Zoning Ordinance

Lawrence Township, Van Buren County, Michigan

Effective September 1, 2026

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TITLE

An Ordinance enacted under Act 110, Public Acts of 2006, as amended, governing the unincorporated portions of the Township of Lawrence, Van Buren County, Michigan, to provide for the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated; to provide for the location, the size of, and the type of uses that may be made of the minimum open spaces; to provide for sanitary, safety, light, and other protective measures; to provide for the maximum number of families that may be housed in dwellings, buildings and structures, including mobile homes; to provide for the administration and amendment of said ordinance; to provide for appeals and for the organization and procedures to be followed by the Board of Appeals; and to provide for penalties for the violations of said Ordinance.

PREAMBLE

Pursuant to the authority conferred by Act 110 of 2006 and Act 168 of 1959 of the Public Acts of the State of Michigan in such case, made and provided and for the purpose of Meeting the state's citizen's needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that the use of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facility requirements; to promote public health safety, and welfare; and other public requirements, all in accordance with a comprehensive master plan, now therefore:

ENACTING CLAUSE

The Township of Lawrence ordains:

Article 1.
Short Title and Purpose

Section 100. Short Title

This Ordinance shall be known as the "Lawrence Township Zoning Ordinance".

Section 101. Purpose

This Ordinance has been established for the purpose of:

A. Promoting and protecting the public health, safety, and general welfare;

B. Protecting the character and the stability of the agricultural, residential, and commercial areas within the unincorporated portions of Lawrence Township and promoting the orderly and beneficial development of such areas;

C. Providing adequate light, air, privacy and convenience of access to property;

D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;

E. Lessening and avoiding congestion in the public highways and roads;

F. Providing for the needs of agriculture, residence, and commerce in future growth;

G. Promoting healthful surroundings for family life in residential and rural areas;

H. Protecting the public and adjacent uses from fire, explosion, noxious flames or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;

I. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;

J. Enhancing social and economic stability in the Township;

K. Conserving the taxable value of land, buildings and structures in the Township;

L. Enhancing the aesthetic desirability of the environment throughout the Township; and

M. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

N. Establishing controls over potential conflicting land uses and uses which may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.

O. Balancing the Township's desire to have compatible and quality development consistent with the property owner's right to a reasonable rate of return on investment future.

Section 102. Conflicting Regulations

A. Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.

B. Except as otherwise be provided in this section, 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 and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this section shall be subject to all regulations of this section which are applicable in the zoning district in which such use, building or structure is located.

C. No setback area or lot existing at the time of adoption of this section shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the section shall meet at least the minimum requirements established herein.

D. This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Zoning Board of Appeals to be more restrictive or impose a higher standard.

E. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.

F. Lawrence Township hereby repeals the previous Zoning Ordinance and all of its amendments.

G. Uses, buildings and structures that were nonconforming under the previous zoning ordinance gain no new rights through the adoption of the standards of this Ordinance unless they become conforming or more conforming by the regulations of this Ordinance.

Section 103. Validity and Severability Clause

This Ordinance and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or 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.

Section 104. Effect on Prior Approvals

A. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which significant construction was begun prior to the enactment of this Ordinance and its amendments, provided significant construction has lawfully begun, is being diligently carried on and shall be completed within one (1) year of the effective date of this Zoning Ordinance and its amendments. The Zoning Board of Appeals may permit an extension of up to one (1) year, with an additional one (1) year extension upon written request by the applicant, when it is shown that factors outside the control of the applicant have caused said delays.

B. If a lot has an approved site plan within twelve (12) months prior to the effective date of this Zoning Ordinance, such site plan shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Zoning Ordinance.

C. If the conditions of this section are not met, the standards and provisions of this Zoning Ordinance shall govern.

Section 105. Vested Right

Nothing in this Ordinance should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein, other than noted in Section 105; and such activities are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

Article 2.
Construction of Language and Definitions

Section 200. Construction of Language

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, the following rules of construction apply to the text of this Ordinance:

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Planning Commission, Township Board, or Board of Appeals, as indicated.

D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. A "building" or "structure" includes any part thereof.

F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

H. 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 the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions, 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.

I. The phrase "such as" means "such as but not limited to" and the term "including" means "including but not limited to".

J. Terms not herein defined shall have the meaning customarily assigned to them.

Section 201. Definitions

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

A

Accessory Dwelling Unit: A detached dwelling unit that is permitted only on properties with a single detached principal dwelling unit. ADUs are a lesser size than the principal dwelling unit and include a kitchen, a sleeping area, and full bathroom facilities.

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

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

Adult Day Care: A governmental or nongovernmental establishment in which one but fewer than seven people over the age of 18 are received for care and supervision for period of less than 16 hours per day, unattended by a legal guardian, if any, so long as such individuals do not require continuous nursing care.

Adult Foster Care Facility: A facility for the care of adults over 18 years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Social Services. Such facilities are classified as follows:

A. **Adult foster care facility:** a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

B. **Adult foster care small group home:** a facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

C. **Adult foster care large group home:** a facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

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

Adult Regulated Uses: As used in this Zoning Ordinance, the following definitions shall apply to adult regulated uses:

A. **Adult physical culture establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person.

B. **Adult book or supply store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

Adult motion picture theater or adult live stage performing theater: An enclosed building with a capacity of 50 or more persons wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult model studio: Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

Adult motel: A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).

Adult motion picture arcade or mini motion picture theater: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified "Anatomical Areas" (as defined herein).

Adult, nude, partially nude dancing: A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).

Adult personal service business: A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.

Specified anatomical areas: Portions of the human body defined as follows:

1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
2. human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities: The explicit display of one or more of the following:

1. human genitals in a state of sexual stimulation or arousal;
2. acts of human masturbation, sexual intercourse, or sodomy;
3. fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Agriculture: Any land or building used for pasturage, floriculture, dairying, horticulture, viticulture and livestock and poultry husbandry.

Agri-Tourism: A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm owners. Examples include, but are not limited to, cider mills, wineries, and farm-based entertainment activities or amenities.

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

Animal, Dangerous: Any animal that is or is deemed to be potentially harmful to humans by nature, aggression, venom, toxins, or size and that may require specifically designed, secure enclosures to ensure safekeeping.

Animal, Domesticated: An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, hampster, or guinea pig), cat (domestic), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated.

Animal, Wild: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Auto (Automobile): Unless specifically indicated otherwise, "automobile" shall mean any motorized vehicle such as cars, trucks, vans, and motorcycles.

Automobile or Vehicle Dealership: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles to include outside storage of vehicles.

Auto Repair, Major: An automotive repair establishment which may conduct activities defined herein as "minor repairs" and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.

Automobile/Gasoline Service Center: A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting.

Automobile Wash: Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.

B

Base Flood Level: The highest elevation of a flood having a 1% chance of being equaled or exceeded in any given year.

Basement: A portion of a building more than one half of which is below the average grade level. (See Figure 2A)

Bed and Breakfast: Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest.

Boarding House: A dwelling having at least one kitchen and primarily used for the purpose of providing meals, lodging, or both for compensation of any kind. This definition includes tourist homes, lodging houses, rooming houses and room rentals.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels. or property of any kind.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Figure 2B)

Building line: A line parallel to the front, side, and rear lot lines at the minimum required front setback line.

Building Mounted Solar Energy System: A solar energy system mounted on racking that is attached to or ballasted on the roof or wall of a building or structure, or which serves as an integral part of a primary or accessory building or structure by replacing or substituting for an architectural or structural component of the building or structure. Building-mounted systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Bungalow Court - Bungalow Courts are clusters of detached single family dwelling units gathered around a communal green space.

C

Campground: A facility for overnight stays in nonpermanent structures, cabins, tents, or recreational vehicles.

Clear Vision Area: The unobstructed view across a corner space which is created by the intersection of two vehicular ways that allows a motorist to see oncoming traffic or pedestrians.

Clinic: A building where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, and similar professionals.

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

Condominium: A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

Condominium, Master Deed: The condominium document recording the condominium project as approved by the township including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in these Zoning Regulations.

Condominium Unit: The portion of the condominium project designed and intended for separate ownership 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.

Cul-de-sac: A street with an inlet/outlet at one end and a turnaround area of not less than 60 feet in diameter at the other end.

D

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, Single-Family: A detached building, designed for or occupied exclusively by one family.

Dwelling, Two-Family: A detached building, designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiple Family: A building used or designed as a residence for three or more families living independently of each other.

Dwelling Unit: Any building or portion thereof which is designed or used for one family exclusively for residential purposes and having cooking facilities.

E

Eating and Drinking Establishment: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof.

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 or quasi-public utilities or municipal departments of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purpose of transmission, distribution, collection, communication, supply or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include electrical substations or gas regulator stations or any use that requires a special use permit as defined by this Ordinance.

F

Family: Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and otherwise operating as a single housekeeping unit.

Farm: The land, buildings, and machinery used in the commercial production of farm products.

Farm Buildings: Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm.

Fence: An artificially constructed barrier of wood, metal, stone, or any other manufactured materials erected for the enclosure of yard areas. A fence may be living as in a hedge or other plantings.

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

Floor Area, Gross: Is the sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure.

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; 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.

G

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Ground Mounted Solar Energy System: A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.

H

Home Occupation: An occupation or profession conducted in a residential or agricultural zoning district which is incidental and secondary to the primary use of the property as a place of residence.

Home Occupation, Major: An Occupation, hobby, or profession carried on within a dwelling unit or accessory building carried on by the residents themselves or their employees, contractors, and/or agents that may be apparent to the neighbors by virtue of activities on-site, on-site sales, signage, outdoor storage, or modifications to structures or buildings.

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in a room connected by interior hallways, consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides services such as maid service, the furnishing and laundering of linens, telephone and desk service, and the use of furniture, a dining room, and meeting rooms.

J

Junk: Any unused, stripped, or other vehicle not licensed for use upon the highways of the State of Michigan, including any vehicle, whether licensed or not which is inoperative; any machinery, implements and/or equipment or other personal property which is inoperative or which may no longer safely be used for the purposes which it was manufactured for a period of thirty (30) days or more; any parts of vehicles, machinery, unused stoves or other appliances, remnants of woods, metal, or other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

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, machinery or parts thereof.

K

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

L

Large Solar Energy System: A utility-scale system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery, or consumption of the generated energy with a capacity greater than one megawatt.

Loading space: Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces or yards as are required under this Ordinance and having its principal frontage upon a public or approved private street.

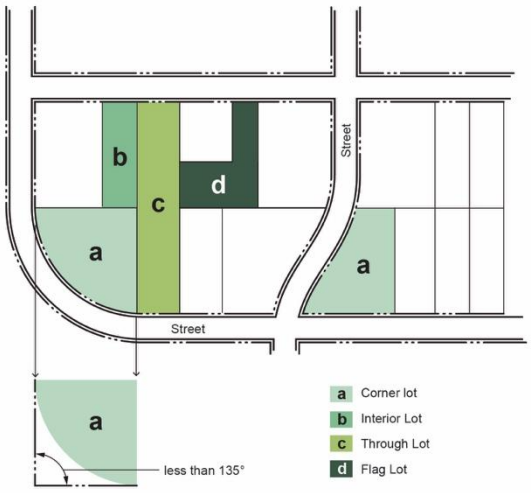
Lot, Area: The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

Lot, Corner: A lot which has at least two continuous sides abutting upon a street for their full length.

Lot Coverage: The percentage of a lot covered by buildings or structures, including accessory buildings and structures.

Lot, Depth: The mean distance from the street line of the lot to Its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.



Corner, Interior, and Through Lots

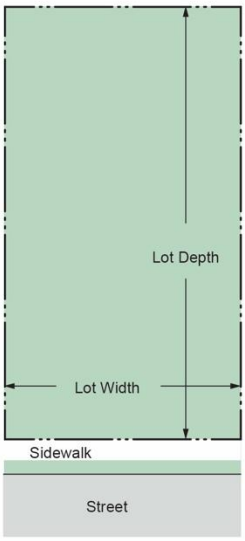
Lot Line: Any of the lines bounding a lot as defined herein.

Lot Line, Front: That line which abuts a street or private road. For an existing lot of record serviced by an easement or other established access, the front lot line shall be that line which abuts said easement or access.

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 in Van Buren County, Michigan, or a parcel or lot described by metes and bounds in existence prior to April 1st, 1997, the deed to which has been recorded in the Office of the Register of Deeds in Van Buren County, Michigan, prior to the adoption of this Ordinance.

Lot, Width: The straight-line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (See Figure 2D).

Lot Width to Depth Ratio: Lots created after the effective date of this Ordinance having a lot area of less than 25 acres shall have a lot width which is equal to or greater than ¼ of the depth of the lot.



Lot Width / Depth Ratio

M

Manufactured Housing: A structure, transportable in one (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.

Manufactured Housing Community: A parcel or tract of land under the control of a person, group or firm upon which two (2) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy.

Marijuana Caregiver: A person who has met the requirements of Initiated Law 1 of 2008 to be licensed as a primary caregiver, and who cultivates marijuana in compliance with that license on residential property.

Marijuana Grow Operation Class A: A commercial facility licensed by the State of Michigan under Initiated Law 1 of 2018 that cultivates, dries, trims, or cures between 100 and 200 marijuana plants for sale to a processor or provisioning center.

Marijuana Processing Facility: A commercial facility licensed by the State of Michigan under Initiated Law 1 of 2018 that purchases marijuana from a licensed grow operation and extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.

Marijuana Safety Compliance Facility: A commercial facility licensed by the State of Michigan Initiated Law 1 of 2018 that receives marijuana from a licensed grow operation, licensed processing facility, or licensed caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

Marijuana Secure Transporter: A commercial facility licensed by the State of Michigan under Initiated Law 1 of 2018 that stores marijuana and transports marijuana between marijuana facilities for a fee.

Marijuana Retailer: A commercial facility licensed under Public Act 281 of 2016 and Initiated Law 1 of 2018 that purchases marijuana from a licensed grower or processor and sells, supplies, or provides marijuana to consumers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marijuana registration process in accordance with the Michigan Medical Marijuana Act is not a provisioning center for purposes of this Ordinance.

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 material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

Microbrewery: A facility that manufactures any beverage obtained by alcoholic fermentation of an infusion or detoction of barley, malt, hops, or other cereal grains in potable water.

Modular Housing Unit: A manufactured housing unit which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on a foundation. Modular housing units use similar construction techniques to "stick-built" homes and likewise meet the requirements of the Township building code.

N

Nonconforming Building or Structure: A building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to a provision of the Ordinance in the district in which it is located.

Nonconforming Lot: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to a dimensional standard for the district in which it is located.

Nonconforming Use: A building, structure, or use of land lawfully in existence at the time of enactment of this Ordinance, or amendments thereto, and which does not conform with a regulation of the district or zone in which it is situated.

Nuisance: An activity consisting of an unlawful or unreasonable use of property by an individual that causes injury, or damages to another or to the public space in general. Common examples include excessive noise, odor, smoke, and vibration.

O

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

P

Parking Space: An area of not less than twenty (20) feet in length or ten (10) feet in width, exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for parking of permitted vehicles.

Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Personal Services: Uses which include but are not limited to dentists, physicians, barbers, beauticians, attorneys and similar services.

Planned Unit Development: A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

Planning Commission: The Township Planning Commission of the Township of Lawrence, Van Buren County, Michigan.

Principal Use: The main use to which the premises is devoted and the primary purpose for which the premises exists.

Prime Agricultural Land: Land most efficiently suited for the production of row, forage, or fiber crops.

R

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

Road: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

1. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the Township, Van Buren County, the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.
2. **Public road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Township, Van Buren County, the State of Michigan or the federal government.

S

Setback: The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot.

Sign: A name, identification, description, display or illustration which is affixed to, painted or represented indirectly upon a building, structure, parcel or lot, and which directs attention to an object, place, product, activity, person, institution, organization or business.

Small Scale Solar Energy Collector: A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of a lot on which it is erected. It may be comprised of the following: building integrated photovoltaic systems, ground mounted solar energy collectors, or building mounted solar energy collectors.

Solar Array: Any number of photovoltaic devices connected to a single output of electrical energy or other energy.

Spatial. Relating to or occupying space.

Special Land Use: Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts.

Special Use Permit: A permit issued by the Zoning Administrator upon approval of a special land use application by the Planning Commission to a person or persons intending to undertake the operation of a special land use upon land or within a structure or building specifically identified in the affected zoning district as a special land use, including any conditions.

Stable, Public: The keeping, training, or exhibiting of horses, or holding equine events for remuneration, hire, or sale.

Structure: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground.

Subdivision Plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground, and on-ground swimming pools, hot tubs, and spas.

W

Wetland: Pursuant to Public Act 203 of 1979 (Goemaere-Anderson Wetland Protection Act) as amended, land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, fen, pond, wet meadow or marsh and which is any of the following:

1. Contiguous to any lake, pond, river or stream.
2. Not contiguous to any lake, pond, river or stream; and more than five (5) acres in size.
3. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

Wind Energy Conversion System: A system designed to convert the energy of wind movement into mechanical power. It includes any combination of the following:

1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
2. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
4. The generator, alternator, or another device to convert the mechanical energy of the surface area into electrical energy;
5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
6. Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

Winery, Brewery, or Distillery: An agricultural facility in which grapes, fruits, or grains are grown on purchased, fermented, or brewed, and processed into wine, mead, liquor, or beer and packaged for sales and distribution, including on-site tasting and consumption as licensed by the State of Michigan.

Wireless Communication Tower: A structure of lattice or monopole framework to which an antenna may be attached for the transmission and /or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication, or similar services, along with associated equipment necessary to operate these facilities.

Wireless Communication Antenna: The device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar transmissions.

Y

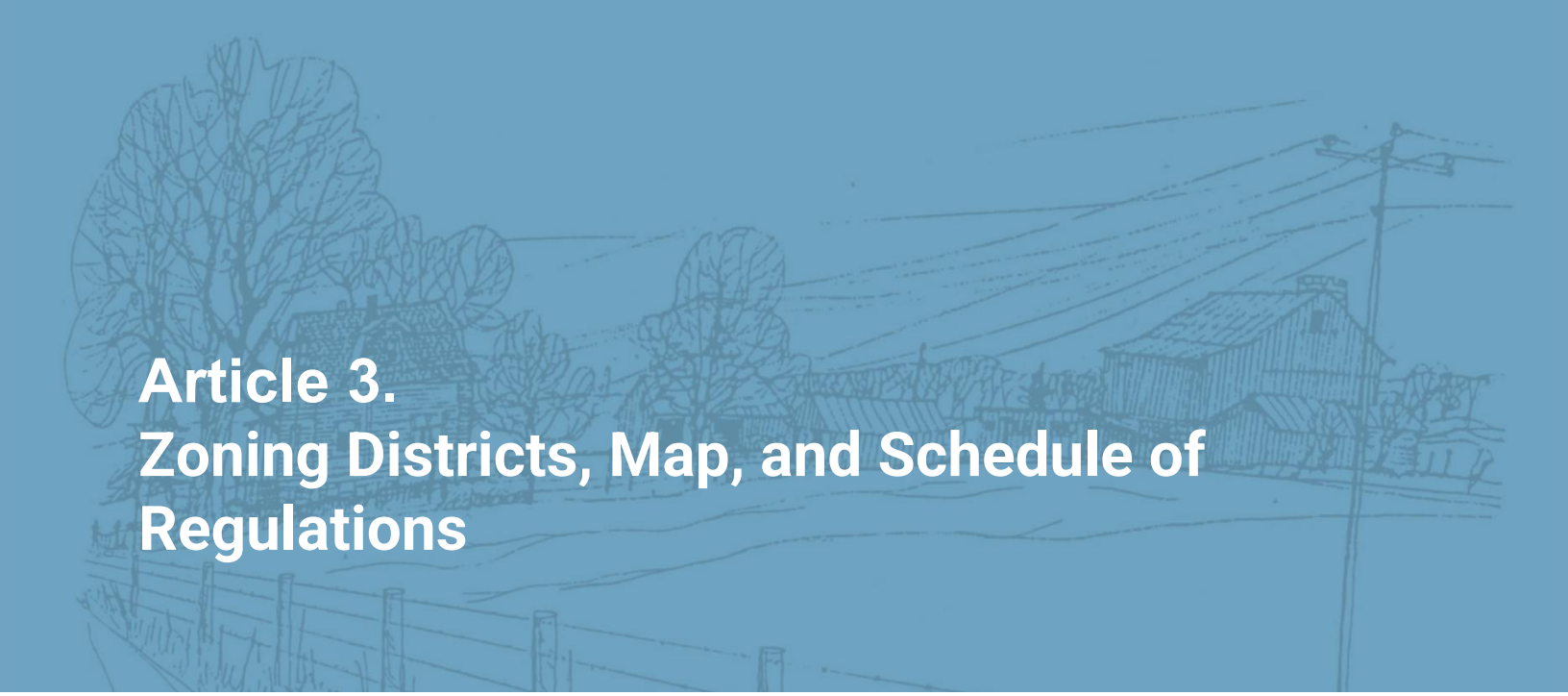
Yards:

1. **Yard, Front:** A yard extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
2. **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 of the principal building.
3. **Yard Side:** An open space between the tide line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

4.

Z

Zoning Administrator: The official of Lawrence Township or an authorized representative charged by the Township Board of Trustees with the responsibility of administering this Ordinance.



Article 3.
Zoning Districts, Map, and Schedule of Regulations

Section 300. Districts Established

For the purposes of this Ordinance, the Township of Lawrence is hereby divided into the following districts:

AG	Agricultural District
RR	Rural Residential District
R-1	Low Density Residential District
R-2	Medium Density Residential District
RL	Waterfront Residential District
R-4	Multiple-family Residential District
MU	Mixed Use District
C-1	Commercial District

Section 301. District Boundaries: Official Zoning Map

The Zoning Districts are bounded and defined as shown on a map entitled "Official Zoning map of the Township of Lawrence", and said map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

The official zoning map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: This is to certify that this is the Official Zoning Map referred to in Section 302 of the Zoning Ordinance of the Township of Lawrence adopted July 25th, 2026.

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 final authority, as to the current zoning status of properties in the Township.

Section 302. District Boundaries: Interpreted

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

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following the municipal boundary line shall be construed as following Township limits;

D. Boundaries indicated as following railroad lines shall be construed as following the right of way.

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

G. Should the above not fully explain a question of boundaries, the Board of Appeals shall have the authority to interpret the district boundaries.

Section 303. District Requirements

All buildings and uses in any district shall be subject to the provisions of Article Four "General Provisions and Exceptions".

Section 304. Schedule of Regulations for Principal Buildings

District	Minimum Lot		Maximum Building Height		Minimum Required Setback – Principal Structurea			Max. Lot Coverage (All Buildings)	Minimum Floor Area/Unit (sq. ft.)
	Area	Width (ft.)	Stories	Feet	Front[b, c]	Each Side	Rear		
A-Agricultural	20 Ac	660	2.5	40	50	20	20	25%	720
RR, Rural Residential	1.14 Ac	200	2.5	40	50	20	20	25%	720
R-1, Low Density Residential	30,000 sq ft	125	2.5	35	35	10	20	30%	720
R-2 Medium Density Residential	30,000 sq ft	100	2.5	35	35	10	20	30%	720 – I unit 600 – 2 unit
RL – Waterfront Residential	21,780 sq ft	75	2.5	35	30	10	20	50%	720
R-4 – Multi-family Residential	15,000 SF 21,780 twoF 1 acre MF	100	3	50	25	10	30	30%	720 – 1 unit 600 – 2 or more units
C-Commercial	40,000 sq ft	80	3	50	60	15	30	40%	--
MU- Mixed Use	20,000 sq ft	50	2.5	35	20-residential 0-comm	6	10	65%	600

Section 305. Uses Permitted by Right

Permitted uses, as identified in Chapters covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, landscaping, zoning district intent, permit, certificate and site plan requirements found elsewhere in this Ordinance but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated herein. To determine if site plan approval is required, reference Chapter 8, Site Plan Review and Approval Procedures. To determine if a zoning permit is required, reference Section 1503, Land Use Permits.

Section 306. Uses Permitted by Special Land Use Permit

The uses identified as special approval uses in each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service, utility needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Chapter 10, Standards for Specific Uses, contains specific conditions for each of these special land uses, as do the specific district chapters themselves. Chapter 9, Special Land Use Permit Review and Approval Procedures, covers the steps and requirements for special approval uses, which shall apply to all of these uses.

Section 307. AG – Agricultural District

A. **Purpose**. It is the goal of this district to preserve, enhance, and stabilize existing areas within the Township which are presently utilized for general and specialized farming and areas which, because of their soil characteristics and/or natural flora, should be conserved for agricultural use. Additionally, it is the intent of this district to promote the orderly and harmonious development of the Township by preserving predominantly rural and agricultural lands from development and to preserve the essential characteristics and economic value of these areas as agricultural land.

B. **Uses Permitted by Right:**

1. Dwelling – Single Family.
2. Agricultural production including general and specialized farming and agricultural activities not limited to the raising or growing of crops; dairy and dairy products; livestock, poultry, bees and other farm animals; and the incidental sale of crops. produce and foodstuffs raised or grown on the premises.
3. Accessory Dwelling Unit
4. Farm
5. Farm Building
6. Open space preservation developments.
7. Accessory uses or structures, including:
    a) Barns, silos, sheds, equipment storage and similar structures and uses customarily incidental to the permitted principal uses and structures.
    b) Swimming pools
8. Roadside stands.
9. Home occupation - minor.

10. Stables

C. Uses Permitted by Special Use Permit. The following uses are permitted in this district subject to obtaining a special use permit.

1. Battery Storage Facilities
2. Bed and Breakfast
3. Cemeteries
4. Data Centers
5. Farm product processing facilities
6. Government Buildings
7. Ground Mineral Removal.
8. Home Occupations – Major
9. Junk Yards
10. Kennels
11. Places of Public Assembly Small and Large.
12. Landing Strips.
13. Marijuana Compliance Facility
14. Marijuana Grower Facility
15. Marijuana Processor Facility
16. Marijuana Secure Transporter Facility
17. Sawmills
18. Education Facilities
19. Utility (Large) Scale Solar Energy Systems.
20. Veterinarian clinics.
21. Warehouses
22. Wind Energy Conversion System
23. Wireless Communication Tower

D. District Regulations.

1. **Minimum Lot Area.** The minimum lot area in the A - Agricultural District shall be twenty (20) acres in area.
2. **Minimum Lot Width.** The minimum lot width shall be six hundred sixty (660) feet wide at the front setback line.
3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of forty (40) feet, except that buildings and structures permitted in this district under this Ordinance for non- dwelling purposes may be erected, altered or moved on any land or premises in this district to a height of not exceeding fifty (50) feet.
    a) Farm buildings such as silos may be erected to a height not to exceed one hundred (100) feet
4. **Minimum Building Setbacks:**
    a) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.

b) **Front.** Each lot shall have a front yard of not less than fifty (50) feet in depth from the right-of-way line.

c) **Side.** All lots shall maintain a twenty (20) foot side yard along each side lot line.

d) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than twenty (20) feet in depth.

5. **Minimum Floor Area.** All dwellings shall contain a minimum of seven hundred-twenty (720) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.
6. **Maximum Lot Coverage.** Twenty-five (25%) percent

Section 308. RR – Rural Residential District

A. Intent and Purpose.

1. It is the goal of this district to provide low-density residential development to balance the demand for housing in a rural setting with the need to preserve the natural and agricultural lands of the Township.
2. It is further the intent and purpose of this district to permit development of low-density residential properties within areas of the Township presently without public water and sewerage services and likely to remain without such services for an indefinite period of time.

B. Uses Permitted by Right:

1. Dwelling – Single Family.
2. Farms
3. Farm Buildings
4. Open space preservation developments.
5. Accessory uses, buildings and structures including:
   a) Barns, silos, sheds, equipment storage, and similar structures and uses customarily incidental to the permitted principal uses and structures.
   b) Swimming Pool.
6. Home occupation - minor.
7. Agritourism
8. Parks
9. Place of Public Assembly - small
10. Educational Facilities
11. Stables

C. Uses Permitted by Special Use Permit. The following uses are permitted in this district subject to obtaining a special use permit.

1. Accessory Dwelling Units
2. Battery Storage Facilities
3. Bed and Breakfasts Inns
4. Cemeteries
5. Contractors Yard

6. Data Centers
7. Day Care – Group
8. Farm Product Processing Facilities
9. Golf Courses
10. Greenhouses
11. Ground Mineral Removal
12. Home Occupation – Major
13. Junkyards
14. Kennels
15. Landing Strips
16. Marijuana Compliance Facility
17. Marijuana Grower Facility
18. Marijuana Processor Facility
19. Marijuana Secure Transporter Facility
20. Mini-Storage facilities
21. Nurseries
22. Place of Public Assembly - Large
23. Planned Unit Developments
24. Parks
25. Public utility structures and substations.
26. Sawmills
27. Veterinarian Clinic
28. Utility Scale Solar Farms
29. Wind Energy Conversion System
30. Wireless Communication Tower

D. District Regulations.

1. **Minimum Lot Area.** The minimum lot area in the RR- Rural Residential District shall be fifty thousand (50,000) square feet or 1.14 acres in area.
2. **Minimum Lot Width.** The minimum lot width shall be two hundred (200) feet wide at the front setback line.
3. **Maximum Building Height.**
4. No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of forty (40) feet, except that buildings and structures permitted in this district under this Ordinance for non- dwelling purposes may be erected, altered or moved on any land or premises in this district to a height of not exceeding fifty (50) feet.
    a) Farm buildings such as silos may be erected to a height not to exceed one hundred (100) feet
5. **Minimum Building Setbacks:**

a) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.

b) **Front.** Each lot shall have a front yard of not less than fifty (50) feet in depth from the right-of-way line.

c) **Side.** All lots shall maintain a twenty (20) foot side yard along each side lot line.

d) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than twenty (20) feet in depth.

6. **Minimum Floor Area.** All dwellings shall contain a minimum of seven hundred-twenty (720) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.

7. **Maximum Lot Coverage** – Twenty-five (25%) percent

Section 309. R-1 – Low Density Residential District

A. **Purpose.** It is the purpose of the R-1 – Low Density Residential District to provide for low density residential development in those portions of the Township generally adjacent to major thoroughfares, yet removed from public services, such as sanitary sewer. When considering the excessive cost of extending public water and sewer service to all areas of the Township, the establishment of a zoning district which requires spacious lots, makes it reasonably possible to ensure a continuous supply of safe potable water on the immediate property and to treat sewage by septic fields on the same property.

B. **Uses Permitted by Right:**

1. Dwelling – Single Family.
2. Accessory Buildings
3. Accessory uses including:
   a) Swimming pool
   b) Tennis Court or similar use
4. Park

C. **Uses Permitted by Special Use Permit:** The following uses are permitted in this District subject to obtaining a special use permit

1. Accessory Dwelling Unit
2. Bungalow Court
3. Day Care - Group
4. Home Occupation – Minor
5. Place of Public Assembly – Small or Large
6. Educational Facilities

D. **District Regulations:**

1. **Minimum Lot Area.** The minimum lot area in the R1 – Low Density Residential District shall be thirty thousand (30,000) square feet or .68 acres in area.
2. **Minimum Lot Width.** The minimum lot width shall be one hundred twenty-five (125) feet wide at the front setback line.
3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet.

4. **Minimum Building Setbacks:**
    a) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
    b) **Front.** Each lot shall have a front yard of not less than thirty-five (35) feet in depth from the right-of-way line.
    c) **Side.** All lots shall maintain a ten (10) foot side yard along each side lot line.
    d) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than twenty (20) feet in depth.
5. **Minimum Floor Area.** All dwellings shall contain a minimum of seven hundred-twenty (720) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.
6. **Maximum Lot Coverage.** Thirty (30%) percent

Section 310. R-2 – Medium Density Residential District

A. **Purpose**. It is the purpose of the R-2 – Medium Density Residential District to provide limited medium density development in limited areas of the Township primarily adjacent to or near to the Village of Lawrence that, in the long term, may have the ability to connect to water and sewer services from the Village.

B. **Uses Permitted by Right:**

1. Single family residential dwelling.
2. Two-family residential dwelling (duplex).
3. Accessory buildings
4. Accessory Uses including
    a) Swimming pool, tennis court and other similar uses when used for noncommercial purposes.
5. Bungalow Court
6. Park

C. **Uses Permitted by Special Use Permit.** The following uses are permitted in this district subject to obtaining a special use permit.

1. Bed and Breakfast
2. Day Care – Group
3. Place of Public Assembly – Small and Large
4. Education Facilities

D. **District Regulations:**

1. **Minimum Lot Area.** The minimum lot area in the R2 – Medium Density Residential District shall be thirty thousand (30,000) square feet or .68 acres in area.
2. **Minimum Lot Width.** The minimum lot width shall be one hundred (100) feet wide at the front setback line.
3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet.
4. **Minimum Building Setbacks:**
    a) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.

b) **Front.** Each lot shall have a front yard of not less than thirty-five (35) feet in depth from the right-of-way line.

c) **Side.** All lots shall maintain a ten (10) foot side yard along each side lot line.

d) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than twenty (20) feet in depth.

5. **Minimum Floor Area.**

a) All single family dwellings shall contain a minimum of seven hundred-twenty (720) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.

b) Two family dwellings shall have a minimum of six hundred (600) square feet of floor area per unit and a minimum core area of living space measuring at least twenty (20) x twenty (20) feet.

6. **Maximum Lot Coverage.** Thirty (30%) percent

Section 311. RL – Waterfront Residential District

A. **Purpose.** It is the purpose of the RL District to provide residential development in a waterfront recreation environment development that, in the long term, may have the ability to connect to sewer services.

B. **Uses Permitted by Right:**

1. Dwelling – Single Family.
2. Accessory buildings
3. Accessory Uses including:
4. Swimming pool, tennis court and other similar uses when used for non-commercial purposes.
5. Park
6. Short-term Rentals

C. **Uses Permitted by Special Use Permit.** The following uses are permitted in this district subject to obtaining a special use permit.

1. Bed and Breakfast
2. Day Care - Group
3. Place of Public Assembly – Small and Large
4. Education Facilities

D. **District Regulations:**

1. **Minimum Lot Area.** The minimum lot area in the RL- Waterfront Residential District shall be twenty-one thousand, seven hundred eighty (21,780) square feet or .5 acres in area.
2. **Minimum Lot Width.** The minimum lot width shall be seventy-five (75) feet wide at the front setback line.
3. **Maximum Building Height.**
4. No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet.

E. **Minimum Building Setbacks:**

1. **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.

a) **Front.** Each lot shall have a front yard of not less than thirty (30) feet in depth from the right-of-way line.

b) **Side.** All lots shall maintain a ten (10) foot side yard along each side lot line.

c) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than twenty (20) feet in depth.

d) **Waterfront.** The minimum setback from the waterfront shall be fifty (50) feet

2. **Minimum Floor Area.** All single family dwellings shall contain a minimum of seven hundred-twenty (720) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.

3. **Maximum Lot Coverage.** Fifty (50%) percent

Section 312. R-4 – Multi-Family Residential

A. **Intent.** It is the intent of the R-4 district to provide high density residential development in limited areas of the Township primarily adjacent to or near to the Village of Lawrence that, in the long term, may have the ability to connect to water and sewer services from the Village.

B. **Uses Permitted by Right.** The following uses are permitted in this district by right:

1. Dwelling – Single Family.
2. Dwelling - Two Family.
3. Dwelling – Triplexes and Quadplexes
4. Dwellings - Apartment Complexes
5. Accessory Buildings
6. Accessory Uses including:
   a) Swimming Pools, tennis courts, and other similar uses
7. Community Buildings
8. Nursing Homes
9. Public or private parks.

C. **Uses Permitted by Special Use Permit.** The following uses are permitted in this district subject to obtaining a special use permit.

1. Home Occupation- Minor
2. Manufactured Housing Communities
3. Places of Public Assembly – Small and Large
4. Education Facilities

D. **District Regulations:**

1. **Minimum Lot Area**. The minimum lot area in the R4 – Medium Density Residential District shall be as follows:
   a) For a single family dwelling, the minimum shall be fifteen thousand (15,000) square feet or 1/3 acre in area.
   b) For a two family dwelling, the minimum shall be twenty one thousand seven hundred eighty (21,780) square feet or ½ acre in area.

c) For a multi-family dwelling, the minimum shall be one (1) acre.

2. **Minimum Lot Width.** The minimum lot width shall be one hundred (100) feet wide at the front setback line.
3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of fifty (50) feet.
4. **Minimum Building Setbacks:**
   a) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
   b) **Front.** Each lot shall have a front yard of not less than twenty-five (25) feet in depth from the right-of-way line.
   c) **Side.** All lots shall maintain a ten (10) foot side yard along each side lot line.
   d) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than thirty (30) feet in depth.
5. **Minimum Floor Area.** All single family dwellings shall contain a minimum of seven hundred-twenty (720) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.
   a) Two family dwellings shall have a minimum of six hundred (600) square feet of floor area per unit and a minimum core area of living space measuring at least twenty (20) x twenty (20) feet.
   b) Multi-family dwellings shall have a minimum of six hundred (600) square feet per unit.
6. **Maximum Lot Coverage.** Thirty (30%) percent

Section 313. C-1 – Commercial

A. **Purpose.** The C-1, Commercial, District is established to provide for a variety of commercial establishments, businesses, and professional offices that offer retail sales and services at logical locations in the Township. The district is also intended to provide for Highway oriented and larger scale commercial development designed to support the greater regional population

B. **Uses Permitted by Right.** The following uses are permitted in this District by right:

1. Car Wash
2. Clinics.
3. Day Care- Commercial
4. Eating and Drinking Establishments
5. Financial Institutions
6. Funeral Homes/Mortuaries
7. Gas Stations
8. Gymnasiums
9. Hotels
10. Government Buildings
11. Laundromat
12. Mini – Storage Facilities
13. Open Air Businesses

14. Outdoor and indoor commercial recreation such as miniature golf, go-cart tracks, bowling alleys, golf driving ranges, batting cages, tennis courts, soccer fields, and other similar uses
15. Personal Service Establishments
16. Places of Public Assembly - small
17. Professional offices within buildings up to 15,000 square feet of gross floor area.
18. Retail Businesses within buildings up to 25,000 square feet in size
19. Studios for art or photography
20. Taverns
21. Theaters
22. Vehicle Sales and Service
23. Winery, Brewery, Distillery
24. Accessory uses, buildings and structures customarily incidental to any of the above-permitted uses.

C. Uses Permitted by Special Use Permit. The following uses are permitted in this District subject to obtaining a special use permit.

1. Adult entertainment establishments
2. Automobile repair facilities
3. Drive Thru Facilities
4. Lumberyards
5. Marijuana Retail Facility
6. Places of Public Assembly - Large
7. Retail businesses with greater than 25,000 square feet in size
8. Truck terminal
9. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

D. Other Requirements: Unless specifically mentioned, all activities in this district shall be carried on in completely enclosed buildings.

Additional Site Development Standards. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

Article 7	Parking and Loading-Unloading Standards
Article 8	Signs
Article 9	Site Plan Approval Standards
Article 11	Special Land Use Standards
Article 12	Landscaping and Screening

E. District Regulations:

1. **Minimum Lot Area.** The minimum lot area in the C1 – Commercial District shall be forty thousand (40,000) square feet.
2. **Minimum Lot Width.** The minimum lot width shall be eighty (80) feet wide at the front setback line.

3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of fifty (50) feet.

F. Minimum Building Setbacks:

1. **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
   a) **Front.** Each lot shall have a front yard of not less than sixty (60) feet in depth from the right-of-way line.
   b) **Side.** All lots shall maintain a fifteen (15) foot side yard along each side lot line.
   c) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than thirty (30) feet in depth.

G. Maximum Lot Coverage. Forty (40%) percent

Section 314. MU – Mixed Use District

A. Purpose. The MU, Mixed Use District is intended to create a walkable, village type development pattern which consists of a variety of residential uses and smaller retail, service and office commercial uses primarily adjacent and near to the Village of Lawrence and along Red Arrow Highway east and west of the Village limits. It is intended further that all activities in the Mixed Use District shall be conducted entirely within wholly enclosed permanent buildings less than 10,000 square feet in size.

B. Uses Permitted by Right. The following uses are permitted in this District by right:

1. Dwelling – Single Family
2. Dwelling – Two Family.
3. Eating and Drinking establishments
4. Financial Institutions
5. Government Buildings
6. Personal Service Businesses
7. Places of Public Assembly - Small
8. Professional Offices
9. Retail Businesses
10. Studios for Art and Photography
11. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

C. Uses Permitted by Special Use Permit. The following uses are permitted in this district subject to obtaining a special use permit.

1. Dwelling – Triplex or Quadplex
2. Day Care - Commercial
3. Day Care - Group.
4. Gas Station.
5. Vehicle sales and service
6. Accessory uses, buildings and structures customarily incidental to any of the above uses.

D. Additional Site Development Standards. All permitted and Special Land Uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below as a reference guide.

Article 7	Parking and Loading-Unloading Standards
Article 8	Signs
Article 9	Site Plan Approval Standards
Article 11	Special Land Use Standards
Article 12	Landscaping and Screening Standards

E. District Regulations.

1. **Minimum Lot Area.** The minimum lot area in the MU – Mixed Use District shall be twenty thousand (20,000) square feet.
2. **Minimum Lot Width.** The minimum lot width shall be fifty (50) feet wide at the front setback line.
3. **Maximum Building Height and Size.**
   a) No dwellings, buildings or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet.
   b) The maximum building size shall be no greater than ten thousand (10,000) square feet
4. **Minimum Building Setbacks:**
   a) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
   b) **Front.** Each lot shall have a front yard of not less than twenty (20) feet in depth from the right-of-way line for residential uses and Zero (0) feet for commercial uses
   c) **Side.** All lots shall maintain a six (6) foot side yard along each side lot line.
   d) **Rear.** Every dwelling or building hereafter erected shall have a rear yard not less than ten (10) feet in depth.
5. **Minimum Floor Area.**
   a) All single family dwellings shall contain a minimum of seven hundred-twenty (720) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.
   b) Two family dwellings shall have a minimum of six hundred (600) square feet of floor area per unit and a minimum core area of living space measuring at least twenty (20) x twenty (20) feet.
6. **Maximum Lot Coverage.** Sixty-five (65%) percent

Section 315 Marihuana Overlay District

A. **Purpose and intent**.

(1) In accordance with the Zoning Enabling Act (P.A. 110 of 2006, MCLA § 125.3101 et seq.) and the Planning Enabling Act (Act 33 of 2008, MCLA § 125.3801 et seq.), this district is intended to overlay existing zoning districts and provide an alternative to development within those districts under certain conditions.

(2) This section's purpose is to encourage the use of Township land in accordance with its Master Plan; assure the preservation of the agricultural nature of the Township; reduce barriers to agricultural businesses suited to redevelop closed and/or blighted facilities and undeveloped properties; and encourage the marihuana industry to focus its development near these properties and existing marihuana facilities.

B. **Findings**. The Township finds that marihuana facilities may under certain circumstances provide a benefit to the community, are consistent with its Master Plan, and can avoid negative aesthetic issues associated with them if certain conditions are met:

(1) The existence of underutilized land, blighted properties, and closed factories and facilities decreases area property tax values, affects the overall economy in that there is either a loss (closed facility) or lack (undeveloped land) of jobs, and generally harms the community. Due to the agricultural nature of the Township, there are few industries that can take over a formerly closed facility or factory, and few industries willing to develop these underutilized properties.

(2) The marihuana industry is one such industry, as it needs enclosed facilities to grow year round to meet market demand. Further, the negative aesthetic issues around the marihuana industry can be mitigated by the use of smell-mitigating technology, and the use of enclosed facilities, buffers, shielding, clustering, and other methods of mitigation.

(3) To the extent parcels placed into the overlay on this date are in a commercial or agricultural district, the Township finds their use has not developed or maintained development in a meaningful way, consistent with that zoning, and allowing enclosed agricultural operations may actually be more consistent with the properties' potential use and Master Plan. As such, an overlay related to agricultural operations, which adopts a flexible use of the property, is warranted.

(4) The properties incorporated into the Marihuana Agribusiness Overlay District on this date are either undeveloped, contain largely blighted or unused structures, currently contain marihuana agribusinesses, or are surrounding properties to the aforementioned.

C. **Districts**. These regulations are intended to result in development substantially consistent with Zoning Ordinance standards and the Master Plan. The Marihuana Agribusiness Overlay District shall be established as an overlay district applicable to the following districts:

(1) A - Agricultural District.

(2) C – Commercial District.

(3) RR – Rural Residential District

D. **Scope**. For the purposes of this article, a "marihuana agribusiness" is defined as a grower facility and/or processor facility under § 1-4.3 [definition of "medical and/or recreational marihuana facility," Subsection A(1) and (2), respectively]. For parcels where the underlying zoning district is C-1 Commercial, a "marihuana agribusiness" is also defined as a retail facility under § 1-4.3 [definition of "medical and/or recreational marihuana facility," Subsection A(5)].

E. Eligibility.

(1) The parcels in the Marihuana Agribusiness Overlay District at this time include the following:

(a) 80-13-019-005-10.

(b) 80-13-019-002-11.

(c) 80-13-018-007-10.

(d) 80-13-012-010-00.

(e) 80-13-012-001-00.

(f) 80-13-012-024-00.

(g) 80-13-012-022-31.

(h) 80-13-017-015-01.

(i)80-13-020-001-00.

(j) 80-13-021-001-00.

(k) 80-13-021-006-00.

(l) 80-13-022-033-01.

(m) 80-13-022-003-01.

(n) 80-13-022-033-10.

(2) In reviewing additions to the Marihuana Agribusiness Overlay District in the future, the Township shall focus on the circumstances surrounding the properties, including whether they are vacant or underutilized properties, or blighted or vacant buildings, as well as clustering marihuana agribusinesses together.

F**. District restrictions**.

(1) Underlying Lawrence Township zoning district restrictions on the parcels enrolled in the Marihuana Agribusiness Overlay District, including those of the underlying zoning district, remain in full force and effect except as modified herein.

(2) Marihuana agribusinesses within the Marihuana Agribusiness Overlay District are to be considered a use permitted under special conditions instead of a use permitted by issuance of a special use permit.

G. Use permitted under special conditions. A marihuana agribusiness may utilize property within the Marihuana Agribusiness Overlay District without special use permit approval, subject to the following conditions:

(1) They must hold a valid State and Township license (see Ch. 30 and/or Ch. 31).

(2) They must comply with all state, county, and Township laws and regulations.

(3) The property must obtain site plan approval.

(a) For all buildings in existence at the time of this section's adoption, or that exist at the time the parcel upon which they sit is incorporated into the Marihuana Agribusiness Overlay District, they must obtain administrative site plan review and approval by the Zoning Administrator to confirm compliance with the conditions herein.

(b) For all other buildings or expansions of buildings, the Planning Commission must review and approve the site plan to the extent that they would if the project was governed by a special use permit.

(c) The site plan review for fencing and other site plan requirements that do not involve a building is administrative.

(4) All grow operations must be contained within an enclosed facility

(a) No garbage or dumpsters may be visible from neighboring properties.

(b) Smell-mitigating technology, including carbon filtration, air treatment systems, neutralizing agents, and oxidation systems that prevent the odors from the facility from being discernable by the human nose at the property line, shall be used.

(5) Infrared cameras must be used to avoid light pollution at night. No lights on the visible spectrum may be visible outside of buildings at night except as required by law (such as Public Act 154 of 1974, MIOSHA).15 No light may be visible through windows of the facility. To the extent lights are required, they shall be directed away from neighboring properties and shall not exceed the minimum number of lumens to meet their purpose.

(6) No loading and unloading can occur at the facility before 7:00 a.m. and after 9:00 p.m.

(7) Setback and acreage relief.

(a) The parcel twenty-acre requirement for indoor grow facilities is inapplicable to indoor grow facilities in the Marihuana Agribusiness Overlay District.

(b) The general setback requirements for the underlying zoning district govern the siting of marihuana agribusinesses within the Marihuana Agribusiness Overlay District. There are no marihuana-specific setback or minimum separation requirements in the Marihuana Agribusiness Overlay District, for example, the requirement that a processor facility be 100 feet from right-of-way and property lines is inapplicable in the overlay district, and the minimum separation distances from a permanent dwelling, whether or not occupied, are inapplicable.

(c) A nonconforming structure may be utilized irrespective of setbacks if otherwise in conformity with the requirements of the Marihuana Agribusiness Overlay District.

(8) Noxious smell.

(a) To mitigate malodorous emissions, buildings used for grower and/or processor facilities shall be equipped with one of the following:

[1] An activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The filtration system shall consist of one or more fans and activated carbon filters. The filter(s) shall be rated for the applicable CFM of exhaust air. The filtration system shall be maintained in working order and shall be in use whenever growing and/or processing activities are occurring. The filters shall be changed a minimum of once every 365 days or as determined by the manufacturer's recommendations.

[2] An active odor elimination system, non-VOC (volatile organic compound) type, for odor control to ensure that air leaving the building through an exhaust vent first passes through a misting type of odor eliminator device. The product used for odor elimination shall not mask odors or replace one odor with another less-obtrusive odor, but rather shall neutralize the odors produced within the space. The system shall consist of one or more fans and misting rings. The misting rings shall be rated for the applicable CFM of exhaust air and fan(s) dimension(s). The odor elimination system shall be maintained in working order and shall be in use whenever growing and/or processing activities are occurring.

[3] An alternative odor control system is permitted if the applicant submits and the Township of Lawrence Planning Commission accepts a report by a mechanical engineer licensed by the State of Michigan demonstrating that the alternative system will control odor as well as or better than the activated carbon filtration system otherwise required. The Township of Lawrence may hire an outside expert to review the alternative system design and advise as to its comparability and whether, in the opinion of the expert, it should be accepted. For all systems: At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

(b) This standard does not relate to purity.

(9) **Sign limitations**.

(a)Unless required by law, no signs with any content may be legible, nor may images be discernible, from neighboring properties, except retail business may post one freestanding sign that does not exceed 30 square feet per side and no more than 16 feet in height and one nonanimated window sign, not exceeding two square feet, indicating whether the business is open or closed. "Nonanimated" means the sign cannot include action, motion, flashing, or color changes, or the optical illusion of action, motion, flashing, or color changes. No signs shall be artificially illuminated when the business is not open.

(10) Buffer zone.

(a) Unless contained within an existing facility at the time the property was placed within the Marihuana Agribusiness Overlay District, the following buffer requirements apply:

[1] The marihuana agribusiness must be shielded from view of neighboring lots by the planting of buffers around the property. Where planting is not possible, privacy fencing must be utilized. Where a building abuts neighboring lots preventing fencing or the planting of a buffer, or the building is visible despite said shielding, the facade and visible portions of the building must be updated with painting, siding, and roofing, unless previously painted, sided, or reroofed within the last 10 years.

H. **Nonelection.** Nothing herein shall prevent the marihuana agribusiness from submitting a special use permit application pursuant to the requirements in the underlying zoning district in which the property sits. Nothing herein shall bar a request for a variance from either the Marihuana Agribusiness Overlay District's or the underlying zoning district's requirements. This may allow the applicant to avoid conditions herein to the extent those conditions could be avoided pursuant to the special use permit process or pursuant to a variance.

I**. Nonvesting.** A marihuana agribusiness utilizing this overlay district establishes no vested right to continue the business and upon the termination of this overlay district would be required to obtain a special use permit.

Article 4.
STANDARDS FOR USES

Section 400. Permitted Table of Uses

P - Permitted SU - Special Use

Use	A-1	RR	R-1	R-2	RL	R-4	MU	C-1
Accessory Buildings/Use	P	P	P	P	P	P	P	P
Accessory Dwelling Units	P	SU			SU			
Adult Businesses								SU
Agriculture	P	P						
Art and Photography Studios							P	P
Battery Storage Facilities	SU	SU						
Bed and Breakfast Inns	SU	SU	SU	SU	SU		SU	
Building, Hardware, Farm, and Garden Equipment								SC
Bungalow Court			SU	P				
Campground	SU	SU				SU		
Cemeteries	SU	SU						
Clinic		SU						P
Contractor's Yard	SU	SU						
Convenience Store							P	P
Day Care - Commercial							SU	P
Day Care - Family	P	P	P	P	P	P	P	
Day Care - Group		SU	SU		SU		SU	
Drive Thru or Drive in Facilities							SU	SU
Dwelling - Single Family	P	P	P	P	P	P	P	
Dwelling - Two Family				P		P	P	
Dwelling - Triplex or Quadplex						P	SU	

Use	A-1	RR	R-1	R-2	RL	R-4	MU	C-1
Eating and Drinking Establishments							P	P
Educational Facility	SU	P	SU	SU	SU	SU		
Farm Product Processing Facilities	SU	SU						
Financial Institutions (including drive-through)							P	P
Gas Station	SU		SU					
Golf Courses		SU					SU	P
Greenhouse and Nursery	SU	SU						
Government (Public) Buildings	SU	SU					P	P
Home Occupation (customary)	P	P	SU			SU		
Home Occupation (major)	SU	SU	SU					
Hotels							P	P
Junkyards	SU	SU						
Kennels	SU	SU						
Laundromat								P
Manufactured Home Communities						P		
Marijuana Grow Operation	SU	SU						
Marijuana Processing Facility	SU	SU						
Marijuana Retailer								SU
Marijuana Safety Compliance Facility	SU	SU						
Marijuana Secure Transporter Facility	SU	SU						
Mineral Extraction Operations	SU	SU						
Mini - Storage Facilities								P
Mortuaries and Funeral Homes								P
Open Space Preservation Developments	P	P						
Outdoor and Indoor Commercial Recreation								P
Parks		P	P	P	P		P	
Personal Service Establishments							P	P
Place of Public Assembly (Large)	SU	SU	SU	SU		SU		SU
Place of Public Assembly (Small)	SU	P	SU	SU	SU	SU	P	P
Planned Unit Development		SU						
Private Airport or Landing Field	SU	SU						
Professional Offices							P	P
Public or Private Conservation Areas	P	P						
Public or Private Parks	P		SC	SU	SU	SU		
Public Outdoor Recreation Areas	P		P	P	P	P		
Public Utility Building and Services	P							P
Retail Businesses							P	P

Use	A-1	RR	R-1	R-2	RL	R-4	MU	C-1
Roadside Stand	P	P						
Sales and Service of Large Materials and Equipment								SU
Sawmills	SU	SU						
Seasonal Farm Markets	SU	SU						
Senior Living Facilities						P		
Seasonal Labor Housing	P	P						
Signs	P	P	P	P	P	P	P	P
Solar Energy Conversion Systems	SU	SU						
Stables	P	SU						
Truck Terminal								SU
Vehicle Sales and Service							SU	P
Veterinary Clinics and Hospitals	P	SU						P
Warehousing Businesses	SU							
Waterfront Access Lot								
Wind Energy Conversion System	SU	SU						
Wireless Communication Towers	SU	SU						

Article 5.
General Provisions and Exceptions

Section 500. Introduction

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise addressed.

Section 501. Accessory Buildings and Uses

The following shall apply to all new accessory structures and uses in the Township (including, but not limited to attached or detached garages, sheds, athletic courts, decks, swimming pools, pole barns and similar structures), and to alterations, renovations, expansions, or other work that includes exterior changes to existing structures:

A. Accessory buildings, structures and uses are permitted only in connection with, incidental to, and on the same lot with a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

B. Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses, except for projections into yards

C. There shall not be a maximum number of accessory structures on a given lot in the A and RR zoning districts. In all other zoning districts, there shall be a maximum of two (2) accessory buildings or structures. No accessory structure shall be built that would cause the lot in question to exceed the maximum lot coverage for the zoning district.

D. Accessory buildings shall not occupy more than thirty (30) percent of the required rear yard.

E. Accessory buildings located in the front yard shall have a setback equivalent to the requirements of a principal structure.

F. Accessory buildings shall be set back at least ten (10) feet from the principal building located on the lot.

G. The construction or placement of any accessory building or structure greater than two hundred (200) square feet shall require a land use permit.

H. Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for permitted home occupations.

Section 502. Accessory Solar Energy Systems

A. Definitions.

1. **Solar Energy System**. A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.
2. **Solar Storage Battery.** A device that stores energy from the sun and makes it available in an electrical form.

B. Rooftop Solar Energy Systems. Rooftop and building mounted solar energy systems are permitted in all zoning districts, subject to the following regulations:

1. Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed.
2. No solar energy system may protrude beyond the edge of the roof.
3. Land use permits and building permits shall be required for installation of rooftop and building mounted systems.

C. Ground Mounted Solar Energy Systems. Ground-mounted and freestanding solar energy systems are permitted in all zoning districts, subject to the following regulations:

1. **Location.** The solar energy system shall meet the required front yard setback requirement for the district in which it is located and be set back a minimum of ten (10) feet from any side or rear property line.
2. **Height.** The height of the solar energy system and any mounts shall not exceed 12 feet when oriented at maximum tilt.
3. **Permit.** A Zoning permit and a building permit shall be required for any ground mounted solar energy system.
4. **Area.** No more than 15% of the total lot area may be covered by a ground mounted solar energy system.

D. Batteries. When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

E. Removal. If a solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities and return the land to its original condition no later than 90 days after the end of the 12-month period.

Section 503. Accessory Use Wind Energy Systems

The purpose of this Section is to promote the safe, effective, and efficient use of accessory use wind energy systems installed to reduce the on-site consumption of utility-supplied electricity. Accessory use wind energy systems shall be considered a permitted accessory use in all Zoning Districts, subject to the requirements of and the following requirements:

A. Accessory use wind energy systems may be attached to an existing building or structure or mounted on a tower structure with the following height limitations, measured from grade directly below the turbine to uppermost component of the system with its blade in a vertical position:

1. For parcels of less than two (2) acres in area, the tower height shall not exceed 35 feet.
2. For parcels of at least two (2) acres and not more than five (5) acres in area, the tower height shall not exceed 60 feet.
3. For parcels greater than five (5) acres in area, tower height shall not exceed 80 feet.

B. The minimum vertical blade tip clearance from grade shall be 20 feet.

C. The accessory use wind energy system shall be setback from all adjoining property lines and rights-of-way (public or private) a distance equivalent to or greater than the height of the wind energy system, (with the blade in the vertical position), as measured from the lot line to the base of the tower. No portion of the wind energy system, including the guy wire anchors, shall be located within or above a required yard.

D. Small wind turbines shall not cause a sound pressure level in excess of 60 decibels, as measured at any property line.

E. Small wind turbines shall be equipped with an automatic braking, governing or a feathering system to prevent uncontrolled rotation or over-speeding. Small wind turbines and towers shall be equipped with lightning protection.

F. Building permit applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall be provided.

Section 504. Emergency Housing

The Zoning Administrator may issue temporary housing permits to authorize the occupancy of a mobile home or recreational vehicle for emergency housing under the following conditions:

A. The permit shall be conditioned upon compliance with the following standards:

1. The permit shall delineate a time duration not to exceed 180 calendar days. Extensions may be granted by the Zoning Administrator.
2. The owner of the damaged structure, or his agent, shall acquire a permit within 90 days for repair, reconstruction, or replacement of the damaged structure prior to occupancy of the mobile home or recreational vehicles.
3. The Emergency Housing permit will be conditioned upon approval from the County Health Department.

Section 505. Essential Public Services and Required Utilities

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead, surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the Township of Lawrence in any use district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this Ordinance.

Section 506. Fences

Fences and walls shall comply with the following regulations and requirements:

A. Location:

1. Fences and walls shall not be located outside or beyond the property or lot lines of the lot or parcel.
2. On a waterfront lot, no portion of a fence shall be located closer than 40 feet to the water's edge; provided, however that chain link fencing may extend to within five (5) feet of the water's edge.

B. Height:

1. In all zoning districts except A, RR and C, fences and walls located within the required front yard shall not exceed a height of 4 feet.
2. In all zoning districts except A, RR, and C, fences and walls located outside the required front yard shall not exceed 6 feet in height in any Zoning District,

C. Design and Type:

1. All fences and walls shall be constructed with the finished side exposed, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surroundings.
2. No fence shall include barbed or razor wire strands or electrification, except in the A and RR districts and in the C district subject to Planning Commission approval.
3. Except in the RR and A districts, all fences and walls shall be constructed of durable materials such as wood planks, brick, cement block, chain link, woven wire or structural resin intended to remain in good condition in the Southwestern Michigan climate.
4. Dense landscaping or a living fence, such as a continuous hedge or row of evergreens, which has the effect of entirely screening the view from neighboring properties or the public right-of-way all year round, may also be permitted as a fence; provided, however, that such landscaping be entirely on the property and not overhanging or encroaching on the neighboring property.
5. The provisions of this Section shall not apply to fences associated with active farm operations regardless of the zoning district in which said farm operation is located.

Section 507. Grades

A. No premises shall be filled or graded so as to discharge surface run-off on to abutting premises except as may be permitted by the Van Buren County Drain Commissioner.

B. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

C. Leaching ponds, retention or detention basins may be required to appropriately manage stormwater on-site.

D. Storm water management systems should be designed to:

1. Incorporate and/or use natural drainage systems existing on the site;
2. Protect the surrounding natural environment;
3. Retain the natural retention and storage capacity of any wetland or waterway; and
4. Not increase flooding or the possibility of polluting surface water or groundwater.

Section 508. Keeping of Livestock and Other Animals

A. The keeping of pets is permitted as an accessory use in all zoning districts provided that the provisions of this Ordinance and other Township or County regulations are not violated.

B. All farm animals or fowl shall be housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowl or any other dwelling on the same parcel as the farm animals or fowl.

C. All farm animals or fowl shall be penned or housed on a parcel of land containing two and one-half (2 ½) acres of land or more. Farm animals are deemed to include horses, cattle, swine, llama, sheep, chickens, turkeys, ducks, pigeons, rabbits, and other similar animals and fowl; this list being descriptive and not inclusive.

D. The keeping of dangerous animals shall only be permitted in a zoo, museum, or other similar use.

Section 509. Land Divisions

A. New lots or parcels created, and existing lots or parcels combined shall conform to this Ordinance and the requirements of the Land Division Act, being Act 288 of the Public Acts of 1976, as amended. Lawrence Township elects to opt out of Section 108 (6) of PA 58 of 2025 and shall not authorize land divisions beyond those otherwise permitted by the Land Division Act.

1. All Land Division applications shall be submitted to the Zoning Administrator for review

B. Except as provided elsewhere in this Ordinance, no lot, parcel, or tract of land shall hereafter be divided, subdivided, platted or included in a site condominium as a unit which results in the creation of any lot, parcel, tract, or unit of land which is less than the minimum area requirements for a building or structure in the zoning district in which it is located. Nonconforming land may be reserved for a future road right-of- way or similar use development provided such nonconforming use is recorded as a restriction upon the document conveying such nonconforming properties. Further, all land divisions must meet the following criteria:

1. The required lot areas and/or frontage requirements, exclusive of easements and rights-of-way.
2. For parcels less than twenty-five (25) acres, the lot depth shall not be greater than four times the width.
3. A boundary survey, legal description, driveway or private road permit, and application fee as set by the Lawrence Township Board of Trustees must be submitted with the application. Provided that in the case of a parcel or tract of land of forty (40) acres or more in area, in which no more than two divisions are proposed, a legal description and scaled drawing may be submitted in place of the boundary survey.
4. Land Divisions that comply with the provisions of this Ordinance and State Law shall be approved by the Zoning Administrator.
5. Properties verified to be in violation of the Land Division Act by the Assessor shall be deemed to be unbuildable until they are in compliance with the requirements of the Land Division Act.

C. Property line adjustments shall not be classified as a Land Division; however, all property Line adjustments must meet the following criteria:

1. Any property line adjustments shall be submitted to the Zoning Administrator for review via a property line adjustment application.
2. A boundary survey and application fee shall be submitted with the application.
3. All properties included in the property line adjustment shall remain in compliance with the requirements of the Land Division Act and the Zoning District.

Section 510. Lighting

A. **Intent.** To maintain safe nighttime performance on public roadways by minimizing both brightly lit surfaces and lighting glare; to preserve the restful quality of nighttime and to preserve the rural character of the Township, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”, and to reduce light pollution, the following regulations shall be considered in the review of submitted applications and plans.

B. **Exempt Lighting.** The following types of exterior lighting are exempt from the requirements of this Section, except that the Planning Commission and/or the Zoning Administrator may take steps to minimize glare, light trespass, or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

1. Holiday decorations.
2. Residential lighting that does not cause off-site glare or contribute to light pollution.
3. Lighting associated with Farm Operations
4. Situations where fire, police, rescue, or repair personnel need light for temporary or emergency situations.

C. Standards. Lighting shall be designed and constructed with the following guidelines:

1. **Fully shielded.** Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.
2. **Intensity.** The intensity of light within a site shall not exceed one (1) footcandle at any lot boundary, street right-of-way line, or waterfront boundary. Where a lot abuts a residential district or use, the intensity shall not exceed one-half (0.5) footcandle at the lot boundary.
3. **Glare and light trespass.** Exterior lighting sources shall be designed, constructed, located, and maintained in a manner that does not cause off-site glare or light trespass on neighboring properties or street rights-of-way or upon open water.
4. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, and the use of laser light sources, searchlights or any similar high intensity light source for outdoor advertisement or entertainment is prohibited.

Section 511. Open Space Preservation Developments

A. Purpose. The purpose of the Open Space Development is to promote the continuation of rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering dwelling units rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the Township as a whole. These regulations are also intended to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.

B. Regulations:

1. Open Space Developments shall be allowed in the Agricultural District and Rural Residential District only.
2. The minimum amount of open space shall be fifty percent (50%).
3. All dwelling units shall be single-family detached housing.
4. The maximum base density and number of dwelling units permitted in the open space development shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
    a) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.
    b) All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section, shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems, and required streets and driveways.

c) Areas of wetlands, storm water control, water bodies, and other unbuildable areas shall not be included within buildable areas but may be included in the lot area calculations.

d) In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Planning Commission deems appropriate.

e) The Planning Commission may authorize a five percent (5%) bonus density for an additional ten percent (10%) of open space.

C. Design Standards.

1. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should range from 10-15 units per cluster for smaller developments (up to 50 total units) and 15-20 units for larger developments (50 or more total units).
2. Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
3. Entryways to open space clusters shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.

D. Development Setback.

1. Any proposed building lot shall be located at least two hundred (200) feet from any previously existing public street right-of-way.
2. No native or natural vegetation shall be removed from the (200) foot setback, nor may any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the open space development.
3. The Planning Commission may reduce this setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development.
4. The Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the open space development from the adjacent street. This landscaping may consist of existing vegetation, landforms, or landscaped areas using native or natural materials, or a combination thereof.
5. Open space cluster sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or significant vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

E. Open Space. Any open space provided shall meet the following considerations and requirements:

1. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire development may utilize the available open space.
2. The development shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.

3. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s), be converted to open space but shall not be used as land for the construction of additional dwellings, nor used for any other development.
4. All open space shall be in the joint ownership of the property owners within the development. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

Section 512. Performance Design Standards

A. **Intent.** It shall be unlawful to carry on or permit to be carried on any activity or operation or use of any land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the minimum permissible hazards to humans or human's activities. Such measures may be supplemented by other means which are duly determined to be maximum permissible hazards to humans or human activity.

1. **Noise.** The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses except where authorized in this Ordinance.

In Decibels	Adjacent Use	Where Measured
65	Residential dwellings	Common lot line
65	Commercial	Common lot line
70	Industrial and other	On lot line

The sound levels shall be measured with a type of audio output meter approved by the bureau of standards. Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

2. **Vibration.** All machinery shall be mounted and operated to prevent transmission of ground vibration exceeding the displacement of three thousandths of one inch measured at any lot line of its source, or ground vibration which can be readily perceived by a person standing at any such lot line.
3. **Odor.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
4. **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, except as required in the delivery of essential services.
5. **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.
6. **Smoke, Dust, Dirt, and Fly Ash.** Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

a) The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

b) Residential wood stoves, wood-burning fireplaces, personal campfires, and personal grills/barbecues shall be exempt from this section.

Section 513. Principal Building, Structure or Use

No zoning lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, manufactured housing parks, unified shopping centers, an auto dealership, an office complex or a Planned Unit Development.

Section 514. Refuse Disposal

A. The outdoor storage and accumulation of junk, discarded material, building materials, metal, or solid waste of any kind is hereby prohibited, except in approved and authorized outdoor trash containers or dumpsters.

B. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the following:

1. The placement of the container shall be subject to site plan review.
2. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
3. All containers shall rest on a permanent and durable pad.
4. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate, six (6) feet in height, shall completely screen the container.
5. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.

Section 515. Shipping Containers

A. **Definition.** Any metal or primarily metal container originally designed for or used in the packing, shipping, movement, or transportation of freight, article, goods, or commodities and or generally capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device.

B. **Regulations:**

1. Shipping Containers shall be allowed in all of the zoning districts as Accessory Use storage buildings, subject to the following conditions:

   a) **Location:**

      1) Shipping Containers shall be located in the rear yard.

      2) Shipping Containers shall not occupy any required off street parking, fire lanes, loading and unloading areas or landscape areas nor shall they be located where they may cause hazardous conditions or a threat to public safety.

b) **Setbacks.** Shipping Containers shall be subject to the setback requirements applicable to accessory buildings established in Section 502.

c) **Number.** No more than two (2) shipping containers may be placed on a lot at any given time.

d) **Height.** Shipping Containers shall not be stacked above the height of a single container.

e) **Surface Area.** The surface area covered by shipping containers shall be included in the lot coverage calculations for the lot.

f) **Use.** Shipping containers shall not be used as living quarters nor as housing for livestock or pets.

2. **Placement of Shipping Containers.** Shipping containers may be placed on property for storage purposes, subject to the following requirements:

a) All applicable building regulations shall apply.

b) Shipping containers shall be placed on a permanent, dustless hard surface.

c) Shipping containers shall not be used for advertising or signage and shall be kept free of all alphanumeric signage and writing.

d) Any writing or graffiti on a shipping container shall be removed.

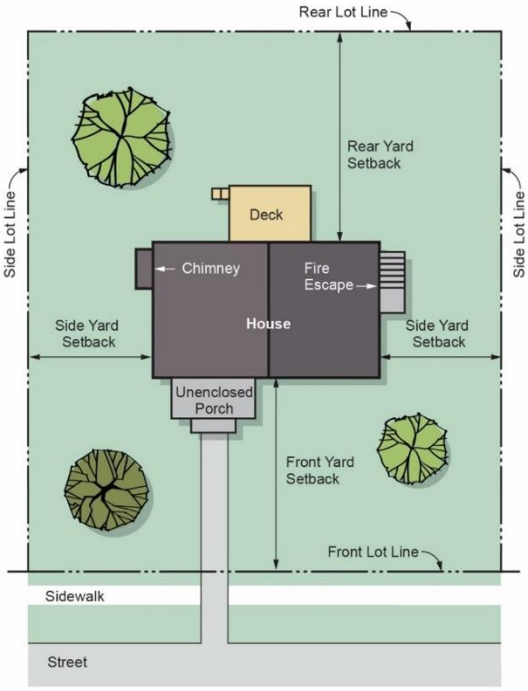
e) A Land use permit shall be required and obtained from the Zoning Administrator.

Section 516. Spatial and Physical Requirements

A. The continuing maintenance and physical requirements of this Ordinance for a use, structure, building, and/or parcel shall be the obligation of the owner of the use, structure, building and parcel.

B. Required spatial relationships and physical requirements of this Ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings, and parcels except that the following may be located anywhere on a parcel.

1. Structures less than eighteen (18) inches above ground level, unenclosed and unroofed terraces, porches and decks including steps that are less than 70 square feet in area, patios, awnings and handicapped ramps may project into any yard, but shall be located a minimum of six (6) feet from any property line.
2. Special structural elements such as cornices, chimneys, gutters, eaves, and similar structural features may project into any required yard a maximum of two (2) feet.
3. Fire escapes or open stairways are limited to a projection into the yard of four (4) feet.
4. Propane tanks and on-site generators.
5. Flagpoles
6. Private driveways, sidewalks, and walkways



Setback Exemptions

Permitted Building Projections into Required Yards

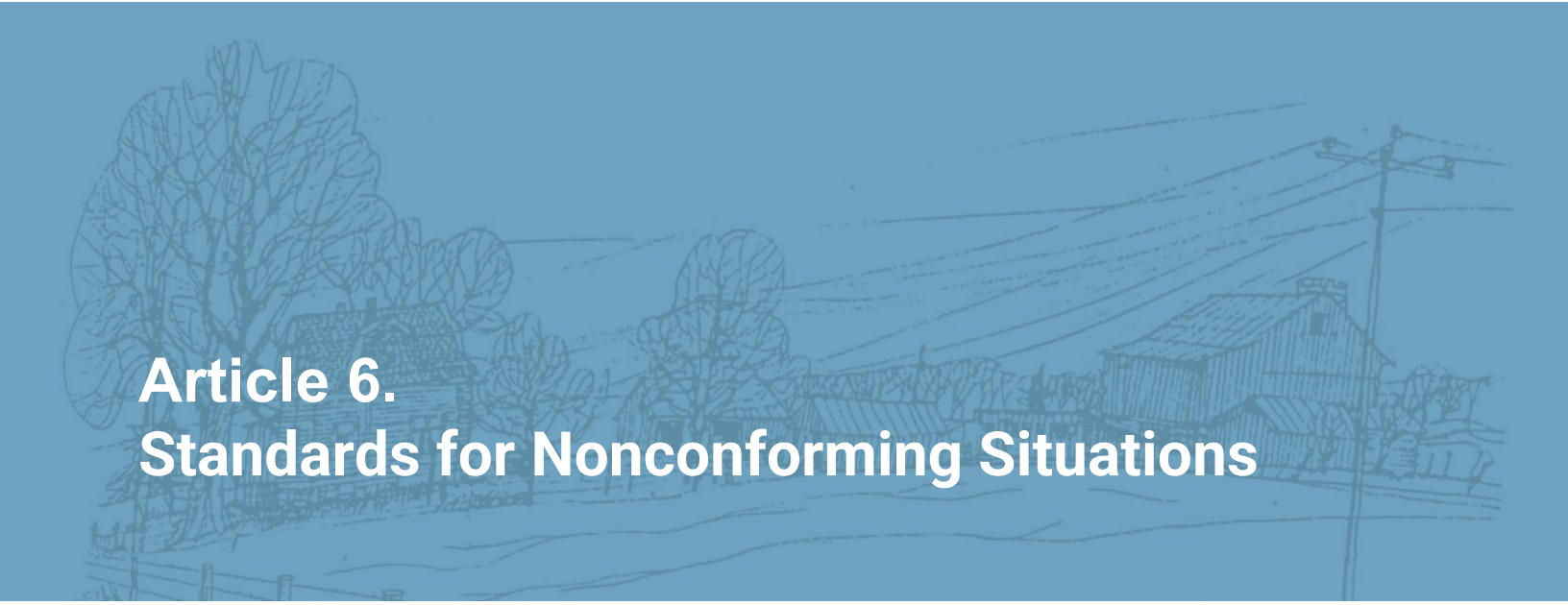
C. Land filling and other contour changes to create a buildable parcel shall not be undertaken, except in conformance with the requirements of this Ordinance and applicable County, State and Federal requirements. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires Site Plan Review and Approval until the proposed use is authorized by a Zoning Permit.

Section 517. Temporary Uses

A. The following temporary uses are permitted by special temporary permit in districts as regulated therein, all such uses shall be terminated within thirty (30) days after expiration of said permit:

1. **Trailers or mobile homes.** An individual trailer or mobile home without permanent foundations, may be used as temporary living quarters or working quarters for up to one hundred eighty (180) days while a dwelling house is being constructed on the same premises, provided that an approved water supply and an approved sewage disposal system are installed prior to such occupancy. The Zoning Administrator may grant renewals of the permit for an additional one hundred eighty (180) days if construction is progressing on the dwelling house.
    a) Temporary structure removed. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work

2. **Signs and supplies.** The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor or architect's identification signs in connection with a construction project may be authorized until an occupancy permit is issued.
3. **Subdivision office.** A dwelling in a new subdivision may be used as a sales and management office for a period of twelve (12) months.
4. **Recreational vehicles, RVs.** The parking or occupancy of a recreational vehicle shall require a Zoning permit and is subject to the following regulations:
    a) The location of the recreational vehicle shall comply with all setback requirements of this Ordinance.
    b) The use of the recreational vehicle shall not be contrary to the public health, safety or welfare.
    c) The recreational vehicle shall be connected to a water supply and sewer disposal system approved by the Van Buren County Health Department.
    d) The recreational vehicle shall, at all times, have a clear and unoccupied space of at least seven (7) feet on all sides.
    e) Use of the recreational vehicle shall be limited to six (6) months for properties where the owner of the property resides on the same parcel or 45 days for non-owner-occupied property, beginning with the issuance of a permit. The permit may be renewed for one (1) additional period of six (6) months for properties where the owner of the property resides on the same parcel or 45 days for non-owner occupied property, upon approval of the Zoning Administrator for good cause shown. Another application for use of a temporary dwelling on the subject site shall not be approved for a period of at least six (6) months.



Article 6.
Standards for Nonconforming Situations

Section 600. Scope and Intent

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land which were lawful before this Ordinance was adopted or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such nonconformities, particularly nonconforming uses which are more intense than the uses permitted within the zoning district, are declared by this Ordinance to be incompatible with permitted uses and in conflict with the purposes of this Ordinance. An intent of this Ordinance is to permit such legal nonconforming lots, buildings, structures or uses to remain until they are discontinued or removed, but not to encourage their survival, or where discontinuance or removal is not considered feasible, to gradually upgrade such nonconformities to a more conforming status. A nonconforming use, building, structure or combination thereof, shall not be extended, enlarged, expanded or replaced, except as provided herein, and shall not be used as grounds for adding other nonconforming uses, buildings or structures. Further, this Article is intended to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities may be permitted to continue.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or structure for which a building permit has been issued and on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 601. Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record existing as of the effective date of this Ordinance or amendment thereto.

A. Any use or development of a nonconforming lot shall comply with all applicable provisions of this Ordinance.

B. Nonconforming lots may be combined, in whole or in part to create a conforming lot or a lot with a lesser degree or extent of nonconformity, provided the resulting lot is capable of accommodating a structure in compliance with applicable building area and setback requirements

C. For lake lots with less than 125 feet of depth, the front yard setback shall be reduced to the greater of twenty-five (25) feet or the average setback of the residential structures on the adjacent lots.

D. On nonconforming lots that do not have the applicable lot width requirement, the required side yard setback requirement shall be reduced by three (3) inches for each one foot of reduced lot width, provided that in no instance shall any such reduced side yard be less than five (5) feet.

Section 602. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. The nonconforming use shall not be enlarged, expanded or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B. The nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use except where said relocation results in a decrease in the nonconformity at the effective date of adoption or amendment of this Ordinance;

C. If such nonconforming use of land ceases for any reason for a period of more than three hundred sixty-five (365) days, such use shall not be re-established. Subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. If a nonconforming use is damaged or destroyed by any means to the extent that fifty (50) percent of its replacement cost at the time of such damage or destruction, it shall not be continued or reestablished except in conformity with the provision of this Ordinance.

Section 603. Nonconforming Buildings and Structures

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may be continued provided it remains otherwise lawful, subject to the following provisions:

A. A nonconforming structure may be continued and shall not be considered a violation of this Ordinance.

B. No structure may be enlarged or altered in a way that increases the degree of its nonconformity. However, structures may be enlarged in a way that does not increase the degree of its nonconformity with regard to the side and rear setbacks or building form, provided that structures shall be a minimum of five (5) feet from property lines.

C. No such nonconforming structure shall be move in whole or in part to any other portion of the lot or parcel except in conformity with the provisions of this Ordinance.

D. If a nonconforming structure is damaged or destroyed by any means to the extent of more than fifty (50) percent of its replacement cost, exclusive of the foundation, at the time of such damage or destruction, it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance.

Section 604. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. A nonconforming use may be extended throughout any parts of a structure which were arranged or designed for such use and which existed on the effective date of this Ordinance but shall not be extended to occupy any (additional) land outside the structure.

B. A structure occupied by a nonconforming use shall not expand, extend, or enlarge the area, density, and/or manner of operation of a nonconforming use. Any such alteration shall be determined to result in an increase in the nonconformity.

C. If no structural alterations are made, any nonconforming use of a structure, or a structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance.

D. If a nonconforming structure is damaged or destroyed by any means to the extent of more than fifty (50) percent of its replacement cost, exclusive of the foundation, at the time of such damage or destruction, it shall not be continued or reestablished except in conformity with the provisions of this Ordinance. Removal or destruction of the structure shall eliminate the nonconforming use status of the land.

Section 605. Repairs and Maintenance

A nonconforming structure and/or land devoted in whole or in part to any nonconforming use may be repaired and maintained in keeping with normal routine maintenance, provided that such repair and maintenance shall not extend, expand, or enlarge the nonconforming structure or use. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition and structure and/or use declared to be unsafe by any official charged with protecting the public safety, and upon order by said official.

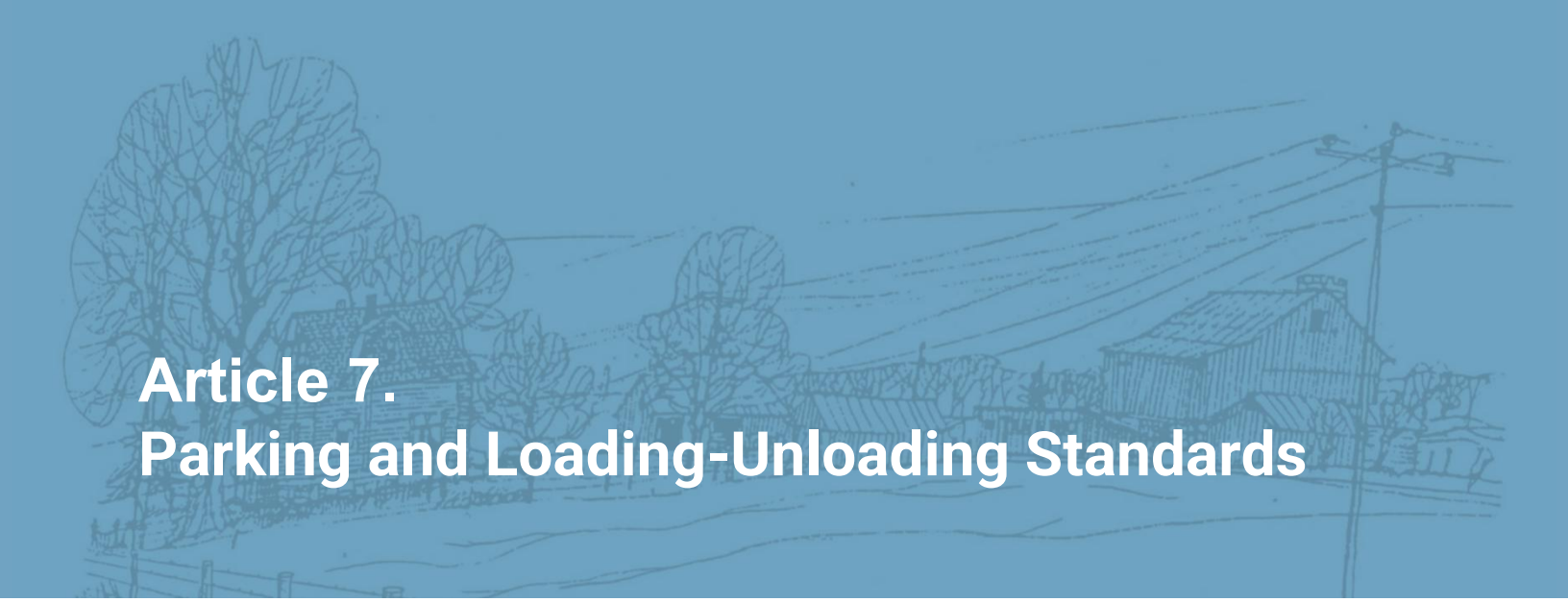
Section 606. Change of Tenancy or Ownership

A change of tenancy, ownership or management of any existing nonconforming uses of land, nonconforming structures, or nonconforming uses of structures and land in combination, shall be permitted provided that there is no change in the nature or character of any nonconformity.

Section 607. Discontinuation of Nonconformities

A. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

B. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months or, for twenty four (24) months during any three (3) year period, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excluded from this provision.



Article 7.
Parking and Loading-Unloading Standards

Section 700. Intent

The purpose of this Article that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premises constructed, altered, or enlarged under the provision of this Ordinance.

Section 701. General Requirements

A. **Permit Required.** For any use or development that requires a Site Plan Review in accordance with Article and for any parking area with more than five (5) parking spaces, a parking area, driveway, or off-street parking space shall not be established prior to a submission of a site plan and the issuance of a permit.

B. **Location.** Off street parking spaces for non-residential uses shall be provided either on the same lot or within five-hundred (500) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking area or space. Off-street parking for residential uses shall be on the same lot as the use, except in the case of shared driveways or recorded consolidated parking arrangements.

C. **Replacement of Parking Spaces.** Required off street parking spaces shall not be replaced by any other use unless and until an equal number of parking spaces are provided elsewhere in compliance with this Ordinance.

D. **Shared Parking.** Where two or more uses are present on the premises, parking requirements shall be calculated for each use individually. However, two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by up to twenty percent (20%) if a signed agreement is provided by the property owners, and the Planning Commission determines that the peak usage will occur at different periods of the day.

E. **Access Limitations.** Vehicular access to a parking area serving a non-residential use shall not extend across land zoned or used for residential purposes

Section 702. Parking Space Requirements

A. Parking shall be provided in accordance with the number of spaces required in this section. Parking shall not exceed nor be less than the Required Spaces Per Unit of Measure for new uses. The Planning Commission may approve additional or fewer spaces, provided the applicant demonstrates that adequate parking will be provided, excessive parking will be avoided, and snow storage is accommodated.

B. A portion of the required parking area may be deferred until some future date, provided that adequate space on the property is reserved for future parking, and provided that the reserved area is used as open landscaped space until parking is constructed. A permit shall be required prior to construction of a deferred parking area.

C. For uses not specifically listed, off-street parking shall be provided as required for the most similar use, as determined by the Zoning Administrator. The Zoning Administrator may reference industry standards to establish such requirements.

D. When calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require one (1) additional parking space.

E. Barrier-free parking spaces and loading spaces shall count toward the required number of spaces.

F. For nonresidential uses and developments on a parcel within 500 feet of a trail or sidewalk, one bicycle rack capable of locking at least 2 bicycles for every 10,000 square feet of building footprint shall be provided within 100 feet of a building's main entrance.

G. Up to a 20% reduction of the number of spaces required may be permitted by the Zoning Administrator or Planning Commission for a new or expanding nonresidential use that dedicates carpool spaces, vanpool spaces, covered bicycle spaces or lockers, and similar alternative means of transportation, for its employees, and where such reduction will not result in inadequate parking area.

RESIDENTIAL	
Single- and two-family dwellings	2.0 spaces per dwelling unit
Multiple-family dwellings	1.5 spaces per each efficiency or one bedroom dwelling unit, 2.0 spaces per each unit with two bedrooms 2.5 spaces for each unit with three or more bedrooms
Mobile/manufactured homes in a mobile home/manufactured housing park	2.0 spaces per each manufactured/mobile home unit or site
HOUSING FOR THE ELDERLY	
Senior apartments and elderly housing complexes	1.5 spaces per unit
Senior "interim care" and "intermediate care" units, retirement villages, etc.	1.0 space per each room or three beds, whichever is less, plus 1.0 space per each employee expected during the peak shift
Adult foster care group homes, adult congregate care facilities	1.0 space per three (3) beds
INSTITUTIONAL	
Places of Public Assembly	1.0 space per each three seats
Government Offices	1.0 spaces per 300 sq. ft. gross floor area
Public libraries	1.0 space per 500 sq. ft. gross floor area
Child care or day care centers	1.0 space per every four (4) persons cared for
Hospitals	4 spaces per patient bed
Education Facility	1.0 space per every four (4) students

OFFICE and SERVICE	
Medical/dental clinic/office	5.0 spaces per 1,000 sq. ft. gross floor area
Personal Service Establishment	1.0 space per 400 square feet of gross floor area.
Professional office building	1.0 space per 350 sq. ft. gross floor area
Financial Institution	1.0 space per 400 sq. ft. of gross floor area.
COMMERCIAL/RETAIL/SERVICE	
Auto service (gasoline) station	1.0 spaces per each 300 square feet of gross floor area.
Automobile service center or auto repair center	1.0 spaces per 500 square feet of gross floor area including service bays.
Automobile wash	5.0 spaces per premises plus sufficient waiting space to accommodate 25% of the hourly rated capacity
Convenience store, with or without gasoline service	1.0 space per 300 sq. ft. gross leasable floor area.
Drive through restaurant	1.0 space per every two hundred (200) square feet of floor area plus queuing for nine (9) vehicles
Dry cleaners and laundry	1.0 spaces per two (2) washing machines.
Funeral homes	1.0 space per 100 sq. ft. of floor area used for services.
Eating and Drinking Establishment	1.0 space per every two (2) seats.
General retail business	1.0 space per 300 sq. ft. gross floor area
Mini or self storage warehouse	minimum of 6.0 spaces
Hotel or bed and breakfast inn	1.0 space per guest room, plus 2 spaces
Outdoor sales, display	1.0 space per 800 sq. ft. of such area
Adult oriented business	1.0 space per every three hundred (300) square feet of gross floor area.
Taverns or bars	2 spaces per every three (3) seats.
Theater	1.0 space per every four (4) seats.
Wholesale establishments/Greenhouses	1.0 space per each 500 sq. ft. of gross floor area
RECREATION/ENTERTAINMENT	
Bowling centers	5.0 spaces per lane.
Commercial outdoor recreation centers	1.0 space per 200 sq. ft. gross floor area
Golf course driving range	2.0 spaces per each 3 tees
Golf course, miniature	1.0 space per each course hole
Golf course/country club	6.0 spaces per each course hole
INDUSTRIAL	
Light industrial, manufacturing, testing labs, research and development centers	2.0 spaces per 1,000 sq. ft. gross floor area.
Warehousing	1.0 space per each employee with a minimum of 6 spaces.
Substations	A minimum of 5 spaces

Section 703. Off-Street Parking Space Design Standards

Where required, off-street parking facilities shall be designed, constructed and maintained according to the following standards and regulations.

A. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways. Driveways and parking lots must be maintained with a smooth, dust-free surface, but are only required to be paved if they serve a retail, office, or service business that is open to the general public, or if they serve a multi-family housing building or complex.

B. All parking areas shall meet the applicable drainage standards of the Van Buren County Drain Commissioner.

C. All spaces shall be provided adequate access by means of clearly defined driveways and maneuvering lanes. Maneuvering aisles and parking stalls shall meet the standards shown in the Table below. Parking spaces shall be clearly identified and marked with durable striping.

D. Curbing, wheel blocks or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas to minimize pedestrian/vehicular conflicts.

E. Electric charging stations shall be allowed in parking areas as an accessory use.

F. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

OFF-STREET PARKING DIMENSIONS			
Parking Pattern	**Maneuvering Lane Width**	**Parking Space Width**	**Parking Space Length**
0° (Parallel Parking)	11 ft.	9 ft.	23 ft.
30° to 53°	12 ft.	9 ft.	19 ft.
54° to 74°	15 ft.	9 ft	19 ft.
75° to 90°	20 ft.	10 ft.	20 ft.

G. All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse effect on motorist visibility on adjacent public roadways.

H. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.

I. A greenbelt buffer shall be provided meeting the requirements of Section…to buffer the parking area from the adjacent property, regardless of the adjacent use.

Section 704. Off-Street Loading and Unloading Areas

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

A. The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.

B. Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street.

C. Required loading areas shall not be included in calculations for off-street parking space requirements.

D. The minimum size of all required loading/unloading spaces shall be twelve (12) feet by twenty-five (25) feet, with a clearance of at least fourteen (14) feet in height, however, the Planning Commission shall have the right to require a larger space based on the business and the anticipated truck traffic.

E. The minimum number of loading spaces shall be provided in accordance with the following table:

Loading Space Requirements	
Square feet of Principal Permitted Building on a Property	**Number of Spaces**
Up to 5,000 sq. ft. GFA	0 space
5,001 - 20,000 sq. ft. GFA	1.0 space
20,001 sq. ft. GFA -100,000	2.0 spaces
One (1) additional space is required per additional 50,000 square feet of GFA	

Article 8. Signs

Section 800. Purpose

This section is intended to protect and promote the health, safety, and welfare of the residents of Lawrence Township; to maintain and improve the aesthetic appeal of the Township; to conserve community character and protect the value of surrounding properties; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, while protecting the First Amendment right to Freedom of Speech.

Section 801. General Sign Provisions

A. **Permission of Owner or Occupant.** It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.

B. **Construction.** All signs shall be designed and constructed to comply with minimum standards and requirements as set forth by the adopted building and electrical code. All signs shall be constructed to prevent deterioration and shall be safely and securely attached to the sign structure.

C. **Restrictions on Movement.** It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves of has any visible moving or animated parts or image, whether movement is caused by machinery, electronics, or otherwise, including swinging signs. It is unlawful to erect or maintain strings of flags or streamers.

D. **Illumination.** It is unlawful to erect or maintain any illumination sign where the light source moves, flashes, is not of constant intensity and color, where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway, or parking areas or into any window or any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device. The source of illumination shall not be visible from the ground.

E. **Exceptions.** Paragraphs 3 and 4 above shall not be applied to prevent the erection of maintenance of holiday lights each year or signs that convey changing information such as time or temperature.

F. **Signs Located on or Projecting Over Public Property.** It is unlawful to erect or maintain any sign on, over, or above any public land or right-of-way, if any part of such sign extends more than four (4) feet above such land or right-of-way, is less than nine (9) feet above ground level or has an area exceeding eight (8) square feet. Signs placed upon a public right-of-way contrary to the provisions of this Ordinance shall be removed by the Zoning Administrator without notice. This Ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties.

G. **Maintenance.** All signs, sign frames, sign copy areas, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.

H. **Substitution.** Notwithstanding anything in this ordinance to the contrary, non-commercial copy may be substituted for commercial copy on any lawful sign structure

Section 802. Definitions

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

B. **Awning Sign.** A sign affixed flat against the surface of an awning.

C. **Banner Sign.** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.

D. **Billboard.** A sign regulated by the Highway Advertising Act, Public Act 106 of 1972.

E. **Changeable Copy.** Part of a sign on which the message changes, whether automatically through electronic means or manually by physically replacing the letters.

F. **Construction Sign.** A sign located on a lot that is an active construction site.

G. **Directional Sign.** A sign located in a manner that directs the message of the sign specifically to persons who are navigating into or within the site itself.

H. **Flag.** A printed or painted on cloth, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff affixed to the ground or a building and anchored along only one edge or supported or anchored at only two corners.

I. **Freestanding Sign.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of the sign.

J. **Marquee.** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.

K. **Marquee Sign.** A sign affixed flat against the surface of a marquee.

L. **Mural.** A design or representation painted or drawn on a wall which does not meet the definition of “sign” in this ordinance.

M. **Portable Sign.** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.

N. **Premises.** A lot as otherwise defined in this Ordinance.

O. **Projecting Sign.** A sign, other than a flat wall sign, that projects more than twelve (12) inches from the face of the building or structure upon which it is located.

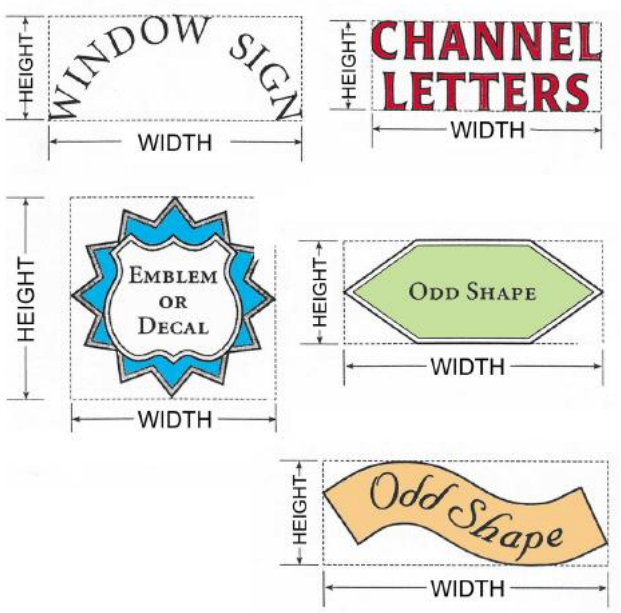
P. **Roof Line.** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Q. **Sandwich Board Sign.** A temporary sign that is not designed to be permanently affixed to the ground or a building, consisting of two faces attached at the top and spreading out in an "A" frame triangular pattern towards the ground.

R. **Seasonal Sign.** A sign erected for a limited period of time during the year while a seasonal retail operation is open to the public.

S. **Sign.** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of conveying an explicit message. Artistic or decorative features that do not contain a specific message shall not be considered signs under this Ordinance.

T. **Sign Area.** The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display, or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.



Computation of Sign Area

U. **Temporary Sign.** A sign not constructed or intended for long-term use. Examples of temporary signs include residential yard signs on metal poles, banners, A-Frame business signs, and signs with wooden or metal supports that are pounded into the ground, rather than having a permanent foundation. Any sign in place for more than 180 days shall be considered a permanent sign, shall require a permit as described in this section, and shall be subject to the regulations on permanent signage in this Ordinance. In order to restart the count to 180 days, a sign must be removed from public visibility for at least 30 days. After the 30 days, it may be placed back into public visibility and then may remain in place for up to 180 days while still being considered a temporary sign.

V. **Wall Sign.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.

W. **Window Sign.** A sign installed inside a window and intended to be viewed from the outside.

Section 803. Sign Permits

A. **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless specifically exempted by this Section, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board.

B. **Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:

1. Name, address, and telephone number of the applicant.
2. Location of the building, structure, or lot on which the sign is to be attached or erected.
3. Position of the sign in relation to nearby buildings, structures, and property lines.
4. Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.
5. Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.
6. Other information required by the Zoning Administrator to make a determination that the sign is in compliance with applicable laws and regulations.

C. **Review of Application:**

1. **Planning Commission Review.** Sign permit applications in conjunction with the proposed construction of a new building or addition to an existing building requiring site plan review shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.
2. **Zoning Administrator Review.** Unless otherwise specified herein, the Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building that is subject to Administrative Site Plan Review.

D. **Removal Agreement or Bond.** The Planning Commission or Zoning Administrator may require a performance guarantee to guarantee the future removal of a sign.

E. **Permit Issuance.** Following a review of a sign application by the Planning Commission or the Zoning Administrator as appropriate, the Zoning Administrator shall have the authority to issue a sign permit.

F. **Exceptions.** A new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where a sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for those signs listed in Section 705, Exempt Signs.

G. **Inspection and Maintenance.**

1. **Inspection of New Signs.** All signs for which a permit has been issued shall be inspected by the Zoning Administrator when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.
2. **Inspection of Existing Signs.** The Zoning Administrator shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Building Inspector shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
3. **Maintenance of Signs.** All signs shall be maintained to be safe, secure, properly constructed, and properly maintained. The sign erector, owner of the sign, or owner of the land shall ensure that the sign is safe and secure by completing any necessary re-construction or repairs.

Section 804. Measurement of Sign Area

A. The total sign area is to be expressed in square feet and shall be computed as herein set forth and permitted in the "Schedule of Sign Regulations" attached to and made a part of this code.

B. **Single-Face Sign** total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), messages(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is places.

C. **Double-face Signs** having two (2) faces of equal size arranged and/or positioned back-to-back and parallel or with the faces at an included angle of not more than thirty (30) degrees in the plan or vertical view; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.

D. **Setbacks.** All permanent signs shall satisfy the minimum setback requirements of the zoning district in which they are located, except as follows:

1. Free standing signs in the front yard shall be setback a minimum of ten (10) feet from the right of way. If the property is adjacent to a private road, the sign shall be setback a minimum of fifteen (15) feet from the edge of the road surface.
2. No sign shall be located so that it will obstruct the view of the driver of a vehicle at an intersection or driveway. There shall be provided an unobstructed triangular area in which no signs shall be located. The sides of the triangle shall be established by the edge of the road surface. The sides of the triangle extend from the intersection of the two road segments. (In the case of a rounded corner, the road surface lines shall be extended in straight lines until they intersect to establish the starting point.) At an intersection of two streets, the sides of the triangle shall extend 25 feet from the starting point. At an intersection of a street and a driveway, the sides shall extend 15 feet from the starting point. Connecting the far ends of each side with a long, straight line across the yard completes the triangle.

Section 805. Exempt Signs

A. The following signs are exempt from permit requirements:

1. Signs having an area of not more than four (4) square feet each.
2. Construction signs, subject to the following requirements:
    a) There shall be only one such sign per development project.
    b) The maximum height shall be six feet.
    c) The maximum area shall be 16 square feet.
    d) The sign shall be removed within fourteen (14) days of the date an occupancy permit is issued.
3. Up to three (3) flags on any given lot, provided that each flag is under twenty (20) square feet in area. Additional flags, or flags over twenty (20) square feet in area, shall be considered temporary freestanding signs, and shall be subject to Subsection 3 below.
4. Up to six (6) temporary, freestanding signs on any given lot, provided that the total area of the signs does not exceed thirty-six (36) square feet. The signs must be set back at least five (5) feet from all property lines.

5. Signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any sign.
6. Signs erected by governmental agencies on public property.
7. Highway signs erected by the State of Michigan, Van Buren County, or the Township.
8. Historic signs recognized by the State Historical Commission.
9. Any sign required to be erected by this Ordinance or any other Township, County, State, or Federal regulation.
10. Signs or tablets which are either cut into the face of a masonry surface or constructed of bronze or other incombustible material, when located flat on the face of a building and no greater than six (6) square feet in size
11. Murals. However, an artist wishing to paint a mural must inform the Township and show the design to the Zoning Administrator. The Zoning Administrator may determine that a mural meets the definition of "sign" and is therefore required to obtain a sign permit.

Section 806. Prohibited Signs

The following signs are prohibited in all zoning districts:

A. Signs which obstruct free access or egress from any building.

B. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.

C. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.

D. Signs having moving members, parts, spinners, or using high intensity or flashing lights.

E. Non-regulatory signs placed in any public right-of-way, including those attached to a utility pole or affixed to a tree in a public right-of-way, except awning and projecting signs that are attached to buildings and project over the sidewalk.

F. Signs that project above the roof line.

G. Any sign erected without the consent of the owner of the property.

H. Billboards, unless explicitly permitted by MDOT.

I. Signs that make noises of any type.

J. Signs that block the view of other signs in the opinion of the Zoning Administrator.

Section 807. Temporary and Portable Signs

The following types of temporary and portable signs shall be permitted in the Township. Property owners must receive a permit as described in Section 804 prior to the erection of any temporary sign and must follow all applicable requirements as described below.

A. **Sandwich Board Signs.** Portable sandwich board signs shall be permitted in the Commercial and Mixed-Use districts under the following circumstances:

1. There shall be only one sign at each customer's entrance.

2. Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times. Signs must also be kept indoors if more than two inches of snow are covering the sidewalk in front of the business.
3. Each sign shall be placed in a manner which provides five feet of free passage for pedestrians, and is safe for, and does not interfere with, normal pedestrian or automobile traffic.
4. Each sign shall not exceed an area of twelve square feet, an overall height of 48 inches, and an overall width of 36 inches.
5. All sign frames shall be constructed of weatherproof material and shall be kept in good repair.

B. Temporary Signs. Temporary banners, temporary freestanding signs, and non-permanently affixed wall signs, shall be permitted in the Commercial and Mixed-Use districts under the following circumstances:

1. Signs may not be displayed for more than 30 consecutive days.
2. Each sign shall not exceed 16 square feet in area.

C. Temporary Window Signs. Temporary window signs must meet the same standards as window signs designed to be permanent.

Section 808. Permitted Signs by Zoning District

A. Signs Permitted in A, RR, and R Districts.

1. **Non-Residential Uses**. Non-Residential Uses in A, RR, and R districts, such as churches, schools, agricultural tourism businesses, and others are permitted to erect one (1) freestanding sign not to exceed 30 square feet in area or an overall height of six (6) feet. The area of changeable copy shall not exceed 50% of the area of the sign face. These entities are also permitted to have one (1) wall sign per road frontage with a maximum size of 20 square feet and a maximum height of 12 feet.
    a) Home Occupations shall not be subject to this provision.
    b) Uses shall be limited to one freestanding sign and one wall sign per street frontage. If the frontage exceeds 1000 feet, a second freestanding sign shall be permitted.
2. **Residential Uses.** One (1) permanent freestanding sign per vehicle entrance to a subdivision or mobile home park, having an area not exceeding 20 square feet and a height not exceeding eight (8) feet is permitted.
    a) One (1) permanent or temporary freestanding sign denoting architects, engineers, contractors, financers, and other professionals involved in a project during development of a subdivision or other property for a period not exceeding two (2) years or until 50% of the lots or units are sold and/or leased, whichever comes first. The sign shall have an area not exceeding 32 square feet and a height not exceeding 12 feet. Signs permitted by this section shall be located so as not to block visibility of passing or turning motorists.
3. **Illumination and Electronic Messaging.**
    a) Electronic message signs are prohibited on premises that contain residential or agricultural uses.
    b) Interior and exterior illumination are permitted for non-residential uses in the A, RR and R districts. Light levels from illuminated or electronic signs must reach 0.0 footcandles at all property lines.
    c) Signs on premises used for residential purposes may not be illuminated.
4. **Wall Signs.** Wall signs are only permitted in A, RR, and R districts under the following circumstances:

a) One sign per lot, not to exceed four (4) square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.

b) Signs on the exterior of buildings with more than two residential units, under the following circumstances:

1) Maximum of one wall sign per frontage on a public road.

2) Maximum one square foot of signage for every linear foot of building frontage, up to 50 square feet.

3) The width of any wall sign may not exceed 90% of the width of the façade it is attached to.

4) Internal illumination is prohibited. External illumination is permitted.

5. **Freestanding Signs.** Freestanding signs are only permitted in A, RR, and R districts under the following circumstances:

a) One sign per vehicle entrance of residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, subject to the following standards:

1) Has a maximum height of six (6) feet, except if it is integrally designed as part of an ornamental wall and the wall meets all applicable standards of this ordinance.

2) Does not exceed twenty-four (24) square feet in area

3) The sign may be illuminated, but light levels from the sign must reach 0.0 footcandles at all property lines abutting a lot used for residential purposes.

4) All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.

b) One sign per lot, not to exceed sixteen (16) square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.

c) One sign per lot used for agriculture, not to exceed one (1) square foot for each ten (10) feet of road frontage, up to thirty-two (32) square feet.

d) All freestanding signs must be set back at least four (4) feet from all lot lines.

e) All freestanding signs shall have a maximum height of eight (8) feet.

f) All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each ten (10) feet away from the intersection, and the line connecting them, as displayed below:

6. All signs not specifically listed in this Ordinance are prohibited in A, RR, and R districts.

B. Signs Permitted in the C and MU districts.

1. For multiple tenant uses such as a shopping center or office complex located on a lot or group of lots developed as one lot, one (1) freestanding sign per lot or group of lots developed as one (1) lot and one (1) wall-mounted sign per each individual use or one (1) wall sign for the shopping center. Centers located on corner lots shall be permitted one (1) freestanding sign per road frontage to be located at entry drives.

2. For an office park, one (1) freestanding sign per park and one (1) freestanding and one wall-mounted sign per each individual use to be located on the lot of that individual use. For larger developments with more than one entrance from a local or primary road, a freestanding sign identifying the development may be permitted at each such access point with the Planning Commission approval.

3. In the case of an individual retail (over the counter sales) establishment, the owner may have the option to interchange the square footage allowed for freestanding and wall-mounted signs, provided that the total square footage for both signs does not exceed 116 square feet in total area and no individual sign shall exceed 96 square feet.

4. **Wall Signs.** Wall signs in the C and MU districts are subject to the following standards:

    a) Each business with a storefront is permitted one (1) wall-mounted sign per road frontage for an individual use as located on a lot or group of lots developed as one lot.

        1) Where multiple businesses share one building or lot, the building frontage of each business shall be calculated separately based on the width of the individual storefronts.

        2) Where a business has storefronts on multiple frontages, the permitted wall signage shall be calculated separately for each frontage.

        3) Commercial buildings with no storefronts shall be permitted one 1 square foot of signage for each linear foot of building frontage, up to one-hundred (100) square feet. This signage may include the name of the building or the names of tenants. Signage must be divided equitably among the tenants. Sign permits for buildings of this type must be requested by the owner of the building, not individual tenants. All tenants must approve the design of the signage, and this approval must be submitted to the Township prior to the issuance of a sign permit. Wall-mounted signs shall not exceed 20 square feet and shall not project outward from the wall more than one (1) foot or above the cornice or roofline. Signs erected on the vertical portion of a mansard roof are considered to be wall signs. Wall mounted signs shall not be taller than the eaves of a pitched roof or the top of a flat roof building.

    b) Wall Signs may be located on any building façade that faces a public road or alley, or a public or private parking lot.

    c) There shall be no limit on the number of wall signs permitted on a premises, provided that the relevant square footage standards are met.

    d) **Illumination.** Wall signs in the C and MU districts may be internally or externally illuminated.

5. **Freestanding Signs.** Freestanding signs in the C and MU districts are subject to the following standards:

    a) One (1) freestanding sign per road frontage for an individual use as located on a lot or group of lots developed as one lot.

    b) It shall be unlawful to erect any freestanding sign the height of which is greater than 15 feet above the level of the street upon which the sign faces at the point of the sign.

    c) Freestanding signs shall not have a surface area exceeding 48 square feet for a single face sign and 96 square feet for signs of two faces, unless permission for greater surface area is granted in the paragraph below.

    d) **Illumination.** Freestanding signs in the C and MU districts may be internally or externally illuminated.

    e) **Setbacks:**

        1) All freestanding signs must be set back at least four feet from all lot lines.

        2) Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than fifteen (15) feet to the right-of-way line.

        3) If a parcel is served by a private road or service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the private road.

4) No portion of a freestanding sign shall be located closer than twenty-five (25) feet to the right-of-way of an interstate freeway.

5) No portion of a freestanding sign shall be located closer than 50 feet to an A, RR, or any R district.

6. **Electronic Messaging.** Permanent signs in the C and MU districts may include electronic messaging, provided that the following standards are met.

   a) Copy change shall be no more frequent than once per 15 seconds.

   b) Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to no more than 10% of its maximum brightness.

   c) Motion, Animation and Video: Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.

   d) When text is displayed, the background behind the text must be a solid color, for the purpose of ensuring that the text is readable. Images are permitted, provided that no text is displayed in front of them.

   e) All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each 10 feet away from the intersection, and the line connecting them.

   f) Freestanding signs for premises with multiple tenants must be proposed by the owner of the premises, not individual tenants. All tenants on the premises must approve the design of the sign, and that approval must be presented to the Township prior to the issuance of a sign permit.

7. **Directional Signs.** No more than one directional sign shall be permitted per approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four feet. Directional signs may be internally or externally illuminated, but may not contain electronic messaging.

8. **Window Signs.** Window signs are permitted in the Commercial and Mixed-Use districts, subject to the following standards.

   a) Signage may not cover more than one-third (1/3) of the total area of any window.

   b) Window signs may be internally illuminated, but may not contain any electronic messaging, flashing, or appearance of movement.

Section 809. Modifications/Waivers

The Zoning Board of Appeals, after a Public Hearing that meets the requirements of the State of Michigan and this Zoning Ordinance, shall have the ability to waive or modify any of the above standards, provided that the following criteria are met. A waiver granted under this section shall not be considered a variance as defined in the Michigan Zoning Enabling Act, Act 110 of 2006, and shall not run with the land. A waiver granted under this section shall apply only for the lifespan of the sign in question and shall not be transferable to any other sign or premises.

A. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.

B. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

C. Existing signs on nearby parcels would substantially reduce the visibility of a conforming sign on the subject parcel.

D. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

E. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

F. A waiver from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.

G. The applicant cannot reasonably fulfill the Purpose of this Ordinance by constructing a conforming sign according to the standards of this Ordinance.

Section 810. Non-Conformities

A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a non-conforming sign be replaced by another non-conforming sign.

A. **Lawful Existing Signs.** Any sign lawfully existing at the time of this Chapter which does not fully comply with all provisions shall be considered a non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.

B. **Continuance.** A non-conforming sign shall not:

1. Be expanded or changed to another non-conforming sign;
2. Be relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement, or design of the sign.
3. Be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.

C. **Intent.** It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming, and to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights, therefore.

D. No person shall be required to remove a sign which was erected in compliance with previous regulations of this Chapter if said sign becomes nonconforming due to a change occurring after adoption of this chapter, or in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.

E. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Chapter.

Section 811. Off Premise Signs

Off Premise signs shall be permitted with the following conditions:

A. Off Premise Signs shall not exceed 24 square feet in area

B. There shall be a maximum of three (3) off premise signs permitted per applicant, business, use, or operation at any one time in Lawrence Township:

C. A Land use permit approved by the Township Zoning Administrator shall be required for the placement of an Off Premise Sign.

1. Written approval from the property owner where the Off Premise sign will be placed must be submitted with the application.

D. Setbacks. Off Premise Signs shall be located outside of the road right of way and shall have a minimum setback of ten (10) feet from the property line to the edge of the sign.

E. Where Off Premise signs are located on a key corner or intersection in the Township, there shall be a maximum of 192 square feet of total sign area at that intersection or corner.

Article 9.
Site Plan Review Standards

Section 900. Statement of Purpose

It is the purpose of this Article to require Site Plan Approval for certain building structures and uses that can be expected to have a significant impact on natural resources, traffic patterns and the character of future development in the Township. The Site Plan review procedures and standards in this section are intended to provide a consistent and uniform method of review of proposed development plans. Through the application of the following provisions, the Vision, Goals and Objectives of the Township Master Plan will be realized, and Lawrence Township will develop in an orderly manner.

Section 901. Site Plan Review Authority

A. **Zoning Administrator.** The Zoning Administrator shall ensure that all site plan submittals substantially contain the required submittal information prior to scheduling a review before the Planning Commission. The Zoning Administrator may waive particular site plan submittal items or accept a sketch plan in accordance with Sec. 902, Sketch Plan Requirements.

B. **Planning Commission.** In accordance with this section and its Rules of Procedure, the Planning Commission shall have the authority to either approve, approve with conditions or deny site plans.

Section 902. Types of Site Plans

The following types of site plan shall be required to be submitted for projects requiring a land use permit.

A. **Sketch Plan.** A Sketch plan shall consist of an accurate plot plan of the property showing the proposed project. A Sketch Plan can be used for the following projects:

1. Farm Buildings
2. Accessory buildings and uses on parcels 10 acres or greater
3. Conceptual plans to be submitted for informal review with the Planning Commission or Zoning Administrator.

B. **Basic Site Plan.** A Basic Site Plan shall consist of a scaled drawing illustrating the entire property that shall be drawn at a scale of not less than 1 inch = 40 feet. A Basic Site Plan can be used for the following projects:

1. Single family, Two-family, Triplex, or Quadplex homes on individual parcels
2. Accessory buildings and uses on parcels less than 10 acres
3. Signs
4. Home Occupations

C. **Detailed Site Plans.** A Detailed Site Plan shall consist of a scaled drawing illustrating the entire site and all adjacent land uses within 150 feet of the of the site at a scale that shall not be less than 1 inch = 40 feet for parcels less than (5) acres in size and 1 inch = 100 feet for parcels five (5) acres or more. Detailed Site Plans shall be completed by one of the following professionals: Architect, Engineer, Landscape Architect, Land Surveyor, or Professional Planner and shall be required for the following projects:

1. Commercial, Retail, and Office Development
2. Industrial Development
3. Multi – family Developments
4. Subdivisions and Site Condominiums
5. Mixed Use Development
6. Planned Unit Developments
7. Special Uses
8. Open Space Developments
9. Projects approved through Administrative Site Plan Review

Section 903. Administrative Site Plan Review

Uses that require approved Site Plans, which propose a one-time change constituting ten percent (10%) or less of building floor area or ten percent (10%) or less of the required parking spaces, may be reviewed, approved, and administered by the Township Zoning Administrator. All reviews and approvals by the Township Zoning Administrator shall be reported to the Township Planning Commission at its next regularly scheduled meeting.

Section 904. Required Information for Detailed Site Plans

The following information shall be included on a Detailed Site Plan. However, the Township Zoning Administrator may waive some of the requirements due to the scope and nature of the project.

A. The name of the development and a general location sketch.

B. The legal description, property parcel number, and street address of the proposed site.

C. The scale of the drawing, north arrow, and the date of the original drawing

D. The existing and proposed topography at a contour interval of not more than two (2) feet including any buildings, drives and parking lots and any adjacent areas with unusual surface conditions.

E. The existing zoning and land uses of all properties within 300 feet of the proposed site.

F. The location and width of all existing and proposed roads, rights of way or private easements, and any abutting streets, alleys or driveway locations.

G. The location and elevation of natural water features such as wetlands, streams, county drains, lakes or ponds including floodplains and drainage areas.

H. The location, dimensions, and setbacks of all existing and proposed buildings and accessory buildings on the subject property and on adjacent properties.

I. An illustration of all proposed improvements and buildings, fences, parking lots, screening, including the location, height, and footprint of each.

J. Any proposed parking and the typical dimensions of the parking spaces and parking calculations, vehicular circulation patterns and features and the identification of any service lanes or fire lanes as well as any acceleration, deceleration and passing lanes serving the development.

K. Any proposed curbs, sidewalks, walkways or other non-motorized access features to be located on the site.

L. For residential developments, a site summary indicating the dwelling unit density where pertinent including a density schedule demonstrating the numbers of each dwelling type, as well as a typical floor plan, recreation facilities, open spaces and lot coverage.

M. For non-residential developments, the number of offices, employees, floors, and typical floor plans and cross sections.

N. The location of all utilities including natural gas, electric, internet and telephone.

O. The location and type of existing vegetation including the location of all trees over five (5) inches in diameter. Where stands of trees are to be preserved, a general location may be indicated.

P. A detailed landscaping plan including the location and the types and sizes of the materials per the requirements set forth in this ordinance.

Q. A lighting plan in accordance with Section 411.

R. The dimension and location of all signage on the property.

S. The locations, size and screening of all trash receptacles or other solid waste disposal facilities.

T. The size, location and description of any proposed interior or exterior area or structure for storing, using, loading and unloading hazardous substances. A listing of the types and quantities of any hazardous substances which will be used or stored on site in quantities of greater than 100 kg or 25 gallons per month.

U. Any other information requested by the Zoning Administrator to complete their review.

Section 905. Site Plan Review Procedures

A. **Optional Preliminary Site Plan Review.** The applicant may request review of a Preliminary Site Plan by the Planning Commission prior to submitting a complete final site plan. The purpose of a Preliminary Site Plan is to permit the applicant to obtain reaction on the potential location of buildings, points of egress and ingress to the site, and an indication of other likely improvements necessary to facilitate the preparation of the final plan. Generally, the submittal should include the building footprint, general parking lot layout, location of driveways, conceptual grading, conceptual landscaping and similar items. The direction given to an applicant during a preliminary site plan review is non-binding and shall be void after one (1) year from the time the advice is given. The Township may require a review fee for a preliminary site plan review.

B. **Application.** The owner of land or the owner's designated agent shall submit a completed application along with ten (10) paper copies and one (1) electronic copy of a site plan to the Township Zoning Administrator. **Such application shall be submitted forty-five (45) days prior to the meeting for which the site plan review is sought.** A site plan that does not meet the stipulated requirements of this ordinance shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.

C. **Application Form.** One copy of the completed Site Plan Review application form which shall contain at a minimum the following information (The applicant may submit a narrative statement as an addendum to the application form to sufficiently address all of the following items):

1. Name, Address, and signature or the applicant or developer and the property owner.
2. Property parcel number and street address of the subject parcel of property.
3. Area of the subject property stated in acres, or, if less than 1 acre, in square feet.
4. Present zoning classification of the parcel and the adjacent parcel(s).
5. Present and proposed land use
6. The project description
7. The project completion schedule and any development phasing.

D. **Initial Staff and Technical Reviews.** The Zoning Administrator shall review the application and site plan submittal to determine if the application is complete. Prior to submitting a complete Site Plan to the Planning Commission, the Zoning Administrator shall distribute the Site Plan to other area review agencies such as the Van Buren County Road Commission, Drain Commissioner, and Health Department for review and comment. If necessary, the Zoning Administrator shall also submit the Plan to applicable outside agencies such as MDOT and EGLE and others for review and comment.

E. **Submittal to Planning Commission.** Once a site plan submittal is found to be complete, Township staff shall place the site plan proposal on the next open Planning Commission agenda for review. The Zoning Administrator shall also submit a copy to each member of the Planning Commission at least 10 days in advance of the meeting to review the documents as well as any township staff consultants involved in the review.

F. **Review by Planning Commission.** The Planning Commission shall review the Site Plan together with any reports and recommendations from Staff, consultants, and other reviewing agencies and any public comments. The Planning Commission shall then take action based on the requirements of this Ordinance and the criteria for approval. The Planning Commission is authorized to postpone, approve, approve with conditions, or deny the Site Plan as follows:

1. **Postponement.** Upon determination by the Planning Commission that the Site Plan is not sufficiently complete for approval or denial, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
    a) If the postponement is initiated by the applicant, the applicant may be required to submit an additional review fee.
2. **Approval.** Approve the site plan upon a finding that applicable ordinance standards are met (permits from outside agencies such as the Road Commission are then obtained); or
3. **Approve with conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the plan, protect significant natural features, ensure compatibility with adjacent land uses or otherwise meet the intent and purpose of the Ordinance. Such conditions may include obtaining approvals from other agencies

4. **Denial.** Upon determination that the Site Plan does not comply with the standards and regulations set forth in this ordinance or would require extensive revisions to comply with the standards and regulations, the Site Plan shall be denied. If a plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.

    a) Failure of the applicant or the applicants designated agent to attend two (2) meetings shall be grounds for the Planning Commission to deny approval of the Site Plan.

Section 906. Review Criteria

In the process of reviewing a Site Plan, The Planning Commission and Zoning Administrator shall consider the following standards. A Site Plan that is found to meet the requirements of this Section shall be approved.

A. That all provisions of this Ordinance are complied with unless and appropriate variance therefrom has been granted by the Township Zoning Board of Appeals.

B. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use or public access.

C. The movement of vehicles, non-motorized transportation and pedestrian traffic within the site an in relation to access streets will be safe and convenient.

D. The proposed development provides the necessary infrastructure improvements such as roads, drainage, sidewalks, and parking and loading spaces to serve the site and be coordinated with the current and future use on adjacent properties.

E. The applicable requirements of the County Drain Commissioner, Van Buren County Road Commission, other County Government requirements, or any State agency are met regarding grading and storm water management, including the design and construction of storm sewer facilities or other techniques to contain runoff on the property so that adjacent properties are not adversely affected.

F. Landscaping, including trees, shrubs, and other vegetative materials are provided to maintain, improve, or restore the aesthetic quality of life.

G. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling or grading required.

Section 907. Conformity to Approved Site Plans

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the applicant at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application, approve an amendment to the site plan pursuant to Section 909.

Section 908. Validity of Approved Final Site Plan

Approval of the final site plan is valid for a period of twelve (12) months. Upon written application, filed prior to the termination of the twelve (12) month review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one hundred eighty (180) days. The reasons for an extension may be the inability to complete all of the requirements for the project, financial constraints, regulatory approvals from outside agencies, or other hardships beyond the reasonable control of the applicant. If a zoning permit has not been obtained and actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced, the approval of the final site plan shall be deemed null and void.

Section 909. Deviations from Approved Site Plan

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

A. The Zoning Administrator may approve minor changes to an approved site plan involving slight changes in the location of buildings and structures, adjustment of utilities, walkways, trafficways, parking areas, and similar minor changes.

B. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, an increase in the gross floor area or heights of buildings, a reduction in open space, a change in the storm water management design, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved.

Section 910. Appeals

With regard to site plan approval decisions, the Zoning Board of Appeals shall not have the Authority to consider appeals of plan determinations if the Planning Commission or Zoning Administrator determines that a Variance would be required to attain site plan approval, the Variance must be applied for and approved by the ZBA prior to the Final Site Plan approval.

Article 10.
Special Use Permits

Section 1000. Intent

This Article is intended to provide regulations for special land uses as authorized under the Michigan Zoning Enabling Act (Section 502 of P.A. 110 of 2006). Special land uses are those which may be compatible with uses in some, but not all, locations within a particular zoning district. The special land use standards of this Article are intended to accomplish the following:

A. Provide a mechanism for public input on decisions involving more intense land uses;

B. Establish criteria for both new development and redevelopment consistent with the Township's land use goals and objectives as stated in the Township Master Plan;

C. Regulate the use of land on the basis of impact to the Township overall, and adjacent properties in particular;

D. Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner;

E. Ensure uses can be accommodated by the environmental capability of specific sites;

F. Provide site design standards to diminish negative impacts of potentially conflicting land uses; and,

G. Provide greater flexibility to integrate land uses within the Township.

H. This Article provides general standards for all special land uses and specific site or operational standards for particular special land uses. The process for a special land use involves a public hearing at the Planning Commission prior to their decision. Approval of any special land use requires the issuance of a special use permit.

Section 1001. Application, Review and Approval Procedures

The procedure for special use review shall be as follows:

A. An applicant for special land use review shall submit an application to the Township Clerk. The application shall contain the following:

1. Name of proposed development;
2. Common description of the property, complete legal description and address, if available;

3. Dimensions of land including; width, length, acreage and frontage;
4. Existing zoning classification and zoning of all adjacent properties;
5. Proposed use of land;
6. Name, address, and phone number of:
    a) firm or individual who prepared the application,
    b) legal owner of the property,
    c) applicant (including basis of representation);
7. Signature of the legal owner and the applicant;
8. A site plan, prepared in accordance with the provisions of Article 9 of this Ordinance; and
9. Copies of an impact assessment or traffic impact study if required herein or determined to necessary by the Planning Commission to adequately evaluate the appropriateness of a use at a given location.

B. The Township Clerk shall give notice of a public hearing for the proposed special land use according to the following procedures:

1. The notice shall describe the nature of the proposed special land use; indicate the property that is the subject of the request; include a listing of all existing street addresses within the property or other means of identification if no street addresses exist; identify when and where the request will be considered; and indicate when and where written comments may be submitted regarding the request.
2. Notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the date of the public hearing.
3. Notice shall be sent by mail or personal delivery to the owners of the property in question and all persons to whom real property is assessed within 300 feet of the property in question. Such notice shall be given not less than 15 days before the date of the public hearing.
4. Notice shall be sent by mail or personal delivery to the occupants of all structures within 300 feet of the property (including structures in neighboring communities if they are within 300 feet). Such notice shall be given not less than 15 days before the date of the public hearing.
5. Notices and the Submitted documents shall be sent to the Planning Commission no less than 15 days prior to the Public Hearing.

C. The Planning Commission shall conduct the required public hearing within 90 days of the date of the completed application submittal.

D. The Planning Commission shall review the application for compliance with the requirements of the special land use general standards and any specific standards of this Section.

E. The Planning Commission shall approve, approve with conditions or deny the special land use, except as described in Section F below. For special land uses which are temporary in nature, such as carnivals, the Planning Commission shall specify an expiration date for the permit.

F. Upon approval of an application for a special use permit, the Zoning Administrator shall issue the permit and shall be responsible for ensuring any conditions attached to the approval of the special use permit are implemented.

Section 1002. General Review Standards for all Special Land Uses

Prior to approving a special land use application, the Planning Commission shall require the following general standards to be satisfied for the use at the proposed location. In addition to specific standards for individual special land uses listed in Section 908, the Planning Commission shall determine if all of the following are met:

A. Will be harmonious with and in accordance with the Township Master Plan. In order to be considered "harmonious and in accordance", the Special Use proposal must:

1. Be consistent with the relevant Goal and Objectives of the Master Plan.
2. Positively promote the vision described for the Future Land Use category that the use will be located in, as described in the Master Plan, as well as on the Future Land Use Map.

B. Will be designed, constructed, operated, and maintained so as to be safe, harmonious and appropriate in appearance with the existing or intended character of the general vicinity. Factors affecting this standard include noise, vibration, odor, lighting, traffic, garbage, large gatherings of people, water runoff, ecosystem degradation, agricultural system damage, and other similar off-site impacts of a use.

C. Will be a substantial improvement to property in the general vicinity and an economic, cultural, or environmental asset to the community as a whole. In evaluating this criteria, the Planning Commission shall compare the site to its current state at the time of application, not to hypothetical alternative land uses other than the proposed Special Use.

D. Will be served adequately, based on the anticipated needs of the use in question, by existing public facilities and services, such as roads, police and fire protection, drainage structures, parking lots, refuse disposal, water and sewer utilities, non-motorized pathways/sidewalks, communications infrastructure, public transportation, waste removal, and schools.

1. This standard shall not be an impediment to approving low intensity, rural uses that do not need some of the public services listed, or uses that provide their own equivalent of the service in question (such as a septic system).
2. The Planning Commission may also require upgrades to public services or infrastructure directly related to the proposal as a condition of Special Use approval, or may place conditions on an approval that mitigate the impact of the use (or the construction of the use) on public services or infrastructure.

E. Will be consistent with the Purpose and Intent of the Zoning District the Special Use is located within.

Section 1003. Conditions of Approval

A. Prior to granting any special use permit, the Planning Commission may impose any additional conditions or limitations deemed necessary for protection of the public health, safety and welfare. Such conditions shall ensure compliance with the standards in this zoning ordinance, other township ordinances and applicable state or federal regulations.

B. Approval of a special land use, including conditions made part of the approval, shall run with the property described in the application and not to the owner of such property.

C. A record of conditions imposed shall be made a part of the Planning Commission minutes and maintained by the Township Clerk. The conditions shall remain unchanged unless an amendment to the special land use is approved by the body which approved the original special land use.

D. The Building Inspector shall make periodic investigations of developments authorized by special use permit to determine continued compliance with all requirements imposed by the Planning Commission and this Ordinance. Non-compliance with the requirements and conditions approved for the special use shall constitute grounds to terminate as described in Section 1006, Revocation.

Section 1004. Validity of Permit

A. Where actual physical construction of a substantial nature of structures authorized by a special use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate. (note: It is the responsibility of the applicant to request such an extension.)

B. Upon written application, by the original or successor developer, filed prior to the termination of the one (1) year period as provided above, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.

C. Any special use which was approved, or which existed prior to the effective date of this Ordinance shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.

D. Any use for which a special use permit has been granted, and which ceases to continuously operate for one (1) year period shall be considered abandoned, and the special use permit shall become null and void.

Section 1005. Special Use Permits – Amendments, Expansions, Resubmittals

A. **Amendments.** Any person or agency who has been granted a special use permit shall notify the Building Inspector of any proposed amendment to the approved site plan of the special land use. The Building Inspector shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans, in accordance with Article 9. A major amendment to a special land use shall comply with the application and review procedures contained in this Article.

B. **Expansions or Change in Use.** The expansion, change in activity, reuse or redevelopment of any use requiring a special use permit, with an increase of twenty (20%) percent or greater, shall require resubmittal in the manner described in this Article. A separate special use permit shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use which has not previously received a special use permit.

C. **Restrictions on Resubmittal of a Special Land Use Request.** No application for a special land use which has been denied wholly or in part shall not be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission (or Township Board, as appropriate). A resubmitted application shall be considered a new application.

Section 1006. Revocation

Revocation of a special land use may occur if its recipient fails to continuously abide by its terms and conditions.

A. The revocation procedure is as follows:

1. The Planning Commission through its designated administrators, shall notify the recipient in writing of any violations of Township codes or provisions of the special land use.
2. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the Planning Commission.
3. If after thirty (30) days any deficiencies remain, the Planning Commission shall conduct a public hearing following the same notification procedures in Section 902. Following the public hearing, the Planning Commission may then revoke the special land use, or if the conditions warrant, allow a specified amount of additional time for the use to be brought into compliance.

B. A repeat violation shall be grounds for immediate revocation of the special land use by the Planning Commission following a public hearing.

C. The Building Inspector has the authority to issue a cease and desist order, until such time as a public hearing can be conducted, upon finding that the violation constitutes a serious threat to public health, safety, and welfare.

Article 11.
Standards for Uses

Section 1100. Intent

Each use listed in this Article whether permitted by right or subject to approval by special use shall be subject to the site development standards specified in this Article in addition to the applicable standards and requirements for the zoning district in which the use is located. These standards are intended to alleviate the impacts from a use that is of a size or type, or that possesses characteristics that are atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with the surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to Site Plan Review.

Section 1101. Accessory Dwelling Units

A. **Definition.** An accessory dwelling unit is a dwelling unit that is permitted only on properties with a single detached principal dwelling unit. The accessory dwelling can either be a standalone detached unit or a converted portion of the existing principal unit or attached garage. Detached accessory dwelling units shall be lesser in size than the principal dwelling and include a kitchen, bedroom, and bathroom facilities.

B. **Regulations:**

1. A maximum of one accessory dwelling unit is permitted per property.
2. Accessory dwelling units shall not encroach into the front yard of the principal structure.
3. An accessory dwelling unit may be permitted if constructed above an existing detached garage located anywhere on the property.
4. Accessory dwelling units shall comply with all front, side and rear yard setbacks for principal structures for the zoning district in which it is located
5. Accessory dwelling units shall not be used as a Short-Term Rental.
6. An accessory dwelling unit shall require one (1) off street parking space.
7. An accessory dwelling unit shall have a minimum gross floor area of four hundred (400) square feet.
8. An accessory dwelling unit shall have a maximum gross floor area of one thousand (1000) square feet.

Section 1102. Adult Businesses

A. **Intent.** In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting effect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.

B. **Uses Regulated.** The following uses are regulated by this subsection.

1. Adult Book or Supply Store
2. Adult Model Studio
3. Adult Motion Picture Arcade
4. Adult Motion Picture Theater or Adult Live Stage Performing Theater
5. Adult Outdoor Motion Picture Theater
6. Adult Physical Cultural Establishment
7. Cabaret
8. Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions section (Article 3).

C. **Required Spacing.** The establishment of the types of Adult Regulated Uses listed in "b" above shall meet all of the following space requirements, with the distance between uses measured horizontally between the nearest point of each property line:

1. at least one thousand five hundred (1,500) feet from any other adult regulated use;
2. at least one thousand five hundred (1,500) feet from all churches, convents, temples and similar religious institutions.
3. at least one thousand five hundred (1,500) feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals.
4. at least one thousand five hundred (1,500) feet from any use defined as a "care organization".
5. at least eight hundred (800) feet from any single family or multiple family residential district or use.

D. **Special Site Design Standards:**

1. Maximum size of the building shall be five thousand (5,000) square feet.
2. The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians and motorists on a public right-of-way or from adjacent land uses.
3. Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center are not considered to be a freestanding building.

4. A six (6) foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.
5. Access shall be from an arterial roadway.
6. No person shall be permitted to reside in the premises of an adult business.

Section 1103. Battery Storage Facilities

A. **Definition.** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

B. **Regulations.** The Planning Commission may only approve Battery Storage Facilities as a Special Use in the RR and A zoning districts subject to the procedures and standards for special land uses in this ordinance and all of the following requirements.

1. **Prime Farmland.** Not more than twenty (20) percent of any Battery Storage Facility may occupy Prime Farmland as designated by the USDA and identified as Prime Farmland Locations Maps in the Township's Master Plan.
2. **Minimum Lot Size.** A Battery Storage Facility shall not be constructed on parcels less than twenty (20) acres in size in the RR and A zoning districts.
3. **Height.** The height of battery energy storage structures shall not exceed a height of 16 feet measured from the natural grade of the property below the structure. Transmission poles and electrical distribution equipment is exempt from this requirement.
4. **Setbacks.** Setback distance shall be measured from the property line or road right of way to the nearest battery storage facility structure and as follows:
    a) Three hundred (300) feet from any property line of a non-participating property
    b) Three hundred (300) feet from any dwelling unit.
    c) One hundred (100) feet from the road right of way.
5. **Fencing.** A battery storage facility shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall be eight (8) feet in height. All access points to the battery storage facility shall be locked to prevent entry by unauthorized persons.
6. **Sound.** The system may not generate a maximum sound in excess of 75 average hourly decibels at the property line of an adjoining non-participating parcel or at a right of way line.
7. **Lighting.** The system must implement dark, sky-friendly lighting solutions. Flashing or intermittent lights are prohibited.
8. **Signage.** There must be a sign at the entrance of the facility containing the owner's and operator's names and the emergency contact information.
9. **Fire Suppression** – All BESS facilities shall have a 72-hour fire suppression plan that shall be approved by the Fire Department. Further, any potential fire suppression runoff shall be contained on site.
10. **Access Drives.** The facility must maintain an emergency access drive that is accessible to Fire Department response apparatus. The access shall be permeable unless the existing drive is already paved.
11. **Site Conditions.** The area within which the system is located shall not be paved with asphalt/concrete or any other surface material that is impermeable to water except for the slab foundations for structures and equipment. Further, all surface water runoff shall be managed on site.

12. **Repair and Augmentation.** In addition to repairing and replacing facility components to maintain the system, the facility may at any time be augmented without the need for a new site plan as long as the augmentation is within the same footprint as the original permit. If there is a change in battery chemistry, an updated Emergency Operation Plan shall be provided. Any proposal designed to increase the project footprint shall be considered a new application subject to the ordinance standards at the time of the request.
13. **Decommissioning.** A Decommissioning Plan shall be required at the time of the request and shall include as a minimum
    a) A written description of the anticipated life of the system.
    b) The anticipated manner in which the project will be decommissioned.
    c) Verification that all structures, including any foundations or footings, shall be removed and the site be returned to its original condition.
    d) The project decommissioning costs in current dollars and provide that this figure will be updated every third year for the life of the project.
    e) The method of ensuring that funds will be available to cover 100% of the costs of site decommissioning in the form of a surety bond, irrevocable letter of credit or cash deposit.
    f) Decommissioning shall be completed within eighteen (18) months after abandonment.

Section 1104. Bed and Breakfast Inn

A. **Definition.** A dwelling unit where the live in owners and/or operators provide and offer overnight accommodations, in rooms connected by interior hallways, consisting of a minimum of one (1) bedroom and bath, for temporary guests and compensation, including provisions for a morning meal for overnight guests only.

B. **Conditions:**

1. Sufficient parking for the rooms shall be located off-street and shall not be located in the front yard.
2. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
3. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.
4. There shall be a maximum of 6 bedrooms for lodging.
5. Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area.
6. A sketch plan showing the floor plan shall be submitted for approval.
7. Bed and Breakfast Inns shall be permitted one sign to identify the establishment.

Section 1105. Bungalow Court

A. **Definition.** Bungalow Courts are clusters of detached single family dwelling units gathered around a communal green space.

B. **Conditions:**

1. Bungalow Courts shall be organized as condominiums with a homeowner’s association to maintain common areas

2. All structures within a bungalow court shall comply with the setback requirements of the Residential zoning district.
3. Bungalow Courts shall have a minimum of two thousand (2000) square feet of lot area per unit.
4. A minimum of 4 units shall be required.
5. The main entrance to each unit shall face the communal green space.
6. The court must be accessible to pedestrians and provide a main entrance one side, facing the street.
7. Each dwelling shall be a maximum of two stories.
8. Sidewalk access to the front of each dwelling must be included from both the court and the parking area.
9. Each unit shall include one (1) off street parking space.

Section 1106. Campgrounds

A. **Definition.** An outdoor area where people can set up tents, park recreational vehicles, or sometimes rent cabins for overnight recreational stay and can have facilities such as toilets, drinking water, picnic tables, fire pits and occasionally electricity supply. In addition to the specific conditions and requirements herein provided shall comply with provisions of Act 368 of the Public Acts of 1978, as amended, and any administrative rules and regulations issued thereunder.

B. **Regulations:**

1. Any such facility, including recreational areas incidental thereto, shall contain a minimum of five (5) acres in area. Provided further that because of the increased traffic and activity which a campground necessarily entails, no campground shall be allowed if any portion thereof is located within three thousand (3,000) feet of any other campground.
2. Management headquarters, recreational facilities, toilets, showers, laundry facilities, picnic areas, and/or picnic pavilions, softball and baseball diamonds and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses, provided that:
    a) Such establishments and the parking area primarily related to their operation shall not occupy more than ten percent (10%) of the area of the park.
3. Any commercial facility selling goods, foodstuff, or services at retail shall be clearly incidental to the needs of the of the campground patrons while therein. The sale of alcoholic beverages shall be prohibited.
4. Outdoor fire facilities shall be constructed for each site and open fires shall be prohibited except in these facilities.
5. There shall be provisions for garbage disposal facilities for camper's use.
6. All camping sites shall have a central water supply system with potable water under pressure piped to within three hundred (300) feet of each recreational vehicle site, tent site, camper site or cabin.
7. An enclosed toilet and sewage facility, approved by the District 10 Health Department, with hot and cold running water available within, shall be provided for every recreational vehicle, tent, cabin, or campsite.
8. Overnight camping shall be limited to those areas designated and posted for this purpose, and such areas shall be setback 150 feet from adjoining residentially used or zoned property.
9. Activities shall be adequately screened from adjoining residentially used or zoned property by an evergreen planting at least five (5) feet in height at the time of planting.

10. Vehicular entrances to and exits from the campground shall be constructed with approach lanes approved by the Van Buren County Road Commission. A site in a campground, unless designated on an approved plan as a walk-in-site, shall abut on a roadway, and shall be of such size and so arranged as to provide for a recreational unit and shall have at least fifteen (15) feet of road frontage width for each camping unit.
11. A road right-of-way shall be provided having a minimum width of thirty (30) feet. This right-of-way shall be free of obstruction to provide free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and dust-free condition when the campground is in operation.

Section 1107. Cemeteries

A. Definition. Land used for the burial of the dead, including a columbarium, crematorium, and mausoleum.

B. Conditions:

1. A cemetery shall be a minimum of one (1) acre in size.
2. No portion of a cemetery that is located in a wetland or in the 100-year floodplain shall be platted or developed for gravesites.
3. A crematorium, mausoleum, or columbarium or other accessory building may be permitted in a cemetery.
4. No building or structure containing bodies or remains, other than subterranean graves, shall be located closer than 100 feet from the boundary line of a residential or commercial zoning district.
5. Any crematorium located within a cemetery must have a minimum setback of four hundred (400) feet from the boundary line of a residential zoning district.

Section 1108. Child Care Centers

A. Definitions:

1. **Commercial Child Care Center.** A facility, other than a private home, receiving more than twelve (12) preschool or school age children from group day care for periods less than twenty-four (24) hours a day and where the parents or guardians are not immediately available for the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks regardless of the number of hours per day. The facility can be described as a child care center, day care center, day nursery, nursery school, play group, or drop in center.
2. **Group Care Home.** A Child Care home with the capacity to host seven (7) but not more than twelve (12) children, other than the children who are members of the household operating the home.
3. **Family Child Care.** A Child Care Home with the capacity to host no more than six (6) children, other than the children who are members of the household operating the home.

B. Conditions:

1. All required state and local licensing shall be maintained at all times
2. All required outdoor areas used for care or play shall have appropriate fencing for the safety of those using the facility or be landscaped in such a way to delineate private space.
    a) The minimum size for a play area shall be two thousand (2000) square feet
    b) Play structures and other equipment intended for activity and play shall be enclosed within a fence a minimum of four (4) feet tall in the front yard and a minimum of six (6) feet tall in the side and rear yards.

c) Play areas shall meet the required setbacks for accessory structures.

3. The Planning Commission shall not prohibit evening hours but may establish limitations on hours of operation and/or activities between the hours of 10 PM and 6 AM.

4. A Child Care Center may be permitted as an accessory use to an institutional or commercial use subject to satisfying all of the applicable necessary requirements in this Article.

Section 1109. Contractors Yard

A. Definition. A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities will typically include outdoor storage, assembly or staging areas.

B. Regulations:

1. Any outdoor storage area shall conform to the yard, setback and height standards of the underlying zoning district.
2. Screening with fencing or landscaping may be required to mitigate impacts on neighboring residential properties in existence at the time of the application.
3. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
4. All travel surfaces shall be paved or otherwise provided with a dust-free surface.
5. Cranes, booms, or other extensions on equipment, trucks, or other vehicles parked on site shall be stored in the lowest possible configuration, if possible.
6. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the County's engineering requirements.
7. Noise generated on site from any source shall not exceed 75 decibels measured at any property line.

Section 1110. Drive Through Facilities

A. Definition. A facility designed to serve customers in their cars from a window in a building so that the cars are idled when being served, rather than parked.

B. Conditions:

1. The facility shall have a minimum road frontage of 125 feet on a primary road or highway.
2. The location of all structures including partially enclosed or covered service area shall conform to the following setbacks:
   a) **Front -** 60 feet
   b) **Side –** 25 feet
   c) **Rear –** 30 feet
3. A minimum of one (1) stacking lane shall be provided to accommodate a minimum of seven (7) vehicles. All stacking lanes shall be a minimum of ten (10) feet wide and shall be positioned not to interfere with on-site traffic, off-site traffic, entering, exiting traffic, access to parking spaces, and the flow of pedestrians through the site.
4. Devices for the transmission of voices shall be directed or muffled as to prevent sound from being audible from beyond the boundaries of the property.

Section 1111. Eating and Drinking Establishments

A. **Definition.** A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

B. **Conditions:**

1. Such facilities shall maintain at all times all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no noise in excess of 55 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no unreasonable odor or fumes shall be carried onto adjoining property zoned for or occupied by residential uses.
4. Satisfactory measures shall be employed to control blowing trash, dust or debris from the property.
5. Reasonable hours of operation may be regulated for the establishment.

Section 1112. Educational Facility

A. **Definition.** Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including a pre-school, an elementary, middle, or high school, college or university, trade school and the like, whether public or private, that meets state requirements, where applicable.

B. **Conditions:**

1. An education facility shall have its access from a paved all-season road.
2. All outdoor play areas, if provided, shall be enclosed with a durable fence six (6) feet in height, or four 4) feet in height if adjoining a road right of way. The Planning Commission may permit chain link or wrought iron fences up to six (6) feet in height upon finding that such fences are necessary for the safety of the pupils of the facility.
3. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
4. No objectionable noise in excess of 60 decibels shall be carried onto adjoining properties.
5. An educational facility that incorporates any gymnasium, theater, auditorium, or large meeting space meeting the definition of a Large Place of Public Assembly shall also comply with the requirements pertaining to Large Places of Public Assembly.

Section 1113. Farm Product Processing Facility

A. **Definition.** A facility involved in the complete or partial conversion of any agricultural product into a commercial product of any kind, or in the processing of agricultural related waste products. A Farm Product Processing Facility may include, but shall not be limited to, ethanol processing plants, grain mills, slaughter operations, wineries, distilleries, dairy product processing, fruit and vegetable processing, canning operations and similar facilities.

B. **Regulations:**

1. Such facilities shall be located and designed so that no objectionable odor or fumes shall be carried onto neighboring properties zoned for or occupied by residential uses

2. Such facilities shall be located and designed so that no objectionable noise in excess of 75 decibels shall be carried onto adjoining property zoned for or occupied by residential uses.
3. The Site Plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust and debris from the facility.
4. The applicant shall demonstrate that the proposed use does not significantly affect travel circulation and transportation safety in the area in which it is proposed.

Section 1114. Gas Stations/Automotive Service

A. Definition. Any building, structure, or land, or portion thereof, and any associated appurtenances, intended and used for the retail sale, supply, and dispensing of fuels, lubricants and similar products for motor vehicles and/or engaging in the general repair and maintenance of automobiles and trucks.

B. Regulations:

1. There shall be a minimum lot frontage of one hundred fifty (150) feet.
2. Pump islands shall be a minimum of fifty (50) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least twenty five (25) feet from any lot line.
3. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and approved only upon finding a compatibility with the surrounding area.
4. No more than two (2) driveways shall be permitted from any street unless the Planning Commission determines additional driveways are necessary and can be safely accommodated.
5. Each driveway shall be setback a minimum of 50 feet from a street intersection.
6. Driveways shall have a minimum setback of 10 feet from any adjoining property line
7. Where adjoining a residential district or use, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may consider landscaping, including a berm, as an alternative.
8. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
9. All repair work shall be conducted completely within an enclosed building.
10. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck is prohibited beyond one (1) day.
11. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage such as: special check valves, drain back catch basins and automatic shut off valves.
12. A Traffic Impact Study shall be provided.
13. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.

Section 1115. Golf Course

A. Definition. A tract of land laid out for at least nine holes for laying the game of golf and improved with tees, greens, fairways, and hazards such as waterways and sand traps, and may include such accessory uses as a pro shop, clubhouse, driving range, practice greens and service buildings. For the purposes of this section, a golf course may be fully open to the public, open to the public on a limited basis or a membership only club.

B. Regulations:

1. Golf Courses shall have direct access onto a paved public road.
2. The principle and accessory uses associated with a golf course and any buildings located on the site shall be located shall be setback a minimum of 75 feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in a manner and set back a sufficient distance to prevent gold balls from being hit outside the perimeter of the gold course.
3. A new golf course shall include stormwater management facilities satisfactory to the Van Buren County Drain Commissioner and/or the Michigan Department of EGLE intended to prevent the runoff of stormwater carrying excess concentrations of fertilizer or nutrients from entering nearby streams.

Section 1116. Home Occupations

A. Definitions:

1. **Home Occupation – Minor** as defined herein is a home occupation that would be conducted with a primary home and would not be noticeable to neighbors.
2. **Home Occupation – Major** as defined herein is a home occupation that may be apparent to neighbors by virtue of activities on-site, on-site sales, signage, outdoor storage, or modifications to structures or grounds.
3. **General Requirements.** Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following general standards.
    a) Home occupations must be clearly incidental to the use of the dwelling as a residence.
    b) A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.
    c) Client traffic shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Deliveries shall be restricted to the hours of 8:00 a.m. to 5:00 p.m.
    d) Home occupations - major shall employ no more than five (5) non-resident employees on site.
    e) Any outdoor storage of vehicles, equipment, materials or scrap shall be effectively screened from view from neighboring properties.
    f) The operator of a proposed Home Occupation – Major shall submit an operational plan for the Home occupation that shall provide the following information:
        1) The hours of operation
        2) A description of the employee parking and workforce staging plan.
        3) A description of the shipping and delivery requirements for the Home Occupation.
        4) A description of any materials stored on site that will be used for the Home Occupation.

Section 1117. Hotel

A. **Definitions.** A building occupied by individuals who are lodged, with or without meals, in rooms connected by interior hallways, consisting of a minimum of one bedroom and bath.

B. **Regulations:**

1. Each lodging unit shall contain a minimum gross floor area of two hundred fifty (250) square feet.
2. The minimum lot area shall be one acre
3. The minimum lot width shall be one hundred fifty (150) feet.
4. The site may be enclosed with a wood, wire or living fence no greater than six (6) feet in height.
5. All lighting shall be deflected from adjacent properties, streets and thoroughfares and shall not impair the safe movement of traffic.
6. Swimming pools and other outdoor recreational uses shall be securely enclosed by a fence a minimum of six (6) feet in height.
7. Accessory uses such as meeting rooms, taverns, and similar uses shall be conducted in the same building as the principal use.

Section 1118. Kennels

A. **Definition.** Any lot or premise on which three (3) or more dogs, cats, or other domesticated animals more than six (6) months in age are either permanently or temporarily boarded or trained for remuneration.

B. **Regulations and Conditions:**

1. The minimum lot area for a commercial kennel shall be 2 acres.
2. Six (6) animals may be kept for the first two (2) acres, and four (4) additional animals may be kept for each additional full acre above two, up to a total maximum of thirty (30) animals.
3. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front yard or in any side or rear setback area, and shall be located at least 100 feet from any property line.
4. Commercial kennels shall be designed and conducted so as not to be detrimental to any person, property, or the general welfare by reason of excessive noise or odor. Applications for commercial kennels shall highlight measures and design elements intended to mitigate potential off-site impacts of the operation.
5. Commercial kennels shall have concrete surfaces for all dog runs including an approved system for runoff and waste collection/disposal. All waste shall be collected and disposed of at least once daily.
6. Commercial kennels may not be located in a platted subdivision.
7. An operations/maintenance plan shall be submitted as part of the application and shall become a binding part of any approval by the Planning Commission.

Section 1119. Junkyards

A. Definition. Any area, lot, land , parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk, and including any premises upon which two (2) or more inoperable or junk motor vehicles are kept, parked, or stored outside a building for a period of fifteen (15) days or more within any twelve (12) month period.

B. Regulations and Conditions:

1. The property shall include at least ten (10) acres.
2. The salvage yard shall be enclosed on all sides by a solid wall or fence at least six (6) feet in height, maintained in good repair and free of handbills or other advertising except for approved signs. Non-transparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure. The Planning Commission may also require landscaping, such as a berm.
3. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
4. Vehicle parts shall not be stored, loaded, unloaded or dismantled outside the fence enclosing the salvage yard.
5. No vehicle, vehicle bodies or other stored materials shall be visible from any residential use or district, business, or street, from a height at or below the top of the fence enclosing the yard.
6. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
7. The front obscuring fence shall be setback a minimum of one-hundred (100) feet from any residential use or district and from any road right of way.
8. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.
9. The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations.
10. In addition to all application fees, an initial license fee of one hundred dollars ($100) shall be submitted to the Township with the application.
    a) If approved, a renewal license fee of one hundred dollars ($100) shall be paid to the Township by the applicant by the 1st day of April.

Section 1120. Medical or Recreational Marihuana Facilities

(1) A medical and/or recreational marihuana facility may be authorized to operate within the Township by the holder of a state operating license, under the Medical Marihuana Facilities Licensing Act (MMFLA), Act 281 of 2016, as amended,5 and/or under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, as amended, respectively, as well as the rules promulgated under the respective statute, and all applicable local ordinances.

(2) Medical and/or recreational marihuana facilities may co-locate on the same property to the extent permitted by state laws and regulations.

(3) Medical and/or recreational marihuana facility licenses may stack to the extent permitted by state laws and regulations.

(4) No medical and/or recreational marihuana facility shall be located within 1,000 feet of any school or public park/playground, with the minimum distance between uses measured between the facility and the nearest property line of the school or public park/ playground.

(5) Outdoor trash containers or dumpsters may be required in order to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the following:

(a) The placement of the container shall be subject to site plan review.

(b) Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.

(c) All containers shall rest on a concrete pad.

(d) A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.

(e) The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.

(6) A medical and/or recreational marihuana facility shall be reviewed in consideration of the following:

(a) Lighting. The placement and arrangement of outdoor lighting serving the facility shall provide adequate security and comply with the outdoor lighting standards set forth in § 1-9.6.

(b) Noise. Noise and vibration shall be minimized in their effect upon the surrounding area by the utilization of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.

(c) Odor. Odor shall be minimized in its effect upon the surrounding area by the utilization of a modern odor control system designed to accomplish such minimization and operational procedures.

(d) Environment. Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.

(e) Traffic. A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic through a predominantly residential area.

(f) Security. Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.

(g) Impact on neighboring property. Barriers and/or buffers, facility separations, and/ or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.

Section 1121. Mineral Extraction Operations

A. Definitions:

1. **Mineral Material.** Soil, dirt, earth, sand, gravel, coal, gypsum, limestone, or any of them, or any combination thereof, or other solid materials.

2. **Mineral Extraction.** The mining, extracting, excavating for, processing, removal and transport of mineral material to and/or from any property in the Township or any such activities, and other operations and activities for the purpose of removal of mineral material and the restoration, reclamation and improvement of the lands thereafter where all or any of such operations and activities are conducted at a mining site exceeding five acres in area.

B. **Intent.** Sand and gravel deposits represent nonrenewable natural resources which may be necessary and beneficial to the economy of the Township and the regional area around it. The basic nature of such removal operations must, however, be conducted in such a manner that will ensure compatibility with existing and proposed development and ensure the proper restoration of the land. It is, therefore, the intent of this section to provide procedures and requirements for reviewing such requests which will reflect both the existing and future needs of the Township and its residents.

C. Regulations:

1. **Application, Review and Permit Renewal Procedure.** Petitions for the granting of permits for mineral extractive operations shall be filed with the Township Clerk by the owners and leaseholders, if any, of the land proposed for natural resources development. Petition shall be submitted in letter form, fully supplemented by data, including an Impact Assessment; maps and aerial photographs specified, and shall be accompanied by all required fees and escrow payments. A permit for such use shall be issued for a specified period of time by the Planning Commission after recommendation by the Planning Commission.

2. **Submittal Requirements.** Petitions shall be accompanied by the following:

   a) Ten (10) copies of a survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such plans, drawn to a scale of one (1) inch equals one hundred (100) feet, and illustrating the boundary of the entire tract, boundary of the exact area where extraction is being requested and means of vehicular access to the proposed operation.

   b) Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such.

   c) An environmental impact assessment that includes, as a minimum, the following:

      1) A current aerial photograph, at a scale not less than 1 inch = 100 feet, displaying the proposed mineral extraction site and all other lands within 1320 feet thereof, and also showing the location of current land uses, types and extent of existing natural features, topography, soils, wildlife habitat, and other items or land features notes in the environmental impact statement.

      2) A description of the type and extent of significant vegetation on the lands proposed for the mineral extraction permit including trees and endangered plant species.

      3) A detailed description of any known, anticipated, or possible adverse effects upon any aspect or element of the environment, including lands proposed for the mineral extraction permit and adjacent and nearby lands.

   d) A detailed description of the method of operation including an operations and restoration plan for the extraction of the natural resource deposits. The operations and restoration plan shall include the following:

      1) A progressive cell unit mining plan: a plan which divides the mining area into sections and delineates the progressive mining proposal on the extractive resources available.

      2) A traffic impact study is required that evaluates access to the site, proposed truck traffic and planned on-site roads. The applicant shall submit these proposed routes to the Van Buren County Road Commission for its review relative to the physical and design capabilities of these routes to accommodate the potential traffic. Correspondence from the Van Buren County Road Commission shall be included as part of this application.

      3) An overburden and stockpiling plan which shows how the topsoil will be stripped and stored on the site as well as the stockpiling of the extracted sand or gravel;

      4) A revegetation plan: a plan which shows the staging of restoration through the grading process as well as replacing the topsoil and the planting of grasses, trees and shrubs; and,

      5) End use plan: a plan which shows the ultimate use of the property once restored to assure the Township that the site will be restored in accordance with the Township Master Plan.

   e) A detailed explanation of how the applicant intends to comply with the operating requirements of this section.

3. **Review Standards for Mineral Extraction:**

a) **Basic Conditions.** The removal of sand, gravel, limestone or similar materials by excavation, stripping, mining or other taking, and including on-site operations appurtenant to the taking, including washing, grading, and sorting (excluding grinding operations) shall be carried on within the limits of an area approved for such activities. All extractions from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and/or stored within the limits of the area approved, and no natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing. Resource-related industries including, but not limited to, gravel grinding operations, concrete mixing plants and asphalt batching plants, shall not be permitted as a part of the operation unless the activity is located in a Zoning District which would permit such a use.

b) **Setbacks.** Excavation, washing and stockpiling of extracted material shall not be conducted closer than fifty (50) feet to the outer boundary of the area approved for extractive operation. The setback area shall not be used for any use in conjunction with the extractive operation, except access roads, and public notice signs identifying occupation. Greenbelt plantings and landscaping shall be provided in the setback area as required by this Ordinance and the Planning Commission.

1) To reduce the effects of airborne dust, dirt, and noise, all equipment for loading, weighing, and other operations structures shall not be built closer than two hundred (200) feet from any public street right-of-way or from any adjoining residentially zoned district.

c) **Access.** All means of access to the property shall be from a county road with a driveway location approved by Van Buren County Road Commission as a Primary Road. No access shall be allowed from private roads. All driveways shall be treated so as to create dust-free surface for a distance of three hundred (300) feet from any public road. Arrangements shall also be made to minimize dust on unpaved roads traveled in the Township.

d) **Fencing.** Any excavation which operation results in, or produces for a period of at least one (1) month during the year, collections of water or slopes as described below shall be subject to the following safety requirements:

1) Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high; and at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area;

2) Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in (i) above, for slopes; and,

3) In those instances where the extractive area is situated in marginal arid areas consisting of swamp land, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Planning Commission may determine as requiring fencing so as to secure safety. The Planning Commission may require the posting of signs "'KEEP OUT - DANGER" as needed.

e) **Slopes.** Finished slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet to one (1) foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes beginning, provided the Planning Commission may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient topsoil shall be stockpiled on the site so the entire area, when excavating operations are completed, may be covered with a minimum of six (6) Inches of topsoil and such replacement of topsoil shall be made immediately following the termination of excavating operations. To

prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other plant material acceptable to the Planning Commission.

f) **Very Serious Consequence Review:**

1) The Planning Commission shall not approve an application for a mineral extraction permit unless the applicant sufficiently demonstrates that the proposed mineral removal operations and activities will not create any very serious adverse consequences or serious environmental impact on adjacent or nearby lands or other lands elsewhere in the Township or the area.

2) The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed removal operations and activities, shall determine the degree and extent of public interest in the removal of the minerals from the applicant's land, considering the type of resource involved, the market demand and availability of supply, and other relevant factors and conditions which determine the relative benefit to the public from the proposed removal operations and activities.

3) The Planning Commission shall approve a mineral extraction permit only if the proposed removal operations and activities do not, considering the nature and extent of public benefit from the resource removal, result in very serious adverse consequences or serious environmental impact.

4) In determining whether very serious adverse consequences or serious environmental impact would result from the removal operations and activities, the Planning Commission may consider, but is not limited to, the following:

i) Safety concerns and additional noise caused by the proposed operations, including additional truck traffic;

ii) Decreased air quality caused by dust and odors from the operations and truck traffic.

iii) Diminution of nearby property values;

iv) Decrease in residential or other development in the area.

v) Loss of property tax revenues; and,

vi) Other relevant factors.

4. **Operating Conditions.** The Planning Commission's approval of any permit shall include provisions requiring compliance with specified conditions relating to mineral removal activities and operations. Such conditions shall include the following:

D. Mineral extraction operations shall be approved for a duration of not more than five (5) years, unless the Planning Commission determines that there are special or unusual circumstances which justify a removal period of greater duration.

1. Upon or prior to the expiration of a mineral extraction permit, the Planning Commission may approve renewals of the permit for successive periods of not more than five (5) years each in duration, if the applicant demonstrates that there are special or unusual circumstances justifying renewal of the PMR permit.

2. In considering whether to renew a mineral extraction permit, the Planning Commission may, but need not, convene a public hearing.

3. In the case of any Planning Commission public hearing on the proposed renewal of any mineral extraction permit, the public notice for any such hearing shall be the same as that otherwise required for the original granting of a mineral extraction permit.

4. Other matters concerning renewal of mineral extraction permits shall be as provided in this Ordinance.

E. Mineral removal, processing and transport operations and activities shall commence not earlier than 7:00 a.m. and shall continue not after 5:00 p.m., Monday through Saturday only. However, the Planning Commission may place additional and/or alternative limitations on the hours and days of operation in order to avoid serious adverse consequences upon adjoining or nearby lands, or in reflection of the temporal noise ordinance standards of the township in which the mineral extraction site is located. Mineral removal activities of all types are prohibited on Sundays and on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving; and Christmas.

F. Equipment for the processing of mineral material which emits noise louder than 80 dBA, measured at a distance of 50 feet from said equipment when operating, shall not be located closer than one-quarter mile from the nearest occupied dwelling, unless the Planning Commission authorizes other noise emission requirements in the mineral extraction permit. In no case shall the noise from a mineral extraction site exceed 75 dBA at any exterior property line or road right-of-way line.

G. For at least the first year of mineral removal operations on a mineral removal site, the mineral extraction permit-holder shall conduct regular monitoring and reporting to the Zoning Administrator of groundwater levels in surrounding groundwater monitoring wells, and the monitoring and reporting to the Zoning Administrator of noise and dust levels at the exterior property lines and abutting road right-of-way lines, at such time intervals specified by the Planning Commission in the mineral extraction permit, to ensure compliance with this Section and to determine whether serious adverse consequences are occurring. Such monitoring may be discontinued after one year if no violations or serious adverse consequences have been found, but the Planning Commission shall retain jurisdiction over the terms of the mineral extraction permit to require continued monitoring and reporting, beyond one year, if any violations or serious adverse consequences are found in the first year of monitoring. Nothing in this provision shall limit the Township's ability to take other enforcement actions, as permitted by law, if violations or serious adverse consequences are found at the mineral extraction site.

H. Access to and from a mineral removal site, and the routes to be taken by vehicles hauling mineral material from the site and returning to the site, shall be only by means of those streets designated on the approved mineral extraction plan or by such other routes as may be specified by the Planning Commission, working in connection with the County Road Commission and/or MDOT, as applicable, as a part of the operating conditions attached to the mineral extraction permit.

1. **Financial Guarantees:**

   a) Before issuance of a permit, there shall be filed by the applicant a surety bond, executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond running to the Lawrence Township Board, conditioned upon the prompt compliance with all provisions of this section and the requirements of the county and state.

   b) The Planning Commission shall, in establishing the amount and type of financial guarantee, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs and other reasonable expenses likely to be incurred by the Township, where the surface mine is located.

   c) In determining the area for which the guarantee must be supplied, the Planning Commission may consider the following:

      1) Any area stripped of topsoil or overburden.

      2) Any area from which material is extracted.

      3) Any area utilized for stockpiling, extracted material, overburden and topsoil.

      4) Any area which has not been fully rehabilitated on the annual anniversary of the issuance of the special use permit.

      5) Any other land determined by the Planning Commission as integral to the operation, which is directly deemed by it to warrant protection under financial guarantee.

6) The future use of the mined property.

2. **Inspections:** To ensure compliance with the permit, the Zoning Administrator shall conduct periodic inspections.

Section 1122. Places of Public Assembly

A. Definitions:

1. **Place of Public Assembly:** Buildings, structures and grounds, including churches, auditoriums, sports arenas, stadiums, lecture or reception halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more. A family gathering, reunion or similar event shall not be considered a place of public assembly.
2. **Place of Public Assembly, Large:** A place of public assembly shall be considered a large facility if it has either two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.
3. **Place of Public Assembly, Small:** A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

B. Regulations and Conditions:

1. A Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section, hereof.
2. The Zoning Administrator may require the completion of a traffic impact study under the terms of this Ordinance.
3. Any noise emanating from a Place of Public Assembly shall not exceed 75 dBa at any property line.

Section 1123. Planned Unit Developments

A. Definition. A type of real estate development that combines residential, commercial and recreational spaces into one cohesive project and can allow single family homes, multi-family homes, and mixed-use structures while promoting a sense of community by integrating amenities such as parks and community centers into the plan.

B. Regulations.

1. The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. Phasing may be permitted as long as the phasing schedule is submitted with the plan.
    a) Time lines for the completion of the PUD and/or any phasing of the project shall be submitted to the Planning Commission for approval.
2. The planned unit development shall have access to a publicly maintained road.
3. The minimum size for a Planned Unit Development shall be 10 acres.
4. The principal permitted use in a Planned Unit Development shall be residential development. Other uses may be considered pursuant to the following conditions:
    a) Attached two-family dwellings, townhouses, and multi-family dwellings may be permitted.
        1) The maximum number of these types of dwellings shall not exceed thirty percent (30%) of the total number of dwellings.

b) Commercial land uses shall be limited to the development of not more than ten percent (10%) of the total project area. Examples of appropriate commercial uses include retail stores, personal service establishments, offices, restaurants, bed and breakfast inns, and childcare centers.

5. All water and sewer facilities for the development shall be approved by the Van Buren County Health Department.
6. The development shall be provided with adequate storm drainage. Any drainage courses and retention ponds shall be reviewed and approved by the Van Buren County Drain Commissioner.
7. Setback modifications based on sound planning and design principles may be approved as part of a PUD plan.
8. The vehicular and pedestrian circulation systems within the development shall accommodate the movement of vehicles, bicycles, and pedestrians throughout the proposed development and to and from the surrounding areas.
9. All utilities, including electric, telephone, and cable shall be located underground.
10. PUD developments shall include a centrally located usable open space/recreational component that is accessible to all residents within the development.

    a) The dedicated open space shall be permanently set aside and conserved through an irrevocable conveyance acceptable by the Township.

Section 1124. Private Roads

A. Definition. A road which is not publicly owned, and which has not been accepted by the County or other government entity.

B. Conditions:

1. Every private road shall be constructed within a right of way or easement not less than 66 feet in width and not more than 100 feet in width in addition to the lot width requirement for the underlying zoning district.
2. All private roads shall comply with the Van Buren County Road Commission specifications for public roads.
3. All cul-de-sacs shall have a minimum turnaround radius of 60 feet and shall be approved by the Lawrence Township Fire Department.
4. All private roads serving up to 7 parcels shall have a finished road surface of 18 feet, and all private roads serving more than seven (7) parcels shall have a minimum road surface of 24 feet
5. All private roads shall not exceed 1250 feet per access to a public street, measured along the centerline.
6. All private roads shall be established with a legally recorded agreement for all of the contiguous lots providing for maintenance of the road.
7. **Shared Drive**: A private driveway serving up to three (3) parcels may be considered, subject to the following standards:

    a) Shared Drives shall be located in an easement not less than twenty (20) feet in width.

    b) Shared Drives shall have a maximum length of three hundred (300) feet measured along the centerline of the drive.

Section 1125. Roadside Stand

A. **Definition.** A building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

B. **Regulations:**

1. The site shall be in an A or RR zoning district and is accessory to a permitted agricultural use.
2. Each farm may have a maximum of one (1) seasonal roadside stand.
3. All produce or products for sale are grown on the premises or are made from produce grown on the premises.
4. The structure shall not have more than one (1) story.
5. The floor plan of the structure shall not be larger than twenty by twenty (20 x 20) feet.
6. The stand shall be located no closer than fifty (50) feet from the right-of-way if parking is in the front.; Parking maneuvering shall not conflict with traffic flow on the street.
7. The area between the stand and the traveled surface shall be reserved exclusively for gravel or paved parking.
8. The stand shall be of portable construction, permitting it to be removed from its roadside location during the seasons when it is not in use.
9. Signs used in connection with the roadside stand shall be temporary and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way

Section 1126. Large Solar Energy Conversion Systems

A. **Purpose and intent.** The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of large solar energy systems.

B. **Site plan drawing and supporting materials.** All applications for a large solar energy system's use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All requirements for a site plan contained in the Code of the Township of Lawrence.
2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the large solar energy system.
3. Names of owners of each lot or parcel within Lawrence Township that is proposed to be within the large solar energy system.
4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed solar arrays, buildings, structures, electrical tie lines and transmission lines, security fencing, and all aboveground structures and utilities associated with a large solar energy system.
6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all aboveground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the large solar energy system and within 100 feet of all exterior property lines of the large solar energy system.

8. Proposed setbacks from the solar array(s) to all existing and proposed structures within the large solar energy system.
9. Land elevations for the solar array's location and the relationship to the land elevations of all existing and proposed structures within the large solar energy system at a minimum of five-foot contours.
10. Access driveways within and to the large solar energy system, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Van Buren County Road Commission approval and shall be planned so as to minimize the use of land for that purpose.
11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the large solar energy system.
12. A written description of the maintenance program to be used for the solar array and other components of the large solar energy system, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the large solar energy system is decommissioned.
13. Planned lightning protection measures.
14. Additional details and information as required by the special use permit requirements of the Code of the Township of Lawrence, or as required by the Planning Commission.

C. **Application escrow account.** An escrow account shall be deposited with the Township by the applicant when the applicant applies for a special use for a large solar energy system. The monetary amount deposited by the applicant in escrow with the Township shall be the amount of $10,000 or as determined by the Township Board, to cover all reasonable costs and expenses associated with the special use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so within 30 days, the special use process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant. The Township shall provide a summary of all account activity to the applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the special use shall be returned in a timely manner to the applicant.

D. In addition to Township Building Codes, compliance with the County Building Codes and the National Electrical Safety Code is required. Construction of a large solar energy system shall comply with the National Electrical Safety Code and the County Building Code (as shown by approval by the county) as a condition of any special use under this section. In the event of a conflict between the County Building Code and National Electrical Safety Code (NESC), the NESC shall prevail.

E. **Certified solar array components.** Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.

F. **Height.** Maximum height of a solar array, other collection device, components or buildings of the large solar energy system, excluding substation and electrical transmission equipment, shall not exceed 15 feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed 100 feet.

G. **Lot size.** A large solar energy system shall be located on one or more parcels with an aggregate area of twenty (20) acres or greater.

H. **Setbacks.** A minimum setback distance of fifty (50) feet from all exterior property lines of the large solar energy system and one hundred (100) feet from existing public roads and railroad rights-of-way shall be required for all buildings and solar arrays. In addition, a supplementary setback of three hundred (300) feet shall be required adjacent to any residential structure.

I. **Lot coverage.** A large solar energy system is exempt from maximum lot coverage limitations.

J. **Screening/security.** A large solar energy system shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six feet in height with a one-foot extension arm consisting of a minimum of three strands of barbed wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of large solar energy systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large solar energy system from adjacent residential structures, subject to the following requirements:

1. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within one year, or the next appropriate planting period, whichever occurs first.
2. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
3. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this subsection, and any special use may be subject to revocation.

K. **Signage.** No advertising or non-project-related graphics shall be on any part of the solar arrays or other components of the large solar energy system. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

L. **Noise.** No component of any large solar energy system shall emit noise exceeding 65 dBA as measured at the exterior property boundary or the existing ROW line.

M. **Lighting.** All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.

N. **Distribution, transmission and interconnection.** All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the large solar energy system, except in areas where technical or physical constraints make it preferable to install equipment aboveground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

O. **Abandonment and decommissioning.** Following the operational life of the project, the applicant shall perform decommissioning and removal of the large solar energy system and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the special use. Under this plan, all structures, concrete, piping, facilities, and other project-related materials above grade and any structures up to 42 inches below grade shall be removed off site for disposal. Any solar array or combination of photovoltaic devices that is not operated for a continuous period of 12 months shall be considered abandoned and shall be removed under the decommissioning plan. The ground must be restored to its original topography within 365 days of abandonment or decommissioning. Restoration shall also include bringing soil to its predevelopment composition to ensure agricultural use upon restoration. Soil tests shall be required as a part of the decommissioning plan both before development and prior to decommissioning. Soil shall be brought back to predevelopment state within 365 days of abandonment or decommissioning.

1. The applicant will obtain a surety bond for reclamation in an amount to be determined by Township Engineer as a condition of site plan approval.
2. The Engineer will be able to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond would fluctuate depending on the size of the farm. Once the Engineer sets the surety bond amount, be sure to confirm that the applicant obtains it. This may be a condition of site plan approval.
3. The surety bond is to remain in place for the length of the leases/contracts.

P. **Approval time limit and extension.** Special use and site plan approvals, under this subsection, shall be valid for two years beginning on the date of Township Board approval. Once commenced, should construction cease for period of 12 consecutive months, the special use and site plan approvals shall be considered null and void. If construction began prior to the expiration date established by Township Board approval, the special use and site plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.

Q. **Conditions and modifications.** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two copies of the final approved site plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

R. **Inspection.** The Township shall have the right, at any reasonable time, to provide twenty-four-hour notice prior to the desired inspection to the applicant to inspect the premises on which any large solar energy system is located. The Township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large solar energy facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

S. **Maintenance and repair.** Each large solar energy system must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a large solar energy system fails to meet the requirements of this subsection and the special use, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven days), the safety hazards are not corrected, the applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the large solar energy system must be shut down, the applicant shall immediately shut down the large solar energy system and not operate, start or restart the large solar energy system until the issues have been resolved. The applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. The applicant shall keep all sites within the large solar energy system neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

T. **Roads.** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a large solar energy system shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate county agency a description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all county requirements regarding the use and/or repair of county roads.

U. **Continuing security.** If any large solar energy system is approved for construction under this subsection, the applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the large solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable.

V. **Continuing obligations.** Failure to keep any required financial security in full force and effect at all times while a large solar energy system exists or is in place shall constitute a material and significant violation of the special use and this subsection, and will subject the large solar energy system applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the special use.

W. **Other requirements**. Each large solar energy system shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township ordinances.

1. Prior to the issuance of any building permits, the Zoning Administrator must approve issued-for-construction plans sealed by a licensed Michigan professional engineer. The issued-for-construction plans must conform to all applicable dimensional and site design requirements, the applicable conditions of the resolution approving the SUP, and the site plan. The Zoning Administrator may approve minor deviations from the approved site plan contained within the issued-for-construction plans as long as the layout depicted is contained within the geographic area depicted on the site plan or where said deviation are less than 250 feet. The Fire Department must confirm all access roads and turnarounds shown on the issued-for-construction plans allow Fire Department vehicles to turn around and be maneuverable without impediment. The Planning Commission must approve all deviations beyond minor deviations.

Section 1127. Wind Energy Conversion Systems

A. **Purpose.** This subsection has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, viewscapes and aesthetics, wetlands, and other ecological and environmentally sensitive areas. The dangers of WECS are documented in various studies and include falling ice or "ice throws," sleep disturbance caused by nighttime wind turbine noise, danger to human health based on decibel levels, and other impacts.

B. **Definitions.** As used in this subsection, the following terms shall have the meanings indicated:

1. **Adverse sound character.** Sound that causes building rattle, is impulsive, tonal, or has low-frequency bass rumble.
2. **Ambient.** The sound pressure level exceeded 90% of the time over a ninety-six-hour measurement period with daytime/nighttime division.
3. **ANSI.** The American National Standards Institute.
4. **Audible.** The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.
5. **dBA**. The A-weighted sound level.
6. **dBC** — The C-weighted sound level.
7. **Decibel (dB).** The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."
8. **Emergency work.** Any work or action necessary to deliver essential services in an emergency situation, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way, and abating life-threatening conditions.
9. **Equivalent sound level (or Leq).** The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.
10. **Excessive noise.** Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.
11. **GIS.** Geographic information system and is comparable to GPS (global positioning system) coordinates.
12. **L10.** The noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.
13. **L90.** The noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.
14. **Noise.** A sound, especially one that is loud or unpleasant or that causes disturbance. Any airborne sounds of such level and duration as to be or tend to be injurious to human health or welfare (well-being) or that would unreasonably interfere with activities or the enjoyment of life or property.
15. **Nonparticipating landowner.** A landowner who has not signed a contract or any legal document with the WECS applicant and has not given up rights to their owned land to the WECS applicant.

16. **Participating landowner.** A landowner who has leased land to the WECS applicant, received financial remuneration from the WECS applicant, recorded with the Van Buren County Register of Deeds said agreement, and has a contract with the WECS applicant. A participating landowner may also be called a "WECS contract leaseholder." A participating landowner may or may not have turbines or infrastructure located on their property.
17. **Pasquill stability class.** Reference, wikipedia.org "Outline of air pollution dispersion."
18. **Quiet rural or residential property.** Any property where there is an inherent expectation of quiet, including, but not limited to, all residential, business, or agricultural-zoned properties, single-family homes, and retirement homes.
19. **SCADA (Supervisory Control and Data Acquisition).** A computer system that monitors and controls WECS units.
20. **Sound level meter.** An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).
21. **Survival wind speed.** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
22. **Tip height.** The height of the turbine with a blade at the highest vertical point.
23. **WECS applicant.** The person, firm, corporation, company, limited liability corporation or other entity, as well as the applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS testing facility. An applicant must have the legal authority to represent and bind the participating landowner, or lessee, who will construct, own, and operate the WECS or testing facility. The duties and obligations regarding a zoning approval for any approved WECS or testing facility shall be with the WECS or testing facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or testing facility if different than the WECS owner.
24. **Wind Energy Conversion System (WECS) Testing Facility.** A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.

C. Public utilities. Transmission lines, substations, poles, and related equipment owned or provided by public utility companies or by the Township shall be permitted in all zoning districts. Any equipment enclosures, substations, equipment storage buildings or similar structures shall be subject to the site plan review requirements. Any office, manufacturing, or sales buildings must be located in the Commercial Zoning District. All communication towers or commercial wind energy conversion systems operated by public utility companies shall be subject to the requirements of Subsection F, Commercial wind energy conversion systems (WECS). Unless specifically noted, all WECS permit information and supporting documentation shall be allocated reasonable Township review time based on complexity and outside expertise review. Requirements shall be presented in written form and allow a minimum of 30 days before Township discussion. The Township may, at its discretion, review provided documents sooner than 30 days. Providing documents without time for the Planning Commission to review shall result in permit denial and require the WECS applicant to reapply. Each subsection herein requires approval by the Planning Commission unless otherwise noted. The Township shall review all documentation to assure that residents' health, welfare, and safety are not negatively impinged.

D. Exempt towers and wind energy conversion systems (WECS). Communication towers, antennas, wind energy conversion systems (windmills, turbines) and related facilities located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity or communication services off the premises shall be exempt from the requirements of Subsection L(5), Commercial wind energy conversion systems (WECS). However, exempt towers and WECS are subject to the following noise regulations Code of the Township of Lawrence. Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity or communication services are primarily used on site for a farm, home or business. In the case of a WECS, the total height with the blade fully extended (tip height) shall not exceed 130 feet, and the minimum clearance from ground level to the blade at its lowest point shall be 20 feet. The minimum setback from property lines and road right-of-way lines shall be equal to three times the tip height of the unit (WECS blade at its highest point).

E. Commercial wind energy conversion systems (WECS). Wind energy conversion systems and WECS testing facilities, other than those exempted under Subsection L(4), Exempt towers and wind energy conversion systems (WECS), shall only be allowed as special land uses in the A-1 Exclusive Agricultural Zoning District. Supporting data and documentation must be submitted in their entirety at time of application. The applicant shall provide to the Township updated documents throughout the lifespan of the WECS upon request by the Township Board or Planning Commission. The applicant shall also include the following:

1. **Permitting costs.** An escrow account shall be set up when the applicant applies for a special use permit for a WECS and WECS testing facilities. The monetary amount filed by the applicant with the Township shall be in an amount in accordance with the Township Escrow Policy to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into the Township escrow should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 14 days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant within 90 days of permitting process completion. An itemized billing of all expenses shall be provided to the applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the special use permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land use.
2. **Environmental assessment.** The applicant shall fund an environmental assessment or impact study and other relevant reports or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review. Studies shall be limited to the area within three miles outside of the Township boundaries.
    a) The applicant shall perform preconstruction ground water testing on all wells located within the required setback distance of a proposed turbine location. The operation of the WECS shall not negatively impact any groundwater well or groundwater source in the vicinity of the WECS. Complaints regarding impact of the WECS on groundwater sources shall be promptly forwarded to the Township Board as part of the complaint resolution process. The Township Board will consider proof of a negative impact arising from the installation and/or operation of the WECS on a groundwater well or source in the vicinity of the WECS as a violation of the conditions of the special use approval.
    b) A background (ambient) sound study shall be performed and a report provided which indicates Leq 1 second, L10, and L90 sound levels using A-weighting and C-weighting. Data shall be collected at midpoints along property lines of adjoining nonparticipating and participating landowners. Measurement procedures are to follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3, guidelines (with an observer present). Measurements shall be taken using an ANSI or IEC Type 1 precision integrating sound level meter. The study

must include a minimum of a four-day (ninety-six-hour) testing period, include one Sunday, and divide data by daytime and nighttime. The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.

3. **Economic impact.** The applicant shall fund and provide an economic impact study for the area affected by the WECS project. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average setback distances. Business and residential growth potential shall be considered.

4. **Site plan.** The applicant shall submit a site plan. The applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. Additional requirements for a WECS site plan are as follows:

    a) **Building siting.** GIS locations and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other aboveground structures associated with the WECS.

    b) **Nearby building siting.** GIS locations and height of all adjacent buildings, structures, and aboveground utilities located within three times the minimum setback distance for nonparticipating landowners where the proposed WECS and WECS testing facility will be located. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or testing facility, located on the lot or parcel involved.

    c) **Access driveways.** GIS location of WECS and testing facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to WECS. Construction of the access driveway that serves a WECS or testing facility is required to protect the public health, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to allow access at all times by any emergency service vehicles, such as fire, police, and repair. Access driveways shall be no closer than 300 feet to adjacent property unless the applicant provides documentation in the form of a signed approval by affected participating and nonparticipating landowners. Such approval shall be recorded with Van Buren County Register of Deeds using only the WECS Waiver Form, Revision 1 or later.

    d) **Facility security.** Security measures shall be sufficient to prevent unauthorized trespass and to protect health, welfare, and safety.

    e) **Maintenance program and resolution program.** The applicant shall provide to the Township a written description of the problem and failure program to be used to resolve any WECS and WECS testing facility issues, including procedures and schedules for removal when determined to be obsolete or abandoned.

    f) **Site lighting.** A lighting plan for each WECS and testing facility. Such plan must describe all lighting that will be utilized and documentation that FAA requirements are met. RADAR-activated lighting shall be utilized if allowed by the FAA. Such a plan shall include, but is not limited to, the planned number and location of lights, light color, activation methods, effect on Township residents and whether any lights blink. Due to complexity in describing lighting effects for health, welfare, and safety, the applicant shall, if available, provide example locations with product descriptions, where similar, or proposed, lighting solutions are currently deployed. Lighting shall be fully shielded from ground, be FAA-compliant, and be of most current design, to minimize lighting blinking and brightness nuisance.

    g) **Proof of any applicable documents** recorded at the Van Buren County Register of Deeds.

h) If there are any changes to any site plan for a WECS or testing facility, including any changes in road locations, road access, the location of accessory structures, and/or the location of any turbine, a revised site plan shall be submitted and approved prior to construction. Any revised site plan must provide revised calculations to address all of the items required under the original plan submission (i.e., setbacks, shadow flicker, noise, etc.).

i) **Supplemental.** Additional detail(s) and information as requested by the Planning Commission.

5. **Site insurance.** The applicant shall provide proof of insurance for each WECS at all times for at least $10,000,000 for liability, property damage, livestock damage, and future earnings loss. The applicant shall provide yearly proof of insurance to the Township that confirms active coverage for the applicant, Township, participating landowners, and nonparticipating landowners. Aggregate policies are allowed if minimum coverage per WECS is satisfied and coverage is provided for every site where the applicant's equipment is located.

6. **Removal insurance (decommissioning).** To ensure proper removal of each WECS structure when it is abandoned or nonoperational, the application shall include a proof of the financial security in effect before the permit is approved. The security shall be licensed in the State of Michigan and be in the form of 1) cash deposit or 2) performance (surety) bond selected by the Planning Commission and bonded by a top institution from the Department of the Treasury's Listing of Approved Sureties, Department Circular 570, T-list. The duration of the security shall be termed to the removal of each WECS as stated in this subsection. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder assets approved by the Planning Commission.

   a) The amount of each WECS security guarantee (surety) shall be the average of at least two independent (of applicant) demolition (removal) quotes, obtained by the Planning Commission and approved by the Board, plus 10%. If the quantity of quotes obtained is two, the formula shall be (quote 1 + quote2)/2 T* 1.10. The security guarantee shall be no less than $800,000 per WECS. Quotes shall be based on individual WECS removal and shall not group multiple WECS simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolition companies. The demolition method shall be approved by the Township Board. Quotes shall not include salvage values. The security guarantee shall be updated every five years at the rate of 1.5 times CPI (consumer price index) for each year.

   b) Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this subsection and shall subject the applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal.

   c) The applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.

   d) In the event the WECS owner, operator, parent company, or performance bond defaults on any or all of the previously outlined decommissioning requirements, the participating landowner upon which each WECS is located shall be responsible and liable for the removal of each WECS. Failure of the participating landowner to comply with the removal and decommissioning guidelines shall result in the Township having the WECS removed at the expense of the participating landowner. If funding is not available to cover the costs of removal by the participating landowner, legal action to pursue the seizure of participating landowner property(ies) will take place to cover such costs.

7. **Safety manual.** The applicant shall provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by the Planning Commission or local first responders. The manual should include standard details for an industrial site, such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc.

8. **Repair policy documentation.** The applicant shall provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or noncompliant WECS. Sections of the process book should consider any ordinance requirement or WECS performance deficiency.
9. **Noise.** The applicant shall provide an initial sound modeling report and a six-month post-construction report for the project with a schedule and documentation which adhere to the following:
    a) Chart outlining ordinance requirements and a description of compliance or noncompliance.
    b) Declaration of whether submitted data is modeled or measured.
    c) Declaration of values, test methods, data sources, and similar for all modeled or measured data.
    d) Estimated timeline for project, including ordinance requirements completed, construction, post-construction, and validation testing.
    e) Applicant measured data shall be accompanied by SCADA data confirming full power during testing. Unless otherwise requested, minimum SCADA data format shall be grouped in twenty-four-hour periods and one-second intervals, including wind vector, wind speed, temperature, humidity, time of day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch.
    f) Permitting data may be submitted based on WECS manufacturer data. However, measured data from active and similar WECS facilities shall be simultaneously submitted.
    g) It is acknowledged that WECS units sustain wear over time. The applicant is to submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over the life of WECS) in accordance with this subsection for five-, ten-, and fifteen-year-old units.
    h) Modeling factors shall be set for the worst-case environment, such as high humidity, frozen ground (nonporous), atmospheric variances (atmospheric profile Pasquill Stability Class E or F preferred), elevated noise source and no ground cover. Use of modeling methods (standards) shall have deficiencies (limitations) fully disclosed and shall include known error margins. Nondisclosure of modeling method deficiencies shall require resubmission of the SUP in its entirety with complete modeling deficiencies disclosed.

F. Commercial Wind Energy Conversion Systems (WECS): Standards and Requirements. The WECS project shall meet the following standards and requirements:

1. **Setback.** The minimum setback from any property line of a nonparticipating landowner or any road right-of-way shall be no less than four times tip height of the WECS or WECS testing facility unless the applicant provides documentation in the form of a signed approval by affected participating and nonparticipating landowners waiving these requirements. Documents in full shall be recorded using only the WECS Waiver Form, Revision 1 or later, with the Van Buren County Register of Deeds. For WECS, use the turbine pole center line as the WECS measuring point.
2. **Ground clearance.** The minimum clearance from ground level to the blade at its lowest point shall be 100 feet.
3. **Applicant compliance.** The WECS and related equipment shall comply with any and all state, federal, county and Township requirements.
4. **Blade clearance.** Blade arcs created by a WECS shall have a minimum of 100 feet of clearance over and from any structure.
5. **Braking.** Each WECS shall be equipped with a braking, or equivalent, device capable of stopping the WECS operation in high winds with or without SCADA control. Braking systems shall be effective during complete GRID power failure where WECS are unable to communicate with SCADA control or receive power.

6. **Signage.** Each WECS and testing facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout four seasons. Signs shall be at least two square feet in area. Signs shall be the same and shall uniquely identify each WECS. Signage shall comply with Article XI, Signs, Nameplates, and Advertising Structures. Additional signage on and around the tower is recommended. The sign shall contain at least the following:

    a) Warning of high voltage.

    b) Participating landowner's name, WECS owner's name, and operator's name.

    c) Emergency telephone numbers and web address. (List more than one number.)

    d) If the WECS uses fencing, place signs on the perimeter fence at fence entrance door.

    e) Unique identification, such as address of the WECS. If more than one WECS is on an access drive, units shall have further identification such that first responders can positively identify them. An identification example is "321 Ruger Rd, Caro, MI Unit A."

7. **Communication interference.** Each WECS and testing facility shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the applicant must produce confirmation that said interference had been resolved to residents' satisfaction within 90 days of receipt of the complaint. Any such complaints shall follow the process stated in the complaint resolution section.7

8. **Infrastructure wiring.**

    a) All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of six feet below grade, be deeper than drain 7. Editor's Note: See Subsection L(6)(y) of this section. tile and be in compliance with NEC 2014 or newer code standards. All utility lines shall be staked in the field, so as to provide notice to property owners as to the location of utilities, including installing a marker at four feet below grade to identify the utility line location.

    b) The Planning Commission may waive the burial requirement and allow aboveground structures in limited circumstances, such as geography precludes, or a demonstrated benefit to the Township. The waiver shall not be granted solely on cost savings to the applicant. Requests for variation shall consider aesthetics, future use of land, and effect on nearby landowners.

9. **Road damage.** The applicant shall post a financial security in the form of a surety bond from a surety company that is listed as an acceptable surety on Federal Surety Bonds in Circular 570 of the U.S. Department of Treasury, or letter of credit from, or an escrow account established in, a financial institution licensed in the State of Michigan for the cost of repairs of county roads within the Township, in an amount of $1,250,000 or an amount determined by the Township Board.. The amount and standards for road repair work shall be determined by a third-party road inspector appointed by mutual agreement of the Township, applicant and Van Buren County Road Commission. The bond shall only be released (in whole or in part) when the Township Board, in consultation with the Van Buren County Road Commission and said third-party inspector, determines that all required road work has been completed and approved by the road inspector in consultation with the Van Buren County Road Commission and/or MDOT. The Township may consult with the third-party road inspector to verify the proposed bond amount of $1,250,000. If the third-party inspector determines that the amount needed for road repairs and upgrades is higher, the applicant will post a financial security in the amount determined by the third-party inspector. All road repairs must be complete within 90 days of project completion, or maintenance completion, but shall not exceed 365 days from project commencement or maintenance completion.

10. **Road use agreement.** The applicant shall provide and execute a road use agreement with the Township and shall file a copy of such agreement with the Township Clerk before construction of any accessory road and/or road improvements. The road use agreement is subject to review and approval of the Township attorney. The applicant shall provide a written status report annually to the Township Board as to the ongoing scope of road work and shall also provide written notice to the Township Board when all required road work has been completed. The Township may require the renewal of the bond for road work to cover costs of road work to be completed in the future.
11. **Liability insurance.** The current WECS owner and operator shall insure for liability for the WECS without interruption until removed and comply with the site insurance section8 to protect the current WECS owner and operator, Township and property owner. 8. Editor's Note: See Subsection L(5)(e) of this section.
12. **Coating and color.** A WECS shall be painted a nonobtrusive (light environmental color such as beige, gray or off-white) color that is nonreflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
13. **Strobe effect.** Under no circumstances shall a WECS or testing facility produce shadow flicker, or strobe effect, on properties without a signed release from affected participating and nonparticipating landowners. Documents in full shall be recorded with the Van Buren County Register of Deeds. Each wind turbine shall also use a shadow flicker mitigation system, including but not limited to the Vestas Shadow Detection System, or other similar system.
14. **Ice detection.** The applicant shall install an ice mitigation system on each turbine, including but not limited to the system developed by Vestas, or other similar system, to monitor ice formation on each wind turbine (WECS) and to facilitate immediate shutdown of any wind turbine if ice is detected on the turbine.
15. **Fire suppression.** The applicant shall provide and install on a WECS a fire suppression system, including but not limited to Firetrace or other similar system, and ensure that such system is operable at all times.
16. **Voltage.** The applicant shall demonstrate that the WECS prohibits stray voltage, surge voltage, and power from entering the ground, and shall correct any voltage issued that is caused by the WECS.
17. **Protection of adjoining property.** In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or testing facility unless it finds that the WECS or testing facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
18. **Removal and site renovation.** A condition of every approval shall be adequate provision for the removal of the structure in its entirety whenever it ceases to actively produce power for 180 days or more. The Planning Commission can grant an extension of an additional 180 days upon the WECS owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the caisson and all other components in their entirety. Restoration must be completed within 365 days of nonoperation. The Planning Commission can grant an extension of 180 days upon the WECS owner demonstrating that an extension is necessary.
    a) Participating landowners may waive complete underground wiring removal if they can demonstrate that any and all remaining underground wiring will not negatively affect the environment, such as, but not limited to, water quality, natural water flow, or area wildlife. Participating landowners shall execute a waiver and record same in full with Van Buren County Register of Deeds waiving these requirements.
19. **WECS height.** The maximum tip height of any WECS or WECS testing facility shall not exceed 500 feet.
20. **Avian protection.** Each wind turbine shall have a bird/bat sensor installed and utilized upon it.

21. **Post-construction studies.** The applicant shall prepare a post-construction avian and wildlife study one-year post-construction, as well as five years postconstruction, of the completion of a WECS, which shall comply with the requirements of the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources. A copy of the study shall be provided to the Township Board.

22. **Post-construction documents.** The applicant shall provide a complete set of as-built drawings for electrical structures, collection lines and surface markings to the Township Clerk within six months of completing work on the WECS.

23. **Operations training.** The applicant shall provide training for the Lawrence Township Fire Department and all fire departments that provide mutual aid to Lawrence Township before beginning operations of the utility grid wind energy system and shall likewise provide regular training at least annually thereafter. The applicant shall report annually to the Township Board as to the status of the training of the Township Fire Department, in addition to reporting annually to the Township Board of any incidents that required response by the Fire Department (or any fire departments responding via mutual aid) to the WECS.

24. **Operational, maintenance, and issue resolution.** Each WECS and testing facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation, including WECS removal. The applicant shall keep a maintenance log on each WECS and must provide a complete log to the Township within 30 days of request.

25. **Complaint resolution.** A complaint resolution process shall be established by the Township. The form shall include, but not be limited to:

    a) **Receiving and forwarding of complaints.** A third-party answering switchboard, website or equivalent, paid for by the applicant or WECS or testing facility owner. The cost to maintain and support shall be funded in the amount of $10,000 and be replenished at least every five years by the applicant or WECS owner. The Planning Commission shall select a complaint resolution process that is independent of the facility operator or owner and that reports to the Township first and operator second. Upon receiving a complaint, the Township shall forward said complaint to the WECS owner.

    b) **Investigation of complaints.** The Township shall initiate an investigation into a complaint within 60 days utilizing escrow funds to hire the appropriate expert(s).

    c) **Hearing of complaints.** The Township Board shall set a public hearing date within 60 days of completion of investigation of complaints where experts, residents and/or the applicant may present information before the Township Board. Notice of hearing shall be via certified mail.

    d) **Decision of complaints.** The Township Board shall issue a decision and corrective actions within 45 days from hearing of complaints.

26. The applicant shall be required as a condition of approval to fund an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of $15,000, to be used at the discretion of the Lawrence Township Board. When escrow account balance is below $5,000, the Township shall notify the applicant, and the applicant shall replenish the account in the amount of $15,000 within 45 days.

27. **Regulation of WECS commercial and industrial noise.** To preserve quality of life, peace, and tranquility, and protect the natural quiet of the environment, this subsection establishes the acoustic baseline, background sound levels for project design purposes and limits the maximum noise level emissions for commercial and industrial developments. Residents shall be protected from exposure to noise emitted from commercial and industrial development by regulating said noise.

28. The Township Board reserves the right to require the WECS applicant to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements or is removed.

29. **Complaints.** If the Township Board confirms and issues a corrective action, SCADA data from WECS within two miles of issue shall be required and delivered to the Township within 20 days of notification. The SCADA data format shall be determined by the Township, Township licensed engineers, or Township professional acousticians. Unless otherwise requested, minimum SCADA data format shall be grouped in twenty-four-hour periods and one-second intervals, including wind vector, wind speed, temperature, humidity, time of day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, and WECS blade pitch. Fees for providing SCADA data are not to exceed $100 per request. Residents shall have the right to also request SCADA data in at least the minimum format at the cost of $200 per WECS per time period requested. Common SCADA formats shall include meteorological and performance data such as, but not limited to, temperature, humidity, power output, RPM, wind velocity, wind direction, and nacelle vector. Data format shall be determined by Township, such as CSV or XLXS.

30. **Noise.**

    a) No WECS shall generate or permit to be generated audible noise from commercial or industrial permitted facilities that exceeds 39 dBA or 49 dBC (dBC to dBA ratio of 10 dB per ANSI standard S12.9, Part 4, Annex D) during the night, 9:00 p.m. to 8:00 a.m., for any duration, at a property line or any point within a nonparticipating property, unless the applicant provides documentation in the form of a signed agreement by the participating and nonparticipating landowner waiving these requirements. Said documents in full shall be recorded with the Van Buren County Register of Deeds waiving these requirements. Documents in full shall be recorded with the Van Buren County Register of Deeds.

    b) No WECS shall generate or permit to be generated plainly audible noise from commercial or industrial permitted facilities that exceeds 45 dBA or 55 dBC during the day, 8:00 a.m. to 9:00 p.m., for any duration, at a property line or at any point within a nonparticipating property, unless the applicant provides documentation in the form of a signed agreement by the participating and nonparticipating landowner waiving these requirements. Said documents in full shall be recorded with the Van Buren County Register of Deeds waiving these requirements. Documents in full shall be recorded with the Van Buren County Register of Deeds.

    c) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any acoustic, vibratory, or barometric oscillations in the frequency range of 0.1 to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB (unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB (unweighted) re 1 micro-g by instrumentation at a nonparticipating landowner's property line or at any point within a nonparticipating landowner's property.

    d) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1 Hz, 2 Hz, 4 Hz, 8 Hz, and 16 Hz octave bands, that is perceivable by human sensation or exceeds an rms acceleration level of 50 dB (unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a nonparticipating landowner's property line or at any point within a nonparticipating landowner's property.

    e) A tonal noise condition generated from commercial or industrial permitted facilities shall be assessed an upward noise penalty of 5 dBA (example: 42 dBA increased to 47 dBA) for assessment to the nighttime and daytime noise limits.

    f) A noise level measurement made in accordance with methods in the noise measurement and compliance section9 that is higher than 39 dBA or 49 dBC during the nighttime hours or 45 dBA or 55 dBC during the daytime hours, adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.

g) An acoustic, vibratory or barometric measurement documenting oscillations associated with commercial or industrial permitted facilities with levels exceeding the limits herein shall constitute prima facie evidence of a nuisance.

h) All commercial and industrial activity shall comply with limits and restrictions anywhere at any time on another property unless the applicant provides documentation in the form of a signed approval by affected participating and nonparticipating landowners. Documents in full shall be recorded with the Van Buren County Register of Deeds waiving these requirements. Documents in full shall be recorded with the Van Buren County Register of Deeds.

i) Leq 1-sec shall be used for all measurements and modeling. (ee) Lawrence Township and its representatives shall have the authority to inspect the WECS (any of the wind turbines, the roads and/or accessory structures) upon reasonable notice of at least 24 hours to the applicant. The applicant may require that a representative of the applicant accompany the Township and/or its representatives on any inspection. (ff) The applicant shall enter a host agreement with Lawrence Township regarding taxation.

