

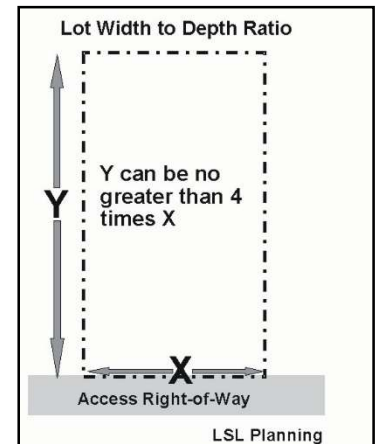


## CHAPTER 3 GENERAL PROVISIONS

AMD 4/2021 Sect. 3.39  
AMD 2/2022 Sect. 3.05, 3.24, 3.31

### SECTION 3.01 REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS

- A. No lot or lots in common ownership and no yard, parking area or other space shall be so created, divided, altered or reduced as to make the area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, the area or dimension shall not be further divided or reduced. The creation of a condominium unit, every new parcel or lot and all land divisions, lot splits or property boundary reconfigurations of platted lots and un-platted parcels of land shall fully comply with all applicable requirements of the Big Prairie Township Zoning Ordinance, the Michigan Land Division Act, and any other applicable Township ordinance.
- B. No lot or parcel shall be created which is greater than four (4) times deeper in length than its width at the street frontage (see graphic). The measurement of the maximum lot depth-to-width requirement shall be made from the point where the lot has frontage on a street to the portion of the lot which is located farthest away from the street (as measured within the lot). The Planning Commission may allow the creation of a lot or parcel which does not comply with the lot depth-to-width maximum requirements of this section if a special land use is approved. In determining whether to grant this approval, the Planning Commission shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of the lot will not conflict with other Township ordinances and regulations.
- C. The division of a lot into two (2) or more lots or parcels (as well as the alteration of lot lines) shall require the approval of the Township Board or such other body or Township official as is designated by the Township Board. No platted land shall be partitioned, split, or divided, nor shall any platted lot boundary lines be altered, without prior approval by the Township Board. The Township Board or its designee shall not approve the division of land or alteration of lot lines unless it determines that the proposed division or alteration complies with the requirements of this Ordinance, the Land Division Act and all other applicable Township ordinances. The review for local compliance shall include, but not be limited to, the following:
1. lot area and dimensions
  2. frontage
  3. lot depth-to-width ratio
  4. access
  5. where the parcel to be divided has existing structures the resultant split shall not create an unlawful nonconformity in terms of lot coverage, setbacks or access.



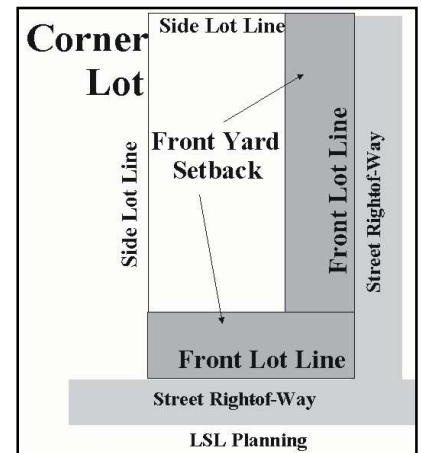
- D. Lot areas shall not include land located within a private street easement or a street right-of-way for the purposes of computing minimum lot size or densities. Lots with land submerged for more than six (6) months during any twelve (12) month period shall not be permitted to include such lands in the calculation of required lot size, dimension or density.
- E. Lots with frontage on a lake or river are treated differently for setback and yard purposes. Please see the applicable regulations contained in this Ordinance.

**SECTION 3.02 HEIGHT EXCEPTIONS**

The following structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers (with special use approval), grain elevators, silos, stacks, elevated water towers (with special use approval), stage towers, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generators (with special use approval), essential public service towers and poles (with special use approval), and wireless telecommunications towers that do not exceed seventy five (75) feet in height.

**SECTION 3.03 PRINCIPAL USE**

- A. Except as noted in subsection B, below, no lot or parcel of land shall contain more than (1) main building or one (1) principal use.
- B. Land and buildings for multiple family dwellings, shopping areas, and other similar developments may be considered a principal use collectively by the Zoning Administrator if the following conditions are met:
  - 1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
  - 2. All uses, if not the same, shall be similar in function and/or operation.
- C. If a part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other non-residential use, the part thereof used for residence purposes shall comply with all applicable requirements of the underlying District, if a Residential District, and the requirements of the R-2 District if a non-residential District.



**SECTION 3.04 STREET ACCESS AND FRONTAGE**

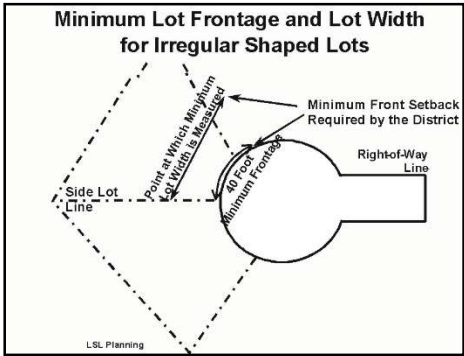
Every lot shall have frontage on an improved public street or approved private street equal to or greater than the minimum lot width requirement of the District within which the lot is located.

**SECTION 3.05 BASIS OF DETERMINING REQUIREMENTS**

- A. The front yard setback line shall be measured from the right-of-way line or easement line abutting a street, to the structure.
- B. Side yard setbacks shall be measured to the structure, including the eaves of the building.
- C. The front lot line of a corner lot shall be the shorter of the two lot lines. Where the lot lines are of equal length, and/or the front lot line is not evident, then the Zoning Administrator shall determine the front lot line. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.
- D. On waterfront lots, the front yard shall be considered as the portion of the lot facing the waterfront, measured at the ordinary high-water mark. All front yard requirements for accessory buildings, parking, dish antenna and other applicable provisions shall also be met and measured from the ordinary high-water mark. A waterfront lot shall not be considered a through lot. On waterfront lots, the rear yard shall be considered as that portion of the lot fronting on the public street or lawful private street. On corner and through lots, the front yard requirements shall apply on both streets.
- E. A deck shall be considered part of a building and shall meet the setback requirements unless expressly permitted otherwise elsewhere in this Ordinance.
- F. A deck shall be considered part of a building and shall meet the setback requirements unless expressly permitted otherwise elsewhere in this Ordinance.

**SECTION 3.06 MINIMUM LOT WIDTH; FRONTAGE**

- A. The minimum lot width required in each District shall be maintained across the entire length/depth of the lot or parcel, except as provided in subsection B, below.
- B. All lots shall have frontage on a public street or on a lawful private street for a distance equal to or greater than the minimum lot width specified for the District in which the lot or parcel of land is located. Lots abutting a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than forty (40) feet of such frontage), provided, however, that a special land use is obtained and further provided that the lot width at the front setback line (or the rear setback line in the case of waterfront lots), and beyond shall satisfy the minimum lot width requirement of the District in which the lot or parcel of land is located.
- C. For all lots or parcels abutting or having frontage on a lake, river, or stream, each lot or parcel shall have frontage on the lake, river, or stream, as measured at the ordinary high-water mark, equal to or greater than the minimum lot width requirement of the District within which the property is located.



- D. For the purposes of this Section, the measurement of lot width and frontage shall exclude all street or road rights-of-way or easements.

**SECTION 3.07 PROJECTIONS INTO YARDS**

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
  - 1. may project a maximum of four (4) feet into a front or rear yard setback area; and
  - 2. shall not project into the side yard setback.
- B. Unless otherwise specified in this Ordinance, a roof overhang may extend into a required yard a maximum of eighteen (18) inches (1.5 feet).
- C. Except for those lots in the Waterfront Residential (WR) District or for any lot with frontage on a lake, stream, or river, the following requirements apply to porches, terraces, decks, balconies, window awnings and similar structures which are open on all sides, unenclosed and uncovered.
  - 1. The features may project a maximum of ten (10) feet into a front yard setback area;
  - 2. may project a maximum of fifteen (15) feet into a rear yard setback area;
  - 3. shall not project into a side yard setback area; and
  - 4. shall not be placed closer than ten (10) feet to any front or rear lot line.
  - 5. If the structures are permanently enclosed on any side or covered in any manner, they shall be considered part of the main building and shall meet the setback requirements of the main building.

The above setback encroachments shall not apply where a lot is lawfully nonconforming in size, width, area, or dimension, and the full setback requirements shall apply.

- D. In the Waterfront Residential (WR) District or for any lot with frontage on a lake river or stream, porches, terraces, decks, balconies window awnings, and similar structures which are open on all sides, unenclosed and uncovered shall not project into the required setback from the break of the bank, or the required setback from the ordinary high water mark if no break of the bank exists. A window awning may project no further than five (5) feet into a required front or rear yard and shall not project into a required side yard.

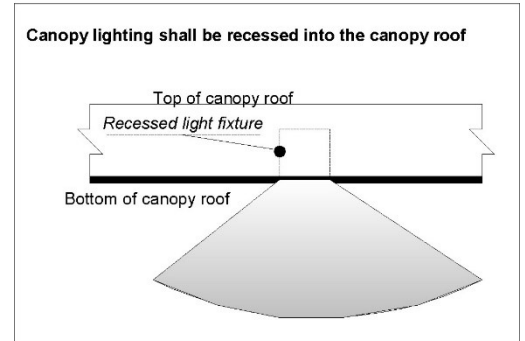
**SECTION 3.08 FLOOR AREAS AND GRADE LEVEL**

No building or structure intended for human use or habitation shall be constructed on land which is subject to flooding or on land where a minimum of one (1) foot between finished grade level and flood level cannot be maintained. Filling to bring to grade level is not permitted.

**SECTION 3.09      ACCESSORY BUILDINGS, STRUCTURES, AND USES**

- A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of those buildings and must conform to all regulations of this Ordinance applicable to main buildings.
- B. No manufactured home, tank, junk object or salvage materials, trailer, vehicle, or similar item shall be considered or utilized as an accessory building or storage structure.
- C. Canopy roofs for lawful commercial uses such as those for gas pump islands accessory to vehicle service stations, banks, and other similar uses shall be permitted to encroach into required yards, provided that:

- 1. A minimum setback of twenty (20) feet is maintained from any side or rear property line.
- 2. A minimum of fifty (50) feet is maintained from any front property line.
- 3. The height of the canopy roof shall not exceed fourteen (14) feet and shall be open on all sides.
- 4. The colors and design of the canopy shall be compatible with the main building.
- 5. Lighting on or within the canopy shall be flush mounted (see graphic).
- 6. Signs shall comply with the wall sign provisions of Chapter 16 of this Ordinance.



- D. Accessory buildings shall not be located in any required front yard. Each accessory building shall meet all setback requirements applicable to the main building except where otherwise expressly provided for in this Ordinance.
- E. No accessory building or use shall be permitted on any lot which does not contain a principle building use, unless it is part of a combined parcel.
- F. No part of an accessory building shall be used as a dwelling for residential purposes.
- G. Detached accessory buildings and mechanical appurtenances shall be located:
  - 1. A minimum of ten (10) feet from any main building;
  - 2. For buildings of less than nine hundred and sixty (960) square feet gross floor area (GFA): a minimum of ten (10) feet to any side or rear lot line; for buildings equal to or greater than nine hundred and sixty (960) square feet GFA: a minimum of ten (10) feet to any side or rear lot line.
  - 3. For any waterfront lot, one accessory building may be constructed within the required setback from the break in the bank or the ordinary high water mark, provided that it is no larger than twenty-four (24) square feet in area and eight (8) feet in height, which shall be counted toward the total number and square

footage allowed for all accessory buildings on the lot involved. Other accessory buildings or structures shall otherwise comply with all of the requirements of the underlying District.

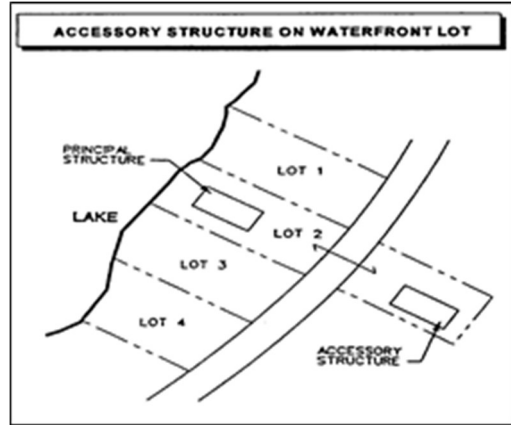
4. For any waterfront lot, where a portion of a lot is across a street right-of-way from that portion of the lot upon which the principal structure is located, an accessory building or structure may be constructed on that portion of the unoccupied lot across the street right-of-way, provided however, said lots shall be permanently combined under one (1) legal description and ownership and described and recorded as such. No such property shall be so combined and no accessory building shall be so built until the arrangement is approved in writing by the Zoning Administrator and any document to be recorded with the county register of deeds records combining the lots or properties has been reviewed and approved by the Township as to form and content. An accessory building so located shall meet the requirements of a principal building pursuant to setbacks from the road and side and rear lot lines.
5. In the R-2 District where a portion of a lot is within five hundred (500) feet from the lot upon which the principal structure is located, an accessory building or structure may be constructed on that portion of the unoccupied lot, provided, however, said lot shall be permanently bound together under one (1) legal description and described and recorded as such or where parcels cannot be combined under one (1) description said parcels shall have a Deed Restriction/Restrictive Covenant so that they must be sold together as one unit. An accessory building so located shall meet the requirements of a principle building pursuant to setbacks from the road, side and rear lot lines.

H. Maximum Floor Area:

1. In the AR, R2 and RR Districts, accessory buildings sizes for residential uses are limited based on lot size following:
  - a. Less than two (2) acres: nine hundred sixty (960) square feet;
  - b. Two (2) to five (5) acres: one thousand two hundred (1,200) square feet; and
  - c. More than five (5) acres: Thirty-eight hundred (3800) square feet.
2. Maximum floor area for accessory buildings shall not apply to:
  - a. Buildings accessory to agricultural operations in the AR or RR Districts;
  - b. Multiple-family developments with site plan approval;
  - c. Mobile home park community centers with site plan approval;
  - d. Lawful uses in non-residential zoning districts.
3. The maximum floor area of all accessory buildings, excluding attached garages, which are accessory to primary non-residential uses, shall be subject to the

following square footage requirements based on sizes within the WR Zoning District:

- a. Less than two (2) acres: nine hundred and sixty (960) square feet,
- b. Two (2) to five (5) acres: One thousand two hundred (1,200) square feet,
- c. More than five (5) acres: One thousand five hundred (1,500) square feet.



4. One (1) freestanding accessory building of 120 square feet is permitted in addition to accessory buildings permitted in this Ordinance, provided there is no attached accessory building on the lot.

