

# **COLUMBIA TOWNSHIP** **ZONING ORDINANCE**

**Adopted 1982**  
**Major revision 2007**  
**Amended 2010, 2012 & 2015**

**2007 Revision based on the 2002 Master Plan**

**2014 Amendments based on the 2009 Master Plan Update**

**2014 Columbia Township Planning Commission**

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**Jack Bowen, Secretary**

**Rosemary Hurley, Board Representative**

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**COLUMBIA TOWNSHIP ZONING ORDINANCE**

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**ZONING ORDINANCE  
COLUMBIA TOWNSHIP, VAN BUREN COUNTY, MICHIGAN**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF COLUMBIA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT OF 1943, AS AMENDED, AND PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF.

WHEREAS, Act 184, of the Public Acts of 1943, as amended\*, empowers the Township Board to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Township Board of Columbia Township deems it necessary for the purpose of promoting the public health, safety, morals, and general welfare, of the Township to enact such an Ordinance; and

WHEREAS, the Township Board, pursuant to the provisions of Act 168, of the Public Acts of 1959, as amended, has appointed a Planning Commission to study and recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has divided the Township of Columbia into districts, and has prepared regulations pertaining to such districts, in accordance with a basic plan, which is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage disposal facilities, schools, parks, and other public improvements; and

WHEREAS, the Planning Commission has given reasonable consideration to the character of the districts and their peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township; and

WHEREAS, the Planning Commission, in an effort to simplify interpretation of its Ordinance and update its Land Use Ordinance based upon a convenient development plan submitted in November 1982 by Leslie R. Cripps and Associates; and

WHEREAS, the Planning Commission has submitted its findings and recommendations to the Township Board;

*\*“Editor’s Note: Public Act 184 of 1943, the Township Zoning Act has been rescinded by the legislature and in its place the legislature adopted Public Act 110 of 2006, the Michigan Zoning Enabling Act. The Columbia Township Planning Commission was re-appointed in compliance with the 2006 public act.”*

## **ARTICLE 1.0 – PURPOSE & GENERAL PROVISIONS**

### **Section 1.01 - Purpose**

The Zoning Districts established by this Ordinance and the regulations specified for each district have been developed according to the continuing formulation of a Comprehensive Master Plan for the physical development of Columbia Township as a part of Van Buren County. In their application and interpretation the provisions of this Ordinance will be considered minimum requirements adopted to promote the public safety, health, morals, and general welfare. Among other purposes, these provisions are designed to:

- A. Conserve and protect lands, waters, and other natural resources for their most suitable purposes;
- B. Maintain the rural character of the township;
- C. Protect productive agricultural lands for agricultural use;
- D. Reduce hazards to life and property from flooding, soil erosion, and air and water pollution;
- E. Secure safety from fire and other dangers which result from unguided community development;
- F. Avoid undue concentration of population by regulating and limiting the density of development and use of land;
- G. Ensure compatibility among land uses;
- H. Restrict the expansion and longevity of nonconforming uses and structures;
- I. Lessen congestion on the public highways and streets;
- J. Facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewage, drainage, and water supply systems while avoiding the installation of such utility services to illogical locations;
- K. Enhance the social and economic stability of Columbia Township;
- L. Provide opportunity for the use of land in a manner which permits a reasonable economic return;
- M. Implement the goals and objectives of the Columbia Township Comprehensive (Master) Plan;
- N. Coordinate development standards with those of adjoining communities;
- O. Provide opportunity for the proper use of creative land development techniques, such as planned unit development; and,
- P. Foster a quality of life consistent with the desires of the township.

### **Section 1.02 - Scope**

This Ordinance does not intend to repeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless contrary to the provisions hereto.

### **Section 1.03 - Control**

Where this Ordinance imposes a greater restriction than is imposed or required by other rules, regulations, or private restrictions, the provisions of this Ordinance shall control.

### **Section 1.04 – Uses Not Listed**

A land use that is not listed as either a permitted use or a special use shall be prohibited.

### **Section 1.05 – Official Zoning Map**

- A. For the purpose of this Ordinance all of the Columbia Township area of Van Buren County is hereby divided into five kinds of zoning districts to be known as District R1 (Residential), District R2 (Residential – Resort), District A (Agricultural), District C (Commercial), and District I (Industrial).
- B. The description of unincorporated areas of Columbia Township as set in this Ordinance shall constitute the areas included in each zoning district.
- C. The official zoning map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, and shall bear the seal of the Township under the following words: “This is to certify that this is the official zoning map referred to in the Columbia Township Zoning Ordinance together with the effective date of the Ordinance.
- D. If, in accordance with the provisions of this Ordinance, changes are made in zoning district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map within 10 days after the amendment has been approved the Township Board, with an entry on the official zoning map as follows: “On (date), by official action of the Township Board, the following change (s) was (were) made in the official zoning map: (brief description of change),” which entry shall be signed by the Township Supervisor and attested by the Township Clerk.
- E. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.
- F. The location of zoning districts in Columbia Township shall be shown on a map entitled Zoning Map of Columbia Township. This map and all information and proper notations shown thereon are hereby made a part of this Ordinance. The zoning map shall be located in the office of the Township.

### **Section 1.06 – Replacement of Official Zoning Map**

- A. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution, adopt a new official zoning map that shall supersede the prior official zoning map. The new official zoning map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, and shall bear the seal of the Township under the following words: “This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of Zoning

Ordinance No. 87-1 of the Township of Columbia, Van Buren County, Michigan.”

- B. Unless the prior official zoning map has been lost or totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

**Section 1.07 – Interpretation of District Boundary Lines**

Unless otherwise provided in the text as part of this Ordinance, the boundary lines of all zoning districts shall be interpreted as following along section lines or the customary divisions of section such as quarter and eighth lines; or the center line of highways, streets, and waterways; or the shoreline of water bodies; or the boundaries of unincorporated areas, recorded plats or subdivisions; or property lines of legal recordings on the date of enactment of this Ordinance, or any extension of said lines.

**ARTICLE 2.0 – NONCONFORMING LOTS, STRUCTURES, AND USES**  
**REGULATIONS COVERING ALL DISTRICTS**

**Section 2.01 – Intent**

- A. If when there exists land, structures, and uses of land and structures which were lawfully established or constructed at the time of their establishment or construction, but which would be prohibited, regulated, or restricted under the terms of this Ordinance of future amendment thereto; it is the intent of this Ordinance to permit such lawful nonconformances to continue until they are removed, and such lawful nonconformances may be fully replaced on the same footprint unless the structure extends across a property line, easement or right-of-way line and the affected property cannot be purchased. In such cases the nonconforming structure may be replaced by a similar structure having a volume and footprint no greater than the original structure. It is further the intent of this Ordinance that lawful nonconformances are discouraged from enlargement, expansion or extension..
- B. 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 on which actual construction has lawfully begun prior to the effective date of addition or amendment of this Ordinance, and upon which actual construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**Section 2.02 – Uses of Non-conforming Land, Buildings and Structures**

- A. At the discretion of the owner, the lawful use of any building, structure or premises existing prior to the effective date of this Ordinance may be continued, although the use does not conform to the provisions of this Ordinance, and such use may be extended throughout said building and premises.
- B. Whenever the non-conforming use of any building, structure, land or premises or part thereof is discontinued through vacancy, lack of operations or otherwise for a continuous period of twelve (12) months, then any further use shall cease unless said building, structure, land or premises shall conform, in its entirety, to the provisions of this Ordinance, provided, however, that the Board of Appeals upon reasonable grounds, may upon application within six (6) months of the termination of said period, permit the resumption of such non-conformed use.

**Section 2.03 – Reconstruction of Damaged Non-Conforming Buildings and Structures**

- A. Except for structures within a flood hazard area (see 2.06), nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse,

explosion, act of God, or acts of the public enemy, subsequent to the effective date of this Ordinance, if such reconstruction or restoration is undertaken within one (1) year and diligently prosecuted to completion; provided, that said use be identical with non-conforming use permitted in effect at the time of said damage, and provided, further that such reconstruction may maintain the previously existing footprint unless there is encroachment upon and adjacent parcel, easement or right-of-way. If there was encroachment then the replacement structure shall conform to highway setback and yard requirements of the district wherever physically practical.

#### **Section 2.04 – Repair, Alteration and Completion of Non-Conforming Buildings**

- A. Nothing in this Ordinance shall prevent the expansion, repair, reinforcement, improvement, replacement or rehabilitation of a non-conforming building, structure or part thereof existing at the effective date of this Ordinance that may be necessary to secure or insure the non-conforming use of the building, premises, or structure provided no additional nonconformance's are created.
- B. No basement, cellar, garage, or any incompletely constructed structure in use as a dwelling on the effective date of this Ordinance shall be used as a dwelling for more than two (2) years following said date. The Board of Appeals may upon conditions and proofs it feels are just, grant a one (1) year extension.
- C. Limitations on all dwellings.  
Beyond the exceptions listed above, all repairs, alterations or additions to non-conforming dwellings shall conform to Section 4.10 of this Zoning Ordinance and the Michigan Building Code, as amended.

#### **Section 2.05 - Nonconforming lots of record.**

The construction of dwellings on lots of record in existence prior to the date of this Ordinance is permitted so long as the property has not come into common ownership with an adjacent parcel. In such cases, except as otherwise provided in Section 3.03, side set-backs shall be at least five (5) feet in width from the building line on each side of the lot if the lot is fifty (50) feet in width, with one foot additional width of side yard, on each side, being required for each additional ten (10) feet of lot width up to 100 feet wide lots.

#### **Section 2.06 - Structures within a Flood Hazard Area.**

For all structures within a Flood Hazard Area, any repair, reconstruction or improvement of such structure, the cost of which equals or exceeds 50% of the assessor's valuation of the structure, and all additions to the structure shall comply with the following standards:

- A. All new construction, replacement, additions or improvements of residential structures shall have the lowest floor, including basement, elevated to at least one (1) foot above base flood level.
- B. All new construction, replacement, additions or improvements to non-residential structures shall have either:

1. The lowest floor, including basement, elevated to at least one (1) foot above base flood elevation, or
2. Be constructed such that, below the base flood level, together with utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and the structural component having the capability of resisting hydrostatic and hydrodynamic loads in full compliance with the Michigan Building Code.

**ARTICLE 3.0 – SCHEDULE OF DISTRICT REGULATIONS**

**Section 3.01 District R1 (Residential)**

- A. Intent:  
To establish and preserve single-family home districts as desired by substantial numbers of residents, which are free from other uses except those which are both compatible with and for the convenience of the residents of such districts; to maintain the character and integrity of existing residential areas which are comprised predominantly of conventionally-built single-family dwellings; and to provide protection against contamination of soil and surface and ground water by effluent from septic tank sewage disposal systems by requiring adequately large lot sizes in areas not serviced by public sanitary sewer systems.
- B. Area and Dimensional Regulations
1. Minimum Lot Area and Frontage Width: 12,000 square feet lot area; 100 feet frontage width, except as permitted in 4.02
  2. Minimum Yard Dimensions: Must meet the requirements of Sections 4.02 and 4.03 or 2.05
  3. Maximum Building Height: Two and one-half (2-1/2) stories or thirty-five (35) feet.
  4. The total floor area of all buildings on a parcel shall not exceed 35% of the total lot area.
- C. Principal permitted uses:  
No land shall be used hereafter, and no buildings or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.
1. Single-family dwellings of conventional or manufactured construction, in accordance with Section 4.10.
  2. State licensed residential foster care facilities housing six (6) or less persons.
  3. State licensed childcare centers providing care for six (6) or fewer children.
- D. Permitted accessory uses;
1. Aggregate gross floor areas and maximum heights for buildings accessory to residential uses shall not exceed:

<b>Lot Size</b>	<b>Maximum Total Accessory Bldg. Floor Area for All Accessory Bldg.s</b>	<b>Maximum Height</b>
Less than two (2) acres	1,280 square feet	25 feet
Two (2) acres but less than three (3) acres	1,700 square feet	25 feet
Three (3) acres but less than four (4) acres	2,200 square feet	25 feet
Four (4) acres but less than five (5) acres	2,700 square feet	25 feet
Five (5) acres or more	3,500 square feet	25 feet

2. Home occupations, Class I.
  3. Storage sheds or carports with less than 200 square feet of floor area, shall not exceed a maximum height of 25 feet and meet all setback requirements.
  4. Signs 16 square feet or less in area or any sign painted directly on the wall of a building for any permitted or special use.
- E. Uses Permitted by Special Use Permit:  
The following uses shall be allowed when determined to be in conformance with the provisions of Section 4.11, 4.12 and 4.13:
1. Churches, schools, libraries, and publicly owned buildings.
  2. Hospitals, clinics, sanitariums, convalescent homes, and similar structures designed for human care.
  1. Public utility buildings.
  2. Community country clubs, fraternal lodges and similar civic or social organizations when not operated for profit.
  3. Land for parks, playgrounds, public and private swimming pools, and similar facilities for outdoor exercise and recreation when not operated for profit.
  4. Accessory buildings, structures and uses customary and incidental to any of the above special uses, such uses shall include temporary signs.
  7. A non-commercial residential storage building on a vacant lot.
  8. Additional accessory building per Section 4.13 S

### **Section 3.02 – District R2 (Residential – Resort)**

- A. Intent:  
To provide for the establishment and preservation of higher density, varied use types of housing including resort-related residences and enterprises in areas conducive to such use.
- B. Area and Dimensional Regulations  
Minimum Lot Area and Frontage Width: For two (2) family dwellings; 12,000 square foot area for each dwelling unit; 100 feet frontage width, except as permitted in 4.02
1. Minimum Yard Dimensions: Must meet the requirements of Sections 4.02 and 4.03 or 2.05
  2. Maximum Building Height: Two and one-half (2-1/2) stories; thirty-five (35) feet.
  3. On lots under one acre in area, all structures in total shall not exceed 35% of the total lot area.
- C. Principal permitted uses:  
No land shall be used hereafter, and no buildings or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.
1. Single-family and two-family dwellings of conventional or manufactured construction, in accordance with Section 4.10.

2. State licensed residential foster care facilities housing six (6) or less persons.
3. State licensed child-care centers providing care for six (6) or fewer children.

D. Permitted accessory uses:

1. Aggregate gross floor areas and maximum heights for buildings accessory to residential uses shall not exceed:

<b>Lot Size</b>	<b>Maximum Total Accessory Bldg. Floor Area for All Residential Accessory Bldgs.</b>	<b>Maximum Height</b>
Less than two (2) acres	1,280 square feet	25 feet
Two (2) acres but less than three (3) acres	1,700 square feet	25 feet
Three (3) acres but less than four (4) acres	2,200 square feet	25 feet
Four (4) acres but less than five (5) acres	2,700 square feet	25 feet
Five (5) acres or more	3,500 square feet	25 feet

2. Home occupations, Class I.
3. Storage sheds or carports with less than 200 square feet of floor area, shall not exceed a maximum height of 25 feet and meet all setback requirements.
4. Signs 16 square feet or less in area or any sign painted directly on the wall of a building for any permitted or special use.

E. Uses Permitted by Special Use Permit:

The following uses shall be allowed when determined to be in conformance with provisions of Sections 4.11, 4.12 and 4.13:

1. Churches, schools, libraries and publicly owned buildings.
2. Public utility buildings.
3. Land for parks, playgrounds, public and private swimming pools, and similar facilities for outdoor exercise and recreation when not operated for profit.
4. Accessory buildings, structures and uses customary and incidental to any of the above special uses; such uses shall include temporary signs.
5. Multiple family dwellings.
6. An accessory building on a vacant lot.
7. Additional accessory buildings per Section 4.13 S

**Section 3.03. – District RO (Residential – Old Plats)**

A. Intent.

The purpose of this district is to provide reasonable regulations for the development of single lots in subdivisions platted before 1967 where such lots have less than 8,720 square feet of total area and/or are less than 50 feet wide.

B. Area and Dimensional Regulations.

In order to qualify for building permits each lot must obtain well and septic permits from the Van Buren County Health Department. Lots in whole or in part

within a Special Flood Hazard Area as defined on a Flood Insurance Rate Map (FIRM) are specifically excluded from this section and may only be developed under the rules for the R1 Residential District subject to the restrictions of the state building code and Article 2.0.

1. Lot area and width: Minimum lot area shall be 12,000 square feet and the minimum lot width shall be 100 feet; except as provided for in Section 2.05 for legal pre-existing nonconforming lots of record.
2. Lot coverage: a minimum of 400 square feet for two (2) off-street parking spaces each measuring 10 feet by 20 feet and having direct access to a street or road is required for each dwelling or principal use and shall remain unobstructed by buildings, decks, patios, fences, trees or vegetation. There shall also be a space on the parcel for a sanitary septic field meeting all the requirements of the public health code.
3. Yard and setback requirements: Below are exceptions to 4.03 and 2.05.
  - a. Front yard: 20 feet from the right-of-way line. Exception: where a yard abuts a county road the front yard setback shall be in conformance with Section 4.03.
  - b. Side yard: 3 feet minimum with a total of 10 for both side yards. If an existing side yard is less than 3 feet or if there is a structure on an adjacent lot that will be within six (6) feet of the proposed structure or addition, then the structure shall have the side-wall constructed to meet or exceed the building code.
  - c. Corner lots:  
Where a single lot is less than 50 feet wide and has a side yard which abuts a road right-of-way, no structure of any kind shall encroach upon an equilateral triangle measuring 20 feet along each street front from the street corner. Where one of the roads is a county road the required setback from the county road shall be in conformance with Section 4.03.
  - d. Rear yard(except lake front): 10 feet, except where the rear yard abuts a side/back street or alley, in which case, if a 20-foot setback is not provided on the front of the property then a 20-foot setback shall be provided at the rear of the property.  
On a corner lot the rear yard is the yard opposite the street that fronts on the narrowest yard.
  - e. Lake front yard:
    - i. Principal structures and all dwelling structures shall not extend closer to the lake than existing structures of the same type on adjacent lots or lots within 200 feet on either side. If there are no occupied lots within 200 feet then the setback shall be 25 feet from the normal high water level or established flood hazard elevation.
    - ii. Accessory structures shall not extend closer to the lake than existing accessory structures on adjacent lots within 200 feet on either side. If there are no similar structures on adjacent lots within 200 feet then the setback shall be the same as for a dwelling except that structures less than 200 square feet in area may be located at least 5 feet from the normal high water level. If the lot is bisected by a street between the dwelling and the lake, then an accessory

structure less than 200 square feet in area shall be at least 5 feet from the normal high water level and at least 20 feet from the street right-of-way line. This provision is provided as an exception to the requirements of Section 4.03.

4. Height limitations: Thirty-five (35) feet, for all principal structures; a maximum of twenty-five (25) feet for all accessory structures, except accessory structures smaller than 200 square feet within a lake front yard shall not exceed 8 feet in height from the existing grade to the peak.(Sec.4.03)

C. Principal Permitted Uses.

1. Single-family dwellings held for seasonal use, specifically excluding recreational vehicles, campers and motor homes on lots where no permanent dwelling exists.
2. Single-family dwellings of conventional or manufactured construction, in accordance with Section 4.10.
3. State licensed residential foster care facilities housing six (6) or less persons.
4. State licensed child-care centers providing care for six (6) or fewer children.

D. Permitted Accessory Uses. *(amended October 2010 & January 2015)*

1. Normal accessory structures to single-family dwellings. Such structures shall be at least 1.5 times the height of the structure from the edge of the road surface, but may be as close as 3 feet to any side or rear lot line. No individual accessory structure shall exceed 32 feet by 40 feet (1,280 square feet) in gross floor area. Aggregate gross floor areas and maximum heights for buildings accessory to residential uses shall not exceed:

<b>Lot Size</b>	<b>Maximum Total Accessory Bldg. Floor Area for All Accessory Bldgs.</b>	<b>Maximum Height</b>
Less than two (2) acres	1,280 square feet	25 feet
Two (2) acres but less than three (3) acres	1,700 square feet	25 feet
Three (3) acres but less than four (4) acres	2,200 square feet	25 feet
Four (4) acres but less than five (5) acres	2,700 square feet	25 feet
Five (5) acres or more	3,500 square feet	25 feet

2. Home occupations, Class I.

E. Uses Permitted by Special Use Permit:

The following uses shall be allowed when determined to be in conformance with provisions of Sections 4.11, 4.12 and 4.13:

1. Churches, schools, libraries and publicly owned buildings.
2. Public utility buildings.
3. Land for parks, playgrounds, public and private swimming pools, and similar facilities for outdoor exercise and recreation when not operated for profit.

4. Accessory buildings, structures and uses customary and incidental to any of the above special uses; such uses shall include temporary signs.
5. “reserved”.
6. An accessory building on a vacant lot.

**Section 3.04 - District A (Agricultural)**

A. Parcels 10 acres or greater (Permitted Uses – Agricultural)

Intent:

To conserve and enhance the low density and agricultural use of those portions of the Township that now have such character. By conserving such character, the Township and other public agencies will realize an economic gain in public expenditures by minimizing scattered demand for urban types and levels of services, utilities, and facilities, in otherwise predominantly rural areas.

1. Area and Dimensional Regulations:

- a. Minimum Lot Area and Frontage Width: 10 acres or greater; 200 feet frontage width. See also Section 7.07, “farm”.
- b. Minimum Easement Width to Back Parcel: Twenty (20) feet.
- c. Minimum Yard Dimensions: Fifty (50) feet front yard; ten (10) feet side yards; twenty (20) feet rear yard; twenty (20) feet corner lot setback. See also Sections 4.02 and 4.03.
- d. Maximum Building Height: Two and one-half (2-1/2) stories; Thirty-five (35) feet.

2. Principal Permitted Uses:

No land shall be used, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided for in this Ordinance.

- a. Detached single-family dwelling in conformance with Section 4.10
- b. Farms, including livestock and poultry operations, dairy farming, horticultural operations, grain farming, forestry operations, and garden plots.
- c. State licensed residential foster care facilities housing six (6) or less persons.
- d. State licensed childcare centers providing care for six (6) or fewer children.
- e. Farm Markets in conformance with the Michigan Department of Agriculture’s Generally Accepted Agricultural & Management Practices for Farm Markets.

3. Permitted Accessory Uses:

- a. Storage shed or carport 200 square feet or less, and a maximum of one and one-half stories (25’) in height
- b. Buildings and structures customarily incidental to farming.
- c. Dwelling structures for migrant workers.

- d. Roadside stands and buildings for the packaging, storage, and sale of agricultural products.
- e. Reserved
- f. Aggregate gross floor areas and maximum heights for buildings accessory to residential uses shall not exceed:

Lot Size	Maximum Total Floor Area for all Non-Agricultural Accessory Buildings	Maximum Height
Ten (10) acres or more	3,500 square feet	25 feet

- g. Home Occupations Class I
- h. Signs 16 square feet or less in area or any size painted on the wall of a building for any permitted or special use.

4. Permitted Accessory Uses with Conditions:  
 The following uses shall be allowed as permitted uses subject to Planning Commission approval and in conformance with Section 4.11 Site Plan Review & Approval when located as accessory to a Farm Market:

- a. Bakery with on-site food consumption
- b. Bonfires
- c. Cider Mill (non-alcoholic) with on-site consumption
- d. Corn Maze
- e. Fishing Pond
- f. Deli/sandwich shop with on-site food consumption
- g. Haunted Barns
- h. Non-Motorized Mud Runs
- i. Social Events with on-site food consumption
- j. Petting Farm
- k. Play-scape

NOTE: Those uses with on-site food consumption are also subject to review & approval by the County Health Department.

5. Uses Permitted by Special Use Permit  
 The following uses shall be allowed when determined to be in conformance with the provisions of Sections 4.12 and 4.13 as applicable:

- a. Churches, schools, libraries, and publicly owned buildings.
- b. Hospitals, clinics, sanitariums, convalescent homes, and similar structures designed for human care.
- c. Public utility buildings.
- d. Community country clubs, fraternal lodges and similar civic organizations when not operated for profit.
- e. Land for parks, playgrounds, public and private swimming pools, and similar facilities for outdoor exercise and recreation when not operated for profit.
- f. Food processing and packaging industries; farm equipment sales and services.

- g. Oil and brine wells and storage facilities for same.
- h. Bed & Breakfast operations.
- i. An accessory building on a lot adjoining the principal residence.
- j. Accessory buildings, structures and uses customary and incidental to any of the above permitted uses, such uses shall include temporary signs.
- k. Reserved
- l. Outdoor Storage Facilities
- m. Seasonal Storage in Existing Barns
- n. Additional non-agricultural storage building beyond Section 3.04A(3f)

B. Parcels Under 10 Acres (Permitted Uses – Residential)

Intent:

To conserve and enhance the low density and agricultural use of those portions of the Township that now have such character. By conserving such character, the Township and other public agencies will realize an economic gain in public expenditures by minimizing scattered demand for urban types and levels of services, utilities, and facilities, in otherwise predominantly rural areas. To provide for the usage of agriculturally zoned parcels that are less than ten (10) acres in area.

1. Area and Dimensional Regulations:

- a. Minimum Lot Area and Frontage Width: 1 acre; 150 feet frontage width. See also Section 7.02, “farm”.
- b. Minimum Easement Width to Back Parcel: Twenty (20) feet.
- c. Minimum Yard Dimensions: Fifty (50) feet front yard; ten (10) feet side yards; twenty (20) feet rear yard; twenty (20) feet corner lot setback. See also Sections 2.05, 4.02 and 4.03.
- d. Maximum Building Height: Two and one-half (2-1/2) stories; Thirty-five (35) feet.
- e. On lots under one acre in area, all structures in total shall not exceed 35% of the total lot area.

2. Principal Permitted Uses: No land shall be used, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided for in this Ordinance.

- a. Detached single-family dwelling in conformance with Section 4.10.
- b. Farms, horticultural operations, grain farming, forestry operations, and garden plots. Farms may include non-intensive livestock and poultry operations, dairy farming,
- c. State licensed residential foster care facilities housing six (6) or less persons.
- d. State licensed childcare centers providing care for six (6) or fewer children.

- e. Farm Markets in conformance with the Michigan Department of Agriculture’s Generally Accepted Agricultural & Management Practices for Farm Markets

3. Permitted Accessory Uses:

- a. Storage sheds or carports with less than 200 square feet of floor area, shall not exceed a maximum height of 25 feet and meet all setback requirements.
- b. Buildings and structures customarily incidental to farming.
- c. Dwelling structures for migrant workers.
- d. Roadside stands and buildings for the packaging, storage, and sale of agricultural products.
- e. Aggregate gross floor areas and maximum heights for buildings accessory to residential uses shall not exceed:

<b>Lot Size</b>	<b>Maximum Total Floor Area for all Non-Agricultural Accessory Buildings</b>	<b>Maximum Height</b>
Less than two (2) acres	1,280 square feet	20 feet
Two (2) acres but less than three (3) acres	1,700 square feet	25 feet
Three (3) acres but less than four (4) acres	2,200 square feet	25 feet
Four (4) acres but less than five (5) acres	2,700 square feet	25 feet
Five (5) acres or more	3,500 square feet	25 feet

- f. Home Occupations – Class I

4. Permitted Accessory Uses with Conditions:

The following uses shall be allowed as permitted uses subject to Planning Commission approval and in conformance with Section 4.11 Site Plan Review & Approval when located as accessory uses to a Farm Market:

- a. Bakery with on-site consumption
- b. Bonfires
- c. Cider Mill (non-alcoholic) with on-site consumption
- d. Corn Maze
- e. Fishing Pond
- f. Deli/sandwich shop with on-site food consumption
- g. Haunted Barns
- h. Non-Motorized Mud Runs
- i. Social Events with on-site food consumption
- j. Petting Farm
- k. Play-scape

NOTE: Those uses with on-site food consumption are also subject to review & approval by the County Health Department.

5. Used Permitted by Special use Permit:  
The following uses shall be allowed when determined to be in conformance with the provisions of Sections 4.12 and 4.13 as applicable:
- a. Food processing and packaging industries; farm equipment sales and services.
  - b. Churches, schools, libraries, and publicly owned buildings
  - c. Hospitals, clinics, sanitariums, convalescent homes, and similar structures for human care.
  - d. Public utility buildings.
  - e. Community country clubs, fraternal lodges, and similar civic or social organizations when not operated for profit.
  - f. Land for parks, playgrounds, public and private swimming pools, and similar facilities for outdoor exercise and recreation when not operated for profit.
  - g. Oil and brine wells and storage facilities for same.
  - h. Bed & Breakfast operations.
  - i. An accessory building on a lot adjoining the principal residence.
  - j. Accessory buildings, structures and uses customary and incidental to any of the above permitted uses, such uses shall include temporary signs.
  - k. An accessory building on a vacant lot.
  - l. Reserved
  - m. Additional accessory buildings beyond Section 3.04B(3e).

### **Section 3.05 – District C (Commercial)**

- A. Intent:  
To encourage and facilitate the development and maintenance of commercial endeavors of various types in appropriate areas. Further to encourage the exclusion of certain uses and activities that tends to disrupt the efficient functioning of commercial areas. No land shall be used thereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.

Site plans shall be submitted for all Commercial uses pursuant to Section 4.11 of this Ordinance.

- B. Area and Dimensional Regulations:
- 1. Minimum Lot Area and Frontage Width: 12,000 square feet area; 100 feet frontage width.
  - 2. Minimum Yard Setbacks: Must meet the requirements of Sections 4.02, 4.03 and 2.01.

3. Parking: Clear vision area with one (1) parking space for every twenty (20) lineal feet of frontage.
4. Maximum Building Height: Two and one-half (2-1/2) stories; thirty-five (35) feet.

C. Principal permitted uses:

1. Stores, showrooms, and shops for the conduct of generally recognized retail business when conducted within buildings having a roof and four sidewalls.
2. Personal service shops, such as professional offices, barber shops, beauty parlors, shoe repair shops, laundry, and dry cleaning pick-up shops.
3. Banks, dressmaking, millinery, photographic studios, undertaking establishments, public utility buildings, and publicly owned buildings.
4. Community clubs, fraternal organizations and similar civic and social organizations.
5. Gasoline and oil service stations, garages, and used car lots, but not the storage, processing or sale of used auto parts or other items commonly referred to as junk or hazardous materials.
6. Outdoor advertising signs not exceeding thirty-two (32) square feet in area.
7. Existing single-family detached dwellings.
8. Single-family dwellings attached to a commercial use on the second floor or to the rear of the building.

D. Permitted accessory uses

1. Outdoor advertising signs not exceeding thirty-two (32) square feet in area.
2. Storage shed or carport under 200 square feet; maximum one and one-half stories (25 feet) in height; must meet all setback requirements.

E. Uses Permitted by Special Use Permit:

The following uses shall be allowed when determined to be in conformance with the provisions of Section 4.11, 4.12 and 4.13.

1. Outdoor theaters, dance halls, recreational hall, and other enterprises of recreation and amusement.
2. Sale and servicing of agricultural machinery, lumber yards, and warehouses.
1. Establishments located within buildings for the repair, alteration, finishing, assembling, fabrication, or storage of goods primarily for local and retail sale.
4. Outdoor advertising signs exceeding thirty-two (32) square feet in area.
5. Hotels, motels and bed-and-breakfast operations.
6. Attached dwelling
7. One accessory building no larger than 720 square feet.
8. Warehouse and Mini-storage Facilities (indoor storage)

**Section 3.06 – District I (Industrial)**

A. Intent:

To encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic growth, and protection from blight, deterioration, non-industrial encroachment and efficient traffic movement including employee and truck traffic. No land shall be used thereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.

Site plans shall be submitted for all industrial uses pursuant to Section 3.06 of this Ordinance.

B. Area and Dimensional Regulations

1. Minimum Lot Area and Frontage Width: 12,000 square feet lot area; 100 feet frontage width.
2. Minimum Yard Dimensions: Must meet the requirements of Sections 2.04, 4.02 and 4.03
3. Maximum Building Height: Two and one-half (2-1/2) stories; thirty-five (35) feet.

C. Principal permitted uses:

1. Manufacture or assembly of electrical appliances, motors and instruments; manufacture or assembly of signs, billboard, and advertising structures; other manufacturing or assembly operations of similar nature not attended by excessive noises, smoke, odors, vibrations or dust.
2. Dairy plants, canneries, wineries, agricultural storage and packaging, and similar food processing operations and requiring a special permit under this section.
3. Sheet metal, machine shops, fabrication shops, and monument works.

D. Permitted accessory uses:

1. Outdoor advertising signs not exceeding thirty-two (32) square feet in area.
2. Storage shed or carport under 200 square feet; maximum one and one-half stories (25 feet) in height; must meet all setback requirements.

E. Uses Permitted by Special Use Permit:

The following uses shall be allowed when determined to be in conformance with the provisions of Sections 4.11, 4.12 and 4.13;

1. Chemical manufacturing or processing, asphalt manufacturing or refining, similar related manufacturing or processing.

2. Manufacturing or processing operations involving odors, fumes, smoke, dust, water, noise, or vibration only to such a degree as not to be considered obnoxious, offensive, unhealthful, or harmful to surrounding property.
3. One accessory building no larger than 720 square feet
4. Warehouse and Mini-storage Facilities (indoor storage)
5. Outdoor Storage Facilities.

**Section 3.07 – District RMH (Residential Mobile Home)**

- A. Intent:  
The RMH District is designed for those who prefer mobile home living. Although a single- family unit, mobile home developments typically have a higher density impact than conventional single family developments. In order to not adversely impact other areas of the Township, certain land areas are hereby recognized as appropriate for continued mobile home use provided that proper site design standards and requirements are met.
- B. Principal permitted uses:  
In the RMH District no use shall be permitted unless otherwise provided in this Ordinance, except for the following:
1. Mobile homes located in a mobile home park.
  2. Mobile home parks.
  3. Publicly owned and operated parks, playfields, museums, libraries, and other recreational facilities.
  4. Municipal, state, and federal administrative or service buildings.
  5. Home occupations. Type I.
  6. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- C. Standards and Requirements for Mobile Home Parks:
1. Mobile home parks shall conform to the requirements as promulgated by the Michigan Mobile Home Commission Rules as amended.
- D. Site Plan approval - Preliminary:
1. For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4.11.
- E. Area and Dimensional Regulations;
1. Minimum lot size for a mobile home park shall be ten (10) acres.

**Section 3.08 - District CO (Grand Junction Commercial Overlay)**

*(amendment June, 2010)*

A. Intent:

The purpose of the Grand Junction Commercial Overlay District is to provide orderly commercial development along C.R. 388, C.R. 215 and 54<sup>th</sup> Street within the Grand Junction neighborhood in accordance with the Columbia Township Master Plan. The intent is to allow the historic mix of commercial and residential uses to continue in a dynamic relationship while providing protection for the residential property owner from adjacent commercial uses.

B. Applicability:

For the purposes of this section, “Grand Junction”, is the area included within the Map of the Village of Grand Junction as platted and recorded on April 13, 1872, and the Map of a portion of the Village of Grand Junction dated July 22, 1899. Areas of unplatted land isolated by these plats and small tracks immediately adjacent to this area may be included so long as any rezoning is in conformance with the Columbia Township Master Plan.

Within the Grand Junction Overlay District the provisions for commercial development are intended to apply only to parcels immediately fronting on either C.R. 388, C.R. 215 south of C.R. 388, or 54<sup>th</sup> Street north of C.R. 388, with some exceptions as noted in the text. These provisions shall allow these properties to be considered as sites for certain commercial uses as prescribed in Sections 4.11, 4.12 and 4.13.

C. Principle Permitted Uses:

As an overlay district, the Grand Junction Commercial Overlay District does not replace or restrict the range of uses allowed in the underlying districts. The overlay district provides additional development options and standards (below in D. and in Section 4.13), which must be met for any uses not permitted in the underlying zoning districts.

D. Uses Permitted by Special Use Permit:

1. Special Uses permitted in the underlying zoning districts.
2. Home Occupation Class II – Home Businesses
3. Small-scale Commercial Uses
4. Accessory buildings, structures and uses customary and incidental to any of the above special uses, such uses shall include temporary signs.

## ARTICLE IV – GENERAL PROVISIONS

### Section 4.01 – Conflicting Laws, Ordinances, Regulations, and Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of the law, Ordinance, rules, regulations, or permits previously adopted or issued pursuant to laws relating to the erection or use of buildings or land; nor is it intended by this Ordinance to interfere with or abrogate or annul any existing easements, covenants or other agreements between parties; provided, however, that where any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations, upon the erection or use of land or buildings, or upon the heights of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or Ordinance or any said rules, regulations, permits or easements, then the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction running with the land, except where such covenant imposes lesser requirement.

### Section 4.02 – Minimum Lot Area and Dimensions

- A. Parcels of land upon which a dwelling is hereafter erected or moved shall conform with the following:
1. In cases of un-platted land, no lot shall contain less than the required minimum lot area of the zoning district in which the land is located or as permitted in Section 2.04, exclusive of street or easement right-of-ways, nor shall be less than fifty (50) feet at the building line.
  2. Every parcel of land shall provide a minimum width of twenty-four (24) feet at the frontage line of the access to the premises.
  3. Prior to a land division being approved, where access is provided only via a private road or drive, a parcel shall not be considered accessible and shall not be approved until the private road or drive has been constructed in conformance with Article IV, Section 4.16. (*amended October 2010*)
- B. Other-buildings:  
The minimum size of a parcel of land required for other permitted and approved uses shall be in accordance with the requirements of this Ordinance.
- C. In determining lot requirements, no required area shall be ascribed to more than one principal building or use.
- D. Where a lot abuts upon the shoreline of a lake, river, stream, or other surface body of water not having a legally established water level and subject to fluctuation of water levels, the computation of the required lot area and yard measurements shall exclude any portions of the land existing below the highest prior water level.

**Section 4.03 – Minimum Front, Side and Rear Setbacks on All Lots – Except as provided for in Article 2.0 and Section 3.03.**

A. Front Yards:

1. Highway and primary road setback:  
Where premises abut upon a highway under the jurisdiction of the Michigan State Highway Department, a distance of 110 feet shall be maintained between the center line of the highway and the building line, or where premises abut upon highways under the jurisdiction of the Van Buren County Highway Commission a distance of eighty-three (83) feet between the centerline and building line.
2. Plat setbacks:  
When premises abut roads or streets contained within recorded plats and which are designed and intended for residential uses, front yard requirements may be reduced to fifty-eight (58) feet between the centerline and building line, except as provided for in Section 3.03.
3. Unplatted lots on private streets:  
Where an unplatted lot is created on a private street the front setback may be reduced to fifty (50) feet from centerline.
4. Average setbacks:  
Further provided, that in situations where an average setback line less than required has been established by existing buildings on the same side of the street and within 200 feet of the proposed building, such established setback shall apply. However, such reduction shall not exceed 50 percent of the required standard listed in this section.
5. Accessory Structures in the Street Front Yard.  
Generally, as long as the general setback regulations of this Article are met, accessory structures and buildings may be allowed in any yard but shall not be erected in the required street front yard. The following exceptions are provided:
  - a. Waterfront Lots - Exceptions:  
Structures on waterfront lots must meet the front setback requirements for both setbacks fronting the right-of-way and the permanent water feature and be subject to the provisions of this ordinance with the following exception:
  - b. On waterfront lots, one (1) garage may be constructed, erected, and placed in the street front yard of any lot providing the garage maintains a setback of ten (10) feet from the road-right-of-way; and further providing that the road is not a county primary road or a county local road as shown on the Van Buren County “General Highway Map”.
  - c. On a waterfront lot, an accessory building of 200 square feet or greater in area shall not be erected or maintained in any required side or lakefront setback area. One (1) accessory structure less than 200 square feet in area and less than 8 feet in height may be erected within the required side and lakefront setback areas, providing, that such structure is at least 10 feet from the high-water level of the lake and

that any wall or roof over-hang shall be at least 3 feet from a side lot line.

B. Side Yards:

1. General Rules: (Except as provided for in the RO District, Section 3.03)

There shall be ten (10) feet setback for each side yard for lots that are 100 feet wide or more at the building line.

There shall be at least five (5) feet setback at the building line on each side of lot up to fifty (50) feet in width, with one (1) foot additional width of side yard being required for each additional ten (10) feet in lot width of lots up to one hundred (100) feet; except where lots abut upon two or more streets or highways, in which case a minimum side setback of twenty (20) feet is required from the side road right-of-way.

2. Districts C and I special rules:

No side yard shall be required in Districts C and I when structures are separated by acceptable fire-walls.

C. Rear Yards:

1. Every principal building hereafter erected or moved upon a premise shall provide a rear yard no less than twenty (20) feet in depth.

2. Any accessory building shall be constructed at least ten (10) feet from the rear lot line except where otherwise provided for in this Ordinance.

D. Lake front yard:

1. Principal structures and all dwelling structures shall not extend closer to the lake than existing structures of the same type on adjacent lots or lots within 200 feet on either side. If there are no occupied lots within 200 feet then the setback shall be 25 feet from the normal high water level or established flood hazard elevation.

2. Accessory structures shall not extend closer to the lake than existing accessory structures on adjacent lots within 200 feet on either side. If there are no similar structures on adjacent lots within 200 feet then the setback shall be the same as for a dwelling except that structures less than 200 square feet in area may be located at least 5 feet from the normal high water level. If the lot is bisected by a street between the dwelling and the lake, then an accessory structure less than 200 square feet in area shall be at least 5 feet from the normal high water level and at least 20 feet from the street right-of-way line.

2. Waterfront Lots – Additional Regulations:

All structures including decks over two (2) feet high.

a. Required waterfront setback: There shall be a waterfront setback of not less than 25 feet, or the average setback of structures of the same type on adjacent parcels within 200 feet.

b. Required street-front setback: On waterfront lots there shall be a street front setback of not less than 25 feet for all buildings except for one garage as exempted above in A, 1-5.

E. Wetlands setbacks

1. Wetlands are identified in the township official wetland map and regulated by the provisions of the Columbia Township Wetlands Ordinance and Part 2 below.
2. Any activity that may adversely affect a wetland is subject to review and permit approval by the Michigan Department of Environmental Quality (MDEQ) pursuant to provisions of the Wetlands Protection, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.
3. All structures shall be setback at least twenty-five (25) feet from the edge of any wetland as delineated by MDEQ staff or by a qualified wetland scientist. Docks, boardwalks and similar structures may be located within a wetland only through a permit from the MDEQ.

**Section 4.04 – Buildings and Structures Relative to Setback Lines**

No building or structure of any kind, except necessary signs, small (less than 25 square feet) shelters for school children, pump/well housings less than 3 feet high and open fences through which there shall be clear vision, shall be constructed, erected, or moved into space closer than eight (8) feet from a road right-of-way, or any needed clear vision area.

**Section 4.05 – Water Supply and Sewage Disposal Facilities**

- A. Every building or structure hereafter erected or moved upon any premises for permanent or temporary human habitation shall be provided with a safe and adequate system for water supply and sewage disposal. No such building or structure shall be utilized for human habitation until the owner of the premises has obtained a written approval of the water supply and sewage disposal from the Van Buren County Health Department.
- B. Connection shall be made to a public water supply and public sewer system, if they are available to the premises.
- C. When a private water supply or private sewage disposal system is required the type, location, and construction shall comply with the sanitation regulations for Van Buren County. No building or structure requiring the facilities shall be erected or moved upon any premises, which does not provide adequate size or size conditions for safe and adequate water supply and sewage disposal facilities.

**Section 4.06 – Dwellings for Use of Seasonal Farm Labor**

Any building or structure located in the Agricultural District and available for occupancy from April first to November fifteenth for the use of seasonal farm labor shall not be subject to the provisions of this Ordinance; provided, it is maintained in a safe and sanitary condition, and is furnished with a safe and sanitary water supply and with sewage disposal facilities which do not adversely affect the public health; and provided, further, that such buildings or structures shall be

located at least 100 feet from the side or rear property line and 133 feet back from any state, county, or public highway or roadway; and are licensed by the appropriate state licensing agency of the Michigan Department of Public Health.

#### **Section 4.07 – Essential Services**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric sub-stations, and auxiliary buildings, gas regulator buildings, and equipment, and other similar facilities and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions 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 Columbia in any zoning district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance.

#### **Section 4.08 – Temporary Dwelling Structures**

No building, trailer coach, garage, cellar, basement, or other structure, which does not conform to the provisions of this Ordinance relative to dwellings, shall be erected, altered, or moved upon any premises and used for dwelling purposes except under the following applicable limitations:

- A. Such use of any building, trailer coach, garage, cellar, basement, or other structure shall not be adverse to health, safety, or to the public welfare and shall conform to Article VI 6-1, 6-3, and 6-4 “Temporary Privies”, of the Van Buren/Cass District Health Code.
- B. The location of each building, trailer coach, garage, cellar, basement, or other structure shall conform to the regulations governing the yard requirements.
- C. Such use of any building, trailer coach, garage, cellar, basement, or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period of construction and until completion. Provided, however, that such a period shall not exceed twenty-four (24) months, beginning with the date of issuance of the permit, unless otherwise extended by the action of the Board of Appeals.
- D. Application for the erection, movement, alteration, and use of such building, trailer, coach, garage, cellar, basement, or other structure shall be made to the Zoning Administrator as provided in Section 4.10 of this Ordinance. The Zoning Administrator shall approve or disapprove the application giving due consideration to the purposes of this Ordinance and to the best interest and welfare of all parties. Appeals to decisions of the Zoning Administrator shall be considered by the Zoning Board of Appeals at their next regular meeting.

- E. The conditions of this section shall not apply to any trailer coach when located in a trailer coach park.

**Section 4.09 – Vehicular Parking Space, Access Thereto, and Lighting Thereof**

For each dwelling, commercial, industrial, manufacturing, or other similar business or service establishment, hereafter erected or altered and located on a public highway, road, or street in the unincorporated portions of the Township, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space, off the right-of-way for the parking or loading of vehicles of at least one (1) space for each 200 square feet of usable floor area, excluding warehouses or similar storage, and such space shall be provided with safe exit to and safe entrance from the public thoroughfare. Approval for the location of such exit and entrance shall be obtained from the Michigan State Highway Department for all highways under their jurisdiction, and from the County Road Commission for all other roads and highways in the Township, which approval shall also include the design and construction thereof in the interest of safety, adequate drainage and other public entrances and exits, shall comprise one automobile parking space. All parking as required in this section, except as required for dwelling, shall be provided with artificial lighting that does not interfere with the peaceful use of adjoining property.

**Section 4.10 – Minimum Dwelling Unit Regulations**

- A. Application for Permits:  
Before any construction starts or before any dwelling is moved onto or within property in Columbia Township the following permits are required:
  - 1. Well and Septic permits from the Van Buren County Health Department
  - 2. Electrical permit from the Columbia Township Electrical Inspector.
  - 3. Building permit from the Columbia Township Building Official (Inspector).
  - 4. Plumbing permit from the Columbia Township Plumbing Inspector
  - 5. Mechanical permit from the Columbia Township Mechanical Inspector
  - 6. Zoning Compliance from the Columbia Township Zoning Administrator.
- B. Travel Trailer: All dwellings shall be in accordance with this Section and Section 7.05. However, a travel trailer may be placed on a parcel or lot for a maximum of three (3) months in any twelve (12) month time period provided that a permit is secured from the Township. To secure a permit for such travel trailer the applicant shall document compliance with the Van Buren/Cass District Health Code.
- C. Minimum dwelling size:  
720 square feet on the main floor (outside wall dimensions) for one and two-bedroom dwellings and minimum exterior width at any side elevation of 14 feet. There shall be an additional 150 square feet of floor area for each additional bedroom beyond two. The minimum floor area shall not include additions to mobile (manufactured) homes. Two or more mobile homes shall not be attached nor shall a mobile home be added to an existing mobile home. No mobile home shall be installed as an addition to an existing conventionally constructed home, nor shall a conventionally constructed home be added to a mobile home. This

Section shall not be interpreted to prevent an addition to an existing mobile home that is less than 50% of the original floor area of the structure. All additions to manufactured homes must be freestanding (see state Building Code).

- D. **Used Mobile Homes:**  
Used mobile homes must pass Township inspection before being set up on a building site. Notice: No mobile home needing repairs shall be placed upon a building site until the necessary repairs are made and the Township Building Inspector has approved the repairs.
- E. **Plot Plan:**  
A plot plan is required showing to scale the size and location of the proposed dwelling and all existing structures on the site and distances from the lot lines. The plot plan shall be drawn in accordance with an accurate boundary line survey.
- F. **Foundations:**  
All dwellings located outside of mobile home parks shall have a permanent foundation of concrete or block around the entire perimeter of the dwelling structure. All foundations shall conform to the Michigan Building Code.
- G. **Porches and steps:**  
Each dwelling structure shall have permanently attached steps connected to exterior door areas or to porches connected to exterior door areas where a difference in elevation requires steps under the Michigan building code.
- H. **Existing Mobile Home Skirting:**  
All existing mobile homes in place at the time of adoption of this section shall be either skirted or have a foundation or block curtain wall foundation. If skirting is used, this material between the ground and the base of the mobile home shall conform and be of similar material as the original structure; it shall be vented, and be manufactured of fire-resistant material and certified as such by the manufacturer. Any re-location of or structural changes to an existing structure shall conform to subsection E. above.
- I. **Occupancy:**  
1. No dwelling shall be occupied until all construction or installation has been completed in accordance with the applicable construction code and the provisions and requirements of this ordinance, and has been inspected and approved by the Township.  
2. There shall be no more than one (1) dwelling per lot except as permitted in Section 3.02 – R2 district.
- J. **Maintenance:**  
All dwelling structures shall be properly maintained against deterioration and/or damage from the elements in accordance with the Columbia Township Property Maintenance Ordinance.

- K. **Mobile Homes in Mobile Home Parks:**  
The provisions of this section shall not apply to mobile homes located in licensed mobile home parks. Such dwellings shall comply with rules 601 and 608 as amended, promulgated under Michigan P.A. 96 of 1987, and as adopted by the Michigan Mobile Home Commission.
- L. **Home Occupations – Class I:**  
Home occupations Class I, as defined in Section 7.09 and meeting the requirements of this sub-section shall be allowed as a permitted accessory use. The Zoning Administrator is the final authority on whether any Home Occupation is Class I or Class II.
- A Home Occupation Class I shall not exceed the following requirement:
- a. Only persons having their principal residence in the dwelling shall be engaged in the occupation,
  - b. Shall not have a sign over two (2) square feet in area,
  - c. Shall not be conducted in whole or in part in a detached garage or accessory building, and there shall be no outside storage area or display of good,
  - d. Shall not occupy more than 25% of the main floor area of the dwelling nor any portion of an accessory building, and
  - e. Except for students in the fine arts, shall not involve any physical presence at the residence by customers or business associates not residing in the dwelling.

#### **Section 4.11 – Site Plan Review and Approval**

- A. **Intent.**  
A site plan review procedure is hereby established for Columbia Township. The purpose of a site plan review is to determine compliance with the provisions set forth in this Zoning Ordinance and to promote the orderly development of Columbia Township. The further intent of this Section is to ensure the erection of or additions to and/or alterations of structures with proper attention to siting and appearance. The purpose of ensuring proper development is to protect the stability of land values and investments for the general welfare, and to help prevent impairment or depreciation of land values and development.
- B. **When Required.** The following provisions in this section shall apply to all uses requiring site plan review by this Ordinance, including:
1. Any mobile home park. (preliminary only)
  2. Any multiple family dwelling, except structures with four (4) or fewer dwelling units.
  3. Any commercial use.
  4. Any industrial use.
  5. Any application for a Special Use.
  6. Any change of use of an existing structure that requires additional parking or that is a change to a more intensive use as determined by the Zoning Administrator.

7. Exception: Site plans for agricultural uses may be waived by the Zoning Administrator, or the Township Board.
- C. Contents. A required site plan shall be drawn at a scale of 1 inch equals 40 feet or less for uses affecting three (3) acres or less, and 1 inch equals 100 feet for uses affecting more than three (3) acres. All site plans shall contain the following information:
1. A legal description of the land and lots included in the site plan.
  2. The boundary lines of the area included in the site plan, including angles, dimensions, and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
  3. The shape, size, location of any lots including yard dimensions, height and floor area of all structures, and the finished ground and basement floor grades (in flood prone areas).
  4. A vicinity sketch showing, adjacent properties and their uses and the location of the site plan in relation to the surrounding streets system.
  5. Proposed streets, driveways, loading spaces, and the total number and layout of parking spaces shall be shown.
  6. The size and location of all required landscaping.
  7. Existing and proposed drainage systems shall be reviewed and approved by the Van Buren County Drain Commissioner.
  8. The name, signature, title, and mailing address of the person whom prepared the site plan. A site plan for any development of more than two (2) acres in land area, or, more than 10,000 square feet of floor area shall be prepared by a registered architect, engineer, or land surveyor.
  9. EXCEPTIONS:  
 MINOR PROJECTS - In order to facilitate review of a development or expansion project having a building permit value of less than \$20,000, the Zoning Administrator may waive the data submission requirements of this Section and accept a site plan with the following information:
    - a. A legal description of the subject property.
    - b. A description of the land uses surrounding the project.
    - c. Date, north arrow and scale.
    - d. The dimensions of all lot and property lines.
    - e. The siting of all structures on the subject property.
    - f. Significant environmental features such as wetlands, and water bodies.
- D. Preliminary Site Plans - If any applicant wishes to request a preliminary site plan review in order to determine the feasibility of a project, a site plan of this nature may be submitted as a preliminary site plan, however, except for mobile home parks, such a preliminary site plan shall not be considered for or given final approval. No fee will be charged for preliminary site plan review (except for mobile home parks where there will be no final site plan review by the township) but the preliminary site plan must be delivered to the Township Clerk at least seven (7) days prior to a scheduled planning commission meeting, except when a public hearing is required, in which case the preliminary site plan shall be

submitted at least 21 days prior to the scheduled public hearing and the fee shall be required at that time.

E. Review Process and Approval.

1. The applicant shall submit seven (7) copies of any required site plan to the Zoning Administrator along with a cover letter signed by the owner of the land and any prospective developer. The cover letter shall give a general explanation of and background information on the proposed development or use.
2. The Zoning Administrator shall examine the site plan as to proper form and content and for compliance with all applicable requirements of this Ordinance. The Zoning Administrator shall either, forward the site plan for review and processing to the appropriate body at the next scheduled meeting or at the next meeting scheduled following any required public notice, or within fifteen (15) days shall return the application to the applicant along with a written explanation of why the site plan cannot be processed.
3. A site plan submitted in conjunction with an application for a Special Use Permit, and which is accepted by the Zoning Administrator, shall be forwarded to the Planning Commission for recommendation and to the Township Board for approval, approval with conditions and/or changes or denial.
4. A site plan submitted in conjunction with an application for a Zoning Compliance Permit which does not require a Special Use Permit shall be forwarded to the Township Planning Commission for review and approval, approval with changes and/or conditions, or denial.
5. CRITERIA:  
In the case of site plan review for multiple family, industrial or commercial uses or in other cases deemed appropriate by the Planning Commission, the Planning Commission shall consider among other factors:
  - a. Noise
  - b. Lighting
  - c. Outside storage
  - d. Possible blight or future maintenance
  - e. Public safety
  - f. Traffic patterns both on-site and on the adjacent roadway
  - g. Drainage
  - h. Screening and greenbelts, especially if the proposed use is adjacent to residential uses

F. Site Change: Any structure, use or field change added subsequent to the initial site plan approval must be approved in the same manner as the original approval, unless the change is minor in nature. Minor site plan changes may be approved by the Zoning Administrator without Planning Commission approval. Examples of minor site plan changes include:

1. Minor variations in concept or design of the a development which are

- determined by the Zoning Administrator not to be major changes.
2. Increases or decreases of residential or non-residential floor areas by ten (10) percent or less.
  3. Relocation of any surface or subsurface structure or improvement by less than twenty (20) feet from its planned locations.
  4. Increase or decrease in planned elevations of finish grades or changes in the area or materials of paved areas which affect less than five hundred (500) square feet, or, ten (10) percent of the total lot area, whichever is more.
  5. Increases or decreases or change in type, height or length of walks, fencing, berms or screen plantings.
  6. Change of use where the required parking for a new use does not exceed the existing parking on site.
  7. Additions or deletions of permitted accessory uses to the principal uses permitted in an approved site plan.
  8. Changes in the location of essential public utilities and services from those approved on the site plan in order to accommodate installation.

If an applicant decides to appeal the disapproval of a minor site plan change by the Zoning Administrator, the application shall be forwarded to the Planning Commission with the Zoning Administrator's reasons for disapproval.

- G. Phased Construction: Where phased or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:
1. Relationship and identification of future structures
  2. Pedestrian and vehicular circulation
  3. Time and schedule for completion of the various phases of the proposed construction
  4. Temporary facilities or construction as required to facilitate the development
- H. Security Deposit: For any project where phased development is contemplated the Township shall required a security deposit based upon a firm bid, sufficient to cover the cost(s) of completion for required infrastructure improvements and protective screening.
- I. Expiration: Approved site plans must begin project work within 12 months of final approval and the project must be completed within 24 months. If the project cannot be started or completed within the required time frame, the developer may ask for an extension not to exceed **six (6)** months. If the project is not started or completed within the required time period the approval shall expire and the applicant must re-apply for Site Plan Review, if a Special Use, a new public hearing shall be required.

## **SECTION 4.12 SPECIAL USE PROCEDURES**

- A. Application: Application for a Special Use Permit shall be in writing and shall accompany the application for Site Plan Review as required under the provisions of this Ordinance. (*See 4.11 Site Plan Review, E. Review Process & Approval, 3*)

Application for a Special Use Permit shall be accompanied by a plan for the proposed use. This plan, where applicable, shall show the location of all buildings, structures, parking areas, open spaces, traffic access and circulation, landscaping (including screening), and any other information necessary to determine the conformance of the proposed use with the provisions set forth in the schedule of District Regulations, and the Special Use conditions.

The Zoning Administrator shall make such investigation as may be necessary, to determine whether the proposed Special Use complies with the requirements of this Ordinance. The application shall be referred to the Planning Commission, together with all reports relevant to the proposed use for consideration at the request of the owner. In no case shall a period exceeding thirty (30) days elapse between the filing of a complete Special Use Permit application and the time of notice to the Planning Commission.

- B. Public Notice:

Whenever a complete application for a Special Use Permit is referred to the Planning Commission, a public hearing is required. Notice of such a public hearing shall be made in accordance with Section 8.3 of this ordinance and Michigan Public Act 110 of 2006, as amended.

- C. Special Use Review Requirements:

Special Uses shall be subject to the following special requirements in addition to the requirements and standards of the zoning district in order to prevent conflict with or impairment of the principal permitted uses of the zoning district. Such uses shall be deemed to possess characteristics of such unique form that to the district that each shall be considered on an individual case.

1. Relationship to adjacent land and buildings:  
The location and size of the use, the nature and intensity of the operations, the size of the site in relation to operations, and the location of the site with respect to existing or future roads and highways providing access to the site shall be in harmony with the orderly development of the district; and the location, nature, and height of buildings, walls and fences, and shall not discourage the appropriate development and use of adjacent land and buildings nor impair their value.
2. Character of operations:  
Operations shall not be more objectionable to nearby properties by reason of noise, traffic, safety, congestion, vibration, dust, fumes, smoke, or flashing lights than the operation of any permitted use.

## **SECTION 4.13 SPECIAL USE CONDITIONS**

Planning Commission Modification: During site plan review the Planning Commission documents requirements that do not apply and their justification for approval by the Township Board.

The Zoning Board of Appeals shall have no authority to review or grant variances from any of the following conditions or any decision of either the Planning Commission or Township Board in relation to the granting or denial of any Special Use permit.

A. Automobile Repair Shops and Impound Yards:

1. Outside storage or parking of disabled, wrecked or dismantled vehicles for any overnight period shall not exceed more than two (2) vehicles awaiting service for each indoor repair stall located on said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding thirty (30) days.
2. No sale of used cars or any other vehicles on the premises may be permitted unless the operation meets the approval of the Township Board after having received a recommendation from the Planning Commission.

B. Billboards:

A sign structure, over 100 square feet in area, advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located, also known as “off-premises sign” or “outdoor advertising structure”.

1. Billboards are permitted by Special Use permit only within three hundred (300) feet of a county primary road.
2. Billboards shall not exceed three hundred (300) square feet in area per side.
3. Billboards shall not be greater than thirty-five (35) feet in height, nor be stacked or in tandem.
4. Billboards shall be at least three hundred (300) feet from a home, school or church and not be lighted so as to cause any light or glare to shine on abutting structures.
5. Billboards shall not be space closer than one thousand (1,000) feet between one another or on either side of a road right-of-way.
6. Billboards shall only be located in Agricultural, Commercial or Industrial zoned districts.

C. Campgrounds, Seasonal Mobile Home Parks and Recreational Vehicle (RV) parks:

Campgrounds, seasonal mobile home parks and RV parks shall be allowed subject to the following procedures and conditions:

1. The total area of the campground shall be at least 20 acres.
2. There shall be a required setback of not less than 50 feet along all property

lines. No campsite or any structure shall be located in this required setback area. Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.

3. There shall be a greenbelt-planting strip with a width of not less than 20 feet along the property lines and may be within the 50-foot setback as required in 2 above. Such greenbelt will contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs, spaced not more than eight (8) feet apart, that grow to an ultimate height of 12 feet.
4. If there are recreational areas they may be located within the 50-foot required setback but not within the 20-foot greenbelt.
5. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet and shall have unrestricted access to or from a public street.
6. No structure shall exceed 25 feet in height.
7. One (1) detached single-family dwelling, used only for purposes of residence by a park manager or owner and conforming to requirements of the zoning district may be allowed.
8. Any grading plan for the grounds of the campground shall be reviewed and approved by the County Drain Commissioner.
9. Each site will be arranged to safely accommodate a travel trailer, camper, or other similar camping apparatus. There shall be not less than one (1) parking space for each rental unit or campsite. Parking spaces shall measure 10' x 20' and there shall be a driveway width of 11' for each direction of travel.
10. There shall be a maximum of two signs that shall bear only the name of the campground shall have a maximum area of 100 square feet each. Such signs may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located with the required setback but not within the greenbelt.
11. No commercial enterprise shall be permitted to operate within the park except that a convenience goods shopping building, not to exceed two thousand five hundred (2,500) square feet of floor area, may be provided in a park containing more than fifty (50) campsites.
12. There shall be no sales or display of camping vehicles.
13. Except for primitive campgrounds, there shall be located, within the campground, approved sanitary dumping facilities.
14. All requirements, as regulated by Michigan Public Act 368 or 1978, as amended, shall be complied with.
15. Potential traffic congestion that might be occasioned by the intended use. The Planning Commission may require a traffic impact study/report. A proposed project shall not project to reduce the traffic engineering level of service classification of an impacted roadway.
16. The effect of proposed use on adjoining properties and the surrounding neighborhood. The Planning Commission may require an impact analysis.
17. The compatibility of the proposed use with the surrounding neighborhood.

The Planning Commission must consider the scale of the proposed development in comparison to the size of surrounding uses.

The above restrictions shall apply to all lots, parcels or tracts on or abutting any lake, whether the access to the lake waters is by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.

D. Churches, Private Schools, Libraries, Museums, and Community Halls:

1. Minimum lot width shall be one hundred and fifty (150) feet.
2. Minimum lot area shall be one (1) acre, for structures with an intended capacity less than one hundred (100) persons. For structures with an intended capacity over **one** hundred (**100**) persons there must be sufficient area to allow for the required parking on-site. Existing churches, schools, etc. on non-conforming lots may be expanded only if the off-street parking requirements are met for the entire capacity.
3. This type of structure may be exempted from the height limitations of the zoning district. For every foot of height by which the building, exclusive of spire, bell or clock towers, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be required.
3. The lot location shall be such that at least one (1) property line abuts a paved road. All ingress to the lot shall be directly onto a paved road.
4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
5. For uses exceeding a seating capacity of two-hundred fifty (250) persons, a traffic study shall be required to be submitted by the applicant which describes internal circulation and projects impacts on traffic operations, capacity, and access on adjacent and nearby roads which are likely to provide access to the site.
6. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any road or any other driveway.

E. Fraternal Organizations:

1. Shall be located on lots of at least two (2) acres.
2. Shall not be located within 1,000 feet of a church or school.
3. Retail sales of food or beverages may be permitted to members or guests only and there shall be no external sign of commercial activity.

F. Accessory Building on a Vacant Lot

Garages intended for automobiles or boats, when located on a lot not occupied by a single-family dwelling.

1. Such garage shall be setback at least 5 feet from any side or rear lot line, 20 feet from any street right-of-way line.
2. Such garage shall not exceed 32 feet by 40 feet (1,280 square feet) in gross floor area. (*amended October 2010*)
3. Both lots shall be in common ownership.

4. The Special Use may only be granted if the owner records a signed agreement, agreeable to the Township, not to sell the lots separately.
5. Such garages shall not be used for dwelling or commercial purposes.

G. Home Businesses – Class II Home Occupation

A Home Business may be allowed on properties in residential or agricultural districts where specifically listed in the district regulations for Special Uses, as a means for a person or persons to start up a business on the same property as their principle dwelling with a higher level of intensity than a home occupation. The regulations that follow are intended to result in a minimal impact on adjacent properties and the neighborhood in general. In reviewing and approving a Special Use for a Home Business the following conditions shall be met:

1. The proposed home business shall be compatible (see definition) with and have a minimal impact on the adjacent properties and neighborhood.
2. Not more than 25% of the gross floor area of the dwelling (excluding garage space) shall be used for the home business. Any accessory building used as part of a home business may be considered a commercial-use building subject to the state construction code as a change of use. The Township Building Inspector shall determine the required construction standards in accordance with state law. The maximum size for an accessory building used for a home business shall be 2,400 square feet gross floor area.
3. The minimum parcel size should be for lots in subdivisions as platted or on unplatted parcels of at least five (5) acres.
4. The maximum area of impact: The total area covered by the home business including outside storage, parking lots, driveways and all structures involved in the business shall not cover more than one quarter (25%) of the lot area nor more than one (1) acre of a parcel of five (5) acres or more.
5. All parking areas shall be set back at least ten (10) feet from any street right-of-way, shall have a gravel or paved surface with parking spaces clearly defined. All parking shall be off-street, and there shall be no parking for any vehicles (including resident vehicles) other than those specifically approved by the Planning Commission. The Planning Commission may require screening or fencing and/or increased setbacks to protect adjacent uses.
6. Not more than one (1) person not resident on the property, plus members of the immediate family residing on the premises, shall be employed in the business. At least one person associated with the home business shall occupy the dwelling unit on the property as their primary residence as evidenced by the person's driver's license, vehicle registration, vote registration or other clear and convincing evidence.
7. A Home Business may include but is not limited to:
  - a. Uses considered acceptable as Home Businesses: retail sales of good produced or assembled on-site, small engine repair, medical or dental offices, excavating contractor, building and/or trades contractor.

- b. Uses that shall be prohibited as home businesses: vehicle sales permit issued under P.A. 203 of 2004 as amended, except in C1 Commercial; Adult Uses.
  - 8. Outdoor storage of more than one commercial vehicle is prohibited. Outdoor storage of any type of commercial equipment is prohibited. Outdoor display of articles or merchandise for sale is prohibited.
  - 9. A home business shall operate only between the hours approved via site plan review. Clients and outside employees shall not be present outside of those hours unless approved via site plan review.
  - 10. No equipment or process shall be used in any home business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal human senses at or beyond the property line of the site where the home business is conducted. Pursuant to electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises, or that causes fluctuation in line voltage off-premises.
  - 11. Storage of hazardous materials shall only be permitted provided that the operator is licensed by the State of Michigan Department of Environmental Quality as a “Stormwater Operator – Industrial Site” and has filed a Pollution Prevention Plan; and has registered such materials with the Columbia Township Fire Department and must be in compliance with the Uniform Fire Code for residential uses.
  - 12. Deliveries and Pick-ups: Truck deliveries or pick-ups of supplies or products, and customer appointments associated with the home business shall be imperceptible from normal residential activity. Vehicle delivery and pick-up are limited to those normally servicing residential neighborhoods.
- H. Hospitals, Clinics, Sanitariums, Convalescent Homes, State Licensed Residential Care Facilities for more than 6 persons and similar structures designed for human care:
  - 1. Minimum lot area shall be two (2) acres.
  - 2. The lot location shall be such that at least one (1) property line abuts a paved road. The ingress and egress for off-street parking facilities for guests and patients shall be directly from paved road.
  - 3. Minimum main and accessory building setback shall be 50 feet from a street right-of-way line, and 30 feet from a side or rear property line.
- I. Manufacturing, Compounding, Processing, Packaging, Treating Assembly and Bulk Storage of Certain Products:
  - 1. Minimum site size shall be one (1) acre.
  - 2. Minimum required lot width shall be 100 feet.
  - 3. No use of this type shall be permitted within 500 feet of any residential district.
  - 4. The site shall abut and have direct access to a paved road.
  - 5. Proposed truck routes to and from the site shall be subject to Planning Commission approval.
  - 6. All applicable federal, state and county regulations shall be complied with.

J. Multiple Family Dwellings (three or more units)

1. All dwelling units in the building shall have a minimum of 500 square feet per unit.
2. Parking areas shall have shall have a front setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet. There shall be at least two 2 parking spaces per dwelling unit.
3. Access drives shall be located at least fifty (50) feet from the right-of-way line of any street intersection and twenty-five (25) feet from any other driveway.
4. Lighting for parking areas shall be shielded to prevent light from spilling onto any adjacent residential use.
5. The minimum lot area shall be at least two times (2 x) the required minimum lot area of the zoning district in which the property is located and the minimum lot width shall be at least one and one-half times (1 ½ x) the required minimum lot width of the district.

K. Parks, Playgrounds and Recreation Areas:

The Planning Commission shall consider the following standards:

1. All activities shall be setback a minimum of fifty (50) feet from any lot line in a residential district, except as required below.
2. The Planning Commission may require a fence, wall or planted material to screen the use from adjacent residential districts.
3. The proximity of the intended use to adjoining properties specifically includes 100-foot setbacks to occupied dwellings.
4. A lighting plan shall include locations and shield designs.

L. Petroleum, gas and LP gas storage, paving materials and roofing materials:

1. Minimum site size shall be one (1) acre.
2. Minimum required lot width shall be 200 feet.
3. No use of this type shall be permitted within 200 feet of any residential lot.
4. The site shall abut a paved road and all access to and from the site shall be from such county primary road.
5. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures are contained on the site and will not cause the contamination of any water resource.

M. Race Tracks (Including Midget Auto, Karting, Horse, and Snow Mobile), subject to the following conditions:

1. Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from parking areas and cause noise levels that may project beyond the property so used, they shall be permitted only when located adjacent to a paved road and shall be located on a parcel of land of at least 40 acres, with a minimum land width of 660 feet and shall be

subject further to the following conditions and such other controls as are deemed necessary by the Planning Commission to promote health, safety and general welfare.

2. All parking shall be dust free and be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided only to a dust free paved road.
4. All sides of the development not abutting a paved road shall be provided with a 20-foot greenbelt planting so as to obscure from view all activities within the development.

The greenbelt planting shall consist of either:

- a. At least three (3) parallel rows of evergreen trees plus one (1) outer row of evergreen shrubs, or,
- b. At least two (2) rows of deciduous trees plus two (2) rows of shrubs and one (1) row of under-story trees such as dogwood, sassafras or fruit trees.
- c. Exterior lighting shall be installed so that it does not impede the vision of traffic along adjacent roads.
- d. Central loudspeakers/paging systems are prohibited within 100 feet of residentially zoned property.
- e. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

N. Attached Dwelling:  
Dwellings attached to commercial use structures may be allowed in the Commercial Districts under one of the following options:

Either, 1. There is a legal pre-existing non-conforming dwelling on the site to which the property owner wishes to add a commercial structural addition to the dwelling for a commercial use allowed in the district, and

- a. The resulting structure meets building code
- b. There are at least two (2) parking spaces reserved for the residence and separated from the parking required for the commercial use by a screen, fence or hedge.
- c. The lot is fully conforming with the requirements of the zoning district.

Or, 2. The second floor (or higher) of a commercial use structure in a commercial district may be converted to one (1) single-family dwelling provided:

- a. The first floor continues as a commercial use permitted in the zoning district,
- b. There are at least two (2) parking spaces reserved for the residence and separated from the parking area required for the commercial use by a screen, fence or hedge.

- O. Outdoor Storage Facilities for Recreational Vehicles and Boats:  
Outdoor storage of any type of recreational equipment, including but not limited to motor homes, campers, snowmobiles, off-road vehicles, boats and similar, is prohibited except under the following conditions:
1. The minimum lot size shall be two (2) acres with a minimum lot width and depth of 200 feet.
  2. The storage area shall be 35 feet from all adjacent lot lines and right-of-way lines.
  3. The storage area shall be fenced at the setback line with either
    - a. an 8-foot high screen fence with panels, slats or screening strips to block the view, such screen fence shall be constructed of new materials and shall be painted a neutral color, or,
    - b. a berm with evergreen vegetation planted no more than six feet apart and of a type of plant that will reach at least 8 feet in height within three years.
  4. All lighting shall be shielded from adjacent residential districts and uses.
  5. When outdoor storage is used in warehouse or mini-storage parcels on either a year-round or seasonal basis, the regulations in this section shall also apply to the warehouse or mini-storage facility.
- P. Warehouse and Mini-storage Facilities: (indoor storage)
1. Shall have direct access to a paved county road.
  2. There shall be a minimum building separation area for driveways and parking of 25 feet along any side of a building having a door. Otherwise there shall be a minimum separation distance of at least 5 feet between buildings or as required by the fire code.
  3. Individual areas used principally for storage, warehousing or distribution shall not exceed 5,000 square feet gross floor area or 25 feet in height.
  4. The lot area shall be provided with a permanent, durable, dust-free, surface and shall be graded and drained in accordance with the requirements of the County Drain Commissioner.
  5. When adjoining a residential district, a six-foot high wall, fence, or dense vegetation strip shall be erected and maintained along the side and rear lot lines.
  6. All lighting shall be shielded from adjacent residential districts.
  7. No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted from the storage units.
  8. Outdoor storage is prohibited except in zoning districts where Outdoor Storage Facilities are permitted as a Special Use. Such storage shall only occur on parcels meeting all of the requirements of Section 4.13, O. (above).
  9. No residence or office shall be allowed in any storage unit.
  10. Storage of hazardous substances, toxic, or explosive materials shall be permitted in any facility and signs shall be posted with this limitation.
- Q. Seasonal Storage in Existing Barns  
The commercial use of existing barns for seasonal storage shall be permitted under the following conditions:

1. Outdoor storage of non-farm equipment, boats, machinery, vehicles and materials is prohibited.
2. Displacement of farm equipment, machinery or similar by the seasonal use is prohibited.
1. Structural additions (expansion in area or height) to the barn in order to accommodate the seasonal storage use is prohibited.
2. So long as the conditions listed above are met, only a basic site plan (similar to a mortgage report type survey) showing the locations of buildings on the property shall be required (as an exception to the requirements of 4.11, C.).
3. Once granted for a particular building, there shall be no requirement to renew a Special Use approval for this use unless the commercial use ceases for more than two (2) consecutive years.
4. NOTE: An agricultural barn used for non-farm storage is no longer exempt from the state building code. Permits may be required.

R. Small-scale commercial uses:

These commercial uses are intended to be limited to lots in the Grand Junction community that front on either C.R. 388, C.R. 215 south of C.R. 388, or 54<sup>th</sup> Street north of C.R. 388. In some cases such uses may be permitted on lots without such frontage but which are within a block that fronts on one of these streets so long as the use is found to be compatible with surrounding uses within 300 feet. (see definition of ‘compatible’)

1. The following uses are permitted subject to the parking requirements of Section 4.09 and written confirmation from the County Health Department that a health permit can be obtained for the proposed use:
  - a. Stores, showrooms, and shops for the conduct of generally recognized retail business when conducted within buildings having a roof and four side walls.
  - b. Restaurants not serving alcohol, delis, and similar uses.
  - c. Personal service shops, such as professional offices, barber shops, beauty parlors, shoe repair shops, and laundry/dry cleaning pick-up shops.
  - d. Banks, dressmaking, millinery, photographic studios, undertaking establishments, public utility buildings, and publicly owned buildings.
  - e. One (1) outdoor advertising sign not exceeding thirty-two(32) square feet in area.
  - f. Halls for rent and catering services
  - g. Hotels, motels and bed-and-breakfast operations.
  - h. Attached dwelling
  - i. One accessory building.
2. The following uses are permitted subject to the conditions listed in subsections 3 below and elsewhere in Section 4.13:
  - a. Outdoor theaters, dance halls, recreational hall, and other enterprises of recreation and amusement.

- b. Sale and servicing of agricultural machinery, lumber yards, and warehouses.
  - c. Establishments located within buildings for the repair, alteration, finishing, assembling, fabrication, or storage of goods primarily for local and retail sale.
  - d. One (1) outdoor advertising sign exceeding thirty-two (32) square feet in area.
  - e. Warehouse and Mini-storage Facilities (indoor storage).
  - f. Community clubs, fraternal organizations and similar civic and social organizations, including churches, synagogues, temples and other buildings of religious worship.
  - g. Gasoline and oil service stations, garages, and used car lots, but not the storage, processing or sale of used auto parts or other items commonly referred to as junk or hazardous materials.
  - h. Restaurants serving alcohol and bars.
  - i. Laundromats and dry cleaners.
  - j. Class II Home Business meeting the conditions in Section 4.13 G.
3. The following conditions are required for all uses approved under this subsection:
- a. Prior to submitting an application for any commercial use in this district, the applicant shall obtain a written review by the County Health Department stating the Department's requirements for the anticipated use.
  - b. The total gross floor area shall not exceed 5,000 square feet for all commercial buildings on the property.
  - c. Minimum lot area shall be as platted or as existing on January 1, 2010.
  - d. Setbacks for commercial uses shall be:
    - i. Minimum front setback – 0 feet from the right-of-way line
    - ii. Maximum front setback – for new construction, the average for buildings on either side of any new building.
    - iii. Minimum side setback – may be 0 except that new construction within 5 feet of a side lot line shall be masonry.
    - iv. Minimum rear setback – 20 feet for all structures.
  - e. Parking lots shall be effectively screened and buffered from adjacent lots occupied solely by a residential dwelling (see 6 below). All parking lots shall meet the minimum requirements of Section 4.09.
  - f. Outdoor lighting shall be shielded from adjacent properties and streets. The Planning Commission may require the applicant to submit a lighting plan quantifying the amount of light affecting neighboring properties prepared by a competent engineer.
  - g. Outdoor seating areas for restaurants, delis, bars, coffee shops and similar uses are permitted but shall be effectively screened from adjacent lots occupied solely by a residential dwelling.
4. Auto repair, small engine/motor repair and similar services are specifically prohibited on lots adjacent to or directly across the street from lots

occupied solely by a residential dwelling. All such activities shall be confined to a completely enclosed work area in all cases.

5. Except for vehicle and large equipment sales lots, outdoor storage of goods and materials for sale is prohibited.
6. Outdoor seating areas for restaurants, delis, bars, coffee shops and similar uses are permitted but shall be effectively screened from adjacent lots occupied solely by a residential dwelling.
7. Bars, clubs, dance halls and similar uses are prohibited on lots adjacent to or directly across the street from lots occupied solely by a residential dwelling.
8. Parking lots shall be effectively screened and buffered from adjacent lots occupied solely by a residential dwelling. All parking lots shall meet the requirements of Section 4.09.
9. Outdoor lighting shall be shielded from adjacent properties and streets. If there is any doubt, a lighting plan quantifying the amount of light affecting neighboring properties shall be required. Such lighting shall not illuminate neighboring residential properties more than a full moon on a clear night.
10. Buffering and screening may consist of one or more of the following as approved by the Planning Commission:
  - a. a setback of twenty (20) feet, or a setback equal to the height of the building; plus
  - b. screening consisting of either: a berm four (4) feet or more high, sufficient to screen neighboring properties from site and/or sound, or a solid wall four (4) feet, or more in height sufficient to screen neighboring properties from site and/or sound, or a combination of the above sufficient to protect the neighboring properties; and/or
  - c. buffering consisting of a row of evergreen trees or shrubs at least four (4) feet in height and spaced not more than the expected growth width of the evergreen, so as to provide an effective screen.
  - d. instead of any of the above, have all activities including parking, and/or structures setback 100 feet from all exterior lot lines.
  - e. Additionally, all uses involving machinery of sound producing equipment, activities or actions, shall be confined to a completely enclosed building.

#### S. ADDITIONAL ACCESSORY BUILDINGS

Except for buildings related to active farming operations, an accessory building or buildings in excess of the number of accessory building permitted within the zoning district shall only be permitted under this section on a lot which contains a principal use or building. For example, storage buildings or garages shall not be permitted under this section where no principal building exists.

1. Additional Accessory Buildings shall be set back from any rear or side property line according to the following:

<b>Accessory Building Size</b>	<b>Minimum Rear and Side Yard Setback</b>
Up to 600 square feet	10 feet
Over 600 square feet, up to 999 square feet	15 feet
Over 1,000 square feet, up to 1,499 square feet	45 feet
Over 1,500 square feet, up to 1,999 square feet	100 feet
Over 2,000 square feet, up to 3,499 square feet	150 feet
Over 3,500 square feet	PROHIBITED

2. Additional Accessory Building sizes, and heights:
  - a. The total gross floor area for all accessory buildings shall not exceed the building floor area noted in subsections #b. below.
  - b. Aggregate building gross floor areas and maximum heights for buildings accessory to residential uses shall not exceed:

<b>Lot Size</b>	<b>Total Maximum Accessory Building Floor Areas</b>	<b>Maximum Height</b>
Under 10 acres	As limited in the zoning district	As limited in the district
Over 10 acres	Up to 3,500 square feet total for all accessory buildings for each 10 acres	25 feet

#### **Section 4.14 – Planned Unit Developments**

A. Intent and Purpose:

Planned developments are provided herein by special use permit in order to allow for some degree of flexibility and innovation in the design of developing areas, as well as to allow for an efficient and aesthetic use of land. Based upon the standards and criteria contained in each Zoning District, the Planning Commission may review and approve with conditions, a modification in bulk requirements in order to allow certain forms of development containing both privately owned sites and common property, and which are planned collectively as a single unit.

The planned unit development section of this Ordinance is also provided in order that the growing demand for housing by young married couples, senior citizens and existing residents may be met by a greater variety of innovative housing types, and by the planning and design of structures with the benefit of cost effective land utilization in such development.

B. Planned Unit Development:

A residential planned unit development (PUD) shall be developed through the special use permit procedure. The granting of a special used permit for a PUD is permitted in all zoning districts.

1. Site Eligibility: The minimum area necessary to qualify as a PUD shall not be less than two (2) continuous acres of land. However, an owner of land less than the minimum required area may apply if the subject land is adjacent to a lawfully approved or constructed PUD having uses similar to the one proposed.
2. As a planned single unit, PUD's may be constructed in any combination of uses and structures (except mobile homes and principal commercial uses), provided that:
  - a. At least twenty (20%) percent of the total area is reserved for open space and natural drainage. This area may consist of land included as part of the required yard setbacks, roads, greenbelt areas drainage easements, open space or any recreational amenity; but shall not include any areas used for structures, or off-street parking and loading.
  - b. Full compliance with the provisions of this Ordinance and the tables/schedules contained here shall be met, unless waived by the City Commission.
3. Density and Open Space Requirements for PUD's with Residential Uses.
  - a. In addition to part b above, if a proposed PUD is residential, wholly or in part, that part of the PUD may not exceed a net residential density of one point five (1.5) times the maximum number of units allowed per acre under conventional single family lot sizes as shown in the Zoning District for that part of the total area. The number of dwelling units shall be rounded to the nearest whole number.
  - b. This density is granted, provided that at least twenty-five (25%) percent of the total area devoted to residential PUD development is reserved for open space and natural drainage by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land
4. Residential Density Bonuses: Bonuses in net residential density or that area devoted to residential PUD development are permitted, provided that additional land is reserved and dedicated for open space as follows:
  - ❖ IF 25% of total area devoted to residences is reserved for open space.
  - ❖ THEN 1.50 X Conventional dwelling unit density is permitted.
  - ❖ IF 30% of total area devoted to residences is reserved for open space.
  - ❖ THEN 2.00 X Conventional dwelling unit density is permitted.

- C. Pre-application Conference with Planning Commission for Concept review  
Prior to formal application submission for a proposed planned development, the developer/applicant shall be required to make a presentation to the Planning

Commission in order to discuss initial design concepts and the application of said concepts to the land in question.

D. Standards and Considerations

In addition to complying with the standards for special use permits, the following special standards for a Clustered Residential Development or a PUD must be met:

1. Ownership: The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association or association of individual owners (condominium). An application may be filed by the owner, jointly by the owners of all property to be included, or by a person, persons, corporation, or corporation with an option to buy said property. A plan, once approved, shall be binding.
2. Utilities: A Clustered Residential Development and a PUD shall have public community water and sewer provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) that are in authority and have jurisdiction. All utilities shall be placed underground.
3. Permitted Residential Housing Types and Uses: The following are considered eligible for inclusion in an application:
  - a. Principal PUD Uses and Structures  
Residential PUD's:
    - i. Single family detached homes (excluding mobile homes)
    - ii. Two family homes
    - iii. Single family attached homes
    - iv. Multiple family structure (apartments)
    - v. Day care centers
  - b. Accessory Uses and Amenities
    - i. Open space – passive and active.
    - ii. Indoor and outdoor recreational facilities.
    - iii. Carports.
    - iv. Community building and meeting hall.
    - v. On-premise laundry facilities.
    - vi. Churches and schools.
4. Site plan design standards: Unless modified by the Planning Commission in writing at the time of application and approval, compliance with the following design standards is required to be shown on the site plan:
  - a. Minimum yard requirements and building setbacks from all exterior property lines shall be thirty (30) feet.
  - b. Maximum building height three stories or thirty (30) feet (excludes antennas, steeples, spires, etc.).
  - c. Minimum spacing between detached buildings shall not be less than ten (10) feet.

- d. All sensitive natural features such as wetlands shall remain unencumbered by residential buildings and structures.
  - e. Ingress and egress opening from the development onto a public and private road shall be limited to one per five-hundred (500) feet.
  - f. Planted and maintained landscaped buffer areas of ten (10) feet in width are required along all exterior boundaries of the property to be developed.
  - g. Drainage ways shall be protected by a public easement measured twenty-five (25) feet from the centerline of such drainage ways.
  - h. Off-street parking is required at the rate of two (2) parking spaces per dwelling unit.
5. Facility Site Standards: The site standards for all individual uses and facilities as provided in this Ordinance, must be observed unless waived by the Planning Commission for any (or all) of the specific uses and facilities.
  6. Common property which is Privately Owned: Common property is a parcel or parcels of land, a privately owned road, or roads, together with improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas. This shall not be waived.
  7. Public Easement on Common Property which is Privately Owned: When common property exists in private ownership, the owners shall grant easements, over, under and through such property to the Township as may be required for public purposes.
  8. After approval of a planned unit development, a site plan may be revised upon approval by the Township Board.

E. Public Hearing

A public hearing by the Planning Commission in accordance with the public notice requirements of Section 8.03 is required for all planned unit developments.

F. Final Approval

After the public hearing the Planning Commission may approve, approve with conditions, or deny the application for a planned unit development.

G. Effect of Approval of Site Plan by Planning Commission

The PUD site plan, as approved by the planning commission, including all approved maps and accompanying written materials and any conditions of approval, will be binding upon the applicant and owners of record and upon their heirs, successors, and assigns with respect to all future development of the property. No construction of buildings or structures or any other site

improvements or changes will be made except in strict compliance with the approved site plan.

H. Amendment of Site Plan

An approved PUD site plan will not be varied or modified in any respect without an amendment approved by the planning commission. An application for a proposed amendment to a PUD site plan will be reviewed and approved, approved with conditions, or denied by the planning commission pursuant to the procedures prescribed by this article for original submittal and review of the site plan.

I. Enforcement

A site plan approved by the planning commission concerning a PUD shall have the full force and effect of the zoning ordinance. Subsequent actions relating to the use or activity authorized will be consistent with the site plan as approved. Any violations of an approved site plan will be grounds for the township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantees of removal of the violation is provided to the township. In addition, a violation of any approved site plan or failure to comply with any requirements of this section, including conditions of approval, will be considered a violation of this ordinance.

**Section 4.15 - Condominium Subdivisions & Site Condominiums**

A. Condominium Use Compliance;

All condominiums established in Columbia Township shall comply with the use regulations of this Zoning Ordinance. For the purpose of this Ordinance, all units within any condominium subdivision, where units are intended for detached single-family dwellings, shall comply with the minimum lot dimensions of the zoning district in which it is located, or, as approved under the Planned Unit Development or Open Space Preservation provisions of this Ordinance. Where separate land areas are not assigned to each unit, then the condominium project shall be considered to be a multifamily development (if residential) or a multi-use commercial development.

B. Change of Use;

A condominium that changes the nature of a use shall be subject to Planning Commission review as a change of use. The nature of the new use shall not violate the intent of the Zoning Ordinance. Such changes may include, but shall not be limited to:

1. Time-share ownership of a dwelling where the duration of the ownership is less than 31 days. This shall be considered to be a transient dwelling similar to a hotel or motel.
2. Individual ownership of rooms or suites within one building where the duration of the ownership is exclusive or for more than 31 days. If, for example, the use was originally a hotel/motel use, then such ownership shall constitute conversion to a multi-family dwelling. If the structure was

retail commercial, then such ownership shall be considered to be a multiple use development and shall be subject to change of use regulations.

C. Review and Approval of Condominium Developments:

The following shall apply to all condominium developments within Columbia Township.

1. Initial Information:

Concurrently with the notice that is required to be given to the Township under Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium project shall provide the following information:

a. The name, address, telephone number and e-mail of:

-All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).

-All engineers, attorneys, architects or registered land surveyors associated with the project.

-The developer or proprietor of the condominium project.

b. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.

c. The acreage content of the land on which the condominium development will be developed.

d. The purpose of the development (for example, residential, commercial, industrial, mixed use with percentages, etc.)

e. Approximate number of condominium units to be developed on the subject property.

f. The types of water system and sewage disposal systems to be provided.

g. The acreage or percentage of land to be included as common area.

2. Information To Be Kept Current:

The information listed above in subsection A. shall be furnished to the Township Zoning Administrator and shall be kept updated until such time as the final certificate of occupancy has been issued.

3. Site Plans For New Projects:

Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval in accordance with Section 4.11 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any certificate of occupancy.

4. Site Plans For Expandable Or Convertible Condominium Projects:

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval as required under Section 4.11 of this Ordinance.

5. Master Deed, Restrictive Covenants And "As-Built" Survey To Be Furnished:

- a. The condominium development developer shall furnish the Township Clerk with the following:
    - Two (2) copies the recorded master deed, and
    - Two (2) copies of all restrictive covenants.
  - b. The condominium development developer shall furnish the Township Zoning Administrator with the following:
    - Two (2) copies of an “as-built survey”. The “as-built survey” shall be reviewed by the Zoning Administrator for compliance with the zoning ordinance and by an engineer acting for the Township for compliance with all other local ordinances. Fees for this review shall be established by resolution of the Township Board.
6. Monuments Required:
- All condominium developments that consist in whole or in part of condominium units that are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.
- All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- a. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended nor required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if angle points can be readily re-established by reference to monuments along the sidelines of the streets.
  - b. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby if that monument’s precise location is clearly indicated on the plans and referenced to the true point.
  - c. All required monuments shall be placed flush to the ground where practicable.
  - d. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter, or other approved markers.
  - e. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the developer deposit with the Township Treasurer a security deposit in the form of cash or certified check, or irrevocable bank letter of credit to the Township, in an amount to be established by the Township Board. Such security shall be returned to the developer upon receipt of a certificate by a surveyor that the

monuments and markers have been placed as required within the time specified.

7. Compliance with Federal, State, and Local Law.  
All condominium developments shall comply with federal and state statutes and local ordinances.
8. Floodplain.  
Within any condominium, all areas subject to flooding as shown on a Flood Insurance Rate Map (FIRM) shall be shown on the condominium site plan by a qualified engineer using the guidelines provided by the Federal Emergency Management Agency (FEMA). A Flood Hazard Area shall be delineated on the site plan submitted for approval and on the “as-built plans” as well as within the recorded condominium master deed. Final approval shall not be given until the Flood Hazard Area has been reviewed by the Michigan Department of Environmental Quality flood plain engineer for the Kalamazoo District and any deficiencies identified by the state engineer have been corrected.

D. Temporary Occupancy.  
The Building Official may allow occupancy of the condominium development, or parts of the development, before all improvements required by this Ordinance are installed provided a security deposit in the form of cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township.

E. Single-Family Detached Condominiums:  
1. Single-family detached condominium projects shall be subject to all requirements and standards of the Residential District in which it is located or as provided for in a Planned Unit Development approved under Section 4.14..  
2. The design of a single-family detached condominium project shall be subject to the engineering design standards of the Township, as may be provided by local ordinance, except as my otherwise be provided by this Ordinance.

F. Private Roads;  
All roads within any condominium subdivision shall meet the minimum requirements of either the Van Buren County Road Commission requirements for subdivision streets or the Private Road regulations of Section 4.16 of this Ordinance. The County Road Commission shall not be required to accept jurisdiction over roads created under Section 4.16.

G. Final Approval  
1. Submission: Every person, firm or corporation that shall submit a proposed final condominium development plan to the Township Board for final approval shall also submit the following relevant data and fees:  
a. An abstract of title or title insurance policy showing marketable title in the proprietor of the proposed final plat or condominium plan.

- b. Evidence that all requirements imposed by the Township Board at the time of preliminary approval have been incorporated into the proposed final plan/plat.
  - c. A fee as established by resolution of the Township Board.
  - d. A letter from the Allegan County Health Department confirming that construction of private sanitary facilities have been completed as shown on the proposed plat/plan.
2. Township Board Review: The Township Board shall, at its next regular meeting or within 45 days from the date of submission, review the proposed final condominium site plan and grant final approval if it determines that all of the following have been satisfied:
- a. All monuments required to be placed in the condominium project have either been placed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
  - b. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
  - c. If the condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the proprietors.
  - d. If any flood plains are involved in the proposed condominium project, then such flood plains shall be restricted as provided by the Condominium Act, and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the Plat or Master Deed or contemporaneously with the recording of the Master Deed.
  - e. All utilities servicing the condominium project have been installed and water and sanitary mains (if required) have been stubbed to the lot line or building line or a cash or equivalent deposit has been made with the Township Board in an amount sufficient to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
  - f. All underground utility installations, including lines for street lighting systems that traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Master Deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least twelve (12) feet wide. These easements shall be direct and continuous from block to block.
  - g. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., that have been required by the Township Board, have been completed and installed and reviewed and approved by an engineer or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion

within the time specified and a Deposit Agreement executed by the proprietors.

- h. The Master Deed, By-Laws and a Maintenance Agreement for all common utilities and roads have been reviewed by the Township attorney and found to be acceptable.
- i. That the Master Deed is executed by all required owners has been properly recorded and has been filed with the Township before issuance of any building permits.

H. Final Documents to Be Provided:

After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish the Township a copy of the site plan on a sheet of at least 13 x 16 inches with an image not to exceed 10 ½ x 14 inches.

**Section 4.16 – Private Drive and Private Roads Permitted**

The purpose of this Ordinance is to encourage the orderly development of properties having inadequate public road frontage, to define private drives and private roads, to set common standards for private roads and to except planned unit developments from the standards set forth herein.

A. Definitions.

- 1. Private Drive. A drive for ingress and egress serving or to serve no more than three (3) lots which do not have frontage on a public road.
- 2. Private Roads. A road not dedicated to nor accepted for public use, maintained by the owners of adjacent property and/or an association serving or to serve four (4) or more lots.
- 3. Accessible. For the purpose of determining whether or not a parcel of land in Columbia Township is “accessible” as required under Public Act 591 of 1996 as amended, Section 102, (j) being MCL 560.102, and Section 109, (e) being MCL 560.109, “accessible” shall mean that a parcel had direct access to either a county road or a private drive or road approved under this Section.

B. General Provisions.

- 1. A building permit may be issued for the construction of a dwelling or other principal structure upon a parcel that does not have the required minimum public road frontage where such parcel has the required minimum road frontage on an approved private drive or private road.
- 2. Any private road or drive constructed prior to the adoption of this article may continue in use. Any private road or drive established after the date of this article shall not be extended or relocated except in conformance with this Ordinance.
- 3. If any private road or drive is designed to append, abut, or extend from another private road or drive, then the private road or drive from which the proposed road or drive appends, abuts or extends shall conform to the standards of Section C below.
- 4. Maintenance and repair: Maintenance, repair, and liability for private roads are the responsibility of property owners adjacent to the private road and not the responsibility or liability of the township. The developer will

establish, by appropriate deed provisions, an association responsible for road maintenance and repair that has the authority to apportion and collect the cost of maintenance and repair from benefiting property owners.

C. Minimum Standards for Private Roads and Private Drives.

1. All private Roads shall have a minimum unobstructed surface width of at least 24 feet from shoulder to shoulder along the whole length and shall have no less than an eight inch (8") class II sand base, and six inch (6") class 22A gravel surface. Private Roads shall have a minimum easement or right-of-way width of at least 50 feet.
2. All private Drives shall have a minimum unobstructed surface width of at least 16 feet from shoulder to shoulder along the whole length and shall have no less than a six-inch (6") class 22A aggregate base. Vehicle passing/pull-out lanes, 9 feet wide and 40 feet long and surfaced to conform to the standards of the roadway, shall be required for every 150 feet of private drive length or as recommended by the Fire Inspector. Private Drives shall have a minimum easement or right-of-way width of at least 24 feet except where passing/pull-out lanes are required in which locations the minimum easement width shall be 30 feet and such areas shall have a minimum length of at least 55 feet.
3. Design standards for roads: Private roads shall meet the following design standards:
  - a. Ditches will outlet into a cross culvert or drainage course.
  - b. Culverts will be placed at all natural drainage courses or other waterways. Culvert sizes and grades will be determined using the Van Buren County Road Commission storm runoff calculations formula. Materials for culverts will conform to standard highway construction requirements.
  - c. All cul-de-sacs must end with turnarounds having a right-of-way radius of 50 feet and a turning radius of 20 feet.

D. Exceptions and Application.

The provisions of this Ordinance shall not be applied to plats or planned unit developments. The provisions shall apply to land divisions exempt from the platting provisions of the Michigan Land Division Act, "open space developments" as defined in Section 4.14 of this Ordinance and to Site condominium developments.

E. Approval.

1. Private Roads shall be subject to the provision of Section 4.14 Site Plan Review. Site plans submitted for final approval by the Planning Commission shall have an engineer's seal and approvals by the Township's Fire Inspector, and the Van Buren County Drain Commissioner, and, the connection to a county road or state highway (if any) shall have the approval of the appropriate highway engineer or permits officer. Final approval shall not be given until subsection 3, e. below has been complied with.

2. Private Drives shall be subject to review and approval by the Zoning Administrator. Site plans submitted for final approval by the Zoning Administrator shall have an engineer's seal, approvals by the Township's Fire Inspector, the County Drain Commissioner and either the state highway or county road commission's driveway permits officer. Final approval shall not be given until subsection 3, e. below has been complied with.
3. Before final approval of any private road or private drive, the developer shall prepare and record with the Van Buren County Register of Deeds, maintenance and repair agreements to run with the land of any parcel dependent upon such private road or private drive for access. Such agreement shall:
  - a. Contain the legal descriptions of all benefited properties,
  - b. Contain the legal description of the easement,
  - c. Describe the respective responsibilities, monetary and otherwise for repair, maintenance and snow removal,
  - d. Define a method for decisions regarding, repair, maintenance and snow removal, and
  - e. Be reviewed and approved by the Township Attorney before recording.

## ARTICLE 5.0 ADMINISTRATION

### Section 5.01 – Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Supervisor for such term and subject to such conditions as said Supervisor shall determine as reasonable and subject to the final approval of the Columbia Township Board.

### Section 5.02 – Certificates of Approval

- A. No Building or structure, subject to the provisions of this Ordinance, shall hereafter be erected or moved and used upon any premises until application for a certificate of approval has been filed with the Township Zoning Administrator, and the administrator has issued said certificate. Such certificate shall be non-transferable, and must be granted before any work or excavation, or construction or movement is begun.
- B. The application shall be signed by the owner of the premise or his qualified agent, and shall certify that all provisions of this Ordinance and other applicable law and requirements are to be complied with.
- C. The application shall be made on forms provided by the Township, which shall provide space for declaring such information and intent required to determine compliance with this Ordinance.
- D. The Zoning Administrator shall determine whether the building or structure and the land use thereof, as set forth on the application, are in conformity with the provisions of this Ordinance, and if he so finds, he shall issue a certificate of approval; and when such certificate is refused, he shall state the cause in writing. One copy of the application with proper notations thereon or attached thereto, including approval or disapproval and date, shall be placed on file with the Zoning Administrator as a record. One copy shall be filed with the Township Supervisor and one copy shall be returned to the applicant. Accessory buildings when erected at the same time as the principal buildings and shown on the application shall not require a separate certificate.
- E. Certificates of Approval under which no work has been done above the foundation walls within six (6) months from the date of issue shall expire by limitation; but may be renewed for an additional six (6) months from the date of expiration upon application and payment of fifty (50%) percent of the total of the original fee to the Township Treasurer.
- F. The Zoning Administrator shall have the power to revoke or cancel any Certificate of Approval in case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner of the premises shall be notified of such revocation in writing.

- G. It shall be the duty of the owner, architects, contractors, and other persons having charge of erection, alteration, or movement of a building or structure, subject to the provisions of this Ordinance, to determine that a proper certificate has been granted therefore before undertaking any such work. All such persons performing any work in violations of the provisions of this Ordinance shall be deemed guilty of a violation in the same manner as the owner of the premises.
- H. For each certificate of approval issued, fees shall be paid to the Zoning Administration for deposit with the Township Treasurer to the credit of the General Fund for the Township. Those fees are to be set by the Township Board.

**Section 5.03 – Certificate of Compliance**

No building or structure, or part thereof, for which a certificate of approval has been issued shall be occupied or used until a certificate of compliance has been issued by the Zoning Administrator stating that the building or structure or proposed use complies with requirements of this Ordinance. Within ten (10) days, after written notification that the building or structure is completed, the Zoning Administrator shall make inspection thereof and if it is found to be in conformity with the provisions, the Zoning Administrator shall issue the owner a certificate of compliance and record his action, including the date on the copy of the application for a certificate of approval. No fee shall be charged for a certificate of compliance when coincidental with the application for certificate of approval.

**ARTICLE VI**  
**BOARD OF APPEALS**

**Section 6.01 – Board of Appeals: Establishment and Procedure**

- A. Establishment.  
A Zoning Board of Appeals is hereby established, which shall consist of three (3) members and up to two (2) alternate members selected from the electors residing in the Township. Alternate members shall have the same term as regular members. Alternates are only called to serve for the full duration of a case when a regular member is absent (absent due to illness, vacation, conflict of interest, etc.). The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. Members of the Board of Appeals shall be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance upon written charges and a public hearing. A member shall disqualify him/herself from a vote in which he/she has a conflict of interest. Failure of a member to disqualify him/herself from a vote in which he/she has a conflict of interest shall constitute a misfeasance in office.
- B. Terms of Office:  
The terms of office for members appointed to the Zoning Board of Appeals shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members on those bodies. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- C. Quorum:  
The Township Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
- D. Adoption of Rules:  
The Zoning Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairperson and at other such times as the Zoning Board of Appeals in its rules and procedures may specify. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings and hearings shall be open to the public. All meetings shall be noticed in conformance with Article VIII, Amendments and Public Notices, Section 8.03, of this Ordinance.
- E. Minutes:  
The Zoning Board of Appeals shall keep minutes of its proceedings, show the vote of each member upon each question, or if absent or failing to vote indicating

such fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Township Clerk.

### **Section 6.02 – Board of Appeals; Powers and Duties**

- A. Reference to Public Act 110 of 2006  
The Township Zoning Board of Appeals shall have all powers and responsibilities and shall carry out all duties as set forth and required for a Township Zoning Board of Appeals in the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended, to include consideration of variances in accordance with all applicable provisions of this ordinance.
- B. Powers; Concurring Vote of Majority of Members; Standards for Decisions  
The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The Zoning Board of Appeals shall also hear and decide on matter referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by the Zoning Administrator, Planning Commission or Township Board made under this Zoning Ordinance. No authority is granted to the Zoning Board of Appeals to hear appeals from Special Land Use or Planned Unit Development decisions or to grant variances from uses of land.
1. Public Notice: All meetings of the Zoning Board of Appeals shall be noticed in conformance with Article VIII ‘Amendments and Public Notice’, Section 8.03, of this ordinance and in conformance with Section 604 of P.A. 110 of 2006.
  2. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, Planning Commission or Township Board, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance. (For the purpose of this ordinance, there are three members of the Zoning Board of Appeals. An alternate is only called to be present when a regular member cannot attend. Two votes shall constitute a majority).
  3. Standards for Variances: Where practical difficulties or unnecessary hardship may exist in conforming to the strict letter of the Zoning Ordinance, the Zoning Board of Appeals may in approving an appeal vary or modify any of the rules or provisions of this Ordinance relating to construction, or structural changes in or alterations of buildings or structures, so that the intent of this chapter should be observed, public safety secured, and substantial justice done. To obtain a dimensional variance, the owner must show practical difficulty by demonstrating that all of the following standards are met:
    - a. That strict compliance with area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the

- property for a permitted purpose, or would render conformity unnecessarily burdensome;
- b. That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
  - c. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;
  - d. That the problem is not self created or based on personal financial circumstances.

**Section 6.03 – Duties of the Zoning Administrator, Board of Appeals, Township Board, and Courts on Matters of Appeal**

- A. Jurisdiction of Zoning Board of Appeals:  
It is the intent of this Ordinance that all questions under appellate jurisdiction shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Administrator, Planning Commission or Township Board. Requests for Variances constituting matters under original jurisdiction of the Zoning Board of Appeals shall be filed with the Zoning Board of Appeals via the Zoning Administrator and shall not be construed as an appeal from a decision of the Zoning Administrator. Recourse from the decision of the Zoning Board of Appeals shall be to the courts as provided by the laws of the State of Michigan.
- B. Limitation of Township Board Authority:  
It is further the intent of this Ordinance that the duties of the Township Board in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be stated in this Ordinance. Under this Ordinance the Township Board shall have only the following duties: (1) considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, (2) establishing a schedule of fees and charges, and (3) appointing members of the Zoning Board of Appeals and the Zoning Administrator.

## ARTICLE 7.0 – DEFINITIONS

### Section 7.01 – Rules Applying to Text:

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

- A. The particular shall control the general.
- B. With the exception of this chapter, the headings which title a chapter, section, or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Unless the context clearly indicates to the contrary, (1) words used in the present tense include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- G. The words “used” or “occupied”, as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed to be used”, or “occupied”.
- H. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

### Section 7.02 – ‘A’

Accessory Use of Structure: A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

Agricultural: Substantially undeveloped land devoted to the production of plants and animals useful to man, including forages and sod crops; dairy and dairy products, livestock, including breeding and grazing, fruits; vegetables; and other similar uses and activities.

Alterations, Structural: Any change in the supporting members of a building or structure such as bearing walls, columns, beams, or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

Animal Unit: Animal unit shall be defined as a unit of measurement of any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0 plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus the number of turkeys multiplied by 0.018, plus the number of laying hens and broilers (if the facility has overflow watering) multiplied by 0.01,

plus the number of laying hens and broilers (if the facility has a liquid manure handling system) multiplied by 0.033, plus the number of ducks multiplied by 0.2.

Attached Dwelling: A one-family dwelling attached to a commercial use structure by common vertical wall(s) or as a second-story use.

Automobile Repair – Major: General repair, rebuilding, or reconditioning of engines, or vehicles, collision services (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

Automobile Repair- Minor: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of “Automobile Repair Major”.

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

### **Section 7.03 – ‘B’**

Basement: A portion of a building, or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located.

Bed and Breakfast Inn: A single-family dwelling, other than a Boarding, Lodging, or Rooming House, or hotel or motel, where lodging is provided by a resident family for compensation, for transient use (less than 31 days), and is licensed by the State of Michigan. There are no individual cooking facilities, at least one meal is provided in the house’s main dining room.

#### **Billboards and Signs:**

- A. Billboard – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed, or fabricated on such land.
- B. Business Sign – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- C. Real Estate Sign – Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- D. Identifying Sign – Any structure on the same premises it identifies which serves (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motels; or (3) only to inform the public as to the use of a parking lot.
- E. Name Plate – A structure affixed flat against the wall of a building that serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

Boarding, Lodging, or Rooming House: A dwelling primarily used for the purpose of providing long-term lodging or both meals and lodging for compensation. Such house is to be distinguished from a hotel, motel, or an institutional use such as a convalescent or nursing home.

**Building:** Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

**Building Height:** The vertical distance measured from the ground at the base of the foundation wall or porch footing to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. Where a building is located upon a terrace or slope, the height may be measured from the average ground level (average grade) of the terrace or slope at the base of the foundation wall or porch footing. (see Grade, Average)

**Building Main or Principal:** A building in which is connected the principal use of the lot on which it is situated.

**Building Inspector:** The Building Inspector of the Township or his authorized representative

**Building Line:** A line parallel to the front lot line and which marks the location of the building.

**Building Permit:** A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, and density, and with the requirements of all other development codes and Ordinances currently in effect in Columbia Township.

**Building Setback:** See yard.

#### **Section 7.04 – ‘C’**

**Clinic:** A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) of a staff of professionals, such as physicians, dentist, and the like.

**Compatible:** For a new use, having a size, bulk, physical characteristics and activity characteristics that do not conflict with existing uses within 300 feet of the outer edges of the property upon which the new use is proposed.

In a negative sense, a conflicting characteristic is one that produces sound, odor, dust or light, in excess of pre-existing ambient conditions, at the property line of the source, which interferes with the rights of a neighboring property owner or occupant.

In a positive sense, a use having a positive influence upon the existing uses within 300 feet or having a symbiotic relationship to such adjacent uses, i.e. providing a use, activity or service for which there is a demonstrated need at or near the location chosen, or providing similar products or services thus creating a competitive area of attraction for persons seeking that type of enterprise.

**Condominium:** Is the manner in which real property is owned. It is a combination of ownership in fee simple of the interior space of a townhouse or apartment plus an undivided ownership, in common with other purchasers, of the common elements in the structure, including the land and its appurtenances.

Construction: The building, erection, alteration, repair, renovation, (or demolition or relocation) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

Convalescent or Nursing Home: A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State Law.

### **Section 7.05 – ‘D’**

#### Day Care Facility:

- A. Family Day Care Home is a private home where not more than six (6) minor children are received for care and supervision for periods of less than 24 hours per day.
- B. Group Day Care Home is a private home where more than six (6) but less than twelve (12) minor children are received for care and supervision for periods of less than 24 hours per day.

Dwelling, Multiple Family: A building or portion thereof, used or designed for occupancy by more than two (2) families living independently of each other. This definition does not include single family attached dwellings or two-family dwellings.

Dwellings, Single Family Attached: A group of three (3) or more single family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this Ordinance, dwellings such as semi-detached and row houses, shall be deemed a single family attached dwelling.

Dwelling, Single Family Detached: A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

Dwelling Two (2) Family: A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

Dwelling, Underground: See UNDERGROUND HOMES definition.

Dwelling or Dwelling Unit: Any building or portion thereof, mobile home, pre-manufactured, or pre-cut structure which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, (but not including motels, hotels, tourist rooms or cabins) complying with Section 4.10.

### **Section 7.06 – ‘E’**

Efficiency Unit (Studio): A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets and the like.

Essential Public Services: The erection, construction, alteration, or maintenance of public utilities by municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes,

conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchanges, and/or repeater buildings, electric substations, gas regulators, stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

### **Section 7.07 – ‘F’**

#### **Family:**

- A. An individual or group of two or more persons related by blood, marriage, or adoption, including those related as foster children and servants, together with not more than one additional unrelated person, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**Farm:** All of the un-platted, contiguous, neighboring, or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, un-platted parcel of not less than ten (10) acres in area; provided further, that orchards, hatcheries, and similar specialized agricultural enterprises may be considered as farms, but establishments keeping fur bearing animals, game or operated as fish hatcheries are not farms.

#### **Floor Area:**

- A. **Floor Area Gross:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) buildings. The “floor area” of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in “floor area”. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed), or attached garages are not included.
- B. **Floor Area Usable:** The measurement of usable floor area shall include that portion of floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

## **Section 7.08 – ‘G’**

Garage, Automotive Commercial: Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, and where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

Garage, Private: A building accessory to a principal use designed to house not more than three (3) automobiles.

Garage, Public: A public building used for the care, repair, or storage of automobiles.

Grade: The established grade of the road, street, or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. The Building Inspector establishes the elevation.

Grade, Average: For determining building height on a sloped or terraced lot, the average grade (ground level) shall be calculated by taking the difference between the highest and lowest ground level at the point of contact with the foundation or footing. Building height is calculated from the average elevation of the highest and lowest points of the existing ground around the building at the base of the wall or footing.

Greenbelt or Buffer Strip: The strip of land not less than ten (10) feet in width which is planted and maintained with trees acceptable to the Building Inspector of from five (5) to six (6) feet in height, spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not more than four (4) feet in height.

## **Section 7.09 – ‘H’**

Hazardous Materials: Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

Hobby Farm: A non-commercial farm operation of 2-20 acres, the income from which is incidental to the total household income.

Home Occupations: A home occupation is any occupation or profession carried on by one or more members of a family, residing on the premises plus no more than one (1) person not resident on the premises; provided that no commodity other than those customarily associated with the business is sold upon the premises; provided further, that no mechanical equipment is installed except such as would be normally used for purely domestic or household purposes; provided further, that not over twenty-five (25) percent of the gross floor area (excluding garage space) of the dwelling is used for home occupation or professional purposes.

- A. Class I Home Occupations: Home occupations allowed by right in all residential districts include but are not limited to: dressmaking; teacher with musical, art or dancing instruction, limited to no more than six (6) pupils at a time; author, artist, musician, clerk, computer internet marketing; accountant; or licensed family day care home, consulting,

franchise sales (delivery only); and cottage food industry - as permitted and in accordance with the Michigan Cottage Food Law (P.A. 113 of 2010, as amended) where there is no retail sales from the home. Class I Home Occupations shall be limited in location to single-family dwelling structures and are prohibited in accessory structures. Doctor's offices, animal hospitals, nursery schools and engine repair are examples of uses NOT considered Class I Home Occupations.

- B. Class II Home Businesses: Home occupations involving: retail sales or services on the premises including sale of goods manufactured or assembled on site; use of an accessory structure for the occupation or for storage of goods, materials or equipment; small engine repair; wholesale activities; parking of one (1) commercial vehicle on the premises; Not more than one (1) non-resident employee.  
Examples of uses considered Class II Home Businesses include: professional home offices, home studios with retail sales of hand-made goods produced on-site, small wood-working or ceramic shops, home beauty shops, architects, clergy, lawyers, licensed therapeutic massage, watch and home appliance repair, day care for more than six persons in a home, auto repair, contracting and cottage food industry as permitted and in accordance with the Michigan Cottage Food Law (P.A. 113 of 2010, as amended) where there is to be retail sales from the home.

### **Section 7.10 – ‘I’**

Intensive Livestock Operation: A farm which has animals stabled or confined other than in grazing areas and fed for a total of 45 days or more in any 12 month period and which contain more than the following numbers and types of confined animals:

- A. 300 slaughter or feeder cattle, or
- B. 200 mature dairy cattle (milked or dry), or
- C. 750 swine each weighing more than 25 kilograms (approximately 55 pounds), or
- D. 150 horses, or
- E. 3,000 sheep or lambs, or
- F. 16,500 turkeys, or
- G. 30,000 laying hens and/or broilers (if the facility has overflow watering), or
- H. 9,000 laying hens or broilers (if the facility has a liquid manure handling system), or
- I. 1,500 ducks, or
- J. 300 animal units\*

### **Section 7.11 – ‘J’**

Junk: See trash.

Junkyard: Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including paper, rags, wrecked vehicles, used building materials, structural steel materials, and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

### **Section 7.12 – ‘K’**

Kennel: Any land, building or structure where three (3) or more cats and/or dogs are boarded, housed, or bred.

## **Section 7.13 – ‘L’**

Litter: See trash.

Livestock: Horses or any animal that is raised for the production of food for human consumption or for the production of fiber.

Loading Berth: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

Lot: A plat, plot, or parcel of land occupied, or designed to be occupied by one (1) building, and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat. If more than one (1) lot of record is held in common ownership and said lots are contiguous, undeveloped, and substandard in size to the minimum lot size in the zoning district, they shall, for the purpose of this Ordinance, be held as one (1) lot or as many lots as shall leave no lot substandard.

Lot Area: The total horizontal area included within the lot lines. Where the front lot line is the centerline of a street, or where a portion of a lot lies within a street right-of-way or access easement, the lot area calculated to meet the requirements of this Ordinance shall not include that area inside the street right-of-way or access easement. (*amended October 2010*)

Lot, Corner: A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty five (135) degrees.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

Lot, Flag: A lot which has less than the required minimum road frontage on a public or private road, which is reached via a private drive, and whose width some distance back from the right-of-way, meets all Ordinance requirements.

Lot Line: A boundary line of a lot.

Lot Line, Front: The exterior line or right-of-way of a road on which a lot fronts or abuts.

Lot Line, Rear: Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Registrar of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The distance between side lot lines measured at the required building setback line on a line parallel to the street. (*amended October 2010*)

### **Section 7.14 – ‘M’**

Mobile Home: A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation for year-around living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

- A. Single Wide – a mobile home with a width of no greater than fourteen (14) feet for its full length.
- B. Double Wide – a combination of two (2) mobile homes designed and constructed to be connected along the lengthwise axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

Mobile Home Park: A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

Mobile Home Subdivision: A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

Modular: A structure which meets the requirements of the BOCA Code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to the BOCA Code the characteristics of a modular are:

- A. A pitched roof of heavy truss construction able to support a “dead-weight” of at least forty (40) pounds per square foot, and having roof shingling of five (5) inch exposure;
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists;
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and
- D. Establishment on a poured wall or cement block and mortar foundation.

Motel, Hotel, or Motor Hotel: A building or a series of attached, semi-detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the

approval by the Planning Commission with the exception of units for use of the manager and/or caretaker.

Motor Home: A self-propelled motor vehicle designed as self-contained living quarters and intended only for short-term occupancy.

Motor Vehicle: Every vehicle that is self-propelled.

### **Section 7.15 – ‘N’**

Non-Conforming Lot of Record (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Non-Conforming Structure: A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

Non-Conforming Use: A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

### **Section 7.16 – ‘O’**

Open Air Business: Shall be defined to include the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Retail sale of fruits and vegetables.
- C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park and/or similar recreation uses.
- D. Bicycle, utility truck, or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- E. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

### **Section 7.17 – ‘P’**

Parking Area, Space or Lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

Pier: Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the lengthwise distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

Planning Commission: The Columbia Township Planning Commission.

Principal or Main Use: The primary or predominant use of a lot.

## **Section 7.18 – ‘Q’**

## **Section 7.19 – ‘R’**

**Recreation Vehicles:** A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

**Road Frontage:** The length of the lot line that borders a public road.

**Road or Street, Private:** An irrevocable easement running with the land to one (1) or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use.

**Road or Street, Public:** Any public right-of-way that provides vehicular access to adjacent properties.

**Roadside Market Stand:** A temporary building or structure designed or used for the display and/or sale of agricultural products.

## **Section 7.20 – ‘S’**

**Sanitary Landfill:** Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

**Shopping Center:** A group of establishments engaging exclusively in retail business or service arranged as a functionally coherent unit, together with appurtenant features, such as parking area and storage facilities.

**Site Plan Review and Approval:** The submission of plans for review and approval, as required by this Ordinance, and special use permits.

**Special Use Permit:** A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location, or relation to the Township, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

**Street:** The thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley. (*amended October 2010*)

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

**Structural Changes or Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

Swimming Pool: Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twenty-four (24) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

### **Section 7.21 – ‘T’**

Temporary Building or Use: A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months.

Townhouses: A row of three (3) or more attached one-family dwellings, not more than two and one-half (2-1/2) stories in height and for which there is a rear and front entrance to each dwelling.

Township Board: The Columbia Township Board.

Township Board of Appeals: The Columbia Township Board of Appeals.

Township: Township of Columbia.

Trash: The terms “Trash”, “Litter”, and “Junk”, are used synonymously and each as herein shall include the following: Used article or used pieces of: iron, scrap metal, automobile bodies, or parts of machinery or junked or discarded machinery, used lumber which may be used as harborage for rats, ashes, garbage, industrial by-products, or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

Trailer Coach Park Act: Michigan Act 243 of 1959, as amended.

Travel Trailer: A transportable unit that must be towed by a motor vehicle, intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

### **Section 7.22 – ‘U’**

Underground Home: A residence, the roof of which is covered with earth, and which on at least three (3) sides does not extend upward more than the surrounding grade levels within fifty (50) feet. This does not include basement houses that are covered on four (4) sides by earth.

### **Section 7.23 – ‘V’**

Variance: A varying or relaxation of the standards of the Zoning Ordinance by the Township Board of Appeals; and where such variances will be not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

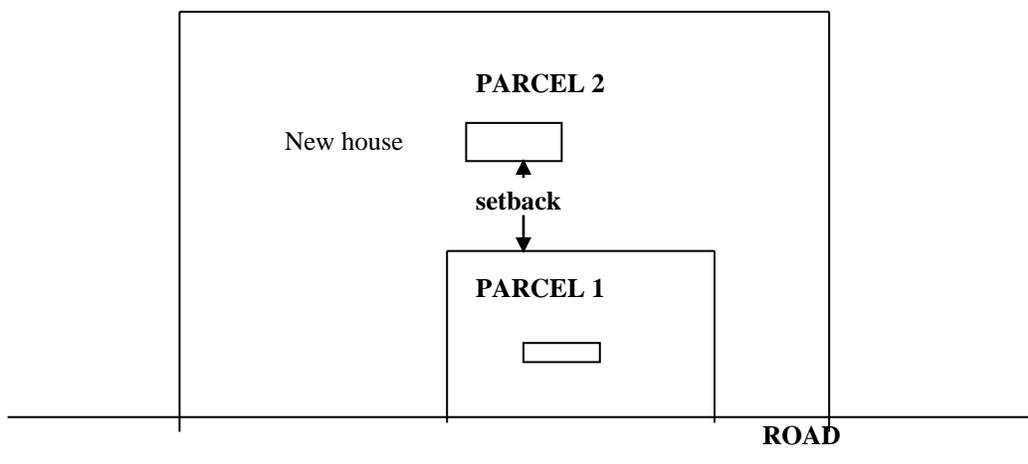
**Section 7.24 – ‘W’**

**Section 7.25 – ‘X’**

**Section 7.26 – ‘Y’**

**Yard, Required Side-Rear-Front:** An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See illustration entitled “Lot Terms”.)

- A. **Front:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.
- B. **Rear:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this Ordinance.
- C. **Side:** An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.
- D. **Water Front:** On lakes the water front yard shall extend landward from the ordinary high water line as determined by the State of Michigan, or on a lake with a control dam, as determined by the County Drain Commissioner. On rivers the water front yard shall extend landward from the Flood Hazard Elevation Line (commonly know as the 100-year flood line) as shown on published Flood Insurance Rate Maps (FIRM).
- E. **“L” shaped, “U” shaped, “Flag lots” and other irregular parcels:** Whenever a structure is to be located on an irregularly shaped parcel so that such structure will be located directly behind a buildable location on any adjacent parcel between the building site and the street, then the yard for the irregularly shaped parcel which is the common lot line between the building site on the irregular parcel and the intervening parcel shall be considered a side yard.



**Section 7.27 – ‘Z’**

Zoning Act: Michigan Act 184 of 1943, as amended.

Zoning Inspector: The Columbia Township Zoning Inspector or his designated representative.

**ARTICLE VIII**  
**AMENDMENTS AND PUBLIC NOTICES**

**Section 8.01 – Initiation of Amendments**

Amendments of this Ordinance may originate with the Township Board or by the Township Planning Commission by a vote of the majority of the respective membership, or by petition of one or more owners of property to be affected by the proposed amendment.

**Section 8.02 Procedure**

Each proposed amendment not originating with the Planning Commission shall be referred to the Planning Commission for its consideration and recommendation.

- A. Filing of Applications: All petitioners shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the Township Clerk.
- B. All petitions for amendments to this ordinance, without limiting the right to file additional material, shall contain the following:
  - 1. The petitioner’s name, address, and interest in the petition as well as the name, address, and interest of every person, firm, or corporation having a legal or equitable interest in the land.
  - 2. The nature and effect of the proposed amendment.
  - 3. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- C. Public Hearing: Before submitting its recommendation on the petition to amend, the Planning Commission shall hold at least one public hearing, notice of which shall be given in conformance with Subsection 8.03, below.

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, the factors that shall be considered by the Planning Commission and the Township Board shall include, but are not limited to, the following:

- 1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township’s Master Land Use Plan;
- 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
- 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;
- 4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of land.

- D. Following the public hearing the Planning Commission shall submit the proposed amendment to the County Planning Commission for review and recommendation. The County Planning Commission will have waived its right for review and recommendation of the ordinance amendment if, the recommendation of the County Planning Commission has not been received by the Township within 30 days from the date the proposed amendment is received by the County.
- E. The Planning Commission, after either receiving the review and recommendation of the County Planning Commission or after 30 days has expired, shall refer the proposed amendment to the Township Board along with any comments from the County and the Township Planning Commission's written recommendations for approval or disapproval and their reasons.
- F. A hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner. Notice of any such hearing shall be given to the interested property owner in accordance with Public Act 110 of 2006, MCL 125.301 (4).
- G. Thereafter, at any regular meeting, or at any special meeting called for that purpose, the Township Board may adopt and enact the proposed amendment, in accordance with Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act.
- H. Following adoption of amendments to this Ordinance, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information:
  - a. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
  - b. The effective date of the amendment.
  - c. The place and time where a copy of the amendment may be purchased or inspected.

**Section 8.03 – Public Notices**

- A. Public notice is required for all meetings of the Planning Commission and Zoning Board of Appeals. A schedule of monthly meetings shall be published annually 10 days after the Planning Commission's first meeting of each calendar or fiscal year as specified in the Planning Commission's by-laws. A rescheduled meeting shall be posted within 3 days after the meeting at which the change is made. A Special Meeting of the Planning Commission and any non-hearing meeting of the Zoning Board of Appeals must be posted 18 hours prior to the meeting.
- B. Additional public notices are required for the following public hearings:
  - 1. Any proposal for a hearing before the Planning to amend the Zoning Ordinance text.
  - 2. Any proposal for a public hearing before the Planning Commission to amend the Zoning Map.

3. Any proposal for a public hearing before the Planning Commission to consider a Special Land Use or a Planned Unit Development.
  4. Any appeal to the Zoning Board of Appeals for a public hearing to consider a dimensional Variance, to request an interpretation of the Zoning Ordinance text or map, or to appeal an administrative decision of the Zoning Administrator, Planning Commission or Township Board.
- C. Notice of Hearing: After receipt of the completed application with required fees, the Clerk shall establish a date for a public hearing on the application. The Clerk shall give notice of the public hearing in the following manner:
1. By one (1) publications in a newspaper of general circulation in the City not less than fifteen (15) days before the date of the hearing.
  2. For any proposed amendment to the zoning map, or special use hearing, by the Planning Commission, or any variance hearing by the Zoning Board of Appeals, written notice will be delivered by mail, or hand-delivered, to all persons to whom any real property is assessed within three hundred (300) feet of the premises in question, and to the occupants of all dwelling units within three hundred (300) feet of the premises in question. The notice shall be made at least fifteen (15) days prior to the hearing. Requirements of written notice to property owners shall not apply to a comprehensive revision to the Zoning Ordinance or when 11 or more adjacent properties are proposed for rezoning or when the proposal is a general text amendment.
  3. The notice shall do all of the following:
    - a. Describe the nature of the request.
    - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - c. State when and where the request will be considered.
    - d. Indicate when and where written comments will be received concerning the request.

#### **Section 8.04 - Conditional Rezoning**

- A. Intent.
- It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time of application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without an offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 8.02 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include,

but not be limited to, a consideration of the factors for rezoning set forth in Sections 8.02 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with the Van Buren County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Van Buren County Register of Deeds.
  - f. Contain the notarized signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with the designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Van Buren

County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the zoning requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and be subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.

H. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection G. above, then the land shall revert **to its** former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion or

zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Van Buren County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

- J. Amendment of Conditions.
  - 1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the **Township shall not add to or** alter the conditions in the Statement of Conditions.
  - 2. The Statement of Conditions may be amended thereafter in the same manner as prescribed for the original rezoning and Statement of Conditions.
  
- K. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3401 et seq.).
  
- L. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this Ordinance.

## **ARTICLE IX - PENALTIES**

### **Section 9.01 – Penalties**

Any building or structure that is erected, altered, maintained, or used, or any use of land that is begun, maintained, or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any person, firm, corporation, or organization, which violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision, shall be fined up to one hundred (100) Dollars, together with the cost of prosecution; or shall be punished by imprisonment in the county jail for not less than ten (10) days, nor more than ninety (90) days, for each offense, or may be both fined and imprisoned as provided herein in the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance or use continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

### **Section 9.02 – Action**

The Township Board or Zoning Commission, or the Board of Appeals, or any owner, or owners of real estate may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, alteration, maintenance, or use. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.

**ARTICLE X – VALIDITY**

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected hereby. The Columbia Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof, irrespective of the fact that any one or more parts sections, subsections, phrases, sentences, or clauses be declared invalid.

Original Adoption: July 21, 1987

Revised: \_\_\_\_\_

Effective: \_\_\_\_\_

\_\_\_\_\_  
Stacey Corke  
Columbia Township Clerk