G. Noise measurement and compliance:

1. Post-construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between six and nine mph), medium (between nine and 22 mph) and high (greater than 22 mph). SCADA data shall be provided in the format determined by the Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the Planning Commission when directed by the Lawrence Township Board or their designated agent. Compliance noise measurements shall not exceed the stipulated noise limits and shall assess for and apply tonal noise penalties when warranted.

2. **Quality.** Measurements shall be attended. All noise measurements shall (must) exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1,000 Hz band as in ANSIS12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1,000 Hz, or 1/3 octave bands above 1,250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed three m/s (seven mph, maximum) during measurements. A seven-inch or larger diameter windscreen shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources, including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.

3. **Noise level.** Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9, Part 3 (Quantities and Procedures for Description and Measurement of Environmental Sound - Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, fast response.

4. **Tonal noise.** Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands for by 15 dB in low 1/3 octave bands (10 to 125 Hz), 8 dB in middle-frequency bands (160 to 400 Hz), or 5 dB in high-frequency bands (500 to 10,000 Hz).

5. **Sample metric and rate.** Noise level measurements for essentially continuous non time-varying noise sources shall be acquired using the Leq (fast) metric at a sample rate of one per second. For fluctuating or modulating noise sources, including, but not limited to, wind turbines, a ten-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.

6. **Reporting.** Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-versus-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For one-per-second sampling, a five-minute-or-longer graph shall be produced. For ten-per-second sampling, a thirty-second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, identifying what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and Pasquill Class occurring during testing.

H. Compliance:

1. All applicable requirements of the Township's ordinances must be met in their entirety, as well as all other applicable laws, ordinances, and rules of the federal, state, county, and Township governments. Any subsequent development or change on the property shall comply with all requirements of the Township's ordinances or other ordinances and regulations in effect at that time. Noncompliance with ordinance requirements during the SUP process shall result in denial or revocation of the permit.

2. Noncompliance with post-construction ordinance requirements shall result in fines (minimum $250/day), permit denial, and WECS decommissioning.

3. Nuisance compliance complaints shall be resolved after the complaint resolution process10 is completed. The applicant shall provide a resolution plan within 30 days and resolve complaints within 90 days. A WECS may be shut down during resolution time to extend resolution time to 180 days.

4. For non-nuisance compliance, and upon formal notice from the Township or resident to the WECS permit holder, the WECS permit holder shall respond within 30 days with a resolution plan, and up to 180 days to resolve a compliance breach. Failure to resolve any compliance breach shall result in permit loss. Unless otherwise stated, the applicant shall provide in advance and comply with ordinance requirements prior to the Township granting the permit. Special permits shall not be allowed.

5. In addition to any other remedies or complaint resolution procedures set forth in this subsection, any violation shall also constitute a municipal civil infraction in accordance with Chapter 25. Each day on which any violation of this subsection continues shall constitute a separate offense. The Township may bring an action for an injunction to restrain, prevent or abate any violation of this subsection.

6. Upon change of ownership, operator or parent company, the Township shall receive from the new owner, operator or parent company notification and updated documents within 30 days, including, but not limited to, legal proof of change, corporate legal contact, security bond updates, emergency contact, and local contact.

Section 1128. Wireless Communication Towers

A. Purpose and Intent. The general purpose of this section is to regulate the placement, construction, and modification of transmission towers and telecommunication facilities in order to protect the health, safety and welfare of the public, while, at the same time, not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Lawrence Township. Specifically, the purposes of this section are:

1. To regulate the location of transmission towers and telecommunication facilities within the Township.

2. To protect properties from the potential adverse impact of telecommunication towers and facilities.

3. To minimize adverse visual impacts of transmission towers and telecommunication facilities through careful design, siting, landscaping and innovative camouflaging techniques.
4. To minimize the total number of towers and facilities by encouraging the shared use/collocation of transmission towers and antennae support structures as the primary option.
5. To avoid potential damage to property caused by transmission towers and telecommunication facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound.
6. To ensure that transmission towers and telecommunication facilities are compatible with surrounding land uses.

B. Definitions. For the purpose of this Ordinance, the following terms shall have the following meanings.

1. **Alternative Technology.** Any basis technology that could feasibly be used to provide the same level of service as the wireless system being proposed
2. **Alternative Tower Structure.** Man made structures e.g. spires, light poles, bulk elevator buildings, and similar alternative mounting structures that are present in the community so as to camouflage or conceal the presence of antennas or towers.
3. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signal, analog signal, radio frequencies (excluding radar waves), wireless communication signals or other communication signals.
4. **FAA.** The Federal Aviation Administration.
5. **FCC.** The Federal Communications Commission
6. **Guyed Tower.** A Tower that is supported by the use of cables (guy wires) that are permanently anchored.
7. **Height.** When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the tower or other building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.
8. **Lattice Tower.** A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.
9. **Preexisting Towers and/or Antennas.** Any tower or antenna for which a building permit or conditional permit has been properly issued prior to the effective date of this amendment to the Ordinance, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not been constructed so long as such approval is current and has not expired.
10. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting (i.e. without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. The term includes the structure and any support for the structure.
11. **Tower Pair.** Any two- (2) towers, which are located within one hundred (100) feet of each other.

C. Applicability:

1. **New Towers and Antennas.** All new towers and new antennas in the Township shall be subject to this Ordinance, except as otherwise provided in this section.

2. **Amateur Radio Station Operators/Receive Only Antennas; Television Antennas.** Amateur Radio Station Operators must meet or exceed current standards and regulations of the FAA, FCC, the Lawrence Township Zoning Ordinance, and other agencies of the State and or Federal Government with the authority to regulate towers and antennas. All towers that are less than seventy (70) feet would be exempt.

3. **Preexisting towers and Antennas.** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this amendment, other than the general requirements of Article IV General Provisions and the general requirements of this ordinance concerning preexisting structures (i.e. Article V).

D. General Requirements.

1. **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot. Likewise, an existing antenna or tower on a lot shall not preclude the location of a different use, building or structure on the same lot.

2. **Lot Size.** Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements. The area of the lot and the lot dimensions, frontage for example, shall meet the minimum requirements of the zoning district with which it is located.

3. **Inventory of Exiting Sites.** Each applicant for an antenna and /or tower shall provide to the Zoning Administrator an inventory of applicant's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one (1) mile of the Township border, including specific information about the location, height, and design of each tower or antenna.

4. **Tower Finish.** Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

5. **Tower Site.** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

6. **Antenna Color.** An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting equipment as visually unobtrusive as possible.

7. **State or Federal Requirements.** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring their towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless compliance schedule is mandated by the controlling state or federal agency.

8. **Building Codes; Safety Standards.** The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with the standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the Township suspects that a tower or antenna does not comply with such codes and standard and constitutes a danger to persons or property, the Township may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor statue) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.

9. **Measurement.** Tower setbacks and separation distances shall be measured and applied to facilities located in the Township without regard to municipal and county jurisdictional boundaries.

10. **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Chapter. They shall not be regulated or permitted as essential services, public utilities, or private utilities.
11. **Franchises.** Owners and /operators of towers or antennas shall certify that all franchises required by law for the construction and /or operation of a wireless communication system in the Township have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.
12. **Metal Towers.** Metal towers shall be constructed with corrosion-resistant materials.
13. **No Interference.** Towers shall not interfere with television or radio reception on surrounding properties.
14. **Driveway Entrance Requirements.** All parking and driving areas shall be surfaced and maintained with an aggregate material or may be surfaced with concrete or asphalt pavement.

E. Application Requirements:

1. **Information required.** Applicants for a special use permit for a tower or an antenna shall submit the following information in addition to any other information required by the guidelines in Article 10 Special Use Permits.
    a) A scaled site plan showing the location, type, and height of the proposed tower or antenna, on site land use and zoning, and adjacent uses (including buildings and structures thereon) within one/ quarter mile, regardless of municipality. A scale sketch of properties, streets and uses shall be required for adjacent properties within 3/4 mile (beyond ¼ mile). The plan shall include setbacks for all planned improvements of main and ancillary buildings.
    b) Legal description of property and the lease portion of the property if applicable, together with a copy of the applicant's deed or lease pertaining to said parcel.
    c) The separation distance from other towers or antennas described in the inventory of existing sites presently within the jurisdiction of the Township and within one mile of the Township boundaries. The type of construction of existing towers or antennas on this list. The present owners/operators of these towers or antennas.
    d) The setback distance between the proposed tower and the nearest dwelling unit.
    e) A landscape plan showing existing and proposed materials and any proposed fencing.
    f) Sealed plans for tower and/or antenna. (8 sets, one each for Planning Commissioner and Zoning Administrator)
    g) Compliance certificates if applicable for federal, state or county agencies.
    h) A notarized statement by the applicant for a tower, indicating if the tower will accommodate collocation of additional antennas or future users.
    i) A map of the area served by the provider's existing wireless communication facilities shall be provided along with a map of the same area illustrating the service area coverage by the addition of the proposed facilities.
    j) Plans illustrating how vehicular access will be provided.
    k) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be made available through the use of the proposed new tower.
    l) "Point of View" renderings of how the proposed tower will appear from the surrounding area.

F. Standards for approval for a Special Use Permit for Wireless Communication Facilities. In addition to any other standards specified in this Ordinance for considering special use permit applications, the installation, construction, or modification of all transmission towers and antennae shall comply with following standards, unless a waiver is obtained pursuant to the provisions of Subsection H of this Article.

1. **Availability of suitable existing towers, structures, or alternative technology.** The applicant shall demonstrate that no existing towers, structures, or alternative technology can accommodate the applicant's proposed antenna. The applicant shall submit information related to the availability of suitable existing towers, structures, or alternative technology. The information submitted may include:

    a) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

    b) Existing towers or structures are not of a sufficient height to meet the applicant's engineering requirements.

    c) Existing towers and structures are not of a sufficient strength to support the applicant's proposed antenna and related equipment.

    d) The applicant's proposed antenna would cause electromagnetic interference with the antennae on existing towers and structures or vice versa.

    e) The fees, costs or contractual provisions required by an owner to co-locate on an existing tower or structure are demonstrated to be unreasonably higher than the norm for similar situations. The Planning Commission may consider such costs exceeding 25% of the norm to be unreasonably high.

    f) The applicant satisfactorily demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

    g) The applicant satisfactorily demonstrates that an alternative technology is unsuitable.

2. **Collocation.** New transmission towers shall be built, constructed, or erected in Lawrence Township to accommodate the applicant's antennas and compatible antennas for at least three (3) other users. The applicant shall make the tower available for collocation at a fair market value.

3. **Setbacks.** The following setback requirements shall apply to all towers for which a conditional use permit is required.

    a) Towers must be set back 300 feet or the height of the tower whichever is greater from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.

    b) Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.

    c) In addition, towers must be set back 500 feet from existing dwellings. This shall be a straight-line measurement between closest points.

4. **Separation between Transmission Towers.** No transmission tower may be located within one (1) mile of any existing transmission tower. An existing tower shall include those towers for which the Township has approved a building permit or for which an application has been submitted and not denied.

5. **Separation from Off-site uses/designated area.** All Towers shall comply with the minimum separation requirements from off-site uses and designated area measured from the base of the tower to the off-site use or designated area.

    a) **Residential dwellings.** 300 feet or 300% of the height of the tower, whichever is greater.

    b) **Residential zoned property.** 200 feet or 300% of the height of the tower, whichever is greater.

    c) **Non-residential uses.** The setback requirements of F.3 apply.

6. **Maximum Tower Height.** The maximum allowable tower height shall be 200 feet unless a waiver is granted of proposed structure.

7. **Lighting.** The Tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the FAA or other state authorities.

8. **Display.** No signs, striping, graphics, or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of not more than three (3) square feet. In addition, the tower owner may post a sign no larger than thirty-two (32) square feet in area designating a person to contact in an emergency, together with the person's telephone number and address.

G. Installation of Antenna. The following provisions govern the installation of antenna apparatus on an existing tower and the construction of ancillary buildings/structures on the site of an existing communication tower.

1. When the existing tower has been granted special use and site plan approval, and the proposed antenna apparatus and, where applicable, proposed ancillary buildings/structures are in compliance with the underlying special use permit and approved site plan for the tower, no further zoning approvals are required.

H. Waiver.

1. Any waiver to the requirements of this chapter shall be granted only pursuant to the following provisions. The criteria for granting a waiver shall be granted only for this Section and shall not include criteria from beyond this section.

2. The Township may grant a waiver from the provisions of Subsection F of this Section providing the applicant demonstrates that:

   a) It is technologically impossible to locate the proposed transmission tower on available sites more than the applicable separation distance from a pre-existing transmission tower defined in this Ordinance and still provide the approximate coverage the proposed tower intends to provide.

   b) The pre-existing transmission tower that is within the required separation distance cannot be modified to accommodate another provider.

   c) There are no available buildings, light or utility poles, or other structures on which antennas may be located and still provide the approximate coverage the proposed transmission tower would provide.

3. The Township may grant a waiver to the setback requirements of subsection F.3 upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.

4. The Township may grant a waiver to the 200 ft height limitation if the applicant shows, through written documentation provide by an engineer, that the proposed height is the minimum height needed to meet the service needs and to accommodate future collocations.

5. A request for waiver shall be considered as part of the special use permit process and shall be based on the criteria of this section and other provisions of this Ordinance.

I. Abandonment of Wireless Communication Facilities. Abandoned or unused wireless communication telecommunication facilities shall be removed by the owner of the facilities. No permanent storage or disposal of decommissioned wireless telecommunication facilities shall be permitted in the Township.

Section 1129 Data Centers

1. **Purpose**. The purpose of this subsection is to establish regulations for the design, placement, and operation of data centers in Lawrence Township. Data centers have high energy and water needs, can generate noise that may be heard off-site, have high security needs, and have special building features that create land use impacts that must be managed. The regulations in this subsection are intended to:

    a. Ensure compatibility with surrounding land uses.
    b. Manage land use impacts, including but not limited to noise, water usage, hazardous materials use, lighting, and energy usage.
    c. Protect public health, safety, and welfare.

2. **Definitions**. The following words and terms, when used in this subsection, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

    Data Center: A facility designed for storage, processing, and transmission of digital data. A data center typically houses servers, hard drives, networking equipment, and other components related to digital data operations. Data center infrastructure may also include air handling equipment, power generators, water cooling and storage facilities, utility substations, and other related support equipment. For the purposes of this subsection, the following types of data centers have been identified:

    a. **Enterprise Data Center** (also known as an On-Premise Data Center). An enterprise data center is a private data center facility that supports a single business or organization. Enterprise data centers are custom built to be compatible with the business or organization's distinctive enterprise apps and processes. Enterprise data centers typically occupy less than 5,000 sq. ft. of space and typically operate on less than 100-150 kW of power.

    b. **Multi-Tenant or Colocation Data Center.** A multi-tenant or colocation data center offers data center space to businesses that want to host their computing hardware and servers offsite. These facilities provide the proper components—power, cooling, securing, and networking components—needed to do so. Companies that don't have the space for their own enterprise data center, or an IT team dedicated to manage it, often choose a multi-tenant or colocation data center. A multi-tenant or colocation data center typically operates on 10 to 60 MW of power.

    c. **Hyperscale Data Center**. A hyperscale data center is one that typically occupies one or more warehouse-sized buildings, and houses thousands of servers to handle very large processing workloads. A hyperscale data center typically operates on 100 MW of power or greater.

    d. **Edge or Micro Data Center**. Edge data centers are small data centers built near the people or business they are intended to serve, providing real-time data processing, analysis, and action, making low-latency communication with smart devices possible. Edge data centers typically operate on less than 100-150 kW of power.

e. **Container or Modular Data Center**. A container data center is typically a module or shipping container that is packaged with ready-made, plug-and-play data center components, such as servers, storage, networking gear, generators, air conditioners, and other components. Often these data centers are deployed in a temporary situation to increase capacity on a construction site or in a disaster area.

3. Enterprise and Edge Data Centers

Enterprise and edge data centers that are designed to serve the needs of a specific business or organization are permitted subject to the following regulations:

a. **Site Plan Approval Required**. Enterprise and edge data centers that have an energy draw of under 150 kW require site plan approval, pursuant to Article 9 of this Ordinance

b. **Minimum Setbacks**. Enterprise and edge data centers shall comply with the setback requirements for the zoning district in which they are located.

c. **Maximum Sound Pressure Level**. The audible sound from an enterprise or edge data center shall not exceed 75 dBA, measured at the property line closest to the data center.

d. **Code Requirements**. Enterprise and edge data centers shall comply with all state construction and electrical codes and Township building code requirements.

4. Hyperscale, Colocation, and Container Data Centers

Hyperscale, colocation, and container data centers shall be permitted subject to the following regulations:

a. **Planned Development Approval Required**. Hyperscale, colocation, and container data centers are permitted as a Special Use in the A-1 and RR Zoning Districts and are subject to Site Plan review and approval, pursuant to Article 9 and 10. Revisions to an approved plan shall be addressed based on the guidelines in Section 909.

b. **Submittal Requirements**. Hyperscale, colocation, and container data centers shall comply with applicable site plan data requirements in Section 904. In addition, the following documentation shall be submitted to demonstrate compliance with requirements herein:

i. **Insurance**. Evidence of the owner's public liability insurance for the project shall be submitted.

ii. **Contact Information**. Names, contact information, and qualifications of professionals who prepared plans and analyses shall be submitted.

iii. **Fire and Public Safety Protection**.

(a) Plans shall be submitted to the Lawrence Fire Department for review and approval, along with a written emergency response plan detailing the procedures, training, and equipment required to respond to fire and safety emergencies. If specialized training or equipment is required, it shall be provided at the expense of the applicant.

(b) Any data center that includes battery storage or other devices capable of storing energy shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or any applicable successor standard. Battery storage facilities shall comply with applicable requirements in Section 1103.

iv. **Sound and Vibration Modeling Analysis**. A predictive sound and vibration modeling analysis, prepared by a qualified acoustician or sound engineer, shall be submitted. The analysis shall demonstrate compliance with the sound and vibration requirements set forth in subsection 4(c)(iv), herein.

v. **Impact Assessment**. An (environmental) impact assessment prepared by a qualified professional shall be submitted, which shall identify and assess the potential impacts of the project on the natural and cultural environment, including, but not limited to, wetlands and other fragile ecosystems. The assessment shall identify all appropriate measures to mitigate adverse environmental impacts and indicate how those measures will be implemented. Environmental impacts or concerns that will remain after mitigation shall be identified and evaluated.

vi. **Decommissioning Plan**. A decommissioning and land reclamation plan shall be prepared and submitted, pursuant to subsection 4(c)(xii), herein.

vii. **Complaint Resolution Program**. A complaint resolution program shall be prepared and submitted, pursuant to subsection 4(c)(xiii), herein.

viii. **Hazardous Materials and Waste Plan**. A hazardous materials and waste plan shall be prepared and submitted, pursuant to subsection 4(c)(vi), herein.

ix. **Water Usage Plan**. A water usage plan shall be prepared and submitted, pursuant to subsection 4(c)(vii), herein.

x. **Stormwater Management Plan**. A stormwater management plan shall be prepared in accordance with Section 507. If there are drain tiles on the property, the plan shall address the approach for maintaining and inspecting the drain tiles on a periodic basis, but not less frequently than every three (3) years.

xi. **Operations Plan**. An operations plan shall be submitted, which shall describe the essential functions of the facility, the inspection protocol, emergency procedures, and safety standards. The plan shall also identify operator names and provide contact information.

xii. **Traffic Impact Analysis**. A traffic impact analysis shall be prepared for the construction and operation phases, which shall be based on accepted engineering standards and methods established by the Institute of Transportation Engineers, Michigan Department of Transportation, and/or Van Buren County Road Commission. The traffic impact analysis shall address, at a minimum, the following considerations: estimated 24-hour and peak hour traffic prior to and after development, percentage and numerical increase in traffic volumes on adjoining roads, proximity and relationship to intersections, adequacy of sight distances, required vehicular turning movements, roadway geometrics, provisions for pedestrian and bicycle traffic, and adaptability of the development to nonmotorized transportation. The analysis shall further assess the degree to which the development will cause an increase in traffic congestion or traffic safety concerns. The traffic impact analysis shall indicate road improvements or modifications necessary to accommodate the traffic generated by the development.

xiii. **Environmental Compliance**. Evidence of environmental compliance shall be submitted, including where applicable, compliance with Part 31, Water Resources Protection, of the Michigan Natural Resources and Environmental Protection Act (MCL 324.3101 et. seq.); Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.), Part 301, Inland Lakes and Streams (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.), and any other applicable laws and rules in force at the time the Township considers the application.

xiv. **Escrow Account**. The applicant shall submit a deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover the costs associated with the site plan and special land use review processes, which costs may include, but are not limited to, review fees of the Township Planner, Township Engineer, and Township Attorney, public hearing costs, and miscellaneous administrative costs. During the review process the Township may require that the applicant place additional funds into escrow with the Township if the existing escrowed funds on account will be insufficient, in the determination of the Township, to cover the remaining costs associated with the review. If additional funds are required by the Township and the applicant fails to provide them within fourteen (14) days after receiving notice, the Township will cease the review process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant.

xv. **Indemnification**. An affidavit shall be submitted that attests that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the

approval, installation, construction, maintenance, use, repair, or removal of the data center, which is subject to the Township's review and approval.

xvi. **Additional Information**. The applicant shall submit additional information requested by the Planning Commission, Township Board, or other reviewing entity. The Township may hire subject matter experts to determine if ordinance requirements have been met.

c. **Site Design Requirements**. In addition to the site plan approval requirements in Article 9 and the special land use requirements in Article 10, hyperscale, colocation, and container data centers shall comply with the following site design requirements:

i. **Minimum Setbacks**. Buildings, structures, and equipment related to hyperscale, colocation, and container data centers shall comply with the setback requirements in the following chart. Where the setbacks in the chart exceed the minimum setback requirements elsewhere is this Ordinance, the setbacks in the chart shall prevail.

	Minimum Setback
From the front lot line or road right-of-way line	100 ft.
Road setback	350 ft. or 40% of lot depth, whichever is less
From the lot line of any residentially zoned or used property	300 ft.
From the lot line of any property *not* residentially zoned	150 ft.

ii. **Landscaping and Screening**. Hyperscale, colocation, and container data centers shall comply with the landscaping and screening requirements for commercial and industrial uses in Article 12.

iii. **Lighting**. Hyperscale, colocation, and container data centers shall comply with the lighting requirements in Section 510.

iv. **Sound and Vibration Requirements**. Hyperscale, colocation, and container data centers shall comply with the following sound and vibration requirements:

(a) **Maximum Sound Pressure Level**. The audible sound from a data center shall not exceed 75 dBA, measured at all property lines.

(b) **Sound Measurement**. Sound pressure level measurements shall be performed by a qualified third-party professional approved by the applicant and the Township. Testing shall be performed according to the procedures in the most current version of ANSI S12.18 and ANSI S12.9 Part 3. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. A combination of attended and unattended sound measurements is required for compliance testing.

(c) **Post-Construction Sound Survey**. The applicant shall complete a post-construction sound survey immediately after twelve (12) months of operation to document the levels of sound being emitted by the data center. The study shall be designed to verify compliance with the sound requirements of this ordinance. Upon completion, the results of the survey shall immediately be submitted to the Township Zoning Administrator. Following the initial survey, the applicant shall complete a post-construction sound survey annually and report the results to the Township Zoning Adminstrator.

(d) **Vibration**. Ground mounted mechanical equipment shall be mounted on vibration dampening platforms or other suitable devices to prevent the equipment from transferring vibration to the ground. No vibration may be transmitted through the ground that is discernable without the aid of instruments at any point beyond the property line.

v. **Outdoor Storage**. There shall be no outdoor storage of goods, inventory, or equipment.

vi. **Hazardous Materials and Hazardous Waste Plan**. Prior to operation, a hazardous materials and waste plan shall be submitted for review and approval by the Township. The plan shall describe the nature of storage and processing of hazardous materials and waste, and shall contain the following elements:

(a) The name, quantity, and location of all hazardous materials to be stored or used in the facility.

(b) Identification of all required state and federal permits related to the handling of the hazardous materials and hazardous waste. Copies of all permits shall be provided to the Township prior to beginning operation.

(c) Proposed procedures in the event that hazardous materials or hazardous wastes are released and have the potential to cause harm to people, property, or the environment.

(d) Method of disposing of hazardous waste.

(e) Protocol for notifying the Township in the event of a hazardous materials or hazardous waste spill or release.

vii. **Water Usage Plan**. To reduce the impact on nearby potable water resources, hyperscale, colocation, and container data centers that propose the use of water for cooling shall use a closed-loop or recycled water system, unless the applicant can demonstrate to the satisfaction of the Planning Commission that another cooling system will have no impact on potable water resources. To assist the Township in making these findings, a water usage plan shall be submitted, which shall be prepared by a qualified geologist and shall include the following elements:

(a) A description of the plan to obtain water for the cooling system, including source (groundwater or surface water, private well or public utility), volume of water required, and type of water (potable or non-potable water, fresh or recycled water).

(b) An analysis of the impact on private wells located on properties up to one (1) mile away from the property on which the data center is proposed to be located.

(c) If the data center proposes to use groundwater in its operations, then a hydrogeological study shall be completed and submitted to the Township.

(d) If the water is proposed to be from a public utility, the water usage plan shall demonstrate that the system has the capacity to provide the volume needed. The applicant shall provide written evidence of approval from the public utility for use its water for the data center purposes.

(e) If the water is proposed to be from a private well, the water usage plan shall include the following elements:

a. Calculations showing the water needs of the data center during normal and peak operations.
b. A geologic map covering an area with a radius of at least one (1) mile of the data center site. The map shall show the location of all existing private wells in this area, with a notation of the capacity of the wells, where known.
c. A determination of the effects of the proposed water draw on the quantity and quality of water in nearby wells and bodies of water.
d. An analysis of the impact of water discharged from the data center and its impact on groundwater, surface water, and other water sources.

e. A statement of the qualifications of the person(s) who prepared the plan.
f. Information regarding any reviews conducted by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

viii. **Electrical Supply**.

(a) The applicant shall provide written verification from the electric service provider that the electrical infrastructure (transmission lines, substations, capacity in the system, etc.) will be adequate to serve the data center during normal and peak consumption periods without any disruption in electrical service to other customers in the service area.

(b) If upgrades to the electrical infrastructure are necessary, the applicant or the electric service provider shall itemize the costs of the upgrades and document the entities that will be responsible for paying such costs. The applicant shall affirm in writing that it will absorb all rate increases related to upgrading the electrical infrastructure to serve the data center.

(c) All electrical lines shall be placed underground, where feasible.

ix. **Interference with Reception**. Data centers shall not interfere with television, radio, internet, or telephone reception.

x. **Fences**. Data center fences shall comply with the fence requirements contained in this Ordinance.

xi. **Parking**. Data centers shall provide one (1) off-street parking space for each anticipated employee, plus five (5) additional spaces for visitors. Off-street parking shall comply with applicable requirements in Article 7, including the barrier-free requirements in Section 702 and the dimensional requirements in Section 701.

xii. **Decommissioning Plan**. A Decommissioning Plan, which shall be prepared by a professional engineer licensed in the state of Michigan, shall be submitted for approval. The Decommissioning Plan shall contain the following elements, at minimum:

(a) A projection of the anticipated life of the project.

(b) An estimate of total decommissioning costs in current dollars, which shall include the cost of complete removal of the data center. These costs are subject to verification by knowledgeable professionals hired by the Township.

(c) The anticipated procedures and timeline that will be followed to decommission the project and restore the site.

(d) The method of ensuring that funds will be available for decommissioning and site restoration, in compliance with Section 1404 - Performance Guarantee. If a surety bond is posted, the bonding agency must be rated A+ or better.

(e) The amount of the performance guarantee shall be equal to 125% of the projected cost. The amount of the performance guarantee shall be reviewed every five (5) years for the life of the project, to account for inflation and changes in decommissioning costs. Revised cost estimates shall be submitted to the Township Board for approval, and the amount of the performance guarantee shall be adjusted by the applicant, as necessary.

(f) Acknowledgement that failure to keep the performance guarantee in full force and effect at all times while the data center exists shall constitute a material and significant violation of the special land use approval and this ordinance and will subject the owner to all available enforcement remedies, including possible revocation of the special land use approval. Surety bonds shall contain a provision to notify the Township if the bond is cancelled or expires.

(g) Acknowledgement that the owner shall be responsible for the payment of any costs, including attorney fees, incurred by the Township in securing removal of the data center.

xiii. **Complaint Resolution Program**. The applicant shall present a Complaint Resolution Program for approval. The Complaint Resolution Program shall include the following at minimum:

(a) Complaints shall be submitted to the Township Supervisor, who shall forward them to the designated data center representative, who shall be identified in the Complaint Resolution Program.

(b) The Complaint Resolution Program shall indicate that the Township Supervisor will be kept informed throughout the resolution process.

(c) Processes and timelines for responding to and resolving complaints shall be specified.

(d) A sample complaint form shall be submitted for approval.

(e) Contact information for a local data center representative who will be responsible for processing and resolving complaints shall be provided.

(f) As a condition of filing a complaint, a property owner shall consent to allow representatives of the data center on the subject property for the purpose of investigating and addressing the complaint.

xiv. **Sign**. A six (6) square foot sign shall be posted at each road entrance to the data center, which shall contain the following information:

(a) The data center owner.
(b) The data center operator.
(c) At least two 24-hour emergency contact names and telephone numbers.

xv. **Electrical Generators**. Electrical generators used in conjunction with a data center shall comply with the following requirements:

(a) To minimize noise impact, generators shall be located in an enclosed, ventilated building. Alternatively, the Planning Commission may consider approving generators placed on the interior of a site.

(b) Except during a power outage, electrical generators may be operated (for example, for testing purposes) only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

xvi. **Fuel Storage Tanks**. Fuel storage tanks used in conjunction with a data center shall comply with the following requirements:

(a) Fuel storage tanks shall be placed above ground and shall not exceed twenty thousand (20,000) gallons in capacity.

(b) Only one (1) fuel storage tank is permitted per data center building.

(c) Fuel storage tanks shall be set back a minimum of one hundred (100) feet from any well, and five hundred (500) feet from all property lines and road rights-of-way.

(d) Fuel storage tanks shall be provided with one hundred percent (100%) catchment, or double-walled containment, plus a spill protection overfill alarm.

(e) The storage tank shall comply with applicable regulations in the International Building Code and with National Fire Protection Association standards, as well as regulations promulgated by state or federal agencies.

xvii. **Notification of Extraordinary Events**. If a data center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator shall notify the Township Supervisor within twenty-four (24) hours of such event.

xviii. **Building Design Standards**. Because of their size, the appearance of hyperscale, colocation, and container data centers is a concern. There is a desire to avoid the construction of massive buildings with large, blank walls. To address this concern, the following building design standards are applicable to data centers:

(a) Wall Articulation. Buildings that are longer than two hundred (200) feet, shall use offsets to avoid blank walls. Building walls may also be articulated through the use of texture of materials, color, material changes, shadow lines, and other façade treatments.

(b) Differentiation. The ground floor should be differentiated from upper floors using changes in massing and architectural relief, which will add visual interest and help diminish the perceived height of the building.

(c) Windows. Windows shall be incorporated on the ground floor, at minimum. Where windows are impractical due to the unique use of the building, faux windows shall be installed.

(d) Front Entry. The front entrance to the building or complex shall be enhanced using pavers, landscaping, a canopy and other architectural elements, so that the entrance is distinctive, human-scaled, and visible from the road.

(e) Roof. Integrate varied roof lines through the use of sloping roofs, modulating building heights, or step backs.

(f) Landscaping. Use abundant landscaping to add texture and visual interest.

Article 12.
Landscaping and Screening

Section 1200. Purpose and Intent

A. It is the intent of this Article is to establish minimum standards for the design, installation, and maintenance, of landscaping, along the public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping should be viewed as a critical element contributing to the aesthetics, development quality, property value stability and overall character of the Township.

B. The standards of this article are also intended to preserve mature trees, screen headlights to reduce glare, integrate various elements into a site to help ensure compatibility between land uses, assist in directing safe and efficient traffic flows at driveways and within parking areas, and minimize negative impacts of stormwater runoff.

C. The landscaping standards of the article are intended to be the minimum necessary to achieve the intent. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value to the property.

D. The provisions of this article shall apply to all sites that are subject to Site Plan Review in accordance with the Site Plan review guidelines outlined in this Ordinance. Such sites shall be required to comply with all of the applicable provisions of this Article.

1. Waiver – The Planning Commission has the right to modify any of the provisions of this Article depending on the scope and potential impacts of neighboring properties during the Site Plan Review Process.

Section 1201. General Landscape Development Standards

A. **Landscape Plan.** A landscaping Plan shall be included with all site plan applications reviewed by the Township. The separate landscaping plan shall be submitted with a minimum scale of 1 inch = 50 feet. The landscaping plan shall clearly describe the location, type, size, and spacing of all plant materials.

B. **Installation and Inspection**

1. Wherever this Ordinance requires landscaping or plant materials, the material shall be planted prior to the issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials, which may be supplemented with other plantings.

2. If due to the seasons, it is not an appropriate time to install landscaping, the Planning Commission shall require a performance guarantee, in a form acceptable to the Township, to cover the costs of landscaping prior to the issuance of a certificate of occupancy.
3. Landscaping shall be installed in a sound manner according to generally accepted planting procedures consistent with the standards of the American Association of Nurserymen, and the quality of plant materials as hereinafter described and shall be protected from vehicular encroachment and snow removal operations.
4. In the event a performance guarantee in being held, the Zoning Administrator will, within three (3) months of receiving written notification of installation, conduct an inspection to verify said installation and authorize release of the guarantee.

C. Plant Material Standards. It is the intent of this article that a diverse number of plantings be provided throughout the Township, Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this Article. The Planning Commission may vary these standards where the established minimums, in the judgement of the Commission, will not serve the purpose and intent of this Article.

1. **Plant Quality.** Plant materials permitted in the required landscaped areas shall be hardy to the climate of Michigan, long lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
2. **Plant Size Specifications:**
    a) **Trees.** Required trees shall be of an adequate size as determined by the Planning Commission at the time of planting, unless otherwise stated in this article.
        1) **Deciduous Trees.** Two and a half (2 ½) inch caliper minimum trunk measurement at four (4) feet above the ground with a minimum of eight (8) feet in height above grade when planted.
        2) **Evergreen Trees.** Six (6) feet in height, with a minimum spread of three (3) feet and the size of the burlapped root ball shall be at least ten (10) times the caliper of the tree measured six (6) inches above the grade.
        3) **Deciduous Ornamental Trees.** One (1) inch caliper minimum at least four (4) feet off the ground, with a minimum height of six (6) feet above the grade when planted.
    b) **Shrubs.** Minimum 24 inches in height above planting grade.
    c) **Hedges.** Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.
    d) **Groundcovers.**
        1) Lawn areas shall be planted in species of grass normally grown as permanent lawns in southern Michigan. Grass may be sodded, hydro-seeded, and mulched, plugged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds, and noxious pests or disease.
        2) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance that is reasonable complete after one growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate. Stone and synthetic shall not be used a groundcover.
    e) **Mulch Material.** Minimum of four (4) inches deep for planted materials shall be installed in a manner as to present a finished appearance.
    f) No plant materials used to satisfy these standards shall be comprised of non-living materials, such as plastic plants.

g) All plant materials shall be well formed, sound, vigorous, healthy and free from disease, sunscald, wind burn, abrasion, and harmful insects at the time of planting.

h) The following plant materials are not permitted for planting due to their tendency and susceptibility to storm damage, their roots are known to clog drains and sewers, they are known to be susceptible to disease and insect pests, or other undesirable characteristics: silver maple, box elder, honey locust (thorned), Ginko, mulberry, poplar, black locust, willow, American elm, Siberian Elm, Slippery Elm, Chinese Elm, Horse Chestnut, Ailanthus, Catalpa, Osage Orange, Cottonwood, and European Barberry.

D. Plant Health and Maintenance. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy and growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Zoning Administrator, or within an extended time as specified by this Ordinance.

E. Irrigation. All landscaped areas shall be provided with a readily available and acceptable water supply to facilitate continued maintenance.

F. Visibility. Landscaping materials and arrangements shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants, and shall not interfere with or obstruct the view of public viewsheds and sight lines from rights of way and public property to streams, lakes and other waterways.

G. Species Tolerance. Public and private roads, cul-de-sacs, and site entrances, shall be landscaped with species tolerant of roadside conditions common to the area.

Section 1202. Existing Plant Material

A. Consideration of Existing Elements in the Landscape Design. In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth in this Section.

B. Preservation of Existing Plant Material. Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered and are six (6) inches or greater in caliper, measured four (4) feet above grade. Trees shall be labeled “To be Removed” or “To be saved” on the Site Plan. If existing plant material is labeled “To be saved” on the site plan, protective measures should be implemented, such as the placement of a tree guard at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

C. In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree or approved substitute, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space and similar considerations:

Damaged tree	Replacement tree	Replacement Ratio
Less than 6 inches	2.5-3 inches	1:1
6 inches or more	2.5-3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged trees

Caliper measured four (4) feet above the ground.

Section 1203. Screening and Buffering Requirements

A. Zoning Districts and Land Uses.

1. For developments within the C and MU zoning districts, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or to a current residential use, a masonry wall, wooden privacy fence six (6) feet in height, greenbelt, or evergreen screen in accordance with Section 1105, (except as otherwise required) as deemed appropriate by the Planning Commission.
2. For non-residential land uses within residential zoning districts, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or a current residential use, an obscuring wall six (6) feet in height, decorative wooden privacy fencing, a greenbelt, a berm, or a buffer strip, except as otherwise required.

B. Location. Required Walls, fences, greenbelts, berms, or buffer strips shall begin on or at the property line, except where underground utilities interfere.

C. Materials. Such walls and screening shall have no openings for vehicular traffic or other purposes, except for as provided in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, rustproof, and easily maintained. Materials for walls shall be compatible with surrounding building materials. Materials for greenbelts, berms, or buffer strips, shall be in accordance with the standards identified in the Article. Unless specified elsewhere.

D. Alternatives. The Planning Commission may approve a landscaped berm as an alternative to a wall upon finding the landscaped berm will provide similar screening effect. However, the yard space that the berm shall occupy shall be yard space that would not otherwise serve any functional purpose besides screening and buffering the adjacent use.

Section 1204. Methods of Screening and Buffering

Screening and buffering elements shall satisfy the purpose and objectives of this Article and shall be accomplished by any one of the following methods, or any combination of these methods or other alternatives that the Planning Commission determines to be best suited for the existing conditions, unless a specific method or combination of methods was identified elsewhere in the Ordinance.

A. Screen wall (or fence) with planting strip. This method shall consist of a decorative brick wall or ornamental fence up to four (4) feet in height, along with a six (6) to ten (10) foot wide planting strip abutting the base of the wall or fence that includes a mixture a deciduous shade trees, ornamental trees and shrubs, at a minimum concentration of one tee per 5 shrubs per each 30 lineal feet.

B. Berms. Berms shall consist of a combination of a raised earth berm and plantings, and shall meet the following standards:

1. A berm shall have a side slopes no steeper than four to one (4-1) – four feet horizontal to 1 foot vertical- and the top of all berms shall have a horizontal area of at least four (4) feet in width.
2. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other method acceptable to the Planning Commission.
3. The berm shall be designed and graded to blend with the existing topography and shall be appropriately sodded, hydro-seeded or planted with appropriate ground covers.
4. A mixture of deciduous trees and ornamental trees, evergreen trees and shrubs shall be planted along the entire berm area at a minimum concentration of one tree and two shrubs pre each 10 lineal feet of berm.

5. Berms shall be used only in areas adjacent to parking and adjacent to industrial special uses, unless otherwise accepted by the Planning Commission, due to the amount of space they occupy and the potential long-term impact on landscape material.

C. **Evergreen Screen.** This method shall consist of evergreen trees, with year-round characteristics that meet the screening objectives of this Article, planted 10-15 feet apart in a minimum od=f two (2) staggered rows 10-15 feet apart.

D. **Greenbelt buffer strip.** A buffer strip may be required, particularly when the adjacent uses (including uses that are adjacent across a road right of way are residential in character or less intense than the use of the subject property. A required greenbelt buffer strip shall include the following:

1. Greenbelts shall have a minimum width of six (6) feet with a preferred width of ten (10) feet, and shall contain appropriate grasses, groundcovers, and mulch as necessary.
2. A mixture of deciduous shade and evergreen trees and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and two (2) shrubs per each 20 lineal feet of road frontage or length along a property line. Additional trees may be substituted for the required shrubs at a rate of 1 tree per 4 shrubs.

E. **Hedgerow.** To provide allow screen to block headlight glare, screen parked vehicles from road rights of way, or other circumstances where ground level screening is necessary to obscure a portion of a site without inhibiting visibility or light, the Planning Commission may require use of a continuous hedgerow consisting of 24 inch to 36 inch high shrubs and maintained as a continuous visual screen, with full maturity within one full planting season, with the maximum permitted spacing to be determined by the type of shrub proposed.

F. **Masonry Wall.** Where required, a masonry wall shall be solid and decorative in nature, and at least two (2) feet and no more than six (6) feet in height above grade. Such walls shall be capped and constructed of masonry materials that complement the primary building material.

Section 1205. Parking Lot Landscaping

Within every parking area containing 10 or more proposed spaces, at least one (1) deciduous tree with at least 100 square feet of planting area shall be used for every 10 parking spaces, or fraction thereof, in addition to any other landscaping requirements. The landscaping shall meet the following standards:

A. Landscaping shall be dispersed throughout the parking are in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.

B. Landscaping shall be installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, nor interfere with adequate motorist sight distance.

C. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the development plan. The minimum width of such areas shall be 10 feet.

D. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to roads, driveway aisles, or parking areas, landscaping shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements. Trees should result in high, broad canopies that will provide shade over large expanses of the parking lot.

E. Approved shrubs or groundcover shall be used to cover the remainder of the island area.

Section 1206. Waste Receptacle, Mechanical Equipment and Loading Area Screening

A. Waste receptacles shall be screened to the satisfaction of the Planning Commission. Except at locations where the receptacle will not be visible from public rights of way or adjacent properties, enclosures shall be required. Enclosures include a privacy fence, masonry wall, or landscaping that is an opaque screen year-round. A steel reinforced, lockable wooden gate shall be provided to secure the enclosure.

B. Loading areas, storage areas, and service areas, public utility and essential service uses and structures, ground equipment shelters for wireless communication facilities, ground mounted transformers, and HVAC units, electric sub stations, gas regulator stations, and similar facilities, may be screened from the road right of way and adjacent properties in accordance with Section 1207.

C. Roof mounted equipment may also be screened from view through the use of ceiling walls, parapet walls, or other devices or techniques.

Section 1207. Street Yard Landscaping

Street Yard uses, including the area between the road right of way and the pavement edge plus any required front yard setback, shall be landscaped in a manner that enhances the visual character of Township roads and minimizes adverse impacts of vehicular traffic on adjacent uses.

A. **Street Trees.** Street tree plantings shall consist of deciduous shade trees planted in one or more rows at regular intervals, or informal groupings, along the margins of road rights of way, in an amount equal to a minimum of one street tree per 40 lineal feet, as measured along the road right of way line.

B. **Front Yard Setback Area Plantings.** Where a front yard setback is required by this Ordinance, the Planning Commission may require a berm, greenbelt, or other landscaping materials within the front yard setback in accordance with the screening and buffering requirements of this Article.

Section 1208. Maintenance

All Landscaping materials shall be maintained in accordance with the approved landscape plan and the following:

A. Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with manner of effectiveness, health and intended functions of the various landscape areas on the site will be ensured.

B. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse. Tree stakes, guy wires, and tree wrap are to be removed after one year.

C. All dead or diseased plant materials shall be removed and replaced with the same number, size and species of materials within 30 days of written notice from the Township, or by the end of the next planting season if it is determined by the Township that the new materials would be jeopardized by weather conditions.

D. The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this Ordinance.

E. Adequate provisions shall be made to supply water to all landscape areas on a regular schedule.

Section 1209. Exceptions and Alternatives

A. **Alternative designs or materials.** The Planning Commission shall have the authority to modify the standards of this Article, provided that the alternative is determined to be in accordance with the provisions and objectives of this Article.

B. **Existing Uses.** Where an existing use is undergoing redevelopment, improvement, a change in use, or expansion, the Planning Commission may require landscaping, screening, and buffering improvements in accordance with the purpose and objectives of this Article, provided that any required improvements shall be in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions, or other site improvements.

Article 13. Reserved

Article 14.
Administration and Enforcement

Section 1400. Zoning Administrator

A. The Township Board of Trustees shall designate an individual to serve as the Zoning Administrator to administer and enforce this Ordinance. The Zoning Administrator may delegate duties to such other persons as may be assigned to assist.

A. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the actions necessary for correction. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings and structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this ordinance or general law to ensure compliance with or to prevent violations of the provisions of this ordinance.

B. All Township personnel responsible for carrying out their responsibilities under the terms of this Ordinance shall show proper credentials before entering private property for the purposes of carrying out such responsibilities.

Section 1401. Duties and Limitations of the Zoning Administrator

A. Provide citizens and public officials with information relative to this ordinance and related matters.

B. Assist applicants in determining and completing forms and procedures related to Site Plan Review, Rezoning and other zoning matters.

C. Review and investigate permit applications to verify compliance with the provisions of the Zoning Ordinance.

D. Issue appropriate permits upon verifying compliance with the provisions of this Ordinance and other applicable ordinances.

E. Perform inspections of buildings, structures, and premises to ensure proposed land use changes or improvements are in compliance with this Ordinance.

F. Investigate alleged violations of the Ordinance and enforce appropriate corrective measures when required, including the issuance of violation notices, citations, and stop work orders and the revocation of permits.

G. Perform other duties related to this Ordinance.

H. Maintain records as accurately as feasible of all non-conforming uses, structures, and lots existing on the effective date of this Ordinance and update the record and conditions affecting the nonconforming status of such uses changes.

I. The Zoning Administrator shall have the authority to approve Land Use Permits.

1. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Land Use Permit for any excavation, construction, or use until such plans have been reviewed in detail and are found to be in compliance with this Ordinance. To this end, the Zoning Administrator shall require that an application for a Land Use Permit for excavation, construction, moving, alteration, or change of use or type of occupancy shall be accompanied by a site plan in accordance with Article 8 of this Ordinance.
2. If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application, and the site plan, when required, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Land Use Permit. If an application for such permit is not approved, The Zoning Administrator shall state in writing the cause for such disapproval.
3. Issuance of a Land Use Permit shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority to grant exceptions to the actual meaning of any clause or regulation contained in this Ordinance to any person requesting a Land Use Permit except as explicitly provided in this Ordinance. The Zoning Administrator shall have no authority to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.
4. The Zoning Administrator shall not refuse to issue a Land Use Permit when the applicant has complied with all applicable conditions required by this Ordinance. Violations of contracts such as covenants, deed or plat restrictions, or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

J. The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any provision of this Ordinance and of the actions taken consequent to each complaint. Such records shall be considered a public record.

K. The Zoning Administrator shall report to the Lawrence Township Board at least quarterly providing a summary report of all permits issued, complaints of violations submitted, all appeals, variances, and exceptions granted by the ZBA and any actions taken subsequent thereto. Any closed files shall be forwarded to the Township Clerk.

Section 1402. Land Use Permits

A. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including an accessory building or to commence the moving or structural alteration of any building exceeding 120 square feet until the Zoning Administrator has issued a permit for such work a Land Use Permit including a certification that the plans, specifications, and intended use of such structure do in all respects conform to the provisions of this Ordinance.

B. It shall be unlawful to change the type of use or type of occupancy of any building, or to extend any use on a lot where there is a nonconforming use until the Zoning Administrator has issued a Land Use Permit for such use.

C. Any Land Use permit issued under the provisions of this Ordinance shall be valid for a period of twelve (12) months. Any approved project which has not commenced within the twelve (12) month period will require a reapplication and reissuance or extension of the permit.

D. When the Zoning Administrator receives an application for a Land Use Permit which requires a special land use approval, variance, Site Plan Approval, or any other type of approval, he/she shall inform the applicant.

E. Before any Land Use permit is issued, an application and fee and any required escrow fees shall be submitted and paid. The amount of fees and escrow shall be fixed by a schedule approved by the Township Board of Trustees.

Section 1403. Fee, Escrow and Expenditures

A. The Township Board shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for land use permits, appeals, special land uses, variances, site plan reviews, rezoning applications, and other matters pertaining to this Ordinance. The schedule of fees shall be available at the Township Hall and maybe amended by the Township Board.

B. All applications shall be accompanied by a filing fee established by the Township Board. The filing fee may include a deposit toward the costs of other parties retained by the Township to provide expert consultation and advice in the review of an application, including, but not limited to legal, planning, and engineering professionals. The amount of deposit shall be based on a reasonable estimate to provide such services. Any unused portion of the deposit shall be returned to the applicant after the Township has paid all of the costs of the consulting services. The Township may require the applicant to replenish the escrow account at any time to ensure a sufficient balance.

Section 1404. Performance Guarantee

A. As a condition of approval of a site plan review, special land use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.

B. The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, planned mineral removal and similar items as allowed by the Michigan Zoning Enabling Act.

C. Performance guarantees shall be processed in the following manner.

1. Prior to the issuance of a zoning permit, the applicant or the applicant's agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
2. The amount of the performance guarantee shall be not more than one hundred (125) percent of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies. In addition, performance guarantees can cover all costs associated with the reclamation of planned mineral removal projects as well as any decommissioning costs associated with utility scale alternative energy projects.
3. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
4. The Zoning Administrator shall not sign off on the issuance of a zoning permit until all final plans, development agreements, escrow fees and any required performance guarantees are provided.
5. The Zoning Administrator, upon the written request of the obligor and if allowed by this Ordinance, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
    a) When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect

all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.

6. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
7. The Zoning Administrator shall maintain a record of required performance guarantees.

Section 1405. Reapplication

No application for a Special Land Use, Site Plan Review or Variance which has been denied, in whole or in part, by either the Planning Commission or Zoning Board of Appeals may be resubmitted for a period of twelve (12) months, except on the grounds of newly discovered evidence.

Section 1406. Hearing and Notice Requirements

A. Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted, authorized, or required by this Ordinance, or under Act 110 of 2006, as amended, notice of the Public Hearing shall be given as follows:

1. The notice shall be published once, at least 15 days prior to the date of the public hearing in a newspaper of general circulation in the Township.
2. Except as provided in this Ordinance, a notice of Public Hearing shall also be mailed or personally delivered to the following persons at least fifteen (15) days prior to the date of the public hearing:
    a. The Applicant
    b. The owner/owners of the subject property.
    c. All persons to whom real property is assessed within three hundred (300) feet of the subject property, even if the 300 feet extends beyond the Township boundaries, and
    d. The occupants of all structures within three hundred (300) feet of the subject property, even if the 300 feet extends beyond the Township boundaries. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection.

B. The notice of the Public Hearing shall include the following information:

1. A description of the nature of the proposed amendment, application or request.
2. An identification of the property subject of the application or request, if applicable. The notice shall include a listing of all of the existing street addresses for the property.
3. When and where the application or request will be considered.
4. Identify when and where written comments will be received concerning the application or request.
5. The place where and the times when the proposed application, request, or amendment may be examined.

C. When a proposed rezoning involves the text of the Ordinance or includes eleven (11) or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation or an appeal of an administrative decision that does not involve a specific property, the mailing and delivery requirements of this Ordinance are not required.

D. For any Zoning Ordinance text amendment or map change, notices shall be sent to each electric, gas and pipeline utility provider, each telecommunication service provider, and each railroad operating within the Township.

E. After providing the notice required under this section and without further notice, except as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date and place of the continues public hearing.

Section 1407. Rehearing

A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or ZBA made misrepresentations concerning a material issue which were relied upon by the Planning Commission or ZBA in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission's or ZBA's findings of fact which occurred after the public hearing.
3. The Township Attorney, by written opinion, states that in the Attorney's professional opinion, the decision made by the Planning Commission or ZBA or the procedure used in the matter was clearly erroneous.

B. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing initiated by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of hearing being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 1408. Stop Work or Stop Use Order

In addition to any other rights or remedies the Township may have pursuant to this Ordinance or other applicable law, upon finding the existence of any one of the conditions listed in Paragraph A of this Section, the Zoning Administrator shall be empowered to issue stop work or stop use orders as defined herein and in accord with the terms of this section and may order a stoppage of work or a cessation of a land use.

A. A stop work or stop use order will be issued when:

1. An imminent threat to the public health, safety, or welfare exists.
2. Work is being done or has been done without a permit.
3. Work is being done beyond the scope of the issued permit.
4. Work is being done that does not match the approved plans.
5. The Zoning Administrator finds evidence of a violation of any ordinance, code, state or federal law or any other applicable law or legal requirement.
6. The Zoning Administrator finds evidence of a Permittee's failure to comply with any of the terms, conditions, and or requirements of its permit.
7. The Zoning Administrator finds evidence of a land use, other that a legal nonconforming use being conducted in violation of this Ordinance.
8. A Permittee fails to pay any fees required by this Article and/or any other applicable ordinances, codes, statutes, or laws.
9. The Zoning Administrator finds evidence that a Permittee is causing, allowing, or maintaining a nuisance as determined by the Township.

B. Procedure. In the event a stop work or stop use order is issued, the Zoning Administrator shall do the following:

1. Mail or deliver a written notice of the stop work or stop use order to the permittee at the last address furnished to the Township by the permittee, as well as the location of the site which is in violation. Notice shall include:
    a) description of the nature of the violation and the required actions to remedy the violation.
    b) Date and time of the recorded violation.
    c) statement informing the permittee that an appeal to the stop work or stop use order may be filed and a hearing with the Zoning Board of Appeals may be requested, at which time the permittee may present witnesses, evidence, information, and arguments on its behalf, and that the permittee has the right to be represented by counsel.
2. A hearing shall be scheduled no sooner than ten (10) days after the request is received by the Township from the permittee.
3. At the hearing, the permittee shall be given an opportunity to be represented by counsel and to present witnesses, evidence, information, and arguments. Other interested persons shall also be permitted to attend the hearing and may present evidence, information, and comments on the matters addressed at the hearing.
4. Following the hearing, the Zoning Board of Appeals shall make a decision to continue, modify, or dissolve the stop work or stop use order and/or revoke a permit as applicable. In the event the Zoning Board of Appeals decides to revoke a permit or to continue or modify a stope work/use order, the Zoning Board shall state its reasons for its decision on the record and shall mail or deliver written notice of its decision and reasons to the permittee.

Article 15.
Zoning Board of Appeals

Section 1500. Establishment

A Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Act, as amended, and in such a way that the objectives of this ordinance may be equitably achieved; that there shall be provided a means of competent interpretation and controlled flexibility in the application of the Ordinance; that the health, safety, and welfare of the public be secured and that substantial justice be secured.

Section 1501. Membership, Terms of Office

A. **Membership.** The Zoning Board of Appeals shall consist of five (5) members: a member of the Planning Commission, a member of the Township Board may be appointed by the Township Board, and three members appointed by the Township Board from the electors residing in the unincorporated area of the Township. The term of office of the member from the Township Board shall not exceed the term of office on the Township Board.

1. **Members may be reappointed.** An elected officer of the township shall not serve as Chairperson of the Zoning Board of Appeals. An employee or contractor of the Township may not serve as a member of the ZBA.

Section 1502. Duties and Powers

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, not make any change in the terms of intent of this Ordinance, but does have the power to act on those matters where by statute or this Ordinance provision is made for an administrative review, interpretation, variance, or exception as defined therein:

A. **Review.** The Board shall hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or refusal made by the Zoning Administrator or the Planning Commission, or by any other official in administering or enforcing any provision of this Ordinance. The allegation shall be duly made within thirty (30) days of said order, requirement, decision, or determination.

B. Interpretations

1. **Zoning Map.** Where the actual lines of streets, alleys, or properties vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, The ZBA shall have the power to interpret the Zoning Map to determine the precise boundary line between zoning districts.
2. **Zoning Ordinance Provisions.** The ZBA shall have the authority to decide requests for interpretations of the Zoning Ordinance provisions and to classify any use which is not specifically mentioned as part of the use regulations in the is Ordinance.

C. Variances. The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from the provisions of this Ordinance provided that all of the conditions set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. **Conditions.** The Board shall find the variance request meets all of the following conditions.
    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 provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
    c) The proposed and resulted need for the variance has not been self-created by the applicant.
    d) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
    e) The variance is the minimum necessary to permit a reasonable use of the land, building, or structure and does not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same district.
2. **Rules.** The following rules shall apply in the granting of variances.
    a) The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted
    b) Each variance granted under this provision of this Ordinance shall become null and void unless: The construction authorized by such variance has received a Township zoning permit within one (1) year after the granting of the variance, and the occupancy of land, premises, or buildings authorized by the variance has taken place within one year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.
    c) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of the newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the ZBA determines that said evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing notice and fee requirements of this Ordinance.

Section 1503. Meetings

Meetings of the Zoning 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.

Section 1504. Application

Applications to the Zoning Board of Appeals shall be filed with the Township, and a fee established by the Township Board of Trustees shall be paid at the time the application is submitted. Applications shall be accompanied with the following information, as applicable:

A. The applicant's name, address, telephone number, and other contact information.

B. The address, location, and tax identification number of the subject property.

C. The zoning classification of the subject parcel and all abutting parcels.

D. A Detailed Site Plan per Section 902 of this Ordinance.

E. A stamped survey of the property including all building locations and property dimensions. This requirement may be waived by the Township at any time.

F. A letter from the applicant summarizing the request and stating the reasons for the request and why a variance is necessary.

G. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

Section 1505. Public Hearing and Notice Requirements

A. **Notice.** The ZBA shall select a time and location for a hearing of the appeal and give due notice of the hearing in accordance with the requirements of PA 110 of 2006, as amended, no less than fifteen (15) days before the hearing.

B. **Fees.** The Township Board of Trustees may proscribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals. Ane fee requirements shall be paid to the Township at the time of application.

Section 1506. Stay of Proceedings Pending Appeal

An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the Zoning Administrator certifies to the ZBA, after the appeal is taken, that a stay would cause imminent peril to life or property. The ZBA or the Circuit Court may issue a restraining order to re-institute the stay on application and notice to the Zoning Administrator with due cause shown.

Section 1507. Appeal

The decision of the ZBA shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to Circuit Court. The appeal must be filed within thirty (30) days of the ZBA issuing its decision or within twenty-one (21) days of the ZBA approving the minutes of the meeting at which the decision being appealed was made.

Article 16.
Township Planning Commission

Section 1600. Scope, Purpose and Intent

This Article is adopted pursuant to the authority granted to the Township Board of Trustees under the Michigan Planning Enabling Act, Public Act 33 of 2008 and the Michigan Zoning Enabling Act, PA 110 of 2006 to establish a planning commission with the powers, duties, and limitations provided by those Acts and subject to the terms and conditions of this Article and any future amendments to this Article.

Section 1601. Membership and Operation

A. Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Planning Commission shall be in accordance with the MPEA, Act 33 of 2008, as amended, and Township Ordinances.

B. The Planning Commission is established under the MPEA and is created through an Ordinance adopted by the Township Board. The Planning Commission shall consist of 7 members, who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. The MPEA state that members must be qualified township electors, except that one member may be a qualified elector from another unit of government (MCL 125.3815) This would permit the appointment of a business owner or other individual who may not live in the Township but may have an interest in Planning and Zoning activities. One member of the Township Board shall be a member of the Planning Commission. Planning Commission members shall hold office until his/her successor is appointed. Vacancies shall be filled in the same manner as the original appointment.

C. The Planning Commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable. The representative from the Township Board is not eligible to serve as Chair. The term of each officer shall be one (1) year. The Planning Commission may appoint advisory committees outside of its membership.

1. **Annual Report.** The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

2. **Meetings.** The Planning Commission shall hold a minimum of four (4) regular meetings each year and shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt by-laws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

Section 1602. Jurisdiction

The Planning Commission shall have the powers granted to it by the Michigan Planning Enabling Act (PA 33 of 2008, as amended) and the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) as well as the powers explicitly granted to it in this Ordinance.

A. **Formulation of Zoning Ordinance and Amendments.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.

B. **Site Plan Review.** The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Article 9. As provided for in Article 8, the Planning Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.

C. **Special Land Use Review.** The Planning Commission shall be responsible for holding hearings and review of all applications for special land use reviews in accordance with Article 9, and shall either approve, approve with conditions (as described in Article 9, Section 904), or deny the special land use.

D. **Formulation of a Master Plan.** The Planning Commission shall be responsible for formulation and adoption of a Master Plan (i.e., the Lawrence Township Master Plan) as a guide for the development of the Township, in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, as amended.

E. **Capital Improvements Plan.** In accordance with Section 65(1) of PA 33 of 2008, as amended, The Planning Commission, after adoption of a Master Plan, shall annually prepare a capital improvements program of public structures and improvements.

F. **Review of Matters Referred by the Township Board: .** The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.

G. **Report on Operation of the Zoning Ordinance.** In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

Article 17.
Ordinance Amendments

Section 1700. Initiation of Amendments

The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map and Official Zoning Data Base or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map and Official Zoning Data Base may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map and Official Zoning Data Base shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

Section 1701. Application Procedure

An amendment to this Ordinance or the Official Zoning Map and Official Zoning Data Base, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to the Official Zoning Map and Official Zoning Data Base, the following information shall accompany the application form:

A. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.

C. The existing and proposed zoning district designation of the subject property;

D. A written description of how the requested rezoning meets Sec. 1704 "Criteria for Amendment of the Official Zoning Map and Official Zoning Data Base".

E. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

F. A Conditional Rezoning Agreement, if any conditions are proposed by the applicant.

Section 1702. Amendment Procedure; Public Hearing And Notice

A. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as follows, as required by P.A. 110 of 2006.

1. The notice shall describe the nature of the requested amendment, indicate the property that is the subject of the request, include a listing of all existing street addresses within the property (if any street addresses exist), when and where the proposed text or maps may be examined, identify when and where the request will be considered, and indicate when and where written comments may be submitted regarding the request. If a rezoning request involves 11 or more adjacent properties, the notice does not have to list all of the street addresses within the property.
2. Notice shall be published in a newspaper of general circulation within the Township not less than 15 days prior to the public hearing.
3. Notice shall be sent by mail or personal delivery to the owners of the property in question and all persons to whom real property is assessed within 300 feet of the property in question not less than 15 days before the date the request will be considered for approval.
4. Notice shall be sent by mail or personal delivery to the occupants of all structures within 300 feet of the property (including structures in neighboring communities if they are within 300 feet) not less than 15 days before the date the request will be considered for approval.
5. Notice for proposed amendments to the text of the Zoning Ordinance that do not relate to a specific property need not comply with items 3 and 4, above.

B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map and Official Zoning Data Base, the Planning Commission shall consider the criteria contained in Section 1704 below, in making its finding and recommendation.

C. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map and Official Zoning Data Base, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 1704 below.

Section 1703. Amendments Required to Conform to Court Decree

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.

Section 1704. Criteria for Amendment of the Official Zoning Map

In considering any petition for an amendment to the Official Zoning Map and Official Zoning Data Base, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

A. Consistency with the goals, policies and future land use map of the Lawrence Township Master Plan. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

C. Evidence the applicant reasonable use of the land cannot be provided through developing the property with any of the uses permitted under the current zoning.

D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

E. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

G. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.

H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.

I. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.

J. The requested rezoning will not create an isolated and unplanned spot zone.

K. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

L. Other factors deemed appropriate by the Planning Commission and Township Board.

Section 1705. Criteria for Amendments to Zoning Ordinance Text

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioners' request to amend the ordinance text.

A. The proposed amendment would correct an error in the Ordinance.

B. The proposed amendment would clarify the intent of the Ordinance.

C. Documentation has been provided from Township Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.

D. The proposed amendment would address changes to the state legislation.

E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

F. The proposed amendment would promote compliance with changes in other Township Ordinances and County State or federal regulations.

G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan, and enhance the overall quality of life in Lawrence Township.

Section 1706. Notice of Adoption and Effective Date

Following adoption of the proposed text or map amendment, a notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption. The approved text or map amendment shall take effect 7 days after the notice of adoption is published in the newspaper, or at a later date, if specified by the Township Board.

Article 18. Fees

Section 1800. Fees

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. Fees may also be established by the Township Board to cover the cost of Planning, Engineering, or other specialized consultants that may be necessary to review applications on behalf of the Township. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance along with any consultant fees.

Section 1801. Violations and Penalties

A. **Violation a Municipal Civil Infraction.** Any building erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is declared to be a Municipal Civil Infraction, and shall be punishable as described in this Section.

B. **Enforcement Officer.** The Township Board shall authorize one or more persons as Enforcement Officers and authorize them to issue and serve municipal civil infractions citations. The Board may authorize any person as an Enforcement Officer, except those prohibited by state law or Township Ordinance.

C. **Municipal Civil Infraction Citation.**

1. A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal infraction citation. The municipal civil infraction shall be served on the property in question. In addition, a copy of the citation shall be sent by certified mail to the property owner's last known address.
2. A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
3. The citation shall inform the alleged violator that he or she may do one of the following:
    a) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance, and pay the required fine.

b) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation, and pay the fine.

c) Deny responsibility for the municipal civil infraction by doing either of the following:

1) Appearing in person for an informal hearing before a judge or District Court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.

2) Appearing in District Court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

4. The citation shall also inform the alleged violator of all of the following:

a) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the District Court in person, by mail, by telephone or by representation within the time specified for appearance, and obtain a scheduled date and time for an appearance.

b) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the District Court in person, by mail, by telephone or by representation within the time specified for appearance, and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

c) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.

5. In additional to the municipal civil infraction citation, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

D. Warnings and Fines. The following system of warnings and fines shall apply to municipal civil infractions.

1. Upon first becoming aware of an alleged violation, the Enforcement Officer shall issue a written warning, served to the property in question. A copy of the warning shall also be mailed be certified mail to the property owner's last known address.

2. Fourteen (14) days after the issuance of the warning, if the violation has not been remedied, the Enforcement Officer shall issue a municipal civil infraction citation, including a fine that will be determined by the Township Board of Trustees.

3. Following each subsequent seven (7) day period that the violation has not been remedied, the Enforcement Officer shall issue another municipal infraction citation. The fine shall increase by an amount to be determined by the Township Board for each additional seven (7) day period that the violation has not been remedied.

4. The Enforcement Officer shall have the authority to refrain from issuing additional municipal infraction citations, upon submission to the Township of a Violation Correction Plan, which shall state the process for correcting the violation, including a date certain that the violation will be remedied. If the Violation Correction Plan is approved, no further citations shall be issued until the date listed in the approved Plan. The Enforcement Officer shall be under no obligation to approve any proposed Violation Correction Plan.

Section 1802. Remedies

A. Responsibility: The Building Inspector, the Township Board, the Planning Commission, the Zoning Board of Appeals or the Township Attorney, or any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.

B. **Scope of Remedies:** The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be paid into the Township treasury on or before the first Monday of the month next following receipt thereof by the court of jurisdiction. All fines collected shall belong to the township and shall be deposited in the general fund.