



LOCKPORT TOWNSHIP ZONING ORDINANCE

2023



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95.000

ZONING ORDINANCE
Ord. No. 3-80
Adopted: October 14, 1980

An Ordinance to establish zoning districts and provisions governing the same within Lockport Township, St. Joseph County, Michigan in accordance with the provisions of Act 184 of 1943, as amended and repealed effective 7-1-06 and the provisions of Act 110 of the Public Acts of 2006, known as the "Michigan Zoning Enabling Act", as may be amended, and any other applicable laws; to provide for nonconforming uses and amendments; to provide for the administration of the Ordinance; to provide for a Zoning Board of Appeals; to designate the official(s) responsible for administering the Ordinance, and to provide for conditional rezoning.(Ord. No. 2006-03;§I;12-11-06)

THE TOWNSHIP BOARD OF LOCKPORT TOWNSHIP ORDAINS:

ARTICLE I

95.100

GENERAL PROVISIONS

95.101

Short title.

Sec. 1.01. This Ordinance shall be known as the Lockport Township Zoning Ordinance.

95.102

Purposes.

Sec. 1.02.

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other area within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open space surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- F. Preserving agricultural lands which have been determined within the Land Use Plan to be essential to the stability and future economic well being of the Township.
- G. Fixing reasonable standards to which buildings and structures shall conform.
- H. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, health, safety and general welfare.
- J. Conserving the taxable value of land, buildings and structures throughout the Township.

- K. Providing for the completion, extension, substitution or elimination of nonconforming uses.

***Cross reference** – Construction Code enforcement, Pt. 80.

95.103 Validity and severability clause.

Sec. 1.03. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

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

95.104 Conflict with other laws.

Sec. 1.04.

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive, or imposes a higher standard or requirement, than such easement, covenant or other private agreement, the provision of the Ordinance shall govern.
- C. The Lockport Township Zoning Ordinance, which was adopted on July 20, 1946, is hereby repealed except that such Ordinance shall remain in full force and effect as to violations which occurred prior to repeal and the rights are preserved in the Township of Lockport to institute or sustain any proper action for the enforcement or prosecution of any liability for such violations.

95.105 Scope of regulations.

Sec. 1.05.

- A. All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, enlargement, or relocation of existing buildings, or structures occurring hereafter, shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such building, structure, uses, or land shall be located; except in Agricultural Production, Agricultural Residential, Single-Family Residential, Multiple-Family Residential Districts, a lot of record of not less than 12,000 square feet recorded in the Office of the Register of Deeds on the effective date of this ordinance in single ownership or in a subdivisions, even though such lot of record does not conform with the area and width requirements for the district in which such lot is located and provided that there is compliance with all other regulations contained in this ordinance and other applicable ordinances, regulations and codes of Lockport Township may be used for single-family residence purposes.
- B. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, said building or structure may be completed in

accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated – subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.

- C. Where the Building Official has issued a building permit for a permitted use or special land use, such permit shall become null and void unless work thereon is under way within three months of the date of the issuance of such permit, or within the period of time beyond three months granted by the Planning Commission.
- D. Dwellings in all districts which are not lawfully nonconforming shall meet the minimum dwelling dimensions contained in the definitions section of this ordinance. No building permits shall issue for any construction for dwelling units that do not meet the minimum dwelling size contained in this ordinance. Occupancy permits shall not be issued for dwellings that do not meet the minimum standards.

(Ord. No. 2006-03; § II; 12-11-06; Ord. No. 2012-01;§XIII; 9-10-12)

95.106

Special land uses.

Sec. 1.06.

- A. To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties, or upon the character and future development of the district in which they are located, a classification of special land use is hereby established. Procedures for special land uses are set forth in Article XIII.
- B. Where a use exists on the effective date of this Ordinance and it is classified as a special land use by said Ordinance, it shall be considered to be a lawful special land use. Additions or alterations to existing buildings or land improvements for expansion of lawful special land uses may be made within the area of the lot included in the ownership existing at the time of adoption of this Ordinance, and they shall be subject to yard and building height requirements set forth in this Ordinance for permitted uses in the districts in which they are located.

(Amended Ord. No. 2006-03; § III; 12-11-06)

95.107

Establishment of districts.

Sec. 10.07. In order to carry out the purposes and provisions of this Ordinance, the following districts are hereby established:

- A. Agricultural Production
- B. Agricultural Residential
- C. Single-Family Residential
- D. Multiple-Family Residential
- E. Retail Commercial
- F. Service Commercial
- G. Light Industrial
- H. Manufacturing
- I. Planned Unit Development
- J. Solar Overlay District (S-1) (Ord. No. 2023-01;§IV;2-13-23)
- K. Tiny Home Overlay District (TH-1) (Ord. No. 2023-06;§I;7-10-23)

1. There is hereby created a Solar Overlay District identified as S-1, the purpose of which is to facilitate the establishment of utility-scale solar energy collector systems by providing standards for their placement, design, construction, operation, monitoring, modification, and removal consistent with public safety, while minimizing negative impacts on adjacent and area property, and while promoting the Township's goals of preserving agricultural lands and open spaces. Minimizing loss of rural character and open spaces and the desire to preserve farms and agricultural-based activities are strongly supported in the Master Plan. To promote the preservation of the Township's rural character and agricultural heritage, the lands included in the Utility-Scale Solar Energy Collector Systems Overlay District are limited to portions of the Township that may not presently be used for agricultural purposes or production, are within reasonable proximity to existing major transportation infrastructure, and are within reasonable proximity to existing electric power transmission infrastructure including substations, utility easements, and transmission lines.

The Solar Overlay District is the only district in which a Large Scale Solar Energy System is authorized as a Special Land Use. As an overlay district, the Special Land Use is allowed, subject to the submittal and Special Land Use requirements contained in this Ordinance. The underlying land use and zoning district is retained and shall apply to all parcels and portions of parcels that are not part of a Large Scale Solar Energy System Special Land Use. Such overlay district has been designated in an area of the township that is located near a utility substation. Such area has been calculated to allow for a suitable area for utility solar array(s) in a specific area while protecting the rural character and residential area within the Township. Said size and area of the parcel will be considered as it was described as of January 1, 2022. (Ord. No. 2023-01;§IV;2-13-2023)

2. There hereby created a Tiny Home Overlay District identified as TH-1, the purpose of which is to provide areas primarily designed for residential use consisting of a smaller single-family dwelling(s) located on individual lots or premises which are small in nature, adequate size to provide for safe water and sewage disposal facilities, spaced to diminish spread of fire, and set back from the public thoroughfare to facilitate safe exit from the entrance to the premises. It is the intent of the Township to provide landowners the highest use of their land and provide a means to construct a structure that can be legally occupied as a dwelling.

The requirements are intended to protect and stabilize the basic quality of the district and to provide suitable and safe conditions for family living. The general character of this residential is to consist of smaller single-family detached dwellings designed for 1-2 persons, set on smaller building lots which may not be conducive of a typical single-family dwelling that are located in other areas of the Township. Nonresidential uses in this district would be strictly prohibited including home occupations.(Ord. No. 2023-01;§IV;2-13-23)

95.108**Incorporation of maps.**

Sec. 1.08. The locations and boundaries of the districts established by this Ordinance are shown upon the Zoning Map(s), which are hereby incorporated into the provisions of this Zoning Ordinance and which map in its entirety, including all amendments thereto, shall be as much a part of this resolution as if fully set forth and described herein.

The Zoning Map, and amendments thereto, shall be maintained by the Lockport Township Planning Commission.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the Township Board. No amendment to this Ordinance which involves matter portrayed on the Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Zoning map or matter shown thereon except in conformity with the procedures set forth in Article XV of this Ordinance.

Regardless of the existence of purported copies of the Zoning Map, which may from time to time be made or published, the Zoning map which shall be in the possession of the Planning Commission shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

95.109**Boundaries of zoning districts.**

Sec. 1.09. Unless shown otherwise, boundary lines of the Zoning Districts shall be interpreted as measured from Section Lines; or Quarter-Section Lines; or Subdivision Lines; or center lines of highways or waterways; or the boundary lines of incorporated areas; or property lines on Legal Record on the date of enactment of this Ordinance. All questions concerning the exact location of boundary lines shall be determined by the Board of Appeals consistent with the purpose of this Ordinance.

95.109.1**Boundaries of Solar Overlay District.**

Sec. 1.09.1 District Boundaries of Solar Overlay District. The Solar Overlay District (S-1) is established within the purple boundaries of the attached map. All other areas of Lockport Township have been considered and have been deemed incompatible for solar and/or wind renewable energy sites.
(Ord. No. 2023-01;§III;2-13-23) Appendix A

95.109.2**Boundaries of Tiny Home District.**

Sec. 1.109.2 District Boundaries of Tiny Home District. The Tiny Home District (TH-1) is established within the red boundaries of the attached map.
(Appendix B)

95.110**Replacement of zoning map.**

Sec. 1.10. In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the Township Board may by resolution adopt a new Zoning Map which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.

95.111

Rules applying to text.

Sec. 1.11. The following rules of construction apply to the text of this Ordinance:

1. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
2. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
3. The word “building” includes the word “structure”.
4. A “building” or “structure” include any part thereof.
5. The word “person” includes a corporation as well as an individual.
6. 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”.
7. Any word or term not defined herein shall be used with a meaning of common of standard utilization.
8. Where in this Ordinance reference is made to the Township Zoning Act and has not been changed by official amendment to this Ordinance, the reference shall be to the Zoning Enabling Act, PA 110 of 2006, as amended. Where, in this Ordinance reference is made to the “TZA” meaning the “Township Zoning Act” (PA 184 of 1943 repealed effective July 1, 2006), that reference shall be to the Michigan Zoning Enabling Act. The acronym “ZEA” as it may be utilized throughout this Ordinance shall mean the Zoning Enabling Act, PA 110 of 2006, as amended.

(Ord. No. 2006-03; § IV; 12-11-06)

95.112

Definitions.

Sec. 1.12. For the purposes of this Ordinance, the following terms and words are defined as follows:

Accessory building or structure – A building or structure including garages, or part of a portion of a main building, the use of which is in keeping with, and incidental to, that of the main building. Said accessory building shall clearly be located on the lot of the main building and shall not be used for habitation. (Ord. No. 2015-01; § I; 1-20-15).

Agricultural labor camp – A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for five or more migratory workers engaged in agricultural activities including related food processing.

Agricultural production – The production for commercial purposes of plants and animals useful to man, including forages and sod crops; grains and feed crops, dairy and dairy products, livestock, including breeding and grazing; fruits, plants, trees, shrubs and nursery stock; vegetables and other similar agricultural uses.

Alterations – any change, addition or modification in construction, any building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Animal, keeping of. The following definitions shall apply to keeping of animals in this Ordinance:

Animals, Bait: An animal that is confined or unconfined where the objective is for another animal to bite and tear to subdue, incapacitate, or kill such animal. This activity is also commonly defined as a blood sport. Animals raised for any other reason that may be deemed inhuman or unethical for the sake of the animal.

Animal, Nuisance: An animal running at large on public or private property, other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to:

- a. making physical contact with a person or other animal in a harassing manner;
- b. urination, defecation, or otherwise causing damage to inanimate private or public property;
- c. trespassing on school grounds; or
- d. having been verified as being repeatedly at large.

Exceptions: An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by;

- a. an illness or injury suffered by the animal at the time of the act;
- b. the negligent or reckless conduct of any person to whom the act is directed;
- c. lawful hunting while the animal is under the control of its owner or custodian; or
- d. defense of the animal's owner, or members of the owner's family or household, or their property.

Animal Breeding: The process of selective mating of animals with desirable genetic traits, to maintain or enhance these traits in the future generation. Animals may be bred for commercial, agricultural, or personal purposes.

Animal Breeding Facility: A facility or location where animal breeding activities take place.

Animal Broker: A person engaging in the act of purchasing animals from breeders with the intent to re-sell or transport these animals to another commercial operation such as a pet shop.

Animal Camp: An alternative to a traditional commercial dog boarding facility known as a Boarding Kennel. Animal camps are designed so animals can play and socialize throughout the day both indoors and outdoors with supervision by humans, in order to provide less stressful experiences to the animal than a traditional boarding facility. Services at an Animal Camp are provided in exchange for a fee or payment.

Animal Control Officer: Any person employed or appointed by the Township, for the purpose of enforcing this Ordinance or state statutes pertaining to animals, or the St. Joseph County Sheriff/Animal Control Officer.

Animal Fighting: A location where two (2) or more animals are placed in a confined, injured, tortured, or killed.

Animal Hoarding: The keeping of more than six (6) animals, including Family Pets, without provisions to properly house or care for them, failure to receive a special land use permit for the keeping of more than six (6) animals on private property, or failure to act on animals' deteriorating conditions, diseases, starvations, or death.

Animal Hospital: A building or place used for diagnosing or surgically or medically treating animals whether or not animals are kept on the premises for the purpose of treatment.

Animal Laboratory: A facility designed to produce or purchase animals for the purpose of research, testing or teaching.

Animal Park: A zoo or other facility which animals are housed with enclosures, displayed to the public in which they may also breed. Animal parks may also include areas of municipal, public use or private parks that are designed for the socialization and exercise of animals in a designated area.

Animal Sanctuary: A facility, either on commercial or private property, on which more than six (6) animals (of each species commonly referred to as house pets or Family Pets) are brought to live, to be protected, and are provided with convalescent care for the rest of their lives. Unlike animal shelters, sanctuaries do not seek to place animals with individuals or groups in new homes, instead maintaining each animal until its natural death or until it is humanely euthanized. Any Sanctuary facility shall be incorporated as a nonprofit organization, or affiliated with a nonprofit organization that promotes animal welfare.

Animal Shelter or Rescue: A facility operated by St. Joseph County and licensed through the Michigan Department of Agriculture and Rural Development (MDARD) for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held in violation of a municipality or county ordinance or state law, or animals that are surrendered to the facility. Animal Shelter or Animal Rescue may also mean a facility operated by a person, Humane Society, Society for the prevention of cruelty to animals, or any incorporated nonprofit organization for the care and/or rescue of homeless animals. In both cases, the intent of the Animal Shelter is not to keep animals on the property indefinitely, but to find new homes for each animal.

Exotic Species: Any animal whose natural habitat is outside the continental United States, excluding non-venomous reptiles and fish.

Family Pet: An animal kept for companionship or other personal reasons. Species of Family Pets covered by this Ordinance include the following:

- a. Dogs: *Canis lupus familiaris* (puppies are considered dogs at birth in this Ordinance);
- b. Cats: *Felis catus* (kittens are considered cats at birth in this Ordinance);
- c. Rabbits: Order *Lagomorpha*;
- d. Ferrets: *Mustela putorius furo*;
- e. Pot-bellied pigs: *Sus Scrofa*;
- f. Any of the class of Aves (birds) that are caged and otherwise kept inside the residence;
- g. Any of the class of Aves (birds) kept under the owners or caretakers control and within properties that are zoned Rural Residential or Agricultural by the Township's Ordinance, further providing that those birds are not free to leave the property;
- h. Any of the order of Rodentia (such as mice, rats, gerbils, hamsters, chinchillas and guinea pigs);
- i. Any of the class of Reptilia (such as non-venomous snakes, lizards, and turtles excepting those not native to the United States);
- j. Any of the class of Amphibian (such as salamanders, frogs, toads excepting those not native to the United States); and
- k. Any order of Erinaceomorpha (such as hedgehogs and moon rats).

Groomers: A facility or location for both the hygienic care and cleaning of an animal as well as a process by which an animal's physical appearance is enhanced for showing or other types of competition. Such facility may perform such services for financial remuneration.

Kennel, Boarding: Any establishment where dogs, puppies, or other animals are kept for the purpose of boarding for remuneration for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for grooming, for treatment, diagnostic, or recuperative purposes.

Kennel, Commercial Animal: Any premises on which three (3) or more animals of any species of Family Pets, six (6) months of age or older are kept temporarily or permanently for commercial uses such as breeding, boarding, for sale, or the rendering of services for profit. This shall not apply to livestock, animal shelters, or animal sanctuaries.

Law Enforcement Officer: Any person employed, elected, or appointed by the People of the State of Michigan, by the County, or any municipality, whose duty it is to preserve law enforcement or to make arrest or to enforce the law and includes game, fish and forest fire wardens and members of the State law enforcement and conservation officers.

Owner: A person who owns (with proof acceptable to Animal Control or law enforcement officer) or harbors a dog or other animal for ten (10) days or more; any person having a right to the property where such dog or other animal is kept; any person who permits the dog or other animal to remain on or about any premises for ten (10) days or more occupied by such person(s).

Pet Shop: A commercial operation where animals are sold or offered for sale, exchange or transfer.

Veterinarian: A licensed and accredited practitioner of veterinary medicine. (Ord. No. 2023-02;§I;2-13-23)

Animated signs – any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

Automobile or trailer sales area – Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.

Automobile repair – General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

Automotive service station – An “automotive service station” is a building or other structure or a tract of land used exclusively for the storage and sale of gasoline or other motor fuels and for any uses accessory thereto. The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, or the washing of motor vehicles are permitted accessory uses. A public parking lot or public parking garage is not a permitted accessory use.

Uses permissible at a filling station do not include motor vehicle sales, major mechanical and/or body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automotive service stations. An automotive service station is not a repair garage nor a body shop.

Basement – That portion of a building partly below grade but so located that the vertical distance from the average ground level to the ceiling is less than the average ground level to the floor. A basement shall be considered a story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor.

Billboard – Any structure or part thereof on which lettered or pictorial matter is displayed for off-premise advertising purposes.

Board of Zoning Appeals – The Board of Zoning Appeals of Lockport Township.

Boarding, rooming, or lodging houses – A dwelling (not a single-family or two family dwelling, apartment house or a motel or hotel) providing lodging with or without meals, and having lodging accommodations for less than ten guests.

Buffer strip – A portion of an access lot, required to be established and preserved as a natural barrier between the useable portion of the access lot and an adjacent lot.

Buildable area – That portion of an access lot, required to be established and preserved as a natural barrier between the usable portion of the access lot and an adjacent lot.

Building height – The vertical distance measured from the finished grade level, sidewalk level or its equivalent established grade from the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

Building line – A line parallel to the lot line at a distance therefrom equal to the depth of the yard required for the district in which the lot is located.

Building permit – A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Building site – A portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public or private street or road.

Business – The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of officers, or recreational and amusement enterprises for profit.

Business school – A privately owned school, not conducted by or under the sponsorship of a charitable organization, which teaches secretarial, bookkeeping, accounting or other similar office or clerical skill.

Campground – Any area or tract of land used for designated to accommodate recreational vehicles or camping parties for periods of not more than 30 consecutive days.

Church – A building used for the conduct of religious services, not including rescue missions or temporary structures used for revival activities.

Clinic, medical or dental – A facility where three or more licensed physicians or dentists actively engage in the practice of medicine or dentistry on an out-patient basis.

Club or lodge, private – An association, or persons, who are bona fide members paying dues, which owns or leases a building or portion thereof, the use of which shall be restricted to members and their guests.

Commercial airport – A transportation facility to accommodate the take-off, landing shelter, supply, service and repair of aircraft, the receiving and discharging of passengers and cargo, certain accessory uses including food service establishments, retail stores and shops, motels and hotels, barber shops, beauty parlors, shoe repair shops, and business offices, and certain uses which use air transport in whole or in part for the distribution of products, including warehousing, light machining, milling, assembly and packaging.

Commercial wireless telecommunications services – Licensed commercial wireless telecommunication service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.

Commission – Whenever the word “commission” is used in the context of this Ordinance, the same shall be defined as the Lockport Township Planning Commission.

Common elements – The portions of a condominium project other than the condominium units.

Community center – A public building including one or more of the following facilities: meeting and recreation rooms, dining rooms and kitchen facilities and family day care centers, all for the common use of residents.

Community Park, Public- An area of land usually in a largely natural state, for the enjoyment of the public. Such park may contain approved playground equipment, pavilions, restrooms and storage facilities. (Ord. No. 2015-04; §I; 9-25-15).

Conditional use – See: “Special land use”. (Ord. No. 2006-03; § V; 12-11-06).

Condominium project – A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

Condominium plan – The plan as required in this ordinance, including, but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.

Condominium unit – That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.

Consolidating master deed – The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Contractible condominium – A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Cottage industries – The carrying on of selected home based business and industry as a source of income and as an integral part of the dwelling unit or premises within or upon which the same is located.

Day care center – A facility, other than a Day Care Home, which is used by a person licensed by state and/or local government to provide care and maintenance of children (other than his or her own family and the children of close relatives) during a portion of the day for two or more consecutive weeks.

District – A section of Lockport Township, for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

Dock, seasonal – A light weight structure at least partially over the surface of the water and carried on supports which extended to the ground beneath the water and which can be removed and replaced each year.

Drive-in – A commercial establishment so developed that its operation is wholly or in part dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway – Any pathway for motor vehicles which provides access from a public or private street to an individual lot or parcel.

Dwelling unit – A building which is occupied wholly as the home, residence or sleeping place for one or more human beings, either permanently or transiently, containing lawful cooking and lawful sanitary facilities reserved for the occupancy thereof, and complying with the following minimum standards:

1. No dwelling shall contain less than 1,300 square feet of living space, exclusive of garages or basements.(Ord. No. 2015-01;§I; 1-20-15)
2. Reserved.(Ord. No. 2015-01;§I; 1-20-15)
3. Reserved.
4. Each dwelling unit shall have two separate entrances and exits.
5. It shall comply with any additional minimum square footage required of this Ordinance for the zone in which it is located.
6. The dwelling shall comply in all respects to those standards and regulations for construction as imposed by the State Construction Code and any Federal or State standard or regulation in effect.
(Ord. No. 2015-01;§I; 1-20-15)
7. The dwelling shall contain a storage capability in area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site, said separate structure being of standard construction similar to or of better quality than the principal dwelling; such storage area shall be in addition to the space for the storage of automobiles. (Ord. No. 2015-01; §I; 1-20-15)
8. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for the particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within 15 days of decision.
9. A dwelling shall also include earth homes or underground shelter homes.
(Ord. No. 2015-01; § I; 1-20-15).
10. All dwellings must be at least twenty-four (24) foot in width.
(Ord.No.2015-01;§I;1-20-15)
11. ***Tiny Home*** - A dwelling that is more the eight hundred (800) square feet and less than nine hundred and fifty (950) square feet exclusive of garages or basements, with a minimum side elevation of no less than eight (8) feet, to support a 4/12 or 5/12 roof pitch; a minimum width of twenty (20) feet; built to all Michigan building and sanitary codes and qualifies for a Certificate of Occupancy.
(Ord. No. 2023-06;§;7-10-23)

Dwelling, Principal Farm- An original principal farm dwelling shall be that dwelling or group of buildings or structures that has been located on the Agricultural Farm parcel for a minimum of forty (40) years when considered for a Personal Farm Land Division as defined in Article I, Section 112.
(Ord. No. 2015-01;§I;1-20-15;Ord.No.2022-01;§V;1-10-22).

Easement – A portion of strip of land which is part of a lot or parcel which has been reserved for a specific use for access for persons, utilities or services.

Easement, access – See private street.

Erected – Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential services – The phrase “essential services” means the erection, construction, alteration or maintenance of public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in

connection therewith, but not including buildings, 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. This definition does not include towers or telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced specialized mobile radio, paging and similar services.

Family – One person, or group of two or more persons, living together who may or may not be interrelated by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit within a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.

Farm – All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture 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.

Fence – A structure partially or completely surrounding a part of or the whole of a zoning lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

Filling station – See Automotive Service Station.

Floor area – The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating the buildings, including any area when used for residential, commercial or industrial purposes, but not including a basement or portion of a basement used for storage or housing of mechanical or central heating or air conditioning equipