

**BLOOMER
TOWNSHIP**

**ZONING
ORDINANCE**

**Adopted by the Bloomer Township Board
November 23, 1992**

As Amended Through November 01, 2015

**Bloomer Township, Montcalm County
Michigan**

Bloomer Township Zoning Ordinance Summary Table of Amendments

As of November 01, 2015

NOTE: The adoption dates of ordinances amending parts of the Bloomer Township Zoning Ordinance are listed in parenthesis at the end of the respective amended Articles. Such references are editorial notes only for the benefit of the reader.

Amendment Adoption Date	Affected Section(s)	Affected Subject(s)
Oct. 20, 2012	Title	Title
Oct. 20, 2012	Preamble	Preamble - Revised
Oct. 20, 2012	2.01	Purpose Statement of Ordinance- Revised
Oct. 20, 2012	3.02	Definition of Zoning Board of Appeals- Revised
Oct. 20, 2012	20.03	Review and findings for Special Land Uses- Revised
Oct. 20, 2012	21.05	Action on site plan by Planning Commission/Township Board
Oct. 20, 2012	21.08	Appeals of site plan decisions - Revised
Oct. 20, 2012	22.07	Public hearing notices - New
Oct. 20, 2012	24.03	Ordinance amendment process- Revised
Oct. 20, 2012	24.04	Ordinance amendment process- Revised
June 16, 2014	Article III	Definition of "sign" and "home occupations" - Revised
June 16, 2014	Article XIX	Fully redrafted Article XIX, Signs - New
June 16, 2014	7.03(M)	Home occupations in FM District-"Reserved for Future Use"
June 16, 2014	9.04(F)	Home occupations in UR District-"Reserved for Future Use"
June 16, 2014	16.22	Home occupation provisions - New
June 16, 2014	20.14	Cottage industries - Deleted
June 16, 2014	20.15	Home occupations - Deleted
Nov 01, 2015	16.23	Special provision, Garage Sale - New

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APPENDIX

ZONING ORDINANCE

TOWNSHIP OF BLOOMER

PREAMBLE

An Ordinance enacted by Bloomer Township under Public Act 184 of 1943, as amended, the Michigan Township Zoning Act, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations, and to ensure the continued administration of this Ordinance, and all other matters concerning operation of this Ordinance are in compliance with P.A. 110 of 2006, as amended, the Michigan Zoning Enabling Act.

NOW THEREFORE:

ENACTING CLAUSE

The Township of Bloomer ordains:

ARTICLE I - SHORT TITLE

This Ordinance shall be known and cited as the "Bloomer Township Zoning Ordinance of 1992".

ARTICLE II
THE ORDINANCE PROGRAM

Sec. 2.01 Purpose:

It is the purpose of this Zoning Ordinance to regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability, to ensure that the use of land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, to promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, and water resources, to implement the goals, objectives and policies of the Bloomer Township Master Plan adopted pursuant to the Township Planning Act, Public Act 168 of 1959, as amended, and which may be amended or otherwise replaced pursuant to the Planning Enabling Act, Public Act 33 of 2008, as amended, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

(Sec. 2.01 amended 8-20-12)

ARTICLE III

DEFINITIONS

Sec. 3.01 Construction of Language:

The following rules of construction shall apply to the text of this ordinance:

- A. All words and phrases shall be construed and understood according to the plain, ordinary and common usage of the language; but technical words and phrases that may have a peculiar or special meaning in the law shall be construed as they are defined herein. In case of conflict between common and technical language, meaning, or usage, the last edition of Webster's International Dictionary shall prevail.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- F. The word "building" includes the word "structure"; and the word "dwelling" includes the word "residence". A "building" or "dwelling" includes any part thereof.
- G. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied,
- H. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- I. The word "lot" includes the words "plot" and "parcel".
- J. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all connected items, conditions, provisions, or events apply.
 - (2) "Or" indicates that the connected items, conditions, provision, or events may apply singly or in any combination.
 - (3) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- K. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- L. Whenever a reference is made to several sections and the section numbers are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.
- M. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Sec. 3.02 Definitions:

A. For purposes of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as "altered" or "reconstructed".

Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.

Average Grade: The ground elevation along the walls of a building where the ground at the building walls is not level, and the average grade is established by averaging the elevation of the ground for each face of the structure.

Automobile Repair Garage: A premises where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and under-coating of automobiles.

Basement: that portion of a building which 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. (See Figure III-I)

Bed and Breakfast Establishment: A use within a single family dwelling unit in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

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

Board of Appeals: The Township Zoning Board of Appeals of Bloomer Township.

Bloomer Township Master Land Use Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for land use and the best of community living conditions.

Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements such buildings shall be considered as one integral unit.

Buffer Yard: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, for the shelter, support, enclosure of persons, animals or property or carrying on business activities. This definition includes: mobile homes, tents, sheds, garages, greenhouses, and other accessory structures.

Building Height: The vertical distance measured from the ground elevation to the highest point of the roof surface. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls. (See Figure III-2)

Building Line: A line which defines the minimum distance (as determined by the minimum front, rear, or side yard setback) which any building shall be located from a property line, existing street right-of-way, or easement line of an approved private street.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said

building is located.

Carport: A partially open structure intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to private garages.

Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party or parties intending to initiate any work or change any use of property in the Township.

Child Care Center: A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, a vacation bible school, or religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day of an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

Condominium Unit: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Condominium Project: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978), as amended.

Density: The number of dwelling units situated on or to be developed on an acre of land.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

Dwelling: A detached building or portion thereof designed or used exclusively as the home, residence or sleeping place of one or more persons. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings. Garage space, whether in an attached or detached garage shall not be considered as part of a dwelling for meeting area requirements.

Dwelling, Single-Family: A detached building, designed exclusively for, and containing one (1) dwelling unit only.

Dwelling, Two Family: A detached building, designed exclusively for, and containing two (2) dwelling units only.

Dwelling, Multiple Family: A building designed exclusively for, and containing, three (3) or more dwelling units.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

Dwelling Unit, Attached: A dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling Unit, Detached: A dwelling unit which is not attached by any means.

Easement: The right to use the land (or water rights) of another person for certain special and/or limited purposes, usually for the purpose to have access to property and/or to cross over property for lawful purposes. If the "person" is a public body, the easement shall be a "public easement". All other easements are "private easements".

Earth Sheltered Home: A dwelling which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

Dwelling Efficiency: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate designated bedroom.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building.

Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

Family: An individual or a group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Family Day Care Home: A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Family, Functional: A group of persons which does not meet the definition of "Family" herein, living in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Fence: An accessory structure intended for use as a barrier to property ingress or egress, a screen for objectionable vistas and noise, and/or for decorative use.

Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

Flag Lot: A lot which has minimum frontage on a public or private street, is provided access via a private drive or lane, and whose width some distance back from the street right-of-way, meets all ordinance requirements.

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

- (1) The overflow of inland waters.
- (2) The unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Area: Land which, on the basis of available flood plain information, is subject to a one (1) percent or greater chance of flooding in any given year.

Floor Insurance Rate Map (FIRM): A map of the township prepared by the Federal Emergency Management Agency, which identifies the 100 and 500 year flood plain and other related flood information; and which is used as the official floodplain map for flood insurance purposes.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevations of the base flood.

Flood Plain, 100 Year: Same as Flood Hazard Area.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which shall be reserved in order to discharge the base flood. Floodway is also the same as the regulatory floodway.

Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.

Floor Area Ratio: An intensity measured as a ratio, derived by dividing the total floor area of a building including accessory building floor area, by the base site area.

Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Frontage Road: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Garage, Private: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.

Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. (See definition of "average grade".)

Home Occupations: See Section 16.22.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. This definition shall not be deemed to include farm machinery other than automobiles or trucks.

Junk: For the purpose of this Ordinance the term "junk" shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other scrap materials that are discarded or abandoned or are damaged or deteriorated.

Junk Yard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions or machinery or parts thereof.

Kennel, Commercial: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.

Kennel, Private: Any lot or premises used for the private maintenance of up to four (4) dogs, cats, or other household pets, four (4) months of age or older, not involving any commercial activities. The keeping of more than four (4) animals shall be considered a commercial kennel regardless of ownership or species of animals.

Lot: A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for: minimum area, setbacks, coverage, and open space. (See Figure III-4)

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees, a lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (See Figure III-3)

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Depth Of: The average distance from the front lot line of the lot to its opposite rear line measured along the midpoint between side lot lines. (See Figure III-4)

Lot, Interior: A lot other than a corner lot, with the exception of a through lot.

Lot Line(s): Any of the lines bounding a lot as defined herein. (See Figure III-5)

- (a) **Front Lot Line:** In the case of an interior lot, it is that line separating said 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 corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot line shall remain as such.
- (b) **Rear Lot Line:** That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, 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 or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Montcalm County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Montcalm County, Michigan, prior to the adoption of this Ordinance.

Lot, Nonconforming: A lot of record which does not meet the dimensional requirements of this ordinance.

Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.

Lot, Width: The straight line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond.

Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.

Master Deed: The document recorded as part of a condominium or site condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

Maximum Lot Coverage: That portion of a lot which may be made impervious and includes paved driveways, paved parking areas, buildings, sidewalks, and patios.

Mobile Home: A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the

plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which 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 mobile home.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A series of attached, or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the traveling public. The term "motel" shall include tourist cabins and homes, motor courts, and hotels.

Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of the district in which it is situated.

Nonconforming Use: A use which existed prior to the effective date of this ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:

- (a) noise;
- (b) dust;
- (c) smoke;
- (d) odor;
- (e) glare;
- (f) fumes;
- (g) flashes;
- (h) vibration;
- (i) objectionable effluent;
- (j) noise of a congregation of people, particularly at night;
- (k) passing traffic; or
- (l) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursing Home: An installation other than hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parking Space: Any space used for the off-street parking of motor vehicles.

Peak Hour: The hour during a typical day in which traffic volumes are the highest.

Planned Unit Development (PUD): A tract of land developed under single ownership or management as a separate neighborhood or community unit. The plan may contain a mixture of housing types, common open space and other land uses and is provided a degree of flexibility in regard to District provisions.

Planning Commission: The Township Planning Commission of the Township of Bloomer.

Principal Use: The main use to which the premises are devoted and the principal use for which the premises exist.

Private Road: Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state, for consumption:

- (a) within the restaurant building;
- (b) within a motor vehicle parked on the premises; or
- (c) off the premises as carry-out orders, and whose principal method of preparation includes the following characteristics; food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- (a) customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- (b) a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Sanitary Landfill: A method of disposing of refuse on land without creating nuisance or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals, as necessary and developed, designed, and operated in accordance with the provisions of Act 641 of 1978, as amended.

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; and has a minimum dimension of three (3) feet or greater. Such a device shall be used to transmit and/or receive television, radio or other electromagnetic communication signals between terrestrially and/or extraterrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.

Setback, Front: The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.

Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

Shopping Center: Is a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

Sign: See Article XIX.

Site Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provision of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Site Condominium Subdivision Plan: The drawings attached to the master deed for a site condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision, as well as the nature, location and size of common elements.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Special Use Permit: A permit approved by the Township Board to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses not specifically mentioned in this Ordinance which possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

Stable, Riding or Boarding: A facility where more than three (3) horses for hire, sale or boarding are kept.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground. (See Figure III-1)

Story, Half: That part of building between a pitched and the uppermost full story, said part having a finished floor area which does not exceed one-half (1/2) of the floor area of a full story.

Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, free-standing signs, and patios.

Structural Alterations: Any change in the supporting members of a building such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.

Substantial Improvement: Any repair, reconstruction or improvement of a structure located within the 100 year floodplain, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

Township Board: The Township Board of Trustees of Bloomer Township.

Trip Ends: A one-direction movement which begins at an origin and ends at a destination. A development with 100 trip ends per day would include 50 entering (ingress) and 50 exiting (egress) movements over an average period.

Trip Generation (Rates): The number of trip ends associated with a development, based on building area, lot size, number of units/employees or other parameters. The number can be estimated using actual data from comparable developments or information given in nationally accepted sources such as the "Trip Generation Manual" developed by the Institute of Transportation Engineers (ITE) or the Federal Highway Administration (FHWA).

Variance: A modification of the literal provisions of the Zoning Ordinance, granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Yards:

- (a) **Yard, Front:** An open space extending the full width of the lot and lying between the front line of the lot and the nearest line or point of the principal building.
- (b) **Yard, Rear:** An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line or point of the principal building.
- (c) **Yard, Side:** An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

Zoning Administrator: The authorized representative charged with the responsibility of administering this Ordinance, as appointed by the Township Board.

Zoning Board of Appeals: The Township Zoning Board of Appeals of Bloomer Township, created under Act 184 of 1943, as amended and continued under the Michigan Zoning Enabling Act.

Sec. 3.03 Additional Definitions:

Other words in addition to those defined in Section 3.02, A, may be defined in the Articles of the Zoning Ordinance where they may be found.

(Sec. 3.02 amended 8-20-12, definition of "Zoning Board of Appeals")

(Sec. 3.02 amended 6-16-14, definitions of "sign" and "home occupation")

FIGURE 3-1: BASEMENT AND STORY

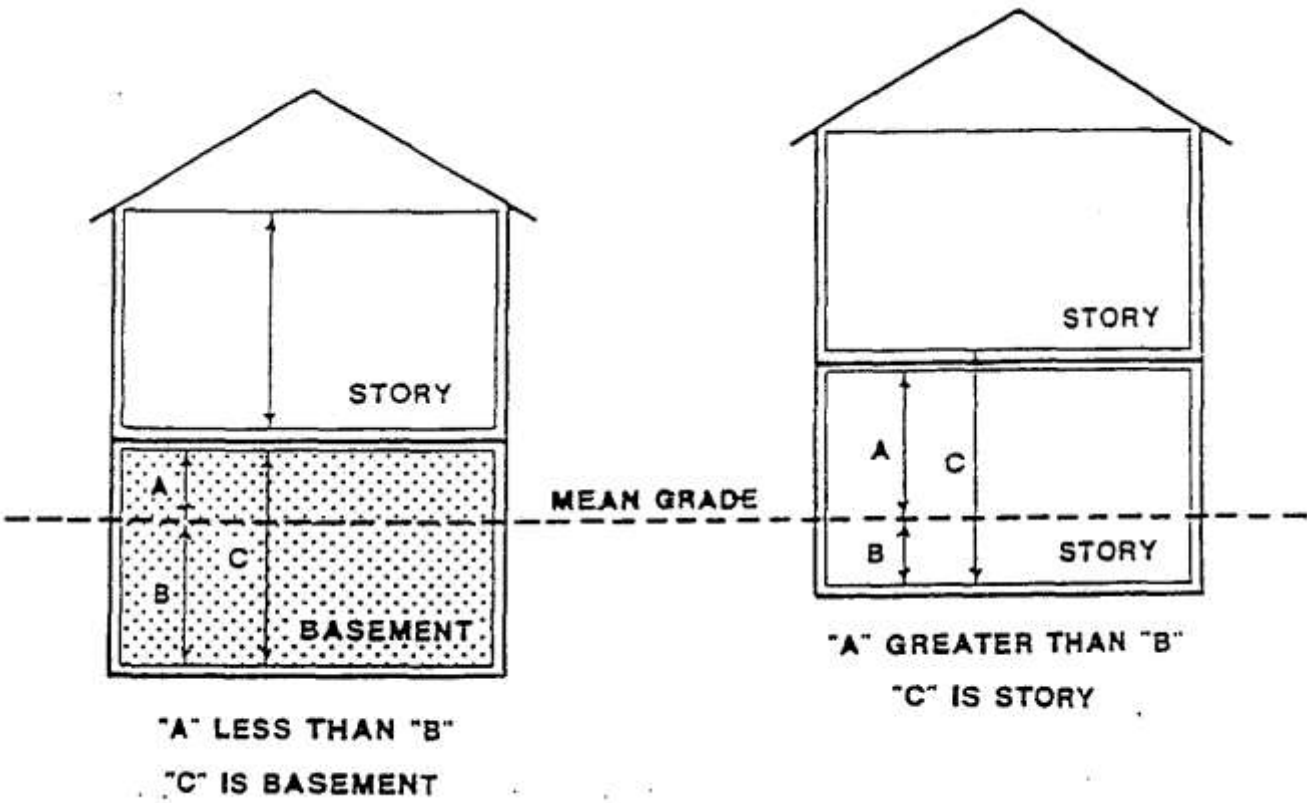
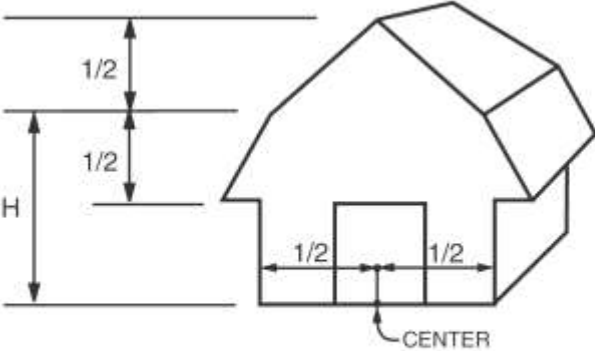


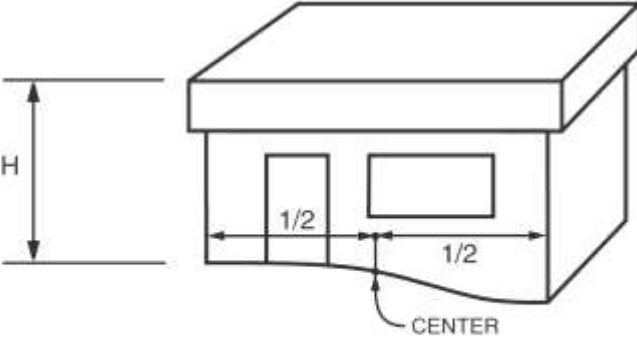
FIGURE 3-2: BUILDING HEIGHTS



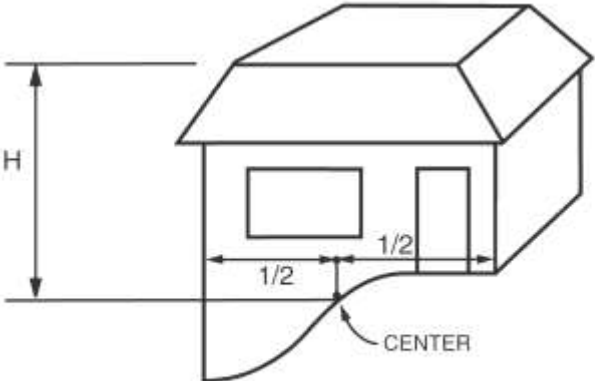
GAMBEL ROOF



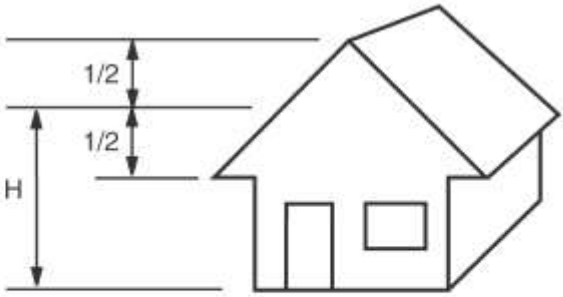
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

FIGURE 3-3: LOT TYPES

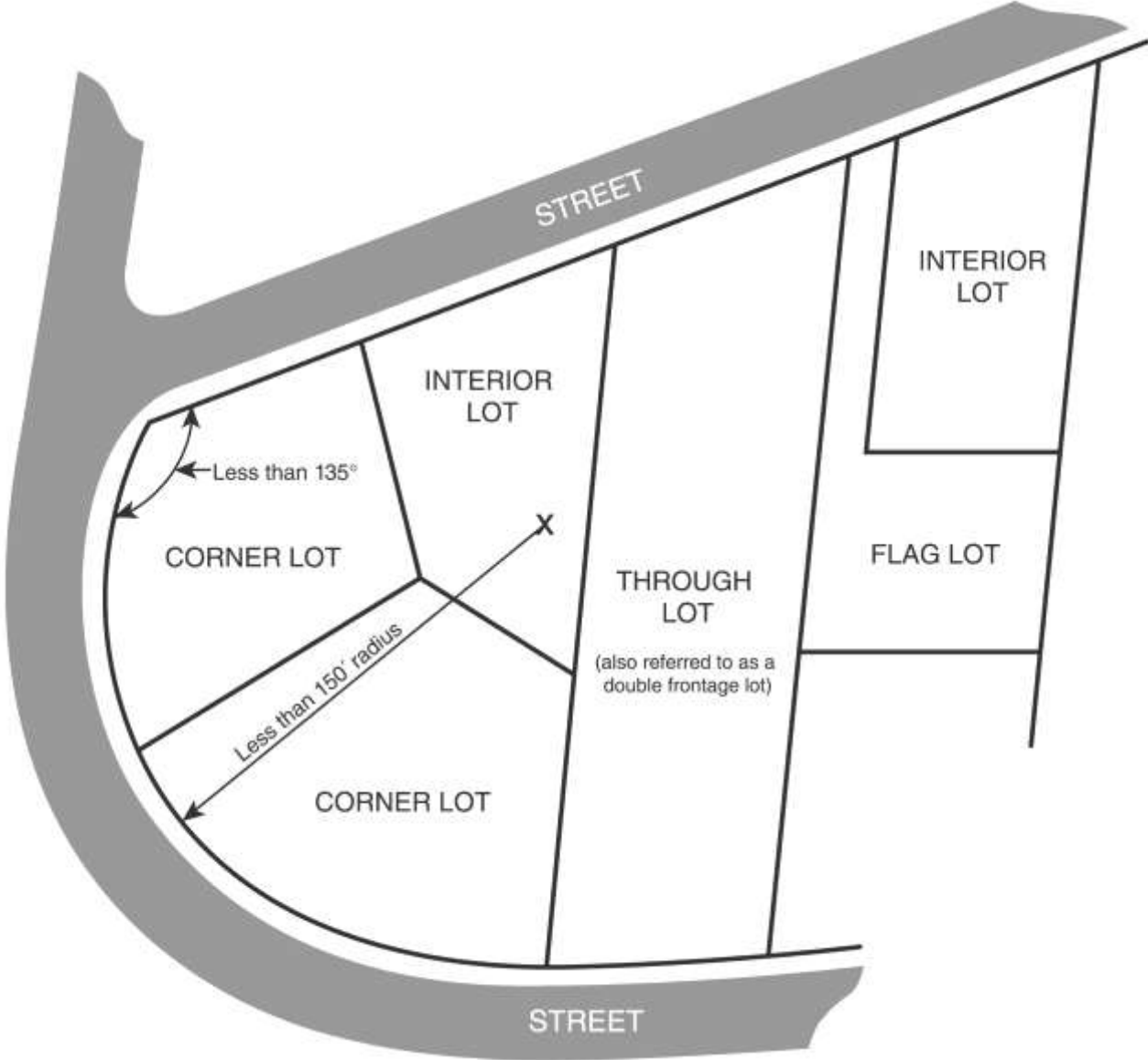


FIGURE 3-4: LOT DEPTH

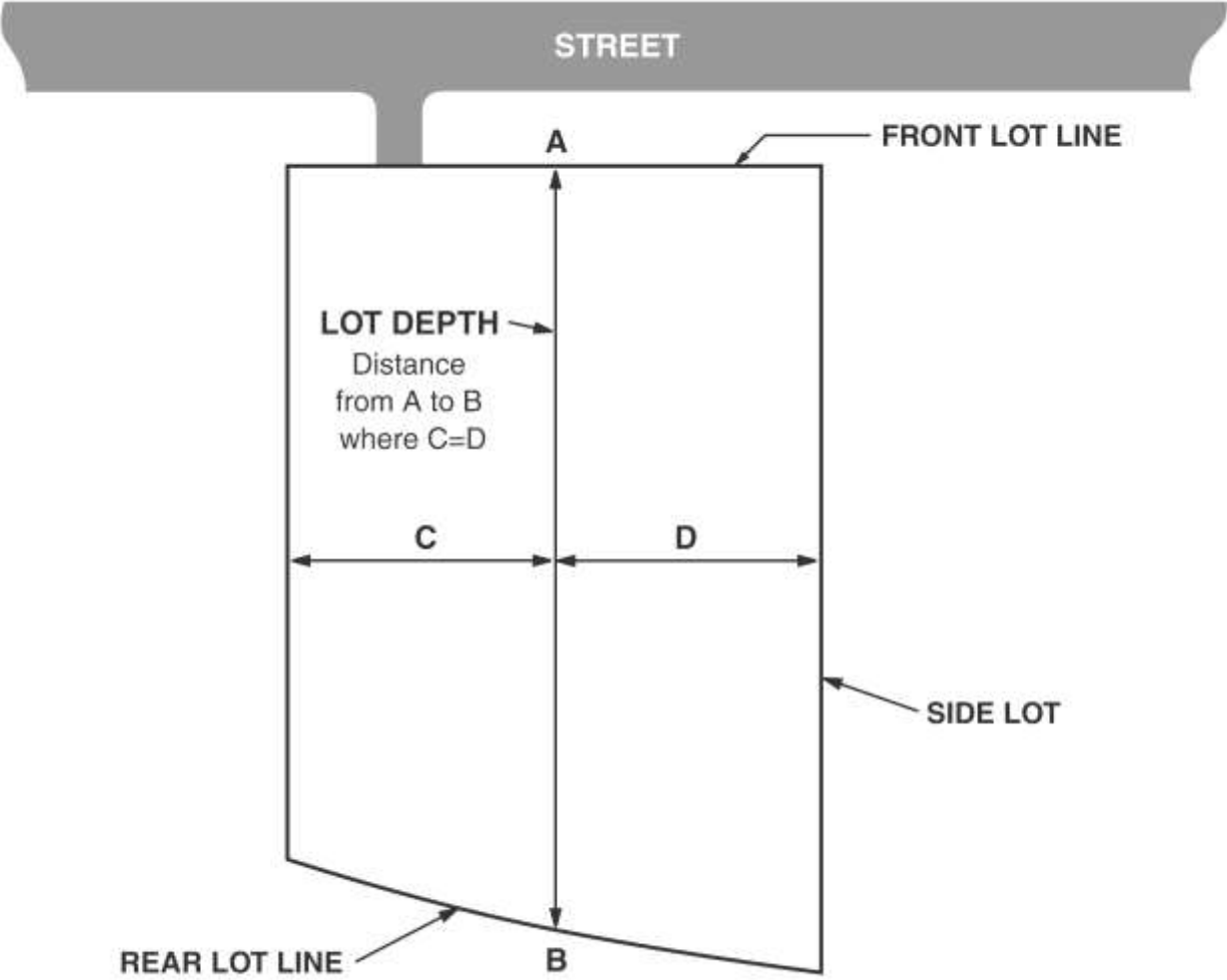
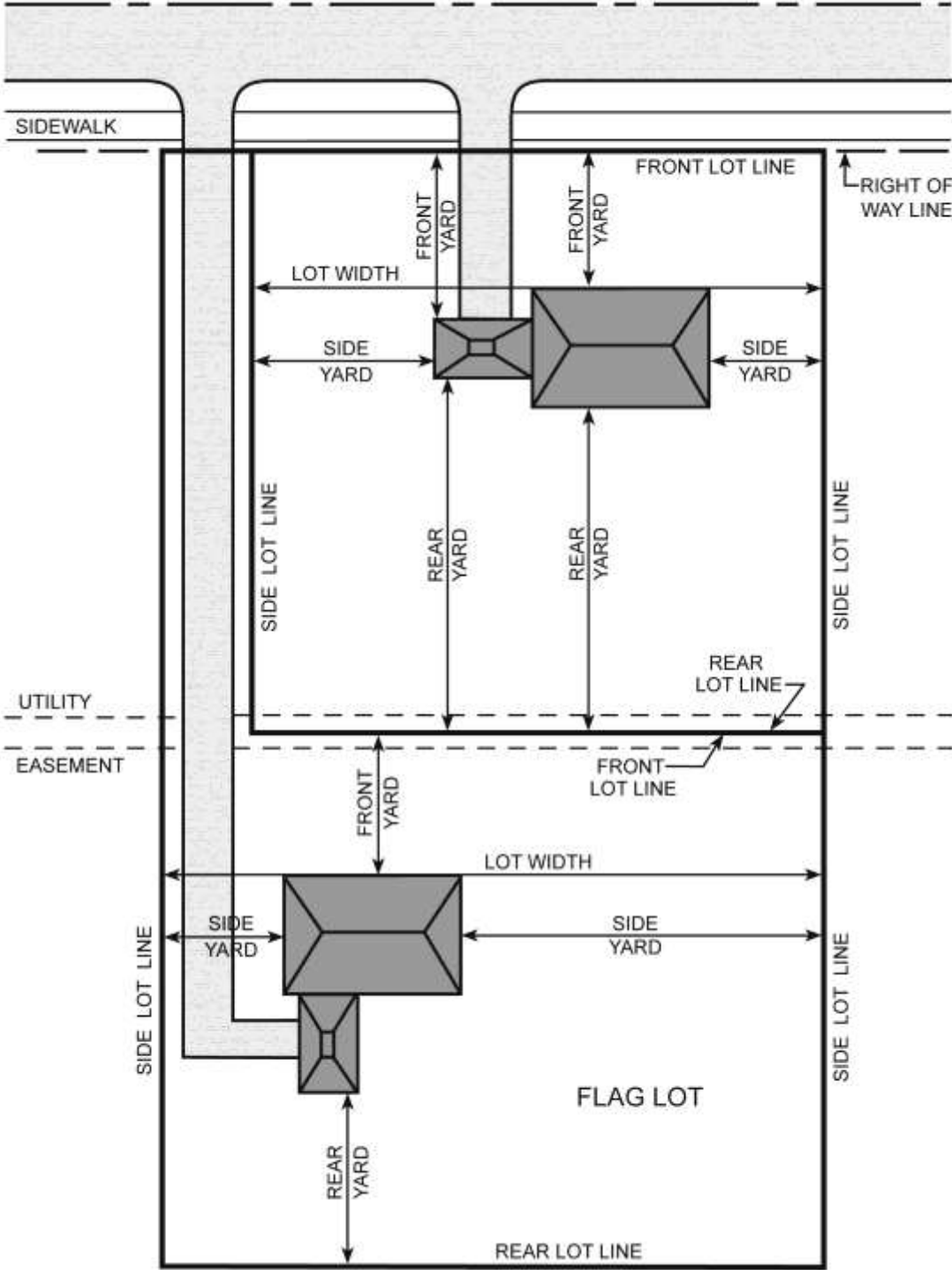


FIGURE 3-5: LOT LINES AND YARDS



ARTICLE IV

ZONING DISTRICTS AND MAP

Sec. 4.01 Establishment of Districts:

For the purpose of this Ordinance the Township of Bloomer is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

CO	-	CONSERVATION
FM	-	FARMLAND
RR	-	RURAL RESIDENTIAL
UR	-	URBAN RESIDENTIAL
CS	-	COMMUNITY SERVICES
MA	-	MANUFACTURING

Sec. 4.02 Zoning Districts Map:

The boundaries of the respective districts enumerated in Sec. 4.01 are defined and established as depicted on the maps entitled "OFFICIAL ZONING MAP OF THE TOWNSHIP OF BLOOMER, MONTCALM COUNTY, MICHIGAN" which is an integral part of this Ordinance and contained within Appendix A. This map, with all notations and explanatory matter thereon, shall be published as part of this ordinance as is fully described herein.

This Official Zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the following: "This is to certify that this is the Official Zoning Map of the Bloomer Township Zoning Ordinance adopted on the ____ day of _____, 1992." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning map, such changes shall be made on the Official Zoning map after amendment has been approved by the Township Board, together with an entry on the Official Zoning Map as follows: "On the following dates and by official action of the Township Board, the following changes were made: (brief description with reference number to Township Board proceedings)."

One copy of the Official Zoning Map is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in the Township.

Sec. 4.03 Replacement of Official Zoning Map:

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt new Official Zoning Maps which shall supersede the prior Official Zoning Maps. The Official Zoning Maps shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the seal of the township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Bloomer Township adopted on _____, 19__ which replaces and supersedes the Official Zoning Map which was adopted on _____, 1992."

Unless the prior Official Zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment. Two (2) copies of the Official Zoning Maps are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Township Hall.

Sec. 4.04 Interpretation of District Boundaries:

Where, due to the scale, lack of details, or illegibility of the Official Zoning Maps, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Planning Commission. The Commission, in arriving at a decision on such matters, shall apply the following standards:

- A. The boundaries of zoning districts are intended to follow centerlines of alleys, streets or other rights-of-way, or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are otherwise clearly indicated on the Official Zoning Map.
- B. Where district boundaries are so indicated that they approximately follow Lot of Record lines, such lines shall be construed to be boundaries.
- C. In unsubdivided property, or where a district boundary divides a Lot of Record, the location of such boundary, unless shown by dimensions on the Zoning map, shall be determined by use of the map scale shown thereon.
- D. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- E. Boundaries indicated as following railroad lines and/or divided highways shall be construed to be midway between the main tracks and/or traffic lanes.
- F. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- G. A boundary indicated as parallel to, or an extension of, a feature indicated above, the Planning Commission shall interpret the district boundaries.
- H. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by items (a) through (g) above, the Planning Commission shall interpret the district boundaries.

Sec. 4.05 Zoning of Vacated Areas:

Whenever any street, alley or other public way within the Township shall have been vacated by official government action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

Sec. 4.06 Zoning of Filled Land; Use of Waters:

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same shall only be used for those purposes as are permitted under this Ordinance for such adjoining lands, PROVIDED HOWEVER, all such fill activity and/or relocated shoreline modifications shall first obtain proper permits from the Michigan Department of Natural Resources, under the Michigan Inland Lakes and Streams Act of 1972, being PA 346 of 1972, being MCLA Sections 281.951 et seq., as amended.

Sec. 4.07 Application of District Regulations:

The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties or hardships in the way of carrying out the strict letter of this Ordinance, the Township Zoning Board of Appeals of Bloomer Township shall have power in passing upon appeals, in accordance with ARTICLE XXIII herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Sec. 4.08 Scope of Provisions:

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Where not specifically permitted, uses are hereby prohibited unless construed by the Planning Commission to be similar to a use expressly permitted.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
- E. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.
- F. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

Sec. 4.09 Conflicting Regulations:

- A. Whenever any provisions of this Ordinance imposes more stringent requirements than other provisions of this Ordinance, the more stringent requirements shall govern. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other applicable Township Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other township, county, state, or federal law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.
- B. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon mobile home parks than those established by the Michigan Mobile Home Commission, then the provisions of the Michigan Mobile Home Commission shall govern, unless the more stringent provisions have been specifically approved by the Michigan Mobile Home Commission.

ARTICLE V

(Reserved for Future Use)

ARTICLE VI

CONSERVATION DISTRICT (CO)

Sec. 6.01 Purpose:

This district is intended to preserve open land areas, natural features, wildlife areas, and the principal river and stream corridors which provide critical surface drainage and flood control. Provisions are provided which are intended to promote public health, safety, and welfare by limiting the use of land near principal drainage courses where flood conditions may occur.

Sec. 6.02 Uses Permitted by Right:

- A. Agricultural or horticultural activities, including general and specialized farming and related activities not limited to:
 - (1) Dairying.
 - (2) Raising of grain, grass, mint and seed crops.
 - (3) Orchards.
 - (4) Apiculture (beekeeping).
 - (5) Floriculture (Cultivation of ornamental flowering plants).
 - (6) Raising of tree fruits, nuts and berries.
 - (7) Sod farming.
 - (8) Raising or growing of ornamental trees, shrubs and nursery stock, including retail sales on the premises.
 - (9) Vegetable raising.
 - (10) Greenhouses.
- B. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources.
- C. Public or private recreational facilities including parks, playgrounds, camps, centers, parkways and similar recreational facilities.
- D. Wildlife research centers.
- E. Roadside stands selling agricultural products and set back from the right-of-way at least fifty (50) feet and with off-street parking for at least 5 cars for each fifty (50) square feet of structure.
- F. Single family detached dwellings.

Sec. 6.03 Permitted Accessory Uses:

The following are permitted accessory uses:

- A. Activities typically associated with the actions or functions of individual members, participating in organizations such as 4-H, Future Farmers of America and the like.
- B. Signs, subject to the regulations established in Article XIX.

Sec. 6.04 Uses Permitted by Special Use Permit:

The following are uses of land and structure may be permitted in this District by the application for and the issuance of a Special Use Permit as provided for in ARTICLE XX.

- A. Commercial recreation facilities of an open space character including golf courses, stables, campgrounds, and similar facilities.

Sec. 6.05 Site Development Standards:

The following standards apply to all uses and structures in the CO- Conservation District, except as modified in Article XVI — Special Provisions and Article XX — Special Use Permits.

- A. Minimum Lot Area: No building or structure shall be established on any parcel less than ten (10) acres in size.
- B. Minimum Lot Width: The minimum lot width shall be three hundred (3 00) feet.
- C. Maximum Lot Coverage: The maximum lot coverage shall not exceed ten percent (10%) of total area.
- D. Yard and Setback Requirements:
 - (1) Front Yard: One Hundred (100) feet.
 - (2) Side Yard: Forty (40) feet.
 - (3) Rear Yard: One Hundred (100) feet.
- E. Maximum Height Requirements:

No structure shall exceed two (2) stories or thirty-six (36) feet measured from the average finished grade at the front setback line. Residential accessory buildings shall not exceed a height of twenty-five (25) feet.
- F. Minimum Building Floor Area:
 - (1) Single-family detached: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than nine hundred (900) square feet, exclusive of basements, garages, porches and breezeways.
- G. Signs shall be regulated in accordance with the requirements of ARTICLE XIX.
- H. Site Plan Review may be required, as determined by Sec. 21.02.
- I. Other applicable standards as may be contained in the Ordinance.

Sec. 6.06 Other Requirements:

For all uses in the CO-Conservation District, the following provisions shall be met.

- A. All lighting shall be installed and maintained in such a manner as to confine the illumination source/direct rays to the property upon which the use is located and such that no direct rays, glare or illumination shall adversely affect the welfare of an adjacent property.

ARTICLE VII

FARMLAND DISTRICT

(FM)

Sec. 7.01 PURPOSE:

It is recognized that the public health and welfare of the citizens of Bloomer Township, Montcalm County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Bloomer Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

- A. The FM-Farmland District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).
- B. Other specific purposes for which this district is established include:
 - (1) To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.
 - (2) To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
 - (3) To prevent the conversion of agricultural land to scattered nonfarm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
- C. The agricultural district boundaries are based on an analysis of soils that identified those especially well suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to nonfarm development, the average parcel size of existing farms, and the minimum acreage needed for most farm operations.

Sec. 7.02 Definitions:

A. AGRICULTURAL LABOR HOUSING

A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for 5 or more migratory workers engaged in agricultural activities including related food processing, as licensed under the provisions of PA 289 of 1965, as amended.

B. AGRICULTURAL SERVICE ESTABLISHMENT

Agricultural service establishments engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.

C. COMMERCIAL AGRICULTURE

The use of land and/or structures for the growing and/or production of farm products for income.

D. CONFINED FEEDLOT

An enclosure or tract of land wherein any type of food, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats or swine are kept, for the purposes of fattening such livestock for shipment to marketer where swine are kept under any conditions.

E. COTTAGE INDUSTRY

Excluding a home occupation and a business conducting primarily retail sales, any activity that (a) is conducted on the premises or one in which the premises serves as a base of operation from which to conduct the activity off-site, and (b) is clearly secondary to a residential use and carried out for economic gain. Cottage Industries are regulated by Section 20.14.

F. DWELLING UNIT, NONFARM

A dwelling unit located within the AG-Agricultural District which is not a farm dwelling unit and which is designed for occupancy by a single family.

G. FARM

Except as provided below, a farm is real property used for commercial agriculture comprising at least forty (40) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures and machinery.

- (1) A tract may be considered a farm if it is between 5 and 40 acres, provided it is devoted primarily to an agricultural use, and has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (2) A smaller tract may be considered a farm if designated by the Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of \$2000.00 or more.

H. FARM ANIMALS

Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

I. FARM BUILDING

Any building or accessory structure other than a farm or a nonfarm dwelling unit, which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and or milk house.

J. FARM OPERATION

A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

K. FARM PRODUCTS

Those plants and animals useful to man and includes but is not limited to: forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

Sec. 7.03 Uses Permitted by Right:

The following uses and structures are permitted in the FM-Farmland District:

- A. Commercial agriculture
- B. Conservation area for fauna, flora
- C. Dairy Farm
- D. Dwelling unit, farm
- E. Dwelling unit, nonfarm
- F. Farm
- G. Farm buildings
- H. Farm drainage and irrigation systems
- I. Forest preserve
- J. Game refuge
- K. Grazing and forage
- L. Historic sites and structures
- M. Reserved for Future Use
- N. Nursery
- O. Raising of farm animals, and production of farm products
- P. Tree, sod farms
- Q. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way.

Sec. 7.04 Permitted Accessory Uses:

The following are permitted accessory uses:

- A. Uses customarily accessory to farm operations.
- B. Uses customarily accessory to nonfarm dwellings.

Sec. 7.05 Uses Permitted by Special Use Permit:

The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article XX.

- A. Agricultural service establishments
- B. Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.
- C. Agricultural labor housing, provided the setbacks of Section 7.06 and the provisions of Public Act 289 of 1965, as amended, and the Administrative Rules promulgated thereunder are met.
- D. Confined feedlots.
- E. Roadside stands selling agricultural products and setback from the right-of-way at least 50 feet and with off-street parking for at least 5 cars for each 50 square feet of structure.

Sec. 7.06 Site Development Standards:

The following standards apply to all uses and structures in the Ag-Agricultural District.

- A. Max. Lot Area - for nonfarm dwelling units - 2 acres (see exception below).
Max. Lot Area for special permit uses - 10 acres.
Min. Lot Area for farm dwelling unit - 40 acres (see exception in definition of farm)
- B. Minimum Lot Width- 165 ft. for nonfarm dwelling units, 600 feet for farm dwelling units.
- C. Max. Lot Coverage - 10%
- D. Minimum Setbacks
 - Front 50 ft.
 - -Side 20ft.
 - Corner 50 ft.
 - Rear 50 ft.
- E. Max. Height
 - 2 1/2 Stories
 - 35 Feet (see exception)
- F. Maximum lot width to depth ratio - 1/3
- G. Minimum Building Floor Area:
 - (1) Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than nine hundred (900) square feet, exclusive of basements, garages, porches and breezeways.
- H. All nonfarm dwelling units shall meet the following additional criteria:
 - (1) One (1) nonfarm dwelling unit may be constructed for every forty (40) acres of contiguous land under one ownership. The permitted number of units may all be constructed within a single forty acre tract, or distributed in another manner, provided each lot meets the requirements of this ordinance.
 - (2) A contiguous land parcel shall be any parcel(s) of land which has/have a common boundary or are separated only by a road right-of-way and which are under one ownership at the time of adoption of this Ordinance.

Sec. 7.07 Special Qualifications and Exceptions:

- A. Each lot for a nonfarm dwelling unit shall be a separately conveyed parcel of no more than two acres in area and described by a recorded certificate of survey unless a larger parcel is required by the Montcalm County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. In addition, a lot on which an existing farmstead consisting of a residential dwelling and farm buildings is located, may be split off from the main farm acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall no exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.
- B. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - (a) Local secondary road: 100 feet
 - (b) County primary/state highway: 125 feet
 - (c) Minimum distance from an intersection of two or more of the above: 80 feet
- C. After the effective date of this ordinance, all nonfarm dwelling units, farm buildings, and accessory structures on adjoining lots shall be sited a minimum of 300 feet from one another.

- D. Nonfarm dwelling units are limited to a maximum of one (1) farm animal per two (2) acres, except that a minimum of five (5) acres is required for the first farm animal.
- E. The maximum height of farm buildings shall be one-hundred (100) feet. All farm buildings over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.
- F. Line and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this Section.
- G. Prior to the issuance of a zoning permit, the zoning administrator shall certify that the locations of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet spacing requirements from existing farm buildings or nonfarm dwellings, no other location is available.
- H. Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.
- I. Access to a public road shall meet ordinance requirements.
- J. Accessory buildings, structures and uses to nonfarm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted in the side and rear of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by the zoning administrator up to 20 feet from the lot line, unless it is a right of way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

Sec. 7.08 Administration:

The Township recognizes that proper administration of the one-quarter of one-quarter section concept is important in meeting the intent of this Ordinance. The Township will apply the following procedures in administering this zoning district.

- A. Concurrent with the adoption of this Ordinance, an official map indicating existing lots and land ownership shall be established.
- B. An allotment of nonfarm dwelling units possible under this Ordinance shall be made for each parcel forty (40) acres or more in the district.
- C. As allotments are used up, the official map shall be updated to reflect these changes.
- D. The Township shall permit parcels under forty (40) acres in size to be consolidated and the allotment of nonfarm dwelling units to be amended to achieve one (1) non-farm dwelling unit per forty (40) acres.
- E. The official map shall be maintained by the Clerk and copies made available for inspection by the public.
- F. A review of this Ordinance shall be conducted by the Planning Commission every five (5) years to determine its effectiveness in preserving farmland and to consider any revisions which may be desirable.

(Sec. 7.03(M)) amended 6-16-14)

ARTICLE VIII

RURAL RESIDENTIAL DISTRICT

(RR)

Sec. 8-01 Purpose:

The Rural Residential District is established to provide housing opportunities predominantly for those individuals and families desiring a rural living environment; more spacious lots and lower development intensities than normally associated with urban environments, increased opportunities for hobby farming or non-commercial farming, and similar qualities associated with rural environments. This district is not intended to limit existing farming operations which may occur in this district but to provide opportunities for residential living which are more accommodating to agricultural areas. These areas are considered to be suitable for rural residential development and perpetuation of existing farming or other low intensity uses. Provisions contained within the district support a continuation of its rural character as these sections of the Township lack public sewer, water, and well developed roadway systems. Further, properties in this district are likely to remain without such services for an indefinite period of time. This district recognizes those areas more supportive of rural residential living including limited prime-agricultural lands and increased presence of soils supporting adequate on-site sewage disposal.

Sec. 8.02 Uses Permitted by Right:

The following uses and structures are permitted in the RR District as a matter of right.

- A. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources.
- B. Public or private recreational facilities including parks, playgrounds, camps, centers, parkways and similar recreational facilities.
- C. Public buildings and public service installations, including federal, state or municipal, administrative or public service buildings, public service facilities and uses, excluding storage yards, transformer stations, and substations.
- D. Public cemeteries.
- E. Wildlife research centers.
- F. Agricultural or horticultural activities, including general and specialized farming and related activities not limited to:
 - (1) Dairying.
 - (2) Raising of grain, grass, mint and seed crops.
 - (3) Orchards.
 - (4) Apiculture (beekeeping).
 - (5) Floriculture (cultivation of ornamental flowering plants).
 - (6) Raising of tree fruits, nuts and berries.
 - (7) Sod farming.
 - (8) Raising or growing of ornamental trees, shrubs and nursery stock, including retail sales on the premises.
 - (9) Vegetable raising.
 - (10) Greenhouses.
- G. Educational institutions including public or private elementary and secondary schools, nursery schools, and

day care centers.

- H. Religious institutions including churches and parsonages, provided no more than one (1) dwelling unit is provided within.
- I. Single family detached dwellings.
- J. Duplexes.
- K. Family Day Care Homes.

Sec. 8.03 Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory structures normally associated with single-family dwellings, such as a private garage, shed for yard tools, playhouse, boat house, woodshed, sauna, swimming pool, and the like.
- B. Accessory uses or structures, clearly incidental to the operation of an existing farm, including one roadside stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or foodstuffs made from such produce.
- C. Activities typically associated with the actions or functions of individual members, participating in organizations such as 4-H, Future Farmers of America and the like.
- D. Signs, subject to the regulations established in Article XIX.
- E. Off-street parking, as required and subject to the regulations established in ARTICLE XVIII.

Sec. 8.04 Uses Permitted by Special Use Permit

The following uses of land and structure may be permitted in this District by the application for and the issuance of a Special Use Permit as provided for in ARTICLE XX.

- A. Child Care Centers
- B. Planned Unit Developments.
- C. Commercial recreation facilities of an open space character including golf courses, stables, campgrounds, and similar facilities.
- D. Bed and Breakfast Establishments.

Sec. 8.05 Site Development Standards:

The following standards apply to all uses and structures in the RR - Rural Residential District.

- A. Minimum Lot Area: No building or structure shall be established on any parcel less than one and a half (VA) acres in size.
- B. Minimum Lot Width: The minimum lot width shall be two hundred and fifty (250) feet.
- C. Maximum Lot Coverage: The maximum lot coverage shall not exceed twenty percent (20%) of total area.
- D. Yard and Setback Requirements:
 - (1) Front Yard: Fifty (50) feet.
 - (2) Side Yard: Forty (40) feet.
 - (3) Rear Yard: Seventy-five (75) feet.
- E. Maximum Height Requirements:

No structure shall exceed two (2) stories or thirty-six (36) feet measured from the average finished grade at the front setback line. Residential accessory buildings shall not exceed a height of twenty-five (25) feet.

F. Minimum Building Floor Area:

- (1) Single-family detached: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than nine hundred (900) square feet, exclusive of basements, garages, porches and breeze ways.

G. Parking shall be provided in accordance with the requirements of ARTICLE XVIII.

H. Signs shall be regulated in accordance with the requirements of ARTICLE XIX.

I. Site Plan Review may be required, as determined by Sec. 21.02.

J. Other applicable standards as may be contained in the Ordinance.

Sec. 8.06 Other Requirements:

For all uses in the RR-Rural Residential District, the following provisions shall be met.

- A. All lighting shall be installed and maintained in such a manner as to confine the illumination source/direct rays to the property upon which the use is located and such that no direct rays, glare or illumination shall adversely affect the welfare of an adjacent property.

ARTICLE IX

URBAN RESIDENTIAL DISTRICT

(UR)

Sec. 9.01 Purpose:

The UR-Urban Residential District is intended to accommodate and provide for a more urban living environment dominated by a residential character of moderate density development (in terms of a hierarchy of zoning districts) including single family detached dwellings in platted subdivisions as well as alternative residential types. Land within this district may not currently have access to public sewer and water facilities but its general soil characteristics, proximity to a highway network, proximity to existing and planned community services, and proximity to existing public sewer and water, which may become available to this land in an indefinite period of time, support the use of this land as provided for in the district regulations.

Sec. 9.02 Uses Permitted by Right:

The following uses and structures are permitted in the UR-Urban Residential District:

- A. Religious institutions including churches and parsonages provided no more than one (1) dwelling unit is provided within.
- B. Educational institutions including public or private elementary and secondary schools, nursery schools and day care centers.
- C. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses, excluding storage yards, transformer stations and substations.
- D. Public cemeteries.
- E. Public recreation facilities and public conservation areas and structures for the development, protection and conservation of open spaces, watersheds, water, soil, forests and wildlife resources.
- F. Single-family detached dwellings.
- G. Two-family dwellings (duplexes).
- H. Family Day Care Homes.

Sec. 9.03 Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory uses or structures, clearly incidental to any of the above permitted uses.
- B. Signs, subject to the regulations established in ARTICLE XIX.
- C. Off-street parking, as required and subject to the regulations established in ARTICLE XVIIE.

Sec. 9.04 Uses Permitted by Special Use Permit

The following uses of land and structure may be permitted in this District by the application for and the issuance of a Special Use Permit as provided for in ARTICLE XX.

- A. Planned Unit Developments.
- B. Multi-family dwelling of not more than eight (8) units.
- C. Mobile Home Park.
- D. Child Care Centers.
- E. Bed and Breakfast Establishments.
- F. Reserved for Future Use.

Sec. 9.05 Site Development Standards:

The following maximum and minimum standards apply to all uses and structures in the UR - Urban Residential District, except as modified by Article XVI — Special Provisions and Article XX - Special Use Permits.

- A. Minimum Lot Area: No building or structure shall be established on any parcel less than fifteen thousand (15,000) square feet in lot area unless serviced by public sewer, in which case no building or structure shall be established on any parcel less than ten thousand (10,000) square feet in lot area.
- B. Minimum Lot Width: The minimum lot width shall be one hundred (100) feet unless the lot is serviced by public sewers, in which case the minimum lot width shall be eighty (80) feet.
- C. Maximum Lot Coverage: Thirty percent (30%) of total lot area.

Sec. 9.03 Permitted Accessory Uses

The following are permitted accessory uses:

- A. Accessory uses or structures, clearly incidental to any of the above permitted uses.
- B. Signs, subject to the regulations established in ARTICLE XIX.
- C. Off-street parking, as required and subject to the regulations established in ARTICLE XVIII.

Sec. 9.04 Uses Permitted by Special Use Permit:

The following uses of land and structure may be permitted in this District by the application for and the issuance of a Special Use Permit as provided for in ARTICLE XX.

- A. Planned Unit Developments
- B. Multi-family dwelling of not more than eight (8) units.
- C. Mobile Home Park.
- D. Child Care Centers.
- E. Bed and Breakfast Establishments

Sec. 9.05 Site Development Standards:

The following maximum and minimum standards apply to all uses and structures in the UR - Urban Residential District, except as modified by Article XVI - Special Provisions and Article XX - Special Use Permits.

- A. Minimum Lot Area: No building or structure shall be established on any parcel less than fifteen thousand (15,000) square feet in lot area unless serviced by public sewer, in which case no building or structure shall be established on any parcel less than ten thousand (10,000) square feet in lot area.
- B. Minimum Lot Width: The minimum lot width shall be one hundred (100) feet unless the lot is serviced by public sewers, in which case the minimum lot width shall be eighty (80) feet.
- C. Maximum Lot Coverage: Thirty percent (30%) of total lot area.
- D. Yard and Setback Requirements:
 - (1) Front Yard: The required front yard shall not be less than twenty-five (25) feet.
 - (2) Side Yard: Fifteen (15) feet, except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Twenty-five (25) feet.
- E. Maximum Height Requirements:

No structure shall exceed two (2) stories or thirty (30) feet measured from the average finished grade at the front setback line. Residential accessory buildings shall not exceed a height of twenty (20) feet.
- F. Minimum Building Floor Area:
 - (1) Single-family detached or two-family dwellings: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than nine hundred (900) square feet, exclusive of basements, garages, porches and breezeways.
- G. Parking shall be provided in accordance with the requirements of ARTICLE XVIII.
- H. Signs shall be regulated in accordance with the requirements of ARTICLE XIX.
- I. Site Plan Review, as may be required by Sec. 21.02.

Sec. 9.06 Other Requirements:

For all uses in the UR-Urban Residential District, the following provisions shall be met.

- A. All lighting shall be installed and maintained in such a manner as to confine the illumination source/direct rays to the property upon which the use is located and such that no direct rays, glare or illumination shall adversely affect the welfare of an adjacent property.

(Sec. 9.04(F) amended 6-16-14)

ARTICLE X

COMMUNITY SERVICES DISTRICT

(CS)

Sec. 10.01 Purpose:

The CS-Community Services District is established for the accommodation of retail and business service activities that serve the whole community and regions beyond. Such activities require land and structure uses that are typically compact and densely grouped, generating large volumes of pedestrian and vehicular traffic. It is the purpose of this district to permit the establishment of a wide variety of business enterprise types.

Sec. 10.02 Uses Permitted by Right:

The following uses and structures are permitted in the CS-community Services District as a matter of right.

- A. Religious institutions including churches and parsonages, provided no more than one (1) dwelling unit is provided within.
- B. Educational institutions including public or private elementary and secondary schools, nursery schools and day care centers.
- C. Public or private recreational facilities of a non-commercial nature, including parks, playgrounds, camps, parkways and similar recreational facilities.
- D. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses, including storage yards, transformer stations and substations.
- E. Office establishments which perform services on the premises, including but not limited to:
 - (1) Financial institutions.
 - (2) Insurance offices.
 - (3) Real estate offices.
 - (4) Offices for attorneys, accountants, architects, engineers and similar professionals.
 - (5) Photographic studios.
 - (6) Other office establishments similar to and compatible with the above establishments.
- F. Professional service establishments providing human health care, on an out-patient basis.
- G. Establishments customarily related to medical and dental uses when located in a medical or dental building or complex and when intended primarily to serve the occupants of the building or complex in which they are located; including but not limited to:
 - (1) Pharmacies.
 - (2) Medical, dental and optical laboratories.
 - (3) Stores offering supportive or corrective garments and prosthetic appliances.
 - (4) Other establishments similar to and compatible with the above establishments.
- H. Miscellaneous business service establishments:
 - (1) Consumer credit reporting agencies.
 - (2) Mailing list and stenographic services.
 - (3) Business management consulting services.
 - (4) Duplicating services.

- (5) Other establishments similar to and compatible with the above establishments.
- I. Offices of non-profit organizations, such as professional membership organizations, labor union, civic, social and fraternal associations, political organizations.
- J. Retail establishments marketing convenience goods such as groceries, fruit, meats, dairy products, produce, baked goods and alcoholic beverages, stores selling drugs, hardware, novelties and gifts, flowers, books, stationery, tobacco and sundry small household articles.
- K. General retail establishments whose principal activity is the sale of new merchandise to the public. These include such establishments as household appliance stores, furniture stores, drug stores, hardware stores, clothing stores, specialty stores selling flowers, books, stationery, jewelry, novelties and gifts, tobacco, and sundry small household articles; convenience stores selling fruit, meat, dairy products, produce, and alcoholic beverages, and other retail establishments similar to and compatible with the above.
- L. Office or convenience commercial uses located in a structure originally erected for residential purposes, provided all commercial structure standards of the Township Building Code are complied with.
- M. Retail sales typically incidental to contractors establishments which require a workshop and retail outlet or show room as accessory uses, including:
 - (1) Plumbing and electrical contractors.
 - (2) Building material suppliers and wholesalers such as lumber yards and other similar uses.
 - (3) Carpenter shops including door, sash or trim manufacturing.
 - (4) Jobbing and repair machine shops.
 - (5) Plastic products forming and molding.
 - (6) Printing and publishing.
 - (7) Trade and industrial schools.
 - (8) Air conditioning and heating dealers including incidental sheet metal work.
 - (9) Sign painting establishments.
 - (10) Establishments producing and selling monuments, cut stone, stone and similar products.
 - (11) Other uses similar to and compatible with the above uses.
- N. Theaters, restaurants (standard), bars, night clubs and other similar entertainment facilities, where the patrons are seated within a building.

Sec. 10.03 Permitted Accessory Uses: The following are permitted accessory uses.

- A. Any structural or mechanical use customarily incidental to the permitted principal use.
- B. Signs, subject to the regulations established in ARTICLE XIX.
- C. Off-street parking, as required and subject to the regulations established in ARTICLE XVIII.

Sec. 10.04 Uses Permitted by Special Use Permit:

The following uses of land and structure may be permitted in this District by application for and the issuance of a Special Use permit as provided for in ARTICLE XX.

- A. Non-manufacturing research and development establishment, including:
 - (1) Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
 - (2) Production of prototype products, limited to the scale necessary for full investigation of the merits of the products.
- B. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods

and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products, beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; and, any commodity the manufacture of which is permitted in this District, also storage or transfer buildings, commercial laundries or cleaning establishments and frozen food lockers.

- C. Any use charged with the principal function of basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.
- D. Automobile service stations and commercial garages.
- E. Drive-in or fast food restaurants.
- F. Child Care Centers.
- G. Planned Neighborhood Shopping Center.

Sec. 10.05 Site Development Standards:

The following maximum and minimum standards apply to all uses and structures in the CS-Community Services District, except as modified by Article XVI - Special Provisions and Article XX - Special Use Permits.

- A. Minimum Lot Area:
 - (1) All permitted uses shall require a minimum parcel size of one (1) acre.
- B. Minimum Lot Width: The minimum lot width shall be one hundred and fifty (150) feet.
- C. Maximum Lot Coverage: The maximum lot coverage shall not exceed seventy-five percent (75%).
- D. Yard and Setback Requirements:
 - (1) Front Yard: Seventy-five (75) feet.
 - (2) Side Yard: Twenty-five(25) feet except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Thirty (30) feet.
- E. Maximum Height Requirements:

No structure shall exceed thirty-six (36) feet measured from the average finished grade at the front setback line.
- F. Parking shall be provided in accordance with the requirement of ARTICLE XVIII.
- G. Signs shall be regulated in accordance with the requirements of ARTICLE XIX.
- H. Site Plan Review may be required, as determined by Sec. 21.02.
- J. Other applicable standards as may be contained in this Ordinance.

Sec. 10.06 Other Requirements:

For all uses in the CS-Community Services District, the following provisions shall be met:

- A. All lighting shall be installed and maintained in such a manner as to confine the illumination source/direct rays to the property upon which the use is located and such that no direct rays, glare or illumination shall adversely affect the welfare of an adjacent property.
- B. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. The waste storage area shall be maintained free from litter.
- C. Heating, ventilation or air condition (HVAC) units, heating oil storage tanks or similar appurtenances shall be properly screened.

ARTICLE XI

MANUFACTURING DISTRICT

(MA)

Sec. 11.01 Purpose:

The I-Industrial District is established for the purpose of encouraging within it the development of light manufacturing, processing, storage, and similar character uses compatible with adjacent land uses. The intent of this District is to prohibit, for the benefit of the types of uses for which this District is designed, all other uses not compatible with intended uses in the District. It is the intent of the District to encourage compatibility of the uses permitted in the District with adjacent land uses through provision for appropriate buffer areas and open space.

Sec. 11.02 Uses Permitted by Right:

The following uses and structures are permitted in the MA-Manufacturing District:

- A. Any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products not involving a retail activity on the lot.
- B. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses, including storage yards and transformer stations.
- C. Contractor's establishment not engaging in any retail activities on the site.
- D. Bump shops or automobile repair garages doing general automobile repair work including body and fender work, painting, and upholstery.
- E. Non-manufacturing research and development establishment, including:
 - (1) Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
 - (2) Production of prototype products, limited to the scale necessary for full investigation of the merits of the product.
- F. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; and, any commodity the manufacture of which is permitted in this District; also storage or transfer buildings, commercial laundries or cleaning establishments and frozen food lockers.

Sec. 11.03 Permitted Accessory Uses: The following are permitted accessory uses:

- A. Accessory uses clearly apportioned to the main use of the lot and customary to and commonly associated with the main use, such as:
 - (1) Restaurant or cafeteria facilities for employees.
 - (2) Caretakers residence if situated upon a portion of the lot complying with all of the requirements of Residential Districts.
 - (3) Office facility.
- B. Signs, subject to the regulations established in ARTICLE XIX.
- C. Off-street parking, as required and subject to the regulations established in ARTICLE XVIII.

Sec. 11.04 Uses Permitted by Special Use Permit:

The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article XX.

- A. Planned research or industrial parks.
- B. Industrial establishments, including:
 - (1) The assembly, fabrication, compounding, packaging manufacture or treatment of such articles as food products, candy, drugs, cosmetics and toiletries, musical instruments, toys, novelties, electrical instruments and appliances; radios and phonographs; pottery and figurines or other similar ceramic products using only previously pulverized clay.
 - (2) The assembly, fabrication, compounding, packaging, manufacture or treatment of such products from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, felt, fiberglass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal, ferrous or non-ferrous metals, shell, textiles, wax, wire, wood (excluding saw and planing mills) yards, and paint.
 - (3) Tool and die shops; metal working machine shops involving the use of grinding or cutting tools, such as manufacturing tools, dies, jigs and fixtures; publishing, printing, or forming of box, carton, and cardboard products.
- C. Child Care Facilities.

Sec. 11.05 Site Development Standards:

The following standards apply to all uses and structures in the MA Manufacturing District, except as modified by Article XVI - Special Provisions and Article XX - Special Use Permits:

- A. Minimum Lot Area: No building or structure shall be established on any parcel less than two (2) acres in size.
- B. Minimum Lot Width: The minimum lot width shall be two hundred (200) feet.
- C. Maximum Lot Coverage: The maximum lot coverage shall not exceed seventy- five (75) percent.
- D. Yard and Setback Requirements:
 - (1) Front Yard: The required front yard shall not be less than seventy-five (75) feet or equal to the established setback line.
 - (2) Side Yard: Twenty-five (25) feet, except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Forty (40) feet.
- E. Maximum Height Requirements: No structure shall exceed three (3) stories or thirty- six (36) feet measured from the average finished grade at the front setback line.
- F. Parking shall be provided in accordance with the requirements of ARTICLE XVIII.
- G. Signs shall be regulated in accordance with the requirements of ARTICLE XIX.
- H. Site Plan Review may be required, as determined by Sec. 21.02.
- I. Other applicable standards as may be contained in this Ordinance.

Sec. 11.06 Other Requirements

- A. All lighting shall be installed and maintained in such a manner as to confine the illumination source/direct rays to the property upon which the use is located and such that no direct rays, glare or illumination shall adversely affect the welfare of an adjacent property.
- B. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. The waste storage area shall be maintained free from litter.

- C. Heating, ventilation or air condition (HVAC) units, heating oil storage tanks or similar appurtenances shall be properly screened.

ARTICLE XII

(Reserved for Future Use)

ARTICLE XIII

(Reserved for Future Use)

ARTICLE XIV

(Reserved for Future Use)

ARTICLE XV

ARTERIAL ACCESS MANAGEMENT REGULATIONS

Sec. 15.01 Intent:

The intent of this chapter is to provide standards which will facilitate through traffic operations and improve public safety along arterial roadways within Bloomer Township. This chapter is particularly aimed at optimizing traffic operations along the township's main regional arterial (State Highway M-57) and recognizes the unique traffic and land use characteristics of this facility. The standards contained herein are intended to protect the public investment in arterial roadways and minimize congestion and accident potential while still providing property owners with reasonable, though not always direct, access.

It is recognized that existing development may not be able to meet all the standards contained in this article upon expansion or redevelopment. In such cases, the standards contained herein shall be applied to the maximum extent possible. Where the standards herein cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the chapter may be accepted by the Zoning Administrator, provided that all of the following apply:

- (1) The use will generate less than 500 trips per day, based on rates developed by the Institute of Transportation Engineers.
- (2) The use has insufficient size to meet the dimensional standards.
- (3) Adjacent development renders adherence to these standards economically unfeasible.
- (4) There is no other reasonable access.

The requirements and standards of this Article shall be applied in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation, Montcalm County Road Commission, or other articles of this Zoning Ordinance.

Sec. 15.02 Applicability:

The regulations and standards of this article apply to all properties abutting State Highway M-57.

Sec. 15.03 General Access Requirements:

The following standards shall apply to all uses with frontage on or access to State Highway M-57, which require site plan review. Approval of a site plan by the Township and compliance with these standards does not negate the requirement for securing access permits from the appropriate road authority, either the Michigan Department of Transportation or the Montcalm County Road Commissioners, following site plan approval by the Township.

A. Number of Driveways

- (1) Access to State Highway M-57 for an individual parcel or two contiguous parcels under the same ownership, shall consist of either a single two-way driveway or a paired driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
- (2) For developments that can demonstrate that their combined driveway approach volumes (entering and exiting) will exceed 3000 during an average day (or will be used by 300 vehicles during the peak hour of traffic for either the arterial or the use), and lacking access to a secondary street, a second driveway may be allowed along State Highway M-57 provided that the additional driveway can meet the spacing standards of Sec. 15.04.
- (3) For parcels with M-57 frontage of at least 300 feet an additional driveway may be allowed,

with another driveway allowed for each 300 feet of frontage thereafter, provided that these driveways meet the standards of Sec. 15.04.

- (4) Where parcels have dual frontage on both a side (cross) street and State Highway M-57, access shall be provided off the secondary street. If the parcel has a minimum of 300 feet of M-57 frontage, additional access may be allowed along the arterial, provided that the access meets the standards of Sec. 15.04.

B. Shared Driveways, Frontage Road, parking Lot Connections, and Rear Service Drives.

- (1) Alternative access shall be encouraged. One or more of the following may apply.
 - a. Shared Driveways: Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the driveway spacing requirements of Section 15.04, a shared driveway may be the only access design allowed, the shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
 - b. Parking Lot Connections: Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where possible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed and constructed to provide for a future connection.
 - c. Rear Service Drives: Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to M-57 may be allowed, provided that the driveways meet the requirements of Section 15.03 and 15.04.

C. Clear Vision Area:

Access points shall not be located in designated "clear vision" areas, as specified by the standards of the Michigan Department of Transportation, Montcalm County Road Commission.

Sec. 15.04 Driveway Spacing and Location

- A. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane of the intersecting street.
- B. Minimum distances between a driveway on M-57 and an intersecting street shall be as follows:
 - (1) Two hundred fifty (250) feet when full movement driveway is employed.
 - (2) One hundred (100) feet when channelized driveway (right-turn-in, right-turn out only) is employed.
- C. Minimum distances between the extended edge of M-57 and driveways along an intersecting street shall be as follows:
 - (1) Two hundred (200) feet when full movement driveway is employed.
 - (2) One hundred (100) feet when channelized driveway (right-turn-in, right-turn out only) is employed.
- D. If the amount of street frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection.

E. Driveway Spacing from Other Driveways

- (1) There shall be a minimum spacing of 25 feet between the centerline of a driveway and the adjacent property line, not including the right turn lane and/ or taper. The centerline for channelized driveways is measured at the street right-of-way line. This requirement does not apply to shared driveways.
- (2) If a driveway curb radius extends beyond the frontage of the property, written consent from the affected adjacent property owners(s) allowing the design shall be provided, as required by the road authority.
- (3) Minimum driveway spacing requirements shall be determined based on posted speed limits along M-57 as follows:

Posted Speed (mph)	Driveway Spacing* (in feet) Minimum
30	125
35	150
40	185
45	230
50	275
55	350

* As measured from the centerline of each driveway.

Those spacings are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.

ARTICLE XVI

SPECIAL PROVISIONS

The following special provisions establish miscellaneous regulations which have not been specifically provided for in other portions of this Ordinance, yet are applicable to all zoning districts unless otherwise indicated.

Sec. 16.01 Unsafe Buildings:

Nothing in this Ordinance shall prevent compliance with an order by the Zoning Administrator or other appropriate authority to correct, improve, or strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

Sec. 16.02 One Building per Lot:

No more than one principal building may be permitted on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Sec. 16.03 Access to a Street (Lot of Record):

Any one lot of record created before the effective date of this Ordinance without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. Under this provision, no more than one lot may be served by such an access route.

Sec. 16.04 Building Grades:

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

Sec. 16.05 Required Water Supply and Sanitary Sewerage Facilities:

Any structure erected for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, or recreational purposes shall be provided with a safe, sanitary, and potable water supply, and with a safe and effective means of collection, treatment, and disposal of human, commercial, or industrial wastes. All such installations shall comply with the requirements of the State of Michigan and the local district health department.

Sec. 16.06 Moving Buildings:

No existing building or other structure within or outside of Bloomer Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are in conformity with the building Code of Bloomer Township; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

The compatibility of general character and design shall be determined in the first instance by the Township Zoning Administrator upon review of the structure, subject to appeal by an aggrieved party, to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's

decision. Any determination of compatibility shall be based upon the standards set forth in the definition of "dwelling" (Sec. 3.02), Performance Provisions (Sec. 16.13), as well as the character and design of one or more residential dwellings located within two thousand (2,000) feet of the subject parcel.

A moving permit shall be issued by the Zoning Administrator upon evidence of compliance with the requirements herein.

Sec. 16.07 Prior Building Permits:

Any building permit issued prior to the effective date of this Ordinance shall be valid even though not conforming to the provisions of this Ordinance; provided that construction is commenced within ninety (90) days after the date of permit issuance and carried on diligently without interruption for a continuous period in excess of ninety (90) days.

Sec. 16.08 Fences. Walls and Screens:

The following regulations shall apply to all fences, walls, screens, or similar devices.

- A. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within thirty (30) feet of the point of intersection of two streets.
- B. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision, between height of three (3) and ten (10) feet, within twenty (20) feet of the point of intersection of a street and a driveway.

Sec. 16.09 Accessory Buildings:

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- A. An accessory building, including carports attached to the principal building, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor area.
- B. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. No accessory building shall be closer than five (5) feet to any interior side or rear lot line.
- D. Accessory buildings are subject to all setback requirements from the street applying to the principal building; provided, however, when topographic conditions prevent compliance with this provision, the Board of Zoning Appeals may vary the above requirements in such a manner as to contribute to the public safety and general welfare.
- E. An accessory building shall not occupy more than twenty (20) percent of the area of any rear or front yard.
- F. Detached accessory buildings for nonresidential uses may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Zoning Appeals approval if the principal building exceeds twenty (20) feet in height. This restriction shall not apply to agriculturally-oriented accessory structures.

Sec. 16.10 Variance of Requirements for Lots of Record:

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot area and/or dimensions are less than those required for the District in which the lot is located. Provided that:

- A. Yard dimensions and other requirements of the district, not involving lot area or width are met.

Sec. 16.11 Allocation of Lot Area:

No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

Sec. 16.12 Yard Encroachments Permitted:

The following elements of structures may extend or project into a required yard area.

- A. Certain architectural features such as cornices, eaves, gutters, chimneys, bay windows, balconies and similar features.
- B. Unenclosed porches, patios, paved terraces and decks.
- C. Fire escapes or open stairways.

Sec. 16.13 General Performance Provisions:

All structures and uses shall meet the following standards:

- A. Noise: The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following uses:

In Decibels

<u>(dba)</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial & Other	Common Lot Line

- B. Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch, as measured at the property line.
- C. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines is prohibited.
- D. Gases: The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated.
- E. Glare and Heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
- F. Light: Exterior lighting shall be so installed that the surface of the source of light shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district. All outdoor lighting, whether wall mounted, post mounted, or otherwise, shall be sited and designed to minimize views of the luminaries from residents and motorists.
- G. Electromagnetic Radiation: Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this ordinance.
- H. Smoke and Air Emissions: Discharge of emissions into the air shall be in compliance with the standards and regulations of the Air Pollution Act, P. A. 348 of 1965, as amended. It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
 - (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be the standard. However, the Umbrascopes readings of smoke densities may

be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Zoning Administrator.

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (a) above, except when the emission consists only of water vapor.

- I. Drifted and Blown Materials: The drifting or airborne transmission to areas beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.
- J. Radioactive Materials: Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time. Facilities intending to produce, handle, or emit radioactive materials must apply for and be granted a Special Use Permit, as required in ARTICLE XX.
- K. Sewage Wastes: All industrial sewage discharges into the public sewers shall be subject to the Bloomer Township Sanitary Sewer Ordinance and all limitations or criteria set forth therein.

Sec. 16.14 Requirements for Double Frontage Lots:

In the case of double frontage lots (interior lots having frontages on two more or less parallel streets) all sides of said lots adjacent to streets shall be considered frontage and front yards shall be provided as required.

Sec. 16.15 Access Through Yards:

Access drives may be placed in the required front or side yards so as to provide access to the rear yard and/or accessory or attached structures. Further, any walk or other pavement serving as a like function shall not be considered a structure and shall be permitted in any required yard.

Sec. 16.16 Use of Temporary Buildings and Structures:

Temporary buildings and structures other than those stipulated in this section may be placed on a lot or parcel of record and occupied only under the following conditions.

- A. During renovation of a permanent building damaged by fire. The temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than six (6) months, unless expressly authorized after petition to the Board of Zoning Appeals.
- B. Temporary buildings and structures incidental to construction work, except single-family residences. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed more than twelve (12) months, unless expressly authorized after petition to the Board of Zoning Appeals.
- C. Temporary building incidental to a church or school, provided that all wiring, plumbing, fire protection and exists are approved by the Fire Chief and Building Inspector, and by relevant state agencies.

Sec. 16.17 Solar Access

No land owner shall use his land in any manner which will unduly impede solar access to area residential structures previously existing.

Sec. 16.18 Use of Flag Lots:

A flag lot (see ARTICLE III - DEFINITIONS) may be used for residential purposes without the minimum required frontage on a street, in the following instances and with the following stipulations:

- A. The flag lot makes it possible to better utilize irregularly shaped properties or areas with resource limitations.
- B. Where flag lots are utilized to eliminate direct access to major arterial roadways.
- C. Stipulations:
 - (1) Access shall be provided by a right-of-way, no less than twenty (20) feet wide.
 - (2) No more than one lot may be served by such an access route. Additional lot(s) however, may be served by a singular access upon application for and receipt of a special use permit as provided for in ARTICLE XIX.
 - (3) All site development standards of the applicable zoning district shall be met. The "pole" portion of the flag lot shall not be considered as part of a lot in the application of said site development standards regarding lot area, lot width, lot coverage and yard and setback provisions.
 - (4) No more than ten (10) percent of the lots in a subdivision may be flag lots.
 - (5) Flag lots shall not be permitted in a subdivision when their intent would be to avoid the developmental costs of constructing an access road.

Sec. 16.19 Adult-Related Businesses:

- A. The following adult-related businesses shall not be permitted:
 - 1. Adult book store: An establishment having as a substantial or significant portion of its stock in trade, books, magazine, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or establishment with a segment or section devoted to the sale or display of such material.
 - 2. Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas," (as defined below) for observation by patrons therein.
 - 3. Adult Outdoor Theater: An outdoor commercial facility used for motion pictures or other shows which present material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- B. No adult-related business may be located within one thousand (1,000) feet of another adult-related business, or a residentially zoned parcel, religious institution or school.

Sec. 16.20 Use of Multiple Nonconforming Lots in Single Ownership

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

Sec. 16.21 Setback Measurement

All setbacks shall be measured from the right-of-way of public streets whenever a lot line abuts a public street. If a street right-of-way has not been dedicated, the setback shall be measured from a line thirty-three (33) feet from the street centerline (parallel to the street) on the lot side. In all other situations, the setback shall be measured from the lot line between lots except where a body of water, or a stream or creek makes up a lot line, then the measurement shall be from the line of permanent vegetation.

Sec. 16.22 Home Occupations

- A. Definitions:** For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:
1. **Home Occupation:** An occupation or profession conducted on the same lot as a dwelling, accessory to and incidental to the principal residential use of the premises, and complies with the standards of this Section.
 - a. **Class 1 Home Occupation:** A home occupation that is conducted entirely within a dwelling, including an attached garage, and complies with the provisions of this Section.
 - b. **Class 2 Home Occupation:** A home occupation that is conducted wholly or in part outdoors or in an accessory building and complies with the provisions of this Section. Examples of a Class 2 home occupation may include, but are not limited to, the use of a building accessory to a residence as an office of a contractor, as a storage facility for construction vehicles used in association with such business, or used to provide educational services such as crafts and music.
- B. Authorization/Standards:** The operating or conducting of a home occupation is permitted according to the regulations and standards of this Section.
1. **Class 1 Home Occupation:** A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot in the CO, FM, RR and UR Districts only, and shall comply with the standards of subsection (C) below. Class 1 Home Occupations do not constitute a special land use.
 2. **Class 2 Home Occupation:** A Class 2 Home Occupation is classified as a special land use and permitted in the CO, FM and RR Districts only, and shall be subject to the provisions of Article XX and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article XXI for site plan review, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as services or products offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.
- C. Standards:** Class 1 and 2 home occupations shall comply with the following standards:
1. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article IX.
 2. The occupation shall not produce any noise, odors, radiation, vibration, glare, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
 3. A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.

4. The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation.
5. Refuse generated by the home occupation shall be safely and properly disposed of.
6. A Class 1 home occupation shall not occupy an area greater than twenty-five percent (25%) of the gross floor area of the dwelling's first story. A Class 2 home occupation shall occupy no more than one (1) accessory building and shall not occupy an area of such building greater than nine-hundred (900) square feet.
7. In the case of a Class 1 home occupation, no employees shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than two (2) employees shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. This provision shall not prohibit the arrival of up to two (2) additional employees to the premises for the purpose of receiving daily instructions for work to be performed elsewhere, provided there is compliance with subsection (8) below.
8. All traffic to and from a home occupation shall not result in more than fifteen (15) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors. No delivery of goods by truck shall occur between the hours of 7:00 p.m. and 7:00 a.m.
9. No parking in association with a home occupation shall be located within any setback required for the dwelling except that in the case of a Class 2 home occupation, the parking or storage of such vehicles shall be located in the rear yard only and shall not exceed a total of ten (10) at any single time, subject to site plan approval.
10. No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors except as may be expressly authorized as part of an approved site plan, where the Planning Commission determines adequate screening measures are to be in place to minimize its visual and audile impacts on nearby roads and properties.

(Sec. 16.22 inserted 6-16-14)

Sec 16.23 Garage Sale

- A. Garage Sales Defined:** For the purpose of this Section, "garage sale" shall mean any sales event or activity in a district, other than a sales event or activity identified and approved as a "Use Permitted by Right" or "Use permitted by Special Land Permit" according to the district's specified authorized uses, which occurs on a lot or parcel on which a dwelling is occupied, where members of the public may purchase miscellaneous used household items and personal property. Also included in this definition are events and activities commonly referred to as yard sales, patio sales, carport sales, rummage sales, estate sales, fund raisers, or any other similar events and activities.
- B. Standards and Limitations:** All garage sales shall comply with the following standards and limitations:
1. Garage sales shall be considered temporary accessory uses subject to the limitations of this Section and for which a zoning permit is not required.
 2. No single garage sale shall extend beyond (4) consecutive days in length irrespective of the number of hours that it may be conducted on each day.
 3. No more than three (3) garage sales shall be held on any lot or parcel within any calendar year.

4. All display and sales areas shall be conducted a minimum of thirty (30) feet from the front lot line and a minimum of fifteen (15) feet from all side and rear lot lines.
5. No garage sale shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
6. The sale of items at a garage sale that were purchased specifically for sale at a garage sale are prohibited.
7. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of the garage sale. Signs must contain address including house number.
8. No items available for purchase at a garage sale shall be stored or maintained outdoors upon the conclusion of the garage sale except in the case where such items are customarily maintained or used outdoors such as, by example, vehicles and items intended for tow. Such outdoor storage or maintenance shall comply with all other ordinances of the Township.

(Sec. 16.23 inserted 11-01-15)

ARTICLE XVII

NONCONFORMING USES

Sec. 17.01 Purpose:

It is the purpose of this Article to provide regulations governing lots, buildings, structures and the uses thereof, which were legal before this Ordinance was adopted or amended, including legal non-conforming lots, uses, buildings and structures, that would be prohibited, regulated or restricted under the provisions of this Ordinance. It is the intent of this Article to permit these buildings and structures, herein referred to as non-conformities, to remain until the non-conformity is discontinued or removed. These non-conformities are declared by this Ordinance to be incompatible with the uses and buildings and structures lawfully permitted by this Ordinance. The regulations contained in this Article are designed to ensure that such nonconformities will be properly regulated so as to result in a minimum of disharmony in the districts in which they are located.

Sec. 17.02 Nonconforming Uses:

- A. Where, on the date of adoption or amendment of this Ordinance, a lawful principal use of a parcel or lot exists but is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful, subject to the provisions of this Article.
- B. Nonconforming uses shall not be changed to another nonconforming use, except after approval of the Board of Appeals. Before granting such approval, the Board of Appeals shall determine that such change in use will be more conforming to the intent of the zone district in which it is located than the existing nonconforming use.
- C. Nonconforming uses shall not be expanded or increased in such a way as to increase the nonconforming nature of the use, such as, the addition of dwelling units, additional manufacturing or selling area, or by the addition of facilities which would allow the establishment of other nonconforming uses.
- D. Nonconforming uses shall not be reestablished if abandoned for a period of greater than ninety (90) consecutive days.

Sec. 17.03 Nonconforming Buildings and Structures:

- A. Nonconforming buildings and structures may be altered or expanded without the prior approval of the Board of Appeals, provided that such structure alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other site development regulations which are applicable.
- B. Nonconforming elements of buildings and structures may be structurally altered so as to increase their nonconformity provided that the Board of Appeals shall give its approval for such alteration and then only if it is determined that:
 - (1) the proposed building or structure alteration or extension complies as nearly as it is practical with the requirements of this Ordinance, and;
 - (2) the granting of the approval for the construction of the proposed structure alteration or extension will not have a negative impact on neighboring property.
- C. Reestablishment of nonconforming Uses, Buildings or Structures:
 - (1) Nonconforming uses, buildings or structures shall not be reestablished in their nonconforming condition after damage or destruction of the nonconforming building or structure if the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost, exclusive of foundations. The estimated expense of reconstruction shall be determined by the Township Building Official. Persons aggrieved by the determination of estimated

replacement cost by the Building Official may appeal such determination to the Zoning Board of Appeals.

- (2) In cases where such cost does exceed fifty percent (50%), the nonconforming building or structure shall not be replaced unless the Board of Appeals shall find:
 - (a) that such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use, or;
 - (b) that circumstances are such that the land previously occupied by such nonconforming use cannot then be reasonably used for a permitted use in that zone district.

Sec. 17.04 Nonconforming Lots of Record:

- A. Where the owner of a single, nonconforming lot of record in existence on the effective date of this Ordinance does not own sufficient land to enable him to conform to the requirements of this Ordinance relating to minimum lot area or width, or both, such lot of record may be used as a building site, provided that the other provisions and requirements of this Ordinance are complied with, except as provided in Sec. B below. Such lot shall also be subject to the provisions of Sec. 16.20 regarding multiple lots in single ownership.
- B. The minimum side yard setback requirements for nonconforming lots of record in the FM, RR, and UR zoning districts shall be 10% of the lot width, but in no case shall the side setback be less than five (5) feet. In all other zoning districts, minimum side yard setback requirements shall be complied with.
- C. Within the Farmland District, all lots of record at the time of the adoption of this Ordinance which are less than forty (40) acres in area shall be considered legal non-conforming lots.

ARTICLE XVIII

OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 18.01 Purpose:

It is the purpose of these requirements that parking space shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles used by the occupants, employees or patrons of each building constructed or altered under the provisions of this Ordinance.

Sec. 18.02 Off-Street Parking General Provisions:

At the time any building or structure is erected, enlarged or increased in capacity, or uses established, off-street parking spaces shall be provided as hereinafter prescribed:

- A. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit.
- B. Off-street parking for other than residential uses shall be either on the same lot or within five hundred (500) feet of the building it is intended to serve, measured from the building entrance to the nearest point of the parking lot.
- C. No parking area which exists at the time this Ordinance becomes effective and is provided for the purposes of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- D. No commercial repair work, servicing or selling of any kind shall be conducted on any parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's' play area, mechanical entertainment devices or other similar devices shall be permitted in the parking area.
- E. Where the owners of two buildings, or uses, desire to utilize common off-street parking facilities, the Zoning Administrator may grant approval of such dual function off-street parking facilities, subject to a finding that the following conditions have been met:
 - (1) The common parking lot meets the off-street parking requirements of the larger building or use plus thirty-three (33) percent of said requirement.
 - (2) The common parking lot meets all locational requirements of this Ordinance with respect to each building or use.
- F. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

Sec. 18.03 Schedule of Requirements:

Parking spaces shall be provided in accordance with the design standards of this ORDINANCE and the following schedule. For those uses not mentioned, the Board of Zoning Appeals may determine the parking requirements (Sec. 23.04).

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required Per Unit Measure</u>
<u>RESIDENTIAL</u>	
One Family and Two Family	Two (2) for each dwelling unit plus one (1) additional space for each roomer if any.
Multiple Family	Two (2) for each dwelling unit, plus expansion capacity of twenty-five (25) percent.
Mobile Home Parks	Two (2) for each mobile home or mobile home site.
<u>INSTITUTIONAL</u>	
Churches or Temples	One (1) for each five (5) seats or ten (10) lineal feet of pews in the main room for worship.
Hospitals	One (1) for each one (1) bed.
Homes for the Aged and Convalescent Homes	One (1) for each two (2) beds.
Elementary and Junior High Schools	One (1) for each one (1) teacher, and administrator in addition to the requirements of the auditorium.
Senior High Schools	One (1) for each one (1) teacher, and administrator and one for each ten (10) students, in addition to the requirements of the auditorium.
Theaters and Auditoriums	One (1) for each four (4) seats plus one (1) for each two (2) employees.
Stadium, Sports Arena or similar place of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches.
Dance Halls, Civic Clubs, Fraternal Orders, Union Halls or any similar type use	One (1) space for every four (4) persons permitted to occupy the building by local ordinance or State law, plus additional parking for 25 percent excess capacity.
Private Golf Clubs, Ski Clubs, Swimming Clubs or Beaches, Tennis Clubs or similar uses	One (1) space per four (4) persons of maximum anticipated capacity as approved by the Planning Commission, plus additional parking for 25 percent excess capacity.
Golf Courses Open to the General Public, except Miniature or "Par-Three"	Six (6) for each one golf hole and one (1) for each employee.

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required Per Unit Measure</u>
<u>BUSINESS AND COMMERCIAL</u>	
Shopping Centers or Discount Department Stores Containing at least 25,000 square feet floor area.	Six (6) per one thousand (1,000) square feet of gross leasable
Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber Decorator, Electrician or Similar Trade, Shoe Repair and similar uses	One (1) for each eight hundred (800) square feet of usable floor area.
Supermarket, Self-Service Food or Beverage Shop	One (1) for each two hundred (200) square feet of usable floor area.
Motor Vehicle Sales and Service Establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto.
Retail Stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor area.
Restaurants, Taverns, Bars and Nightclubs	One (1) for each 75 square feet of usable floor area, plus one for every four (4) seats, or one for 37.5 square feet of usable floor area, whichever is greater.
Drive-in and Fast-food Restaurants and Self-Service Restaurants	One (1) for every three (3) patron seats or one (1) for each thirty (30) square feet of usable floor area whichever is greater.
Barber Shops, Beauty Shops	Two (2) spaces for each chair.
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
Drive-in Banks or Laundries	Three (3) standing spaces for each drive-in window in addition to normal parking required for banks or laundries.
Drive-in Car Washes, Automatic	Fifteen (15) standing spaces for each washing bay, plus one (1) space for each two (2) employees.
Drive-in Car Washes, Self-Service	Three (3) standing spaces for each washing bay.
Gasoline Service Stations	One (1) for each service bay, and one (1) for each two (2) employees.
Bowling Alleys	Five (5) for each one (1) alley, in addition to any requirement for other uses such as bar, restaurant, or billiard room.
Miniature or "Par-three" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
Mortuary Establishments	One (1) for each fifty (50) square feet of usable floor space.

Motels, Hotels, or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus extra spaces for dining rooms, ball rooms or meeting rooms as required by this Title. Should units revert to multiple-type use then two (2) spaces per unit shall be provided.
<u>OFFICES</u>	
Business or Professional Offices and Banks, Medical Offices and Clinics	One (1) for every one hundred and fifty (150) square feet of floor area.
<u>INDUSTRIAL</u>	
Industrial or Research Establishments	One (1) for every two (2) employees in the largest working shift.
Warehousing or Wholesale Establishments	One (1) for every two (2) employees in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Sec. 18.04 Off-Street Parking Development Standards:

Whenever the off-street parking requirements in Sec. 18.03 require the building of an off-street parking facility, such off-street parking lots shall be designed, constructed and maintained in accordance with the following standards and regulations.

- A. Plans for all off-street parking lots providing spaces for more than five (5) vehicles shall be submitted as part of the Site Plan Review process and must be approved by the Planning Commission prior to construction.
- B. Each off-street parking space for vehicles shall not be less than one hundred eighty (180) square feet in area, exclusive of access drives or aisles.
- C. Each space shall be clearly marked and reserved for parking purposes.
- D. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be in accordance with the following minimum regulations:

Parking Pattern	Maneuvering Lane Width		Parking Space	
	One Way	Two Way	Width	Length
0° (parallel parking)	11 Ft.	18 Ft.	9 Ft.	25 Ft.
30° to 53°	12 Ft.	20 Ft.	9 Ft.	21 Ft.
54° to 74°	13 Ft.	22 Ft.	9 Ft.	21 Ft.
75° to 90°	15 Ft.	24 Ft.	9.5 Ft.	20 Ft.

- E. All off-street parking areas shall be drained so as to eliminate surface water ponding and prevent drainage onto abutting properties. The surface of the parking lot, including drives and aisles, excepting landscaped areas, shall be constructed of a dustless and durable all-weather surface.
- F. Any lighting fixtures used to illuminate off-street parking shall be so arranged as to reflect the light away from any adjoining residential properties, institutional premises, or street and highways; and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day.
- G. Where a parking area with a capacity of five (5) or more vehicles adjoins a residential district, a buffer at least twenty (20) feet in width shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of structural (fence) or plant materials no less than five (5) feet in height.
- H. Where a parking area with a capacity of five (5) or more vehicles adjoins a public street, a buffer at least ten (10) feet wide shall be provided between the parking area and the adjacent street. Plantings or a berm shall be provided to screen the parking area from view along the entire length of this buffer strip. Plantings in this buffer area shall be maintained in a healthy condition. No more than two (2) driveway approaches may be permitted to break this buffer from a major street or no more than one (1) driveway from a minor street. When parking lots are larger than fifty (50) vehicles the required buffer shall be twenty (20) feet between the parking area and the public street.
- I. In addition to any landscaping required in any particular district or ARTICLE, all parking areas often (10) or more vehicles shall be landscaped within the parking area. Such landscaping shall be accomplished throughout the parking area on the basis of two hundred (200) square feet of grass and planted area (parking island) for each ten (10) parking spaces. All landscaping shall be adequately maintained in a healthy condition.

Sec. 18.05 Off-Street Loading and Unloading:

On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, laundry, dry cleaning, or other uses similarly 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 services in order to avoid undue interferences with public use of the streets, alleys, or any required access aisles for off-street parking areas.

- A. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by forty (40) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

Loading and Unloading Spaces Required

<u>Gross Floor Area in Square Feet</u>	<u>In Terms of Square Feet of Gross Floor Area</u>
0 - 1,999	None.
2,000 - 19,999	One (1) space.
20,000 - 99,999	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet.
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet.

- B. The location and design of loading and unloading areas shall be reviewed at the time of Site Plan submission to insure adequate protection is afforded adjacent districts, especially residential districts, in regard to noise, views and screening, and disruptive elements normally associated with such facilities.

Sec. 18.06 Applicability to Mobile Home Park Development:

The provisions of Article XVIII shall apply to mobile home park developments except that nothing in Article XVIII shall be interpreted to: 1) authorize the Township to prohibit occupancy of a mobile home park which has been approved for occupancy by the Michigan Mobile Home Commission; 2) to prohibit on-street parking in mobile home parks, provided that any on-street parking that is provided in mobile home parks is provided on private roads which service local mobile home park traffic and not on public collectors and arterials which are through streets; 3) to require Township review of a separate parking plan in addition to the normal and acceptable preliminary plan review; 4) to require mobile home parks to meet different pavement construction requirements from those established or approved by the Mobile Home Commission and its architect.

ARTICLE XIX

SIGNS

Sec. 19.01 Purpose:

The purpose of this Article is to provide a framework in which the identification and informational needs of all land uses can be harmonized with community interests in public health, safety and welfare, including the preservation of the Township's overall character and that of its business and residential areas. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives, while recognizing that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines economic development initiatives.

Sec. 19.02 Definitions:

In addition to the definitions set forth in ARTICLE III, the following words shall have the meanings hereinafter set forth.

- A. Electronic Message Center (EMC) Signs: A free-standing or wall sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
- B. Free-Standing Signs: A sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building, and including signs generally having a low profile where the base of the sign structure is on or close to the ground and commonly referred to as a monument or ground sign.
- C. Off-Premises Advertising Sign: A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located and commonly referred to as a "billboard".
 - (1) Class 1 Off-Premises Sign/Billboard: An off-premises advertising sign intended for viewing by highway travelers and typically providing information about a business, use or activity outside of the municipality in which the sign is located, and which is located in a public right-of-way pursuant to the Highway Advertising Act, P.A. 106 of 1972, as amended .
 - (2) Class 2 Off-Premises Sign/Billboard: An off-premises advertising sign intended to assist vehicle occupants find a local business, use or other facility. A Class 2 off-premises sign is located outside of a road right-of-way unless expressly authorized otherwise by the agency having jurisdiction over such road right-of-way.
- D. Projecting Signs: A sign which projects from and is supported by a wall of a building above a sidewalk or the ground level.
- E. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a person, or an idea, which is located upon any land or structure on or in any building, in such manner as to inform or attract attention from outside or off the premises.
- F. Temporary Sign: A sign designed to be moved periodically. Examples of temporary signs include banners, signs mounted on wheeled trailers, and hot-air and gas filled balloons and devices.

- G. Wall Sign: A sign which is attached directly to or painted upon a building wall and which does not extend more than twelve (12) inches there from or above the roof line, with the exposed face of the sign in a plane parallel to the building wall. "Wall sign" shall include signs attached to a marquee, canopy or awning projecting from and supported by the building and which may extend more than twelve (12) inches from such building wall, which shall be construed as a wall sign. "Wall sign" shall not include a sign mounted on the roof of a building or structures, laying either flat or upright at an angle to the roof pitch.
- H. Window Sign: Signs affixed to, in contact with, or within twelve (12) inches of a window; installed for purposes of viewing from outside the premises. "Window sign" shall not include merchandise located in a window.

Section 19.03 General Standards and Regulations

- A. Type/Applicability:
Except where expressly provided otherwise by this Ordinance, no type of sign shall be erected except as expressly authorized by this Article and such sign shall apply and pertain solely to an authorized and approved use, activity or business on the lot or parcel on which the sign is located. Off-premises advertising signs are prohibited except as regulated by Section 19.07.
- B. Measurements
 - (1) Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, or circle, or combination thereof, including any framing. Where a sign has two (2) or more similarly shaped faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined.
 - (2) Sign Setbacks: All setbacks shall be measured from the lot line horizontally to the nearest edge of the sign. The "nearest edge of the sign" shall be the leading edge of the sign closest to such lot line as viewed from above in plan or bird's eye view.
 - (3) Sign Height: The height of a ground sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the adjacent street or average ground elevation within ten (10) feet of the sign base, whichever is less.
- C. Materials, Construction and Maintenance:
 - (1) All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
 - (2) All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling paint or paper, fading, rust, or other conditions reflective of a state of disrepair.
 - (3) No light pole, utility pole, or other supporting member shall be used for the placement of a sign unless specifically designed and approved for such use.
 - (4) No free-standing sign shall have a dimension that exceeds five times that of its opposite dimension, such as in the case of a sign's width and length.

D. Lighting:

- (1) Signs may be internally or externally illuminated. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the lot or parcel on which the sign is located. No sign shall include flashing, blinking, moving or variable intensity illumination, excluding EMC signs as regulated by subsection (2) below.
- (2) EMC Signs: EMC signs shall comply with the following standards:
 - a. An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of ten (10) seconds without any change in movement, light intensity or color. Message scrolling and similar moving messages are prohibited.
 - b. Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
 - c. No EMC sign shall have any message changes during hours that the business or use is not open to the public.
 - d. An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
 - e. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:

$$\sqrt{(12 \times 100)} = 34.6 \text{ feet} = \text{measuring distance}$$

E. Prohibition of Moving Parts: Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement irrespective of the cause of the movement, is prohibited. Banners, pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices, are considered moving signs and are prohibited except in association with a temporary sign as regulated by this Article.

F. Traffic Interference: No sign, by location, design, color, or lighting, shall undermine public safety in association with vehicles or pedestrians passing, entering or exiting a lot including the obstruction of free and clear vision of approaching, intersecting or merging traffic, or encouraging confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.

G. Permits/Review

- (1) Required Permit/Review: All signs shall require a Zoning Permit prior to placement, erection, replacement or alteration unless exempted by subsection (2) below. If site plan review is required for a proposed project that a proposed sign shall be part of, the proposed sign shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article XXI. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the sign application to ensure all applicable ordinance standards have been met prior to issuing a permit for the sign. The Zoning Administrator may defer action on a proposed sign to the site plan approving body.
- (2) Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (G)(1) above but shall conform to all other regulations and standards of this Article.
 - (a) Signs erected by a governmental entity.
 - (b) Indoor signs affixed to or covering windows.
 - (c) Real estate signs, special purpose signs, and other signs of a temporary nature as authorized by Section 19.04.
 - (d) Signs less than ten (10) square feet in area not otherwise listed above.

Section 19.04 Signs Permitted in All Districts

- A.** The following signs are permitted in all Districts, subject to the standards and limitations prescribed including the provisions of Section 19.03, but in no case shall such a sign be an EMC sign:
- (1) **Dwelling and Home Occupation Signs:** No more than one (1) sign shall be erected for the purpose of identifying a dwelling unit, a home occupation, or family home day care facility. Such sign shall not exceed two (2) square feet in sign area except that a home occupation sign shall not exceed four (4) square feet in area. These limitations shall not prohibit the display of an additional address identification sign posted along the abutting road for postal and emergency identification purposes where such sign complies with the most current guidelines published by the U.S. Postal Service. Home occupation signs shall be affixed to the dwelling.
 - (2) **Residential Development Identification:** A residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified residential development consisting of at least five (5) dwelling units shall be permitted one (1) sign per vehicle entrance, no closer than fifteen (15) feet to the road right-of-way, and having a sign area not exceeding twenty-four (24) square feet and a height not exceeding five (5) feet.
 - (3) **Real Estate/Dwelling Unit/Personal Property Availability Signs:**
 - (a) One (1) sign advertising the sale or lease of the lot or residence on which the sign is located shall be permitted, provided it is removed within thirty (30) days of the completion of the sale/lease, no more than one (1) sign for each three-hundred (300) feet of frontage of such lot and no sign shall exceed an area of six (6) square feet.
 - (b) A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one sign advertising the sale or lease of a lot or residence no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. Such sign shall be removed within six (6) months after the sale of ninety percent (90%) of all lots, units, or buildings within said development.
 - (c) In addition to (a) and (b) above, a maximum of two (2) additional signs, not to exceed an area of four (4) square feet each, may be erected in a development of multiple dwellings or units for the purpose of directing the public to a model home or unit, or rental office, in such development.
 - (d) One (1) sign advertising the sale of personal property on the lot on which the sign is located shall be permitted provided no more than one (1) sign shall be erected for each three-hundred (300) feet of frontage or portion thereof of the lot, and no sign shall exceed an area of four (4) square feet.
 - (4) **Construction Signs:** Signs which identify the owners, financiers, contractors, architects and engineers of a project under construction for which a Zoning Permit and Building Permit have been granted, provided such a sign is a maximum height of six (6) feet and a maximum size of thirty-two (32) square feet, is set back from all property lines a minimum distance of ten (10) feet, and provided only one (1) such sign per lot. Such sign shall be removed upon the issuance of a Certificate for Occupancy or the passing of eighteen (18) months, whichever occurs first.
 - (5) **Bulletin Board:** A single bulletin board sign shall be permitted on a lot in any district that is used for a religious institution, school, museum, library, or other similar institution. Such sign shall have a maximum height of six (6) feet, shall not exceed twenty-five (25) square feet, and shall not be included in permissible maximum sign area calculations. Such sign shall be setback a minimum of ten (10) feet from all lot lines.

- (6) Political Advertising Signs: Signs related to a candidate running for office, a proposition up for public vote, or a ideology or philosophy, shall not exceed six (6) square feet in area and six (6) feet in height, and no more than one (1) sign for each candidate, ideology or philosophy shall be posted on a lot within each three-hundred (300) feet of lot frontage. Such sign shall be setback a minimum distance of ten (10) feet from all lot lines. During the period within forty-five (45) days of a public vote, such signs shall not exceed sixteen (16) square feet.
- (7) Directional Signs: Signs that are used solely for the purpose of providing traffic directions or instructions in association with a lot on which they are located, such as “entrance,” “exit,” “in,” and “out”, are permitted in all districts on the lot on which they serve provided such signs shall not exceed three (3) square feet in area and four (4) feet in height, and located a minimum of five (5) feet from any lot line and driving lane edge. Information to be included on such signs shall be limited to the business’s name or logo and directional information and shall not count toward the permissible maximum sign area calculations.
- (8) Warning Signs: Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed two (2) square feet.
- (9) Building Signs: Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building’s date of erection, or monumental citations, provided such signs do not exceed ten (10) square feet in area and are an integral part of the building structure.
- (10) Flags: Flags with the insignia of a public governmental entity including an agency or department of such governmental unit; community organization; institution; or organization. In the case of a flag with the insignia of a community organization, institution; or organization, the flag shall not exceed twenty-five (25) feet in height and twenty-four (24) square feet in area.
- (11) Stick-On Signs: Miscellaneous stick-on and painted signs affixed to vending machines, gas pumps, ice containers, and similar outdoor items provided each sign does not exceed two (2) square feet in area.
- (12) Historical Markers: Historical markers, plaques, or signs describing township, county state or national designation as an historic site or structure, not exceeding ten (10) square feet in area.
- (13) Public Notice Signs: Signs and notices of Bloomer Township, Montcalm County, the State of Michigan, or the United States of America, as may be deemed necessary and appropriate by the unit of government.
- (14) Agricultural Dealer Plot Signs: Signs on a farm that provide information about agricultural products used on such farm, provided each sign shall not exceed four (4) square feet.
- (15) Temporary sign, public event: Temporary signs containing public messages concerning special events sponsored by governmental agencies, nonprofit organizations, religious institutions, schools, museums, libraries, or other similar institutions, subject to the following restrictions:
 - a. The sign shall not be displayed for more than thirty (30) days.
 - b. No more than one (1) sign may be erected on the lot or parcel at any single time.
 - c. The sign shall not exceed twenty-four (24) square feet in area.
 - d. The sign shall be located no closer than ten (10) feet from all lot lines.
 - e. The lot or parcel on which the sign is located shall not have more than two (2) such signs erected within a calendar year, and there shall be a passing of a minimum of sixty (60) days between the display of such two (2) signs.
- (16) Temporary sign, grand opening: Signs intended to announce the opening of a public or private facility, including a business but excluding a home occupation, subject to the following restrictions:
 - a. The sign shall not be displayed for more than thirty (30) days.
 - b. No more than one (1) sign may be erected on the lot or parcel at any single time.

- c. The sign shall not exceed thirty-two (32) square feet in area.
 - d. The sign shall be located no closer than ten (10) feet from all lot lines.
 - e. Wind-blown devices, such as pennants, spinners and streamers may be used as part of or in association with such sign.
- (17) Temporary sign, special announcement: Temporary signs not exceeding eighteen (18) square feet in area and eight (8) feet in height may be displayed for special announcement purposes regarding a service, product or activity available on the lot on which the sign is erected, subject to the following restrictions:
- a. The sign shall not be displayed for more than (30) days in any calendar year.
 - b. No more than one (1) sign may be erected on the lot or parcel at any single time.
 - c. The sign shall not exceed twenty-four (24) square feet in area.
 - d. The sign shall be located no closer than ten (10) feet from all lot lines.
 - e. The lot or parcel on which the sign is located shall not have more than two (2) such signs erected within a calendar year, and there shall be a passing of a minimum of sixty (60) days between the display of such two (2) signs.

Sec. 19.05 Signs for Residential Uses in All Districts:

Signs permitted in association with residential uses including dwellings, platted subdivisions, condominium subdivisions, multiple family developments, and manufactured housing communities, and real estate signs, shall be as regulated by Section 19.04.

Sec. 19.06 Signs for Non-Residential Uses in All Districts

The following signs, pertaining to facilities, products, services, or activities available on the lot or parcel on which such signs are located, are permitted in all districts in association with non-residential uses, including commercial, industrial and institutional uses. Any sign not expressly permitted is prohibited.

A. Free-Standing Signs:

- (1) One (1) freestanding sign not exceeding thirty-two (32) square feet in sign area, and set back a minimum distance of fifteen (15) feet from all lot lines but shall not be located closer than fifty (50) feet to a side or rear lot line in the CO, FM, RR and UR Districts. The top of free-standing signs shall be no higher than five (5) feet from ground level, or, in the alternative, the top of the sign may be as high as twenty (20) feet with the bottom of the sign no lower than ten (10) feet above the ground level.
 - (a) In the case of a grouping of two or more buildings on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified group of businesses, including buildings housing multiple tenants, one (1) additional free-standing sign may be erected within the proximity of the respective building to which the sign pertains, provided such sign does not exceed twenty-four (24) square feet in area and six (6) feet in height.
- (2) At least fifty percent (50%) of the sign area shall be devoted to the facility name or the nature of the use.
- (3) No EMC sign shall occupy more than fifty percent (50%) of the total area of a free-standing sign.

B. Wall Signs:

- (1) One (1) wall sign, not exceed ten (10) percent of the building face to which such sign is attached. In the case of a grouping of two or more buildings on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified group of businesses, including buildings housing multiple tenants, and referred to as a business center for the purpose of this subsection, one (1) wall sign is permitted

for the purpose of identifying the business center and the business center shall be permitted one (1) additional wall sign for each business or tenant space having frontage along a public road or parking area. Such additional signs shall be attached to the façade of such business or tenant space. All of the area of all business center wall signs, including in the case of a corner lot and irrespective of whether used to identify the business center and/or individual businesses or tenants located within, shall not exceed ten (10) percent of the vertical surface area of the facade forming the building frontage generally oriented to the road frontage or parking area.

- (2) Wall signs shall be placed flat against the building or parallel to the building on a canopy and may only face public streets or parking areas which are part of the development.
- (3) Wall signs shall not project above the roof line or cornice.
- (4) No EMC sign shall occupy more than fifty percent (50%) of the total area of a wall sign.

C. Projection Signs:

- (1) One (1) projection sign per building, with a surface display area not exceeding one and one-half (1-1/2) square feet in area for each lineal foot of building frontage up to a maximum of fifty (50) square feet.
- (2) Projecting signs shall be attached directly to a building by means of building mounts or hung from a mast arm.
- (3) Projection signs shall project at a 90° angle to the building surface to which attached.
- (4) Projecting signs shall not extend beyond the minimum required setback line or into and over street right-of-way.
- (5) The minimum clearance of a projecting sign over a sidewalk shall be nine (9) feet.
- (6) No projecting sign, or portion of such sign, shall be an EMC sign.

D. Window Signs:

- (1) Window signs shall be limited in area to ten (10) percent of the total window surface of the window involved.
- (2) Window signs are permitted on first floor windows only.
- (3) The provisions stated above shall not restrict the reasonable application upon a window surface of lettering or decals giving the address, hours of business, entrance or exit information, professional or security information, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowable signage.
- (4) No window sign, or portion of such sign, shall be an EMC sign.

E. Off-Premises Advertising Signs: See Section 19.07

Sec. 19.07 Off-Premises Advertising Signs

A. Authorization: Off-premises signs are prohibited except as authorized by this Section.

B. Class 1 Off-Premises Signs: Class 1 off-premises signs are permitted in compliance with the Highway Advertising Act, P.A. 106 of 1972, as amended, and the following additional limitations:

- (1) Class 1 off-premises signs are permitted only on lots abutting M-57 in the CS and MA Districts.
- (2) Class 1 off-premises signs shall be setback a minimum of sixty (60) feet from all lot lines.
- (3) There shall be a minimum of two thousand (2,000) feet between any two Class 1 off-premises signs along the same side of M-57. A double-face or V-type sign shall be construed as a single sign.
- (4) A Class 1 off-premises sign's total sign area facing any single direction shall not exceed three hundred (300) sq. ft.

(5) A Class 1 off-premises sign shall not exceed a height of eighteen (18) feet.

C. Class 2 Off-Premises Signs: Class 2 off-premises signs are permitted subject to the following limitations:

(1) Class 2 off-premises signs are permitted in all Districts.

(2) Construction:

(a) A Class 2 off-premises sign shall be constructed of non-rusting metal.

(b) A Class 2 off-premises sign shall be comprised of no more than three panels located above one another. Each panel shall be one and one-half (1.5) feet in height and six (6) feet in length. The upper edge of the highest panel shall not be more than six (6) feet above the ground below.

(c) No portion of a Class 2 off-premises sign shall be an EMC sign.

(3) Information: No information shall be displayed on Class 2 off-premises sign except information pertaining to the establishment's name, symbol and/or logo, directions and/or a directional arrow, and the mileage to the establishment.

(4) Location:

(a) A Class 2 off-premises sign shall be located no greater than three hundred (300) feet from the centerline intersection between two (2) public roads classified by the Montcalm County Road Commission as "primary" roads according to Public Act 51 of 1951 as amended, and between the centerline intersection of M-57 and a public road classified by the Montcalm County Road Commission as a "primary" road according to Public Act 51 of 1951 as amended. There shall be a minimum of two hundred (200) feet between any two (2) Class 2 off-premises sign along the same side of the road unless an intersecting public road is located between such signs.

1) In addition to the locations specified in (a) above, a Class 2 off-premises sign may be erected on any other road under the jurisdiction of the Montcalm County Road Commission outside of a RR, UR, or CS District, and provided no such sign is erected within 5,000' of another such sign on the same side of the road.

(b) No Class 2 off-premises sign shall be located in a road right-of-way except where such location and sign is authorized by the road agency having jurisdiction along such road segment. Such location shall comply with the spacing limitations of this subsection (4).

Sec. 19.08 Existing Nonconforming Signs:

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this S Ordinance or amendment thereto, although such sign may not conform to the provisions of this Ordinance or amendment thereto. It is the intent that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. Therefore the continuance of all nonconforming signs within Bloomer Township shall be subject to the conditions and requirements set forth herein.

A. Structural Changes: The faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or conforms to the provisions of this ARTICLE.

B. Repairs, Alterations and Improvements: Nothing herein shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful nonconforming sign, provided such repair does not exceed an aggregate cost of thirty (30) percent of the appraised replacement cost as determined by the Building Inspector, unless the subject sign is changed by such repair, reinforcement, alteration,

improvement, or modernizing to a conforming sign. Nothing in this Section shall prohibit the periodic change of message on any sign.

- C. Restoration of Damage: Any lawful nonconforming sign damaged by fire, explosion, or an act of God, or by other accidental causes, may be restored, rebuilt or repaired, provided that the estimated expense of reconstruction does not exceed fifty (50) percent of the appraised replacement cost as determined by the Building Inspector.
- D. Discontinuance or Abandonment: Whenever the activity, business or usage of a premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming sign attached or related thereto. At the end of this period of abandonment, the nonconforming sign shall either be removed or all display information shall be removed from such sign.

(Article XIX amended/redrafted 6-16-14)

ARTICLE XX

SPECIAL USE PERMITS

Sec. 20.01 Purpose:

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, more familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as SPECIAL USES and may be authorized by the issuance of SPECIAL USE PERMIT with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. The following sections, together with previous references in other ARTICLES, designate what uses require a Special Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

Sec. 20.02 Application Procedures:

- A. Applicant: Any person owning or having an interest in the subject property may file an application for one or more special use permits provided for in this Ordinance in the zoning district in which the land is situated.
- B. Application: Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. Data Required in Application: Every application shall be accompanied by ten (10) copies of the following information and data:
 - (1) Special form supplied by the Zoning Administrator filled out in full by the applicant.
 - (2) Site plan, plot plan, or development plan, drawn to a readable scale, and containing that information specified in Sec. 21.03.
 - (3) Preliminary plans and outline specifications of the proposed development, if applicable.
 - (4) A statement with supporting evidence regarding the required findings specified in Sec. 20.04.
- D. The property owner shall transmit one (1) copy of the application to each of the following agencies considered to be impacted or affected by the land use request for their review and comment (e.g. county drains - Montcalm County Drain Commissioner; road access - Montcalm County Road Commission, etc.):
 - (1) Montcalm County Road Commission

- (2) District Health Department
- (3) Montcalm County Drain Commissioner
- (4) Michigan Department of Transportation
- (5) School District - Superintendent of Schools
- (6) Fire Chief
- (7) County Sheriff

The property owner shall have these agencies forward their review and comments directly to the Planning Commission. The Planning Commission, upon receiving the comments of the above affected agencies shall proceed with a public hearing on the request.

Sec. 20.03 Review and Findings:

- A. Planning Commission Public Hearing: The Planning Commission shall review the application at its next regular meeting following filing and shall set a date for public hearing within forty-five (45) days thereafter. Notice of such hearing shall be given according to Section 22.07.
- B. Planning Commission Recommendation: Upon conclusion of such hearing procedures, the Planning Commission shall transmit a written recommendation within thirty (30) days to the Township Board. The Planning Commission's recommendation on a special land use application shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by the general special land use standards set forth in Section 20.04 and the specific special land use standards, requirements and conditions set forth elsewhere in this Zoning Ordinance including Article XX, and the site plan standards set forth in Section 21.04. Such recommendation shall be forwarded to the Township Clerk.
- C. Township Board Action: Upon receipt of the Planning Commission recommendation, the Township Board shall consider the special use permit application at its next regular meeting. The Township Board shall deny, approve, or approve with conditions the application for special land use including the site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion. The Township Board's decision on a special land use application shall be incorporated, in verbal and written form, in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by the general special land use standards set forth in Section 20.04 and the specific special land use standards, requirements and conditions set forth elsewhere in this Zoning Ordinance including Article XX, and the site plan standards set forth in Section 21.04. The Township Board's actions shall be forwarded to the Township Clerk. Following favorable action by the Township Board, the Clerk shall issue a Special Use Permit, subject to any conditions as have been placed on such permit by the Township Board. All conditions shall be clearly specified in writing.

Sec. 20.04 General Standards for Making Determinations:

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Master Land Use Plan of current adoption;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will be a substantial improvement to property in the immediate vicinity and to the community as a

whole;

- E. Will be served adequately by essential public facilities and services; such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. Will be consistent with the intent and purposes of this Ordinance.

Sec. 20.05 Conditions and Safeguards:

- A. Prior to granting any Special Use Permit, the Township Board may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Special Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards as established in this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of Special Use Permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.
- C. Special Use Permits may be issued for time periods as determined by the Township Board. Special Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Special Use Permit, the Township Board may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Township Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Continuance of a Special Use Permit by the Township Board shall be withheld only upon a determination by the Zoning Administrator to the effect that:
 - (1) Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period.
 - (2) Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued.
- F. All plans, specifications and statements submitted with the application for a Special Use Permit shall become, along with any changes ordered by the Township Board, a part of the conditions of any Special Use Permit issued thereto.
- G. No application for a Special Use Permit which had been denied wholly or in part of the Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Township Board.
- H. The foregoing general standards are basic to all special uses; and the specific requirements accompanying the following Sections relating to particular uses are in addition to and shall be required in all applicable situations.

Sec. 20.06 Appeals:

Recourse for a person considering himself aggrieved by a decision of the Township Board in the granting or denial of a Special Use Permit shall be to the Circuit Court of Montcalm County as provided by law.

Sec. 20.07 Planned Unit Developments (PUD):

- A. Intent: It is the intent of this Section to provide for an added degree of flexibility in the placement and interrelationship of buildings incorporating a variety of residential dwellings, and encouraging a more creative approach to development. Such criteria are further intended to:
- (1) Result in a more efficient development pattern with shorter streets and utility networks.
 - (2) Preserve existing natural assets, such as stands of trees, floodplain, open fields and the like.
 - (3) Accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance.
 - (4) Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all living units.
 - (5) Such development may consist of individual lots or common building sites. Common land and open space are essential elements of the plan related to affecting the long-term aesthetic and economic values of the entire development.
- B. General PUD Requirements, Restrictions and Standards:
- (1) Minimum Project Area: Minimum project area allowable for a PUD shall be fifteen (15) acres.
 - (2) Location: PUDs may be located in those districts as designated and upon approval of the Township Board.
 - (3) Uses Permitted: Only the following land and/or building uses may be permitted under the provisions of this Section:
 - (a) All uses permitted in the district for which the PUD is approved.
 - (b) Any additional uses which can be shown to be compatible with the general objectives of the Township's Master Land Use Plan as well as integral to the specific PUD scheme in which they are contained. For the purpose of this Section, an integral use shall be defined as a use which has a specific functional relationship with other uses contained in the development, as for example, a Day Care Center which serves primarily the needs of residents of the development.
 - (4) Performance Objectives:
 - (a) Yard, setback, lot size, type of dwelling unit, height, and frontage requirements restrictions are waived for the PUD, PROVIDED, HOWEVER, that the spirit and intent of this Section, as defined in the intent clause, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent clause of this Section.
 - (b) Access: Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use.
 - (c) Land Usage: The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
 - (d) Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.

- (e) Off-Street Parking: Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirement of ARTICLE XVIII of this Ordinance. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
 - (f) Development Concept: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
 - (g) Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm waters, and to prevent erosion and the formation of dust. This could include the establishment of retention basins in order to minimize storm water runoff.
 - (h) Pedestrian Circulation: The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.
 - (i) Recreation Areas: Recreational facilities for the resident of the project, not impairing the view and privacy of the living units, shall be provided in easily accessible locations.
 - (j) Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and ground and to screen out objectional features.
- (5) Density: The density (dwelling units per acre) of a PUD shall not exceed the density of the zone in which it is located. When more than one zone is involved, the density of the project will be the average of the zones, weighted in direct proportion to the size of the property within the project in each zone. Only one-half (1/2) of the total portion of the site comprised of floodplain, swamps, (wetland) or a water body, may be used in the calculation of densities of a project.
- (6) Bonus Densities: The Township Board may approve PUD's developed at densities in excess of the allowed maximum, when the developer can compensate for the increased densities by providing unique and extraordinary amenities, incorporating special site planning and landscape design techniques or preserving substantial areas of natural assets. Increased densities permitted through various bonus density provisions shall be cumulative, but not exceed forty (40) percent. Criteria for reviewing bonus density requests shall include:
- (a) Design - ten (10) percent density increase for distinctiveness and desirable variations in design including: landscaping, siting and design features.
 - (b) Common Open Space - One (1) percent increase in density for each one and a half (VA) percent increase in Common Open Space above the minimum area required, but not to exceed twenty (20) percent density increase.
 - (c) Natural Assets - ten (10) percent density increase for preservation or provision of unique Common Open Space amenities, including twenty (20) percent for woodlot preservation or provision of a permanent pond, both of which must be one acre or larger in size.

- (7) Common Open Space: "Common Open Space" is defined as a parcel or parcels of land or an area of water or a combination of land and water designed and intended for the use or enjoyment of the residents of the PUD or of the general public. "Common Open Space" does not include proposed street rights-of-way, open parking area, or commercial areas. Common Open Space may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units, according to the concentration of dwellings; formal parks, picnic areas; playgrounds; and scenic open areas and communal non-commercial, recreational facilities.
- (a) The area of Common Open Space within a PUD project may not be less than fifteen (15) percent of the total land area of the project.
- (b) All Common Open Space shown on the final development plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purposes intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance.
- (8) Circulation Facilities: The arrangements of public and common ways for pedestrian and vehicular circulations shall be coordinated with other existing or planned streets in the area.

C. Procedures for PUD Special Use Permit:

- (1) Applications: Applications shall be submitted through the Township Clerk to the Planning Commission. (See Sec. 20.02).
- (2) Preliminary Review for Special Use Permit:
- (a) In addition to those requirements set forth in Sec. 20.02, the developer must submit the following, for the initial phase of project review.
- (1) A development plan, drawn to a readable scale, of the total property involved showing its location in the Township and its relationship to adjacent property.
- (2) A site plan indicating the proposed types and location of dwelling units and the anticipated population density associated with each type as well as the entire project.
- (3) A site plan indicating the location and purpose of all non-residential structures, traffic circulation, parking layout and pedestrian pathways.
- (4) A site plan showing the acreage, nature and location of common open space, and a general statement as to the means by which the developer will guarantee its continuity and maintenance.
- (5) Plans and data as may be required under ARTICLE XV.
- (b) Following receipt and review of the application, the Planning Commission shall hold a legally advertised public hearing on the proposed development. Upon conclusion of the public hearing, the Planning Commission shall transmit a recommendation to the Township Board, as provided in Sec. 20.03.
- (3) Secondary Review for PUD Special Use Permit:
- (a) Prior to receiving secondary approval, the developer must submit the following to the Planning Commission for their review.
- (1) A site plan indicating engineering recommendations for water, sanitary sewer, storm drainage, natural gas, electric and telephone systems.
- (2) A site plan indicating recommendations for road alignments with provisions for dealing with topography and soil conditions.

- (3) A site plan indicating existing contours and the final topographic conditions proposed for the site after grading.
 - (4) A detailed landscaping plan.
 - (5) A specific schedule of the intended development and construction details, including phasing or timing as they relate to open space, recreational features, common use areas, utilities and screening requirements.
- (b) The Township Board will make a final decision to approve or deny the project based on Planning Commission review of final detailed information specified above. The Township Board shall state verbally and in written form its reasons for approval or denial of the project.
- (4) Commencement and Construction: The applicant shall commence construction for an approved PUD within one (1) year following recording of approved final plat or Special Use Permit if no plat is necessary. Failure to do so will invalidate the permit. The applicant may request one (1) extension for not more than one (1) year from the Township Board, providing request is received prior to the expiration of the original permit.

Sec. 20.08 Automobile Service Stations and Commercial Garages:

- A. Intent: It is the intent of this Section to provide standards for automobile service stations and commercial garages. Generally, automobile service stations will be located adjacent to arterial or collector streets and intended to serve residential neighborhoods. Commercial garages shall be located near high volume arterial highways.
- B. Permitted Uses:
- (1) The following uses may be permitted in conjunction with automobile service stations:
 - (a) Retail sales of gasoline, oil and similar products.
 - (b) Retail sales of convenience items.
 - (c) Automobile washing.
 - (d) Automobile maintenance, including minor mechanical repairs.
 - (2) The following use may be permitted in conjunction with commercial garages:
 - (a) Automobile towing, including parking of a wrecker and operative vehicles waiting for immediate repair.
 - (b) Parking and storage of inoperative vehicles, provided that such parking or storage area shall be within an enclosed building or shall be screened by an opaque fence not less than six (6) feet in height.
 - (c) Automobile body repairs.
- C. Site Development Standards:
- (1) The Township Board shall only issue Special Use Permits for automobile service stations and commercial garages which comply with the following site development standards:
 - (a) The minimum site size shall be fifteen thousand (15,000) square feet and, in addition, the following:
 - (1) Gasoline service station shall have five hundred (500) square feet of site area for each additional pump over four (4), and one thousand (1,000) square feet of site area for each additional vehicle storage space.
 - (2) Commercial garages shall have one thousand (1,000) square feet of site area for each additional service bay over two (2). There shall also be three hundred (300) square feet of additional site area for each space intended for storage of inoperable vehicles.

- (b) The minimum site width shall be one hundred fifty (150) feet.
- (c) All points of entrance or exit for motor vehicles shall be no closer than thirty (30) feet from the intersection of the right-of-way lines for those streets on which it fronts. Points of entrance or exit for motor vehicles shall be no closer than twenty (20) feet from any adjacent property line. The minimum driveway width at the curb line shall be twenty-two (22) feet and the maximum driveway width at the curb line shall be thirty (30) feet. The minimum width of access drive shall be twenty-two (22) feet. The angle of intersection of the centerline of any drive-way with the centerline of the street shall not be less than sixty (60) degrees unless separate acceleration and deceleration lanes are provided.
- (d) A buffer strip not less than twenty five (25) feet wide shall be developed adjacent to all automobile service station and commercial garage site property lines. This buffer strip shall be graded with a berm at least three (3) feet above the highest ground elevation within twenty five (25) feet of the buffer strip. Berm slopes shall be sufficiently gradual to prevent erosion. The berm shall be continuous along that portion of the buffer strip which abuts adjacent property, except that it need be developed only along thirty (30) percent of the buffer strip laying adjacent to thoroughfare rights-of-way. The berm shall be designed and located so as not to interfere with the safety of persons or vehicles entering or leaving the area.
- (e) All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing auto body shop or washing areas shall consist of a solid masonry wall or equivalent, approved by the Zoning Administrator, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tire, lubricants and other accessory equipment except that outdoor trash storage may be provided in a properly screened container.
- (f) All activities, except those required to be performed at the fuel pump, shall be carried on inside a building between the hours of 7:00 P.M. and 7:00 A.M. All vehicles upon which work is performed shall be located entirely within a building during these hours.
- (g) There shall be no above ground tanks for the storage of gasoline, liquified petroleum gas, oil or other inflammable liquids or gas. All underground storage tanks shall be of double containment construction as well as conforming to all applicable federal and state laws.

Sec. 20.09 Drive-in or Fast Food Restaurants:

- A. Intent: It is the intent of this Section to provide development regulations for drive-in or fast food restaurants which potentially present special problems in their relationships to adjacent uses and traffic patterns in the districts in which they are permitted.
- B. Site Development Standards:
 - (1) The Township Board shall only issue Special Use Permits for drive-in restaurants which comply with the following site development standards:
 - (a) The minimum site size shall be twenty thousand (20,000) square feet.
 - (b) The minimum lot width shall be one hundred fifty (150) feet.
 - (c) All points of entrance or exit for motor vehicles shall be no closer than thirty (30) feet from the intersection of the right-of-way lines of two streets and no closer than twenty (20) feet from an adjacent property line. The minimum driveway width at the curb line shall be thirty (30) feet. No more than two driveway approaches shall be permitted on any street frontage.
 - (d) The outdoor space used for parking and vehicle stacking shall be hard surfaced and

adequately drained.

- (e) All areas used for the storage of trash and rubbish shall be enclosed on at least three sides by a structure, with the fourth side or access point having a view-obstructing door.
- (f) Drive-in restaurant management shall provide adequate trash and litter containers, and policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.

Sec. 20.10 Public or Private Junkyards:

- A. Intent: It is the intent of this Section that certain minimum standards of operation be established for junkyards as uses that because of prior functional characteristics have a high potential of impact surrounding properties or the aesthetic quality of the community as a whole.
- B. Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.
- C. The minimum site area allowable for a junkyard, shall be ten (10) acres.
- D. Shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted, or otherwise finished neatly and inconspicuously.
- E. All activities shall be confined within the fenced areas. No equipment, material, or lighting shall be used or stored outside the fenced area.
- F. Fences shall be set back from any property line at least a distance equal to the height of the fence, unless the fence faces a public street, in which case it shall be set back at least one hundred (100) feet.
- G. No burning beyond the limited amount normally associated with a residence shall be permitted.
- H. Junk, automobiles or other debris may not be stacked in any manner such that it could be visible outside the site. Junk yards shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.

Sec. 20.11 Public or Private Sanitary Landfills:

- A. Intent: It is the intent of this Section that as with other special uses, certain minimum standards of construction and operation be established for sanitary landfills. Said standards are those required by the State of Michigan, adopted herein by reference. Given the significant potential impacts of such a use, the township Board reserves the option of imposing additional, reasonable requirements or safeguards.
- B. All landfills shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.
- C. Approval of the site plan and site geologic suitability must be obtained from the appropriate regulatory division within the Department of Natural Resources prior to review of a Special Use Permit application.
- D. All minimum conditions, safeguards and operating procedures as specified within Act 641 of the Public Acts of 1978, (Solid Waste Management Act) as amended or rules and regulations promulgated thereto, shall be complied with. The Township Board may impose such additional conditions, safeguards or operating procedures deemed necessary for the public health, safety and general welfare; the protection of individual properties; and for insuring the intent and purpose of this Ordinance.

Sec. 20.12 Mobile Home Parks:

- A. Intent: It is the intent of this Section to provide for the establishment in a district of comparable intensity of land use, well designed mobile home parks. The regulations and conditions contained in this Section are designed to ensure that mobile home parks will provide a comfortable and pleasing environment for persons who seek mobile home residence. Regulations and conditions contained in this Section are intended to ensure that mobile home park developments will be served adequately by essential public facilities and services such as access streets, public water, sanitary sewer and storm drainage facilities, refuse disposal, schools, and police and fire protection. The Township Board may, by the issuance of a Special Use Permit, authorize the establishment of a mobile home park in the Urban Residential District. Authorization shall be granted only when all the applicable procedures and requirements stated wherein are complied with.
- B. General Requirements, Restrictions and Standards:
- (1) Minimum Project Area: Minimum project area for a mobile home park development shall be ten (10) acres.
 - (2) Location: Mobile home parks may be located only in the Urban Residential District, upon approval of the Planning Commission and in accordance with the following standards:
 - (a) The site shall be adjacent to and serviced by a major arterial or county primary street.
 - (b) The site shall be serviced by existing essential public facilities and services, if available, such as access streets, public water, sanitary sewer and storm drainage facilities, and police and fire protection.
 - (3) Uses Permitted: Only the following land and/or building uses may be permitted under the provisions of this Section:
 - (a) Mobile homes as defined in this Ordinance.
 - (b) One office building exclusively for conducting the business operations of the mobile home park.
 - (c) Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants.
 - (d) Recreation areas, community building, playground and open space for use by mobile home park tenants.
 - (e) New or used mobile homes located on lots within the mobile home development to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development permits the sale. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited.
 - (f) Signs pertaining exclusively to the mobile home park.
 - (4) General Development Standards:
 - (a) The design and development of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby incorporated by reference as a part of this Ordinance.
 - (b) The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.
 - (5) Operating Standards:

- (a) The operation and business practices of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby incorporated by reference as a part of this Ordinance.
- (b) No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of mobile home parks.
- (c) Home occupations shall be prohibited from mobile home parks.
- (d) The keeping of livestock shall be prohibited from mobile home parks.

Sec. 20.13 Accessory Apartment of "Echo" Housing:

- A. Intent: It is the intent of this Section to provide standards that will allow extended family living in what have traditionally been single-family only, zoning districts and neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment, as a means of accommodating an elderly parent or other family member, or extending this economic life of a large, older home. Also permitted will be the placement of detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling - usually in the back yard. It is intended that by providing housing opportunities for the elderly or an extended household - allowing independence, yet close contact to younger family members - a vital need can be met, yet without diminishing the quality of affected neighborhoods.
- B. Accessory Apartment: In addition to those requirements set forth in Sec. 20.02, the following provisions shall be met.
 - (1) Only owner-occupiers are permitted to install or rent accessory apartments.
 - (2) There shall be no visible change in the exterior appearance of the dwelling containing the accessory apartment.
 - (3) All improvements associated with construction of the accessory apartment shall meet current, applicable codes.
 - (4) Any additional parking as needed or required by this ordinance shall be provided in off-street space.
 - (5) Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities, shall be required.
- C. Elder Cottage Housing Opportunities (ECHO): In addition to those requirements set forth in Sec. 20.02, the following provisions shall be met.
 - (1) Only owner-occupiers of the principal dwelling are permitted to install echo housing units.
 - (2) Said echo housing units shall be temporary in nature and are to be removed upon cessation of the occupancy for which they are intended. Special Use Permits for echo housing may be issued for time periods as determined by the Township Board.
 - (3) The front and side yard requirements applicable to the principal dwelling shall be complied with in placement of the echo housing unit. The Township Board shall determine rear yard requirements upon consideration of lot size and placement of surrounding structures or uses.
 - (4) The echo housing unit shall meet all applicable codes for manufactured housing or mobile home dwelling.
 - (5) Any additional parking as needed or required by this ordinance shall be provided in off-street space.
 - (6) The Township Board may impose any other reasonable conditions including lot coverage, landscaping, skirting of mobile home units and similar requirements deemed necessary to protect adjoining properties and the public welfare.

(Sec. 20.14 and 20.15 amended 5-1-11)

(Sec. 20.03 amended 8-20-12)

(Sec. 20.14 and 20.15 deleted 6-16-14)

ARTICLE XXI

SITE PLAN REVIEW

Sec. 21.01 Purpose:

It is the purpose of this Section to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values, and investments, by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationships of buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Sec. 21.02 Approval Required:

Site plan review approval is required as follows:

- A. For those uses requiring Special Use Permit review, as specified.
- B. All land uses, excepting single-family detached dwellings, two-family dwellings and non-residential uses requiring less than five (5) parking spaces.

Sec. 21.03 Procedures for Site Plan Review:

- A. Application: Application for Site Plan Review shall be submitted through the Zoning Administrator to the Planning Commission on a special application form for that purpose; each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover the costs of processing the application. No part of any fee shall be refundable.
- B. Data Required in Application: Every application shall be accompanied by the following information and data:
 - (1) Application form supplied by the Zoning Administrator filled out in full by the applicant.
 - (2) Six (6) copies of a site plan, plot plan, or development plan, drawn to a readable scale showing:
 - (a) Property dimensions.
 - (b) Size, shape and location of existing and proposed buildings and structures.
 - (c) The location of parking areas, all parking spaces and driveways.
 - (d) Existing public rights-of-way, and/or private easements.
 - (e) Water courses and water bodies, including surface drainage ways.
 - (f) Existing vegetation.
 - (g) A landscaping plan indicating locations of proposed planting and screening, fencing, signs and advertising features.
 - (h) Zoning classification of abutting properties,
 - (i) Additional data as may be required under ARTICLE XV.

C. Planning Commission Review

(1) The property owner shall transmit one (1) copy of the application for Site Plan Review, including all data required in Sec. 21.03(b), to each of the following agencies considered to be impacted or affected by the request for their review and comment (e.g., county drains - Montcalm County Drain Commission; curb cut access - Montcalm County Road Commission, etc.)

- (a) Montcalm County Road Commission
- (b) District Health Department
- (c) Montcalm County Drain Commissioner
- (d) Michigan Department of Transportation
- (e) School District - Superintendent of Schools
- (f) Fire Chief
- (g) County Sheriff

The property owner shall have these agencies forward their review and comments directly to the Planning Commission.

The Zoning Administrator shall transmit the remaining copies of the site plan to the Planning Commission.

(2) The Planning Commission upon receiving the comments of the above affected agencies shall proceed with review of the site plan to determine compliance with permitted land use, density of development, general traffic and pedestrian circulation, and other provisions of this Ordinance.

The Planning Commission shall respond to the applicant within forty-five (45) days of filing as to the approval, denial or approval with modifications of the site plan. If denied, the Commission shall cite reasons for denial and if approved a Certificate of Site Plan Approval shall be issued to the applicant by the Zoning Administrator.

Sec. 21.04 Standards for Site Plan Approval:

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- G. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- H. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential properties or public thoroughfares, shall be screened, by a vertical screen consisting of structural (fence) or plant materials no less than six (6) feet in height.

- I. Exterior lighting shall be so arranged 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 may be permitted by Special Use Permit.
- J. Conformance to all other applicable requirements as noted elsewhere in this ORDINANCE.

Sec. 21.05 Action by Planning Commission and Township Board:

Except in the case of a special land use application, the Planning Commission shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations, the design and site plan of all proposed buildings or structures, or the development of the entire property, the specifications of all exits, entrances, streets, highways, or other means of ingress and egress, the proposed timing of construction, the proposed manner of dedication to the public or maintenance of same and the construction of appropriate screens or buffers. A site plan disapproved by the Planning Commission may be revised and resubmitted to the Planning Commission at its next regularly scheduled meeting. In the case of a special land use application, the Planning Commission shall submit a recommendation to the Township Board regarding the adequacy of the special land use site plan and the Township Board shall take final action on such site plan.

Sec. 21.06 Modification of Approval of Site Plan:

Once site plan approval has been granted by the Planning Commission, changes to the approved site plan shall require a resubmission and payment of fees.

Sec. 21.07 Financial Guarantees:

In approving the site plan, the Planning Commission may require that a cash deposit, certified check, bond, or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Zoning Administrator at the time of issuance of the permit authorizing the project or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

Sec. 21.08 Appeals:

Any person considering himself aggrieved by the decision of the Planning Commission in granting or denial of Site Plan Approval shall have the right to appeal said decision to the Zoning Board of Appeals. The appeal shall be exclusive and must be filed with the Township Clerk within ten (10) days of the decision of the Planning Commission.

(Sec. 21.05 and 21.08 amended 8-20-12)

ARTICLE XXII

ADMINISTRATION AND ENFORCEMENT

Sec. 22.01 Administration:

The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Township Board shall have the right to delegate said responsibility to appropriate Township officers or employees and may entertain recommendations for such officers or employees from the Township Supervisor. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s). Said Zoning Administrator shall have the power of a public officer in the enforcement of this Ordinance.

Sec. 22.02 Duties of Zoning Administrator:

- A. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance. No person shall refuse to permit the Zoning Administrator to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator in the discharge of his duties.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, he shall order discontinuance of any illegal work being done; or shall take such action as authorized by this ARTICLE to insure compliance with, or to prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. It shall be unlawful for the Zoning Administrator to issue Certificate of Zoning Compliance or other such permits, for any construction or use until he has inspected such plans and found them to conform with this Ordinance.

Sec. 22.03 Certificate of Zoning Compliance:

- A. A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate of Zoning Compliance has been issued therefore. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance. The Zoning Administrator shall provide written notice to the applicant stating the reasons why a Preliminary Certificate of Zoning Compliance cannot be issued and shall be sent to the applicant within fifteen (15) days after the Zoning Administrator is provided with the plans for which the building permit is requested.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a final Certificate of Zoning Compliance shall have been issued therefor by the Zoning Administrator. The Certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- C. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance.
- D. It shall not be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain Certificates of Zoning Compliance in order to maintain its legal, nonconforming status.

However, no nonconforming building, structure, or use shall be renewed, changed, or extended until a preliminary Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. The certificate shall state specifically wherein the nonconforming building, structure or use differs from the provisions of this Ordinance.

- E. The applicant for a final Certificate of Zoning Compliance shall notify the Zoning Administrator when final inspection is desired. The final Certificate of Zoning Compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said Certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Administrator is notified that the building, structure or premises is ready for inspection.

Sec. 22.04 Building Permits:

- A. No building permit for erection, alteration, moving or repair of any building shall be issued until a Certificate of Zoning Compliance has been issued.
- B. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Inspector.
- C. No Building Permit shall be issued by the Building Inspector except in conformity with this Ordinance, unless he receives a written order from the Board of Appeals or Zoning Administrator in the form of an administrative review or a variance, as provided by this Ordinance.
- D. Plans submitted in application for a Building Permit shall contain information necessary for determining conformity with this Ordinance, including a copy of the Certificate of Zoning Compliance.

Sec. 22.05 Enforcement and Violation:

- A. Notice of Violation:
 - (1) Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
 - (2) Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
 - (3) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
 - (4) All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

Sec. 22.06 Fees:

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted for public display in the office of the Zoning Administrator and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full.

Section 22.07 Public Hearing Notices

- A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:
1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 3. Indicate the date, time and place of the hearing(s).
 4. Indicate when and where written comments will be received concerning the request.
- B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.
1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
 2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
 3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Bloomer Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
 4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.
- C. Timing of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.
- D. Confirmation of Notices Made by Mail or Personal Delivery: Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

(Sec. 22.07 amended 8-20-12)

ARTICLE XXIII

BOARD OF ZONING APPEALS

Sec. 23.01 Creation and Membership:

- A. Establishment and Appointment of Members: The Board of Zoning Appeals first established by the Bloomer Township Zoning Ordinance of 1992 is hereby retained in accordance with Public Act 110 of 2006, as amended, and shall consist of five members: a member of the Planning Commission, and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Board of Zoning Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Board of Zoning Appeals.
1. Alternate Members: The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Board of Zoning Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Board of Zoning Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the Board of Zoning Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals.
- B. Terms of Office: Members shall be appointed for three (3) year terms except in the case of the Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed.
- C. Removal from Office / Conflict of Interest: A member of the Board of Zoning Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after 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 conflict of interest constitutes malfeasance in office.

Sec. 23.02 Procedures:

- A. The Board of Zoning Appeals shall adopt rules and regulations to govern its procedures. The Board of Zoning Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- B. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- C. All applications to the Board of Zoning Appeals for an interpretation, variance, or appeal of an

administrative decision, shall be subject to a public hearing. Notice of such hearing shall be provided according to Section 22.07.

Sec. 23.03 Duties and Powers:

The Board of Zoning Appeals shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The Board of Zoning Appeals shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters so specified in this Ordinance including interpretations, variances and appeals of administrative decisions.

Sec. 23.04 Administrative Review and Interpretations:

- A. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator or by any other official or body in administering or enforcing the provisions of this Ordinance. A member of the Board of Zoning Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- B. The Board of Zoning Appeals shall have the power to make interpretations of the Zoning Ordinance including:
 - (1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - (2) Determine the precise location of the boundary lines between Zoning Districts when there is dissatisfaction with a decision made by the Zoning Administrator.
 - (3) Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 - (4) Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in ARTICLE XVII by an analysis of the specific needs.

Sec. 23.05 Variances:

- A. The Board of Zoning Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
- B. A variance shall not be granted by the Board of Zoning Appeals unless and until the following conditions are met:
 - (1) A written application for a variance is submitted, demonstrating:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - (c) That the special conditions and circumstances necessitating the variance did not result from the actions of the applicant.

- (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- D. The Board of Zoning Appeals shall make findings that the requirements of this Section have been met by the applicant.
- E. The Board of Zoning Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. The Board of Zoning Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- G. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- H. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- I. In exercising the above-mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.
- J. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of such variance.

Sec. 23.06 Appeals:

- A. Appeals concerning interpretation and administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Township Clerk within a period of thirty (30) days from the occurrence of the contested action. The Clerk shall transmit to the Board copies of all papers constituting the record upon which the action appealed from was taken.
- B. A fee shall be paid to the Township Clerk at the time of filing the notice of appeal and shall be deposited in the Township's general fund. The appeal fee shall be established by the Township Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Board of Zoning Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Building Inspector or Zoning Administrator certifies to the Board, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Sec. 23.07 Duties on Matters of Appeal:

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Board of Zoning Appeals shall be to the Circuit Court of Montcalm County, as provided by law.

(Article XXIII amended 8-20-12, Sec. 23.01, 23.02, 23.03, 23.04)

ARTICLE XXIV

CHANGES AND AMENDMENTS

Sec. 24.01 Intent:

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of Bloomer Township, this Ordinance shall not be amended except to correct an error in the Ordinance, or because of changed or changing conditions in a particular area in the Township generally, to rezone an area, extend the boundary of an existing district, or to change the regulations and restrictions thereof.

Sec. 24.02 Amendment Initiation:

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Sec. 24.03 Summary of Amendment Process:

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribed in Sec. 22.07.
- C. Planning Commission holds hearing and makes a recommendation to the Township Board.
- D. The Township Board either enacts or rejects proposed changes as an Ordinance amendment, with or without changes. If the Township Board considers amendments, changes, additions, or departures advisable to the proposed Ordinance provision, it may refer the same to the Planning Commission for a report thereon within a time specified by the Township Board prior to taking final action.

Sec. 24.04 Procedures:

The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2010, as amended.

- A. A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The application must be received by the Township Clerk not less than forty-five (45) days prior to a regularly scheduled meeting of the Township Planning Commission. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing according to Section 22.07.
- B. The Planning Commission shall hold a public hearing on the amendment petition.
- C. Following the public hearing, the Planning Commission shall review the amendment petition and in doing so, the Planning Commission shall identify and evaluate all factors relevant to the petition. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission. See Section 24.06. The Planning Commission shall transmit its findings of fact, recommendations for disposition of the petition, and a summary of comments received at the public hearing to the Township Board. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the Montcalm County Planning Commission pursuant to the Michigan Zoning Enabling Act. If the Township has not received comments from the

Montcalm County Planning Commission within thirty (30) days after receipt of the Township Planning Commission's findings of fact and recommendations for disposition of the petition, it shall be conclusively presumed that the Montcalm County Planning Commission has waived its right for review and recommendation of the amendment.

- D. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the Montcalm County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
1. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. The Township Board may require the interested property owner to justify the property owner's interest on which the additional hearing request is based. A hearing under this subsection (D) is not subject to the requirements of Section 22.07, except that notice of the hearing shall be given to an interested property owner according to Section 22.07 (A) and (C).
 2. The Township Board may refer any proposed amendments back to the Planning Commission for further consideration and comment within a time specified by the Township Board. Such referral shall identify the concerns or suggestions of the Township Board regarding the amendments.

Sec. 24.05 Application Information:

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

Sec. 24.06 Fact Finding:

- A. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.
- B. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:
 - (1) Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
 - (2) The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.

- (3) The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- (4) Are there any significant and negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting permitted structures were built; including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
- (5) Effect of approval of the petition on adopted development policies of Bloomer Township and other government units.
- (6) All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Bloomer Township, or of other civil divisions where applicable.

Sec. 24.07 Comprehensive Review of Ordinance:

The Planning Commission, at intervals of not less than three (3) years, shall examine the provisions of this Ordinance and shall submit a report to the Township Board recommending changes, if any, deemed desirable in the interests of public health, safety and welfare.

(Sec. 24.03 and 24.04 amended 8-20-12)

ARTICLE XXV

INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, PENALTIES, AND EFFECTIVE DATE

Sec. 25.01 Interpretation and Conflict:

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Sec. 25.02 Severance Clause:

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

Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

Sec. 25.03 Vested Right:

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

Sec. 25.04 Repeal:

All ordinances and amendments thereto enacted and/or adopted by the Township of Bloomer and/or the Township board of the Township of Bloomer by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts or ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Sec. 25.05 Penalties and Remedies:

- A. Civil Law: Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- B. Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- C. Remedies: The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

Sec. 25.06 Effective Date:

This Ordinance shall take effect following adoption and upon publication in accordance with the provisions and procedures of Act 184 of the Public Acts of 1943, as amended.