I. Except for accessory structures associated with agricultural operations:

- 1. Accessory structures of fewer than 1,200 square feet shall not exceed fourteen (14) feet in height.
- 2. Accessory structures of over 1,200 square feet shall not be over twenty (20) feet in height.

J. Number of Accessory Buildings permitted:

PARCEL SIZE	NUMBER OF ACCESSORY BUILDINGS
Less than 2 Acres	1
2 - 5 Acres	2
5 + Acres	3

K. Any accessory building with an area greater than 120 square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building and other similar codes for such a structure. The architectural character of all such buildings (excluding buildings accessory to agricultural operations in the AR or RR districts) shall be compatible with and similar to the principal building with respect to materials, scale, design, and aesthetic quality, as determined by the Zoning Administrator.

L. The total area of all accessory buildings shall not occupy more than thirty percent (30%) of the required lot.

M. The combined square footage of all Accessory Buildings shall not exceed the size or height, as defined in Section 3.09 - H.



**SECTION 3.10 DISH ANTENNA**

- A. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential Districts.
- B. A dish antenna may be mounted on the roof of a main building or accessory building provided it shall not exceed a height of five (5) feet above the roofline of the building, including the mounting structure.
- C. Dish antennas are permitted in all Districts upon approval of the Zoning Administrator, provided the setback requirements of Section 3.09 for detached accessory buildings are maintained and the following conditions satisfied:
  - 1. The antenna shall be permanently anchored to a foundation.
  - 2. No portion of the antenna shall conduct or display any advertising, message, or other graphic representative other than the manufacturer's name.
  - 3. No dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.
  - 4. No dish antenna shall be located in the required front yard or within thirty (30) feet of the ordinary high-water mark.
- D. If the antenna is to be located in the side yard, or in the rear yard on the street side of the lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.

**SECTION 3.11 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS**

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings placed in the township, whether constructed on a lot or a manufactured home (located outside of an approved manufactured housing community). Construction, use and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be:
  - 1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
  - 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.

3. Proof of certification shall be provided to the Zoning Administrator prior to issuance of zoning compliance permits.
- B. The dwelling unit and all additions to existing dwellings shall comply with all applicable building, electrical, plumbing, fire, energy, health, sanitation and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township.
- E. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
- F. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- G. The foregoing standards shall not apply to a manufactured home located in a manufactured housing community licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Chapter 9 of this Ordinance except to the extent required by state or federal law.
- H. All dwelling units located outside of approved manufactured home parks shall comply with all of the following:
  1. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7 ½) feet.
  2. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty-four (24) feet at time of manufacture, placement or construction.
  3. Any dwelling unit shall have a minimum finished living area at or above finished grade of at least 960 square feet. Finished basements with or without egress shall not be included in minimum square footage measurements.
  4. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential or more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
  5. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.

- a. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling.
  - b. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within five hundred (500) feet of the subject dwelling.
- 6. All roofs shall have at least a 3:12 pitch.
- I. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.
- J. Prior to issuance of a building permit or zoning compliance permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a manufactured home, adequate evidence must be submitted to the Township to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- K. All dwellings shall meet the requirements of the construction code adopted by the Township and the Michigan Construction Code for snow loading.
- L. The following shall be applicable with regard to dwellings located outside of approved manufactured home parks:
  - 1. Notwithstanding the minimum size and width requirements for a dwelling specified in subsection 3.11(H) hereof, if a dwelling (whether a mobile home or otherwise exists on a lot and such dwelling is lawfully nonconforming because it does not meet the minimum size and/or width requirements specified in subsection 3.11 (H), the Planning Commission may approve (as a special land use) the replacement of the existing lawful nonconforming dwelling with a new or newer dwelling if it determines that all of the following requirements are met:
    - a. The replacement dwelling must be newer and in better condition than the dwelling to be replaced.
    - b. The replacement dwelling must be at least as wide as the dwelling to be replaced (with width including any additions attached to the dwelling to be replaced.) In no event shall the replacement dwelling be less than sixteen (16) feet wide as measured across any front, rear, or side elevation at the time of manufacture, placement, or construction.
    - c. The replacement dwelling must have a usable floorspace at least as large as the dwelling to be replaced or nine hundred sixty (960) square feet (finished at or above grade), whichever is greater.

- d. All required setbacks must be met with regard to the installation of the replacement dwelling (except as otherwise provided in subsection 3.11(L)(3)).
  - e. The replacement dwelling must be safe and in reasonable condition and repair and meet all Code requirements.
  - f. The dwelling to be replaced must be entirely removed from the lot (and properly disposed of offsite) within thirty (30) days of the date that when the replacement dwelling is brought on to the lot or the replacement dwelling is inhabited, whichever occurs first.
  - g. The replacement dwelling must contain (intact) the HUD approval sticker if it is a mobile home.
  - h. In addition to the standards and requirements specified in the subsection 3.11(L), the general special land use standards contained in Section 14.03, and the site plan approval standards specified in Section 13.06, the Planning Commission shall also consider the following standards when reviewing a special land use approval hereunder:
    - (A) Whether the installation and use of the replacement dwelling would promote the goals and purposes of the Zoning Ordinance and the Master Plan.
    - (B) Whether the replacement dwelling is in significantly better condition and repair than the dwelling being replaced.
    - (C) Whether there are safety features or safeguards in the replacement dwelling which were not present in the dwelling to be replaced.
2. Subsection 3.11(L)(1), above, shall also apply when the land-owner proposes replacing an existing lawful nonconforming dwelling (which is of substandard size) destroyed by fire, tornado, or other calamity. Where subsections 3.11(L) (1), (2), or (3) hereof refer to the condition of the dwelling to be replaced, that shall mean the condition of the dwelling prior to its destruction or damage by fire, tornado, or other calamity.
  3. If a special land use is approved by the Planning Commission pursuant to subsection 3.11(L)(1), the replacement dwelling shall meet all required setbacks that are feasible pursuant to the terrain and conditions involved. If the replacement dwelling cannot meet all setback requirements of this Zoning Ordinance, pursuant to the special land use review and approval process, the Planning Commission can allow the replacement dwelling to be installed on the same footprint or in roughly the same place as the dwelling to be replaced, but in no event shall the setbacks be less than 50% of those required by the Zoning Ordinances for a new dwelling within the zoning district involved.

**SECTION 3.12      TEMPORARY USES OR BUILDINGS REQUIRING ZONING ADMINISTRATOR AUTHORIZATION**

- A. Pursuant to an application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for the building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose. Additional extensions must be granted by the Zoning Administrator only after consideration of the standards of this Section. The Zoning Administrator may attach reasonable conditions to the issuance of any such permit.
1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
  2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
  3. Outdoor Christmas Tree/Fireworks Sales: The outdoor display and sale of Christmas trees and fireworks is permitted outside residential zoning districts. The display and sale of trees or fireworks on an open lot shall be allowed for a period not to exceed forty-five (45) days. No fresh cut tree sales shall be conducted from within a building. All unsold trees must be removed from the property by December 31<sup>st</sup> of each calendar year. All unsold fireworks must be removed from the property by July 10<sup>th</sup> of each calendar year. Outdoor fireworks sales will be conducted pursuant to the Fire Code.
  4. Where a landowner desires to temporarily live in an existing dwelling while a new dwelling is being built or rebuilt after a fire, flood, or other calamity on the same lot.
- B. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties. The use or structure is reasonably necessary for the convenience and safety of the construction proposed.
  2. The use or structure does not adversely affect the character of the surrounding neighborhood.
  3. Access to the use area or structure is located at a safe location with relation to surrounding properties, natural features, and adjacent streets.
- C. The property owner shall, prior to the installation of the temporary dwelling or item, file with the Township a cash deposit, irrevocable letter of credit or bond approved by the Township in an amount sufficient to cover the costs of having the Township remove the

temporary dwelling or item if the property owner fails to comply with all ordinance requirements and attached conditions. Such security shall include, but not be limited to, the Township's costs and attorney fees. Furthermore, the property owner shall sign any agreement that the Township deems appropriate prior to the permit for a temporary dwelling or item being issued.

- D. All temporary dwellings, buildings and uses shall be removed from the premises following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

### **SECTION 3.13        FENCES**

- A. Fences shall not be constructed within any public right-of-way or private street easement.
- B. No fence shall contain any electrification unless determined by the Zoning Administrator to be necessary for agricultural purposes or for security in a Nonresidential District, or for the protection of public utility buildings or improvements. Bona Fide agricultural operations in compliance with GAAMPS and the keeping of animals in compliance with this ordinance shall be exempt from this section.
- C. Fences shall not exceed six (6) feet in height, measured from the surface grade to the uppermost portion of the fence; however, a fence in the AR District that is for the enclosure of animals may be erected to a height of eight (8) feet.
- D. Fences erected within the required front yard in any district shall not exceed four (4) feet in height. Fences within the front yard shall be of a type which is not more than twenty-five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. However, a fence in the AR District within the front yard on a lot or parcel that does not contain a residential use and serves as an animal enclosure may be erected to a height of eight (8) feet.
- E. Fences in Residential Districts or enclosing residential uses shall be erected with the finished side facing outward. Such fences shall not contain barbed wire, except that fences in the AR District and the Non-Residential Districts which enclose animal pens, storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground.
- F. Fences in the WR District or on a waterfront lot erected between the main building and break in the bank or shoreline shall not exceed four (4) feet in height. Fences within such setback shall be of a type which is not more than twenty-five percent (25%) solid, so as to not obscure vision at the property line of the lot or parcel which it is placed.
- G. The total height of fences in any Nonresidential District shall not exceed eight (8) feet.
- H. Fences shall be erected or maintained in any District in such a way as to not obstruct the vision of vehicle drivers within the clear vision area as required by Section 3.17.
- I. Fences shall be set back a minimum of two (2) feet from a sidewalk.

- J. Fences shall be maintained in good repair and condition at all times.
- K. A fence for a nonresidential use may exceed a height of eight (8) feet only if approved as a special land use.
- L. A fence in a Residential District, (RR, R2, WR) may exceed six (6) feet only if approved as a Special Land Use

**SECTION 3.14 SWIMMING POOLS**

- A. Any pool over (24) inches deep and with a surface area of more than two hundred and fifty (250) square feet shall not be constructed, installed, enlarged or altered until a building permit has been obtained and shall comply with the requirements of this section.
- B. The outside edge of the pool wall and/or the deck and any other appurtenances shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the required front yard.
- C. Each pool shall be enclosed by a minimum four (4) foot high stockade fence, wall, or other structure or device, sufficient to make the pool inaccessible to small children. This enclosure, including gates shall not be less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made reasonably inaccessible from the outside to small children.
- D. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

**SECTION 3.15 GREENBELTS AND LANDSCAPING**

- A. In order to provide protective screening for Residential Districts or uses adjacent or near Non-Residential Districts or uses, the Planning Commission may require a landscaped greenbelt to be installed on the Nonresidential District or use property.
- B. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings and trees and plants required as part of the greenbelt shall be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plant materials shall be promptly replaced.

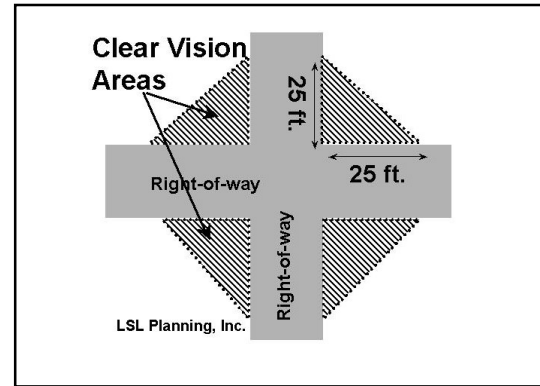
**SECTION 3.16 INSTALLATION OF LANDSCAPING**

- A. Any site on which a use permitted by this Ordinance is established shall install a lawn or other type of living ground cover for land areas disturbed as a result of construction and not covered by impervious surfaces within six (6) months after a certificate of occupancy is issued. A performance guarantee may be required by the Township to ensure that landscaping is installed within the six (6) month period. No landscape materials other than lawn and street trees approved by the Newaygo County Road Commission shall be planted within any public road right-of-way.

- B. The owner of the land on which landscaping or buffers have been required by this Ordinance or by action of the Township pursuant an approval granted by this Ordinance or other Township ordinances shall initially plant the landscaping and/or buffer and shall, thereafter, perform all necessary maintenance and replacement for the landscaping and/or buffer. All trees or other landscape material required or used as part of the landscaping and/or buffer which is lost, dies, or is seriously damaged for any reason shall be replaced not later than the following planting season with equivalent landscape material.

**SECTION 3.17 CLEAR VISION**

- A. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. The unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.



- B. No vegetation shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from of vehicles entering or leaving the site from driveways or adjacent roadways. No fences over four (4) feet in height shall be permitted adjacent a driveway where visibility may be impaired at the street.

**SECTION 3.18 ESSENTIAL SERVICES**

The erection, use, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this is to exempt actions regarding essential services from the application of this Ordinance, notwithstanding the following exceptions:

- A. Electrical substations, gas/oil well equipment, and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials, except through securable gates.
- B. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
- C. Public utility facilities in any District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and conform to the general character of the architecture of the surrounding neighborhood.

**SECTION 3.19 ILLEGAL DWELLINGS**

- A. Any unfinished basement or finished basement without a direct outside access shall not be considered as living area, for the calculation of required living area of a dwelling. Any dwelling without a full floor above grade shall be considered a basement dwelling.



- B. No building, structure, or recreational equipment intended for human use or habitation shall be constructed or occupied unless it meets the minimum requirements of this Ordinance, the Newaygo County Health Department, and the adopted Building Code of Big Prairie Township, except as otherwise permitted in this Ordinance.

**SECTION 3.20 RAZING AND MOVING BUILDING**

- A. No building shall be razed or demolished until a zoning compliance permit has been obtained from the Zoning Administrator which shall be authorized to require a performance bond or other cash security. The bond or security shall be conditioned on the applicant completing the razing or demolition within such reasonable period as shall be prescribed in the permit and complying with such regulations and conditions as to health and safety as the Zoning Administrator may prescribe, including filling of excavations, capping of wells, closure of the septic system, proper termination of utility connections, and other applicable codes.
- B. No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a Zoning Compliance Permit is issued by the Zoning Administrator. All such buildings shall meet the requirements of this Ordinance and the construction code as adopted by the Township and the landowner obtains such permits as may otherwise be required. The Township may require the posting of a bond or other cash security.

**SECTION 3.21 EXCAVATIONS, HOLES, OR PONDS**

- A. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued by the Zoning Administrator where such excavations are properly protected and warning signs posted in such a manner as approved by the Zoning Administrator; and provided further, that this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other bodies of water created or existing by authority of governmental units or agencies.
- B. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

**SECTION 3.22 PONDS**

- A. No person shall create or enlarge a pond or lake (whether by excavation, dam or otherwise) without first making application for and receiving a zoning compliance permit approving the specific plans for a pond or lake.
- B. Proposed ponds or lakes of less than one (1) acre in size shall be reviewed and approved by the Zoning Administrator and shall require a site plan.
- C. Ponds (or artificial lakes) in excess of one (1) acre shall be reviewed and approved by the Planning Commission under the site plan review process.

- D. Applications for ponds or lakes larger than five (5) acres and/or ponds or lakes which are located within 500 feet of a lake, river, stream, or open county drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, applies to the proposal.
- E. Plans for ponds or lakes shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond or lake (such as stream impoundment, surface water runoff, springs, and wells) and method of water discharge; the method of filtration and treatment of the water, if required.
- F. The slopes of the banks or sides of the pond or lake shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond to a depth of three (3) feet.
- G. No pond or lake shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
- H. No pond or lake shall be constructed, installed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- I. Ponds or lakes on parcels less than 20 acres in size may be required to be fenced by a minimum of a four (4) foot fence, and may be required to maintain one or more safety stations in compliance with the following:
  - 1. U.S. Coast Guard approved ring buoys securely connected to forty (40) feet of rope mounted on posts located at 500 foot intervals around the perimeter of the pond.
  - 2. A twelve (12) foot long pole shall be attached to one safety station.
- J. No pond or lake shall be used or maintained unless adequate public health measures are periodically taken to ensure that the existence and/or use thereof will not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.
- K. The discharge pipe from any pond or lake without a direct outlet to an established drain shall not exceed two (2) inches in diameter. The discharge pipe shall be constructed with galvanized iron or such other standard and durable material as may be approved by the Building Official.
- L. No pond or lake shall be wholly or partially emptied in any manner that will cause water to flow upon adjacent properties.

### **SECTION 3.23      OUTDOOR FURNACES**

All outdoor furnaces shall be subject to the following regulations and requirements:

- A. Minimum lot size shall be one (1) acre.

- B. Outdoor furnaces shall not be placed less than forty (40) feet from an adjacent property line.
- C. Outdoor furnace installation requires a zoning compliance permit and shall also comply with the State Mechanical Code and other applicable codes or regulations.

**SECTION 3.24 EXTERIOR LIGHTING**

The following lighting standards shall apply to all uses requiring site plan review:

- A. Off-street parking areas shall be adequately lit to ensure security and safety.
- B. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
- C. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
- D. Site lighting fixtures shall be limited to thirty (30) feet in height.

The following lighting standards shall apply to Residential Exterior Lighting:

- A. Residential Door Entry Lighting on any premises, regardless of the District, shall be arranged so that such lighting does not produce any glare which is a nuisance or hazard to residents or occupants of adjoining premises or to the traveling public or public roadways.
- B. The Planning Committee recommends that all such Door Entry light intensity be no greater than seventy-five (75) Watts or three hundred (300) Lumens, however, the Zoning Administrator will determine the correct light intensity if the need arises due to lighting intensity overflow at the property line.
- C. Downward facing Metal Halide pole fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent "sky glow". Lighting fixtures shall be limited to twenty (20) feet in height.

**SECTION 3.25 HOME OCCUPATIONS**

- A. No person other than the resident occupants and one (1) employee who need not be a resident shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the dwelling, but shall not, in any case, exceed a total floor area equal to not more than twenty percent (20%) of the ground floor area of the dwelling unit.

- C. There shall be no change in the outside appearance of the dwelling or premises, or other external visible evidence of the conduct of such home occupation.
- D. Any traffic generated by the home occupation shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall be located off the street and other than in a front yard setback area.
- E. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- F. In addition to the requirements of paragraphs A-E, medical marijuana caregiver operations must comply with the following requirements:
  - 1. Medical marijuana caregiver operations are prohibited in multifamily dwellings.
  - 2. A medical marijuana caregiver operation must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marijuana or other odor related to the operation of the medical marijuana caregiver operation outside of the dwelling containing the medical marijuana caregiver operations.
  - 3. Any detectable odor of marijuana or any other odor related to the operation of the medical marijuana caregiver operation outside of the dwelling containing the medical marijuana caregiver operation is prohibited.
  - 4. All marijuana cultivation must take place inside of the dwelling unit.
  - 5. No light used for the cultivation of marijuana may be visible from outside the dwelling unit in which the cultivation takes place.

### **SECTION 3.26 KEEPING OF ANIMALS**

- A. One (1) head of livestock may be permitted on a lot with a minimum of two (2) acres. For every animal thereafter, an additional one-half (1/2) acre shall be provided unless the property owner can demonstrate compliance with Generally Accepted Agricultural and Management Practices (GAAMPS) adopted by the Michigan Department of Agriculture. GAAMPS compliance must be demonstrated by the property owner housing the animals.
- B. Where livestock are kept or allowed outside, a fence of adequate construction to keep all animals from leaving the premises shall be provided and properly maintained.
- C. Fenced animal paddock areas shall be a minimum of fifty (50) feet from any property line and one hundred (100) feet from any neighboring dwelling.
- D. Animal waste shall be managed so as not to be a hazard to health or a nuisance to neighbors.

**SECTION 3.27 PRIVATE STREETS**

- A. Purpose: The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that private streets:
  - 1. Will not be detrimental to the public health, safety, or general welfare;
  - 2. Will not adversely affect the long-term development policies of Big Prairie Township;
  - 3. Will be designed and constructed with width, surface, and grade to assure the safe and unimpeded route of travel of private vehicles, police, fire, ambulance, and other safety vehicles;
  - 4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the township;
  - 5. Will be properly maintained.
  
- B. Definitions: For the purposes of this Section, the following definitions shall apply:
  - 1. “Driveway” means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides a means of access to no more than two lots or parcels.
  - 2. “Frontage” means the continuous linear distance of that portion of a lot or parcel abutting upon a public or private street right-of-way.
  - 3. “Parcel” means a tract of land which can be legally described with certainty and is capable of being located by survey.
  - 4. “Safe and unimpeded route of travel” shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.
  
- C. Frontage and Access:
  - 1. Any two (2) or more contiguous lots not having frontage on a public street equal to or greater than the required minimum lot width shall have frontage upon a private street.
  - 2. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for a lot in the District in which the parcel is located.
  - 3. All private streets shall have direct access to a public street.
  
- D. Permits:

1. No individual, association, corporation, or entity, either public or private, shall construct or extend a private street after the effective date of this Ordinance without first having obtained a special land use approval and a private street permit from the Township. In addition to the general special land use standards, the Planning Commission shall also consider the following review standards:
  - a. Whether the private road meets the requirements of this Section, including the assurances of Section 19.06.
  - b. Whether the private street is reasonably necessary to be private, or if it would be in the best interest of the Township for the road to be a public road.
  - c. Whether the use of such private street has the potential to create conditions which may be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations.
2. The Building Inspector shall not issue a building permit for construction of any building or structure on lots served by a private street until construction of a private street meeting the requirements of this Ordinance has been completed and inspected.
3. The Zoning Administrator or his/her designee shall have the right to enter upon the property where the private street is, or will be, located to conduct inspections as may be necessary to enforce this Ordinance.
4. A permit for access to any public street shall be obtained from the Newaygo County Road Commission, Michigan Department of Transportation, or other approving authority, as required.
5. A Soil Erosion and Sedimentation Control permit shall be obtained from the appropriate Newaygo County administrative office, as may be required by Part 91 of the Natural Resources and Environmental Protection Act, Public Act 451 (1994), as amended.
6. All other required State of Michigan permits shall be obtained.
7. The Planning Commission may elect to have all design and construction plans reviewed by the Township's attorney, engineer, or planner prior to consideration of the application for the private street permit.

E. Application:

An application for a private street permit shall contain the following:

1. A completed private street permit application and a special land use application, provided by the Township.
2. The name(s) of the owner(s) and any other parties having any legal interest in the private street and the property across which it is to be constructed.

3. A detailed written description of the development to be served by the private street.
4. Sufficient copies of a site plan which comply with the requirements of Chapter 13.
5. Proposed street names, including a letter from the Newaygo County Road Commission approving the name(s).
6. A survey of the right-of-way by a registered land surveyor, together with lot dimensions, frontage and required setback lines for each parcel to be served by the private street.
7. The location of all public utility easements, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting easements shall be submitted with the application.
8. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
9. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.
10. A proposed maintenance agreement, as defined in this Section.

F. Design Requirements: A private street shall be located within a private street easement. The easement shall have a minimum width as prescribed in this Section. At a dead-end of such easement, the easement shall widen such that there is a minimum radius of sixty (60) feet for a residential use and seventy-five (75) feet for a nonresidential use.

1. A private street shall connect to a public road. The location, angle, elevation and approach of the connection shall be approved by the Newaygo County Road Commission.
2. A private street (or more than one private street which form a connected private street system) shall not contain more than two thousand (2,000) lineal feet of roadway unless the private street or private street system provides a second means of ingress and egress to a public road which meets the standards of this Ordinance. The measurement shall be made from the point where the private street abuts the public road right-of-way and shall be made along the centerline of the private roadway to the center of the turnaround radius for each portion or segment of the private street.
3. The plans for road construction must be approved by the Township Fire Chief, Engineer, and Planner. A private street shall also meet the following minimum requirements:

<b>Lots Served</b>	<b>1 - 2</b>	<b>3 - 6</b>	<b>over 6</b>
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<b>Right of Way (ROW) or easement width</b>	66ft.	66ft.	66ft.
<b>Width of traveled surface (centered within ROW)</b>	12ft.	22ft.	22ft.
<b>Grade width</b>	20ft.	30ft.	30ft.
<b>Subbase</b>	6 inches of 95% compacted MDOT Class II granular material, to extend full width across grade	12 inches of 95% compacted MDOT Class II granular material, to extend full width across grade	12 inches of 95% compacted MDOT Class II granular material, to extend full width across grade
<b>Base</b>	Minimum, 4 inches of 98% compacted MDOT 22A aggregate	Minimum, 4 inches of 98% compacted MDOT 22A aggregate	6 inches of 98% compacted MDOT 22A aggregate
<b>Surface</b>	Base shall serve as surface	Base shall serve as surface	Bituminous mixture No. 13A, 2 ½ inches thick, 275 #/yd
<b>Shoulder width</b>	2ft. each side	4ft. each side	4ft. each side
<b>Maximum length</b>	2,000ft.	2,000ft.	2,000ft.
<b>Maximum grade</b>	7%	7%	7%
<b>Minimum drainage slope from center of traveled surface to edge of grade width</b>	5%	5%	2.5%

4. The layout of a private street and the intersections of a private street with either public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer.
5. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than three-hundred (300) feet, as measured along the right-of-way line thereof.
6. The private street shall be constructed with stormwater runoff, culverts, and drainage contours as is required by the Township to ensure adequate drainage and runoff.
7. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any other agency having jurisdiction thereof.
8. The private street shall be given a name and street signs shall be installed in accordance with the standards and approval of the Newaygo County Road Commission prior to the issuance of any building permits for structures to be served by the private street.



9. The private street addresses shall be posted in a conspicuous place at the entrance to the private street (at the intersection with the public road) in letters at least three (3) inches high. Private streets shall have a standard stop sign where the private street abuts the public road.
  10. Upon completion of construction of the private street, the applicant(s)/owner(s) shall remove and properly dispose of, any and all trees, shrubs, construction debris, and rubbish.
- G. Existing private streets: A private street existing on the effective date of this Ordinance may continue in existence and be maintained and used, although it may not comply with the provisions of this Section. An existing private street shall not be expanded (or new lots or parcels be created thereon) except in compliance with this Section. Any private street shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
- H. For any private street existing on the effective date of this Ordinance to which one (1) or more additional lots or parcels are created or otherwise permitted access, the entire length of the existing private street shall be upgraded to comply with the applicable requirements of this Section.
- I. Review standards; modification of certain requirements: Prior to approving a special land use for a private street and private street permit application, the Planning Commission shall determine that all of the following are met:
1. The proposed private street will not be detrimental to the public health, safety, or general welfare.
  2. The proposed private street will not adversely affect the use of land.
  3. That the private street is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
  4. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the township.
  5. The construction of the private street will conform to the requirements of this Section.
  6. The Planning Commission may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.
  7. An authorization that if repairs and maintenance are not made, the Township may exercise a special assessment district to bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private road for the improvements, plus an administrative fee.
  8. The other general special land use standards are met.

J. Modifications: Upon application, the Planning Commission may modify any of the private street requirements of this Section after finding that all of the following conditions exist:

1. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this Section without substantial alteration of such natural features. These natural features shall be clearly identified and described in the application of any such modification.
2. The justification of a modification is not due solely to financial considerations which, upon approval of the requested modification would provide a financial benefit.
3. That no other reasonable private street design alternatives are available that would comply with the requirements of this Section.
4. That the request for modification was reviewed by the Township Engineer, Fire Chief or Township Planner, or any other person or official designated by the Township Board.

K. Disclosure

The following statement shall be put in a deed restriction and recorded for any parcels serviced by a private street, before each parcel is sold: "This property does not abut or front on a public road. If a public road or street does not abut or service the property, it is private and is not required to be maintained by any governmental unit."

L. Maintenance and Repairs:

The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid. The private street maintenance agreement (as approved by the Township) shall be recorded with the Newaygo County Register of Deeds records before construction commences on a private street. The private street maintenance agreement must be approved by the Township after consultation with the Township Attorney and shall address:

1. That the private street shall be maintained in a manner that complies with the provisions of this Section.
2. All driveways and private streets shall be continuously maintained to not constitute a danger to the health, safety, and welfare of the inhabitants of the township and to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

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

M. Performance Guarantee:

The Planning Commission may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of the Township Zoning Act and this Ordinance.

N. Inspections/Certificate of Compliance

1. The Zoning Administrator or his/her designee shall have the right to enter upon the property where the private street is, or will be, located to conduct such inspections as may be necessary to enforce this Section.
2. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the Road Commission.
3. If the completed private street does not satisfy the requirements of the permit, special land use approval or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall constitute a violation of this Ordinance.
4. Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, to do the necessary inspections and for other work done by the Township.

**SECTION 3.28 CLEARING OF LAND**

Unless associated with a bona fide forestry, agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township), it shall be unlawful for any person to engage in land clearing of over one (1) acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within Big Prairie Township without first obtaining a zoning compliance permit.

**SECTION 3.29 SITE CONDOMINIUMS**

- A. A site condominium unit shall be a unit created by the division or development of land on the basis of condominium ownership pursuant to the Condominium Act, Public Act 59 of 1978, as amended, and which is generally not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in the District where it is located provided the unit meets the District regulations for the zoning district in which it is located as well as all other requirements for a lot.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 13.

### **SECTION 3.30 RIPARIAN ACCESS**

- A. It is the intent of this Section to promote the integrity of the lakes or rivers within the township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes and rivers by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes and rivers; and to maintain the natural beauty of the lakes and rivers by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes, rivers or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.
- B. In any District where a parcel of land is contiguous to a river or lake, either natural or man-made, a parcel of land may be used as riparian or water access property only if the following conditions are met:
  - 1. In all Districts, there shall be at least one hundred (100) feet of lake or river frontage, as measured along the ordinary high-water mark of the lake or river for each lot, parcel of dwelling unit utilizing or accessing the lake, river, or stream frontage. For example, a multiple family building with four (4) dwelling units would require four hundred (400) feet of lake or river frontage to gain access to the lake or river for all of the units. However, an existing single-family dwelling located upon a lakefront or riverfront lot of record in existence at the time that this Ordinance is adopted that does not meet the frontage requirement shall be permitted riparian access. For properties located in a District where the minimum lot width requirement is greater than one hundred (100) feet, the minimum water frontage requirements of this Section shall be increased so as to equal the minimum lot width requirement of the District in which the property is located.
  - 2. In all zoning district, no lake or river access, boat ramp, shore station, dock, boat launch, marina or shoreline abutting a lake, river or stream shall be utilized or installed for commercial, business, outdoor recreational (or entertainment) facilities, institutional or non-residential or non-agricultural uses or purposes unless such use both meets the requirements of the underlying District and is also approved pursuant to a special use approval or planned unit development approval.
  - 3. The parcel of land providing water access shall have a lot depth of at least one hundred and fifty (150) feet.
  - 4. In no event shall water frontage of the subject parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or

Michigan Department of Environmental Quality (MDEQ) MIRIS Map, or have otherwise been determined to be wetland by the MDEQ be used for riparian access without MDEQ permits; and in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing or calculating the water frontage required by this regulation.

- C. The access parcel of land shall not about a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this section. This section shall not apply to the following:
  - 1. Any lawful dredging occurring on existing lake or river bottomlands which are lakeward or waterward of the ordinary high-water mark of the lake or river.
  - 2. The lawful creation or enlargement of a pond or artificial lake which does not abut or connect into an existing lake or river.
- D. No individual property owner with riparian rights may give access in any form to any other person, entity, business or association, unless the property is sold as a whole to a new owner.
- E. The restrictions of this Section shall apply to all lots, units and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

**SECTION 3.31 STORAGE OF RECREATION VEHICLES AND EQUIPMENT AND TEMPORARY CAMPING ON VACANT LAND**

- A. Recreational vehicles and equipment may be located outside of an enclosed building on any lot within a Residential District provided that all of the following requirements are met:
  - 1. If located on an interior lot, recreational equipment shall not be located within the required front yard. If located on a corner lot, recreational vehicles and equipment shall not be located in the side yard facing the street. If located on a through lot, recreational equipment shall not be located in the front yard, or in a rear yard setback.
  - 2. Notwithstanding the provisions of this Section, recreational vehicles and equipment may be parked within any yard, but not within the required yard or setback areas, for cleaning, loading, or unloading purposes for not more than seventy-two (72) hours within any seven (7) day period.
  - 3. Recreational vehicles and equipment and tents may be used for camping purposes on a lot for a period not exceeding fourteen (14) days during any calendar year. The Zoning Administrator (or such other official as the Township Board may designate) may issue a permit to allow camping to occur on a lot for between fourteen (14) and thirty (30) days during any calendar year. In no event, however, shall camping occur on any particular lot for more than thirty (30) days

during any calendar year or within the C, LI or PUD Zoning District (unless otherwise provided in this Ordinance).

4. Where physical features of a property, such as, but not limited to, immovable structures, or a tree with a diameter of four (4) inches or greater, prohibit a recreational vehicle from being parked in compliance with this Section, the owner may apply to the Zoning Administrator for permission to park the recreational vehicle on the lot. This permission shall be granted, provided that the following requirements are met:
  - a. An application for permission shall be accompanied by a site plan, drawn to scale, showing the reasons why the recreational vehicle cannot be parked in compliance with this Section. A filing fee, which shall be set by the Township Board by resolution, shall also be required.
  - b. A twenty (20) foot setback shall be maintained from the recreational vehicle to the edge of the road.
  - c. Parking approval, if granted by the Zoning Administrator, shall be effective for three (3) years following the date of issuance. Further approvals may be granted by the Zoning Administrator in accordance with this Section.
5. Recreational equipment shall not be stored, kept or utilized on any lot or property which does not have a lawful habitable, permanent residential dwelling building for more than fourteen (14) days during any calendar year.
6. Temporary Camping on vacant land:
  - a. Campgrounds authorized by the Township (and licensed by the state of Michigan) shall not be subject to these requirements.
  - b. Temporary camping in residential districts shall be subject to the following:
    1. In properties that are less than one (1) acre in size, one (1) tent or recreational vehicle may be used for camping for up to thirty (30) calendar days in a calendar year without a temporary camping permit. On properties that are at least one (1) acre in size, up to four (4) tents or recreational vehicles may be used for camping for up to thirty (30) calendar days in any calendar year without a temporary camping permit.
    2. In no case shall there be more than four (4) recreational vehicles per lot or parcel.
    3. Temporary camping exceeding thirty (30) calendar days in a calendar year shall require a

temporary camping permit. The Zoning Administrator may issue a temporary camping permit for up to thirty (30) days. A temporary camping permit shall include a fee as set by the Township Board.

4. The Zoning Administrator may impose conditions to protect the general health, safety and welfare of the occupant of the tent or recreational vehicle and surrounding neighbors. When imposing conditions the Zoning Administrator shall consider, but not be limited to, the following:
  - a. The size of the subject property.
  - b. The proposed location of the camping area on the property and its proximity to neighboring properties and homes.
  - c. The density of homes in the vicinity.
  - d. The number of tents or recreational vehicles to be placed on the property.
  - e. The proximity to surface water and other natural features and the relative risk of damages to natural features.
  - f. Limits on the number and/or location of tents or recreational vehicles based on the size and configuration of the subject property and neighboring properties.
5. All campers shall comply with the following rules:
  - a. Quiet hours shall be maintained between the hours of 11:00 p.m. and 7:00 a.m.
  - b. All camping activities shall be set back at least fifty (50) feet from the ordinary high water mark of any body of water.
  - c. Temporary camping permit(s) shall be issued to or renewed by the property owner.
  - d. No temporary camping permits will be issued to individuals under eighteen (18) years of age.
  - e. Upon termination of camping all equipment and supplies must be removed. Garbage and refuse must be removed after each stay.

- f. Areas used for temporary camping as well as any adjacent lands must be kept in a neat, clean and sanitary condition. Sanitary waste facilities shall be provided, through self-contained units or porta potties.
  - g. In-ground septic facility, water well or electric without special agreement shall not be permitted on a lot without principal structure.
- c. Policy regarding Electric Poles and Camping on Vacant land.
- 1. Electric Poles are allowed on vacant land by permit from the Newaygo County Electrical Inspector.
  - 2. An Electrical permit may be issued after an address is assigned to the land through Newaygo County Equalization.
  - 3. A camping permit may be issued after site plan review of planned waste disposal.
  - 4. The camping permit will allow the owners use of vacant land for camping purposes for thirty (30) days in any calendar year on lands of one (1) acre or greater in size. A copy of section 3.31-A,5 and 6 accompanying this document will be enforced.
  - 5. This permit may be renewed on a yearly basis after township Zoning Administrator has inspected the property to review code compliances.

**SECTION 3.32 STORAGE AND REPAIR OF VEHICLES**

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:
- 1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out entirely within a garage. Only one such period shall be permitted within a single thirty (30) day period.
  - 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored entirely inside of a building.
  - 3. It shall be unlawful for the owner, tenant or lessee of any lot in a Residential District to permit the open storage or parking outside of a building of: mobile homes not used as dwellings semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction actively being conducted on such lot.



**SECTION 3.33            OUTDOOR MATERIAL STORAGE AND WASTE DISPOSAL**

- A. All outdoor storage facilities utilized in connection with non-residential activities shall be enclosed by a solid fence or wall of not less than six (6) and no more than eight (8) feet in height which is adequate to conceal such facilities from adjacent properties and from public view.
- B. If materials or wastes are stored outside which might cause fumes, odors and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties.
- C. No materials or wastes shall be deposited on a lot or property in such form or manner that they may be moved off the lot or property by natural causes or forces.
- D. Waste materials shall not be allowed to accumulate on a lot or property in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

**SECTION 3.34            CONTROL OF HEAT, GLARE, FUMES DUST, NOISE, VIBRATION AND ODORS**

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

**SECTION 3.35            HEALTH DEPARTMENT APPROVAL**

No permit shall be issued for the construction of a building which is to have drinking water and/or sanitary facilities unless the site is served by both public water and sewer facilities, or unless a permit has been issued by the Newaygo County Health Department for private water supply and/or sewage disposal facilities.

**SECTION 3.36            TEMPORARY EVENTS**

No temporary event shall occur in any District unless and until a temporary event permit has been issued by the Township. The following requirements shall apply:

- A. All applications for a temporary event permit shall be filed with the Township at least sixty (60) days prior to the commencement date of the proposed temporary use. This sixty (60) day period can, however, be shortened in the discretion of the Zoning Administrator or the Planning Commission, for good cause shown by the applicant.
- B. The Township Zoning Administrator may issue a temporary event permit if all of the requirements of subsection C are satisfied. If the Zoning Administrator determines that a proposed temporary event would have a major impact on the Neighborhood or area involved, or if the Zoning Administrator determines that a hearing should be held before a temporary event permit is issued, because of the scope or likely impact of the scope or likely impact of the proposed temporary event, then the Zoning Administrator shall refer the temporary event permit application to the Planning Commission. If a temporary use permit application is referred to the Planning Commission, it shall hold a hearing on the application, complying with all hearing requirements.

- C. A temporary event permit shall not be granted by the Zoning Administrator or by the Planning Commission unless all of the following requirements are satisfied:
1. Nuisance, hazardous features. The temporary event shall not result in any hazard or nuisance to adjacent lands or the uses thereof, nor otherwise be contrary to the public health, safety or welfare of the Township.
  2. Traffic and circulation. The temporary event shall not create hazardous vehicle or pedestrian traffic conditions on or adjacent of the streets serving the property. A temporary event permit shall not be issued if the Zoning Administrator or Planning Commission determines that the proposed use will:
    - a. Unreasonably interfere with the use of a street for vehicular travel;
    - b. Unreasonably interfere with the view of access to or use of property adjacent to the street serving the proposed temporary use;
    - c. Cause a violation of any state laws or local ordinances; or
    - d. Reduce the effectiveness of or access to any utility pole, street lighting, sign or other traffic control device.
  3. Public facilities and services. Adequate utilities, drainage, refuse management, sanitary facilities. Emergency services and access and other necessary facilities and services shall be available for the proposed temporary event.
  4. Natural environment. The proposed temporary event shall not have a substantially adverse impact on the natural environment.
  5. Suitability of the site. The site of the proposed temporary event shall be suitable for such temporary event, giving consideration to possible flood hazards, storm water.
  6. Building, electrical and other codes. The temporary event and all associated temporary improvements, including, but not limited to tents, stands, temporary electrical system, temporary heating systems, and temporary lighting systems shall comply with all applicable provisions of the Township Building Code, Electric Code, and other applicable codes as adopted or amended from time to time.
- D. A temporary event shall be permitted only for such period of time as is practical, given all of the circumstances. In no case shall a temporary event permit be issued for a period in excess of eighteen (18) days during any twelve (12) month period, nor shall any property be used for a temporary event in excess of eighteen (18) days during any twelve (12) month period.
- E. In connection with the approval of any temporary event, the Township may impose additional reasonable terms and conditions.
- F. The Township may revoke or suspend a temporary event permit at any time upon the failure of the owner or any operator of the event to comply with the requirements of this

Ordinance, the conditions imposed upon the issuance of any such temporary event permit, or any applicable provisions of state law or local Ordinance.

**SECTION 3.37 DRAINAGE**

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible and liable for storm water runoff, flooding, or other water problems or damages to other properties or public roads caused by or attributable to such construction. The Zoning Administrator shall have the authority to suspend or revoke a zoning permit should the requirements of this section be violated. No such suspended or revoked zoning permit shall be reinstated until the property owner posts monetary security with the Township as determined by the Zoning Administrator. Once construction has been completed and thereafter, the owner of the property involved shall be responsible for ensuring that drainage and storm water from that property do not adversely impact adjoining properties, lakes, streams, or wetlands.

**SECTION 3.38 DAMAGE DURING CONSTRUCTION**

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible for and liable for any damage to roads, littering, flooding, or other damage or casualty caused by or attributable to such construction. No construction or supply equipment or other equipment or vehicles associated with construction on a particular property shall block roads or present a safety hazard. The Zoning Administrator shall have the authority to suspend or revoke a zoning permit should the requirements of this section be violated. No such suspended or revoked zoning permit shall be reinstated until the property owner posts monetary security with the Township as determined by the Zoning Administrator.

**SECTION 3.39 MARIJUANA**

- A. Recreational marijuana establishments are prohibited unless specifically authorized by and operated in compliance with this Zoning Ordinance, Township ordinances, statutes of the State of Michigan, and other Township or State rules and regulations.
- B. Medical marijuana facilities are prohibited unless specifically authorized by and operated in compliance with this Zoning Ordinance, Township ordinances, statutes of the State of Michigan, and other Township or State rules and regulations.
- C. Medical marijuana caregiver operations are prohibited except for as home occupations operated in compliance with this Zoning Ordinance, Township ordinances, statutes of the State of Michigan, and other Township or State rules and regulations.

**SECTION 3.40 NO ZONING APPLICATIONS OR APPROVALS OR PERMITS FOR A PROPERTY THAT IS IN VIOLATION OF THIS ORDINANCE OR A COURT ORDER OF JUDGEMENT**

Should a parcel of lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order

or judgment regarding this Ordinance or the use of the land) have been fully corrected and the parcel or lot complies fully with this Ordinance (and any applicable court order or Judgment). The prohibition contained in this section shall also apply to any zoning request, application or petition, including requests for a zoning approval rezoning variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition contained in this section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement of administration or this Ordinance (or any court order or judgment) and shall be in addition to any other penalties sections or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or judgment).

**SECTION 3.41            NO APPROVAL FOR ILLEGAL USE**

No zoning approval, permit, variance, rezoning, site plan approval or zoning compliance permit shall be issued or granted by the Township for any use activity, structure or building that is illegal under Michigan law or Township ordinance.