OWNERSHIP

The Zoning Administrator may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before the issuance of a Zoning Compliance Permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for

any zoning request or application, including variances, special land use requests, site plan review, Zoning Compliance Permits, and any other zoning action.

SECTION 19.13 SURVEYS

The Zoning Administrator shall have the authority to require that an applicant or property owner provide the Township with a current survey by a registered surveyor or engineer for one (1) or more boundary or property lines of the lot or parcel involved (including providing a sealed survey drawing by such professional surveyor or engineer and with property boundaries staked by such professional) if the Zoning Administrator determines that it is reasonably necessary in order for the Township to determine whether the zoning setback, area, and other applicable requirements are met. The Zoning Administrator may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All such surveying costs shall be paid for by the applicant or property owner.

SECTION 19.14 REVOCATION OR TERMINATION OF ZONING APPROVALS

If a property owner or applicant violates any of the conditions or requirements attached to a zoning approval or Zoning Compliance Permit, then the Township body, board, or official that granted the zoning approval or permit may terminate the zoning approval or Zoning Compliance Permit. Where a special land use, PUD, variance, or site plan approval was involved, no such revocation shall occur until and unless the property owner or applicant has been given reasonable notice and a public hearing has been held regarding the revocation.

SECTION 19.15 SEVERABILITY CLAUSE

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 19.16 REPEAL

Upon the effective date of this Ordinance, the prior Zoning Ordinance for Pleasant Plains Township (adopted in 1999, and as later amended) shall be deemed repealed and replaced by this Ordinance.

SECTION 19.17 EFFECTIVE DATE

This Ordinance shall be effective upon the expiration of thirty (30) days after publication as provided for by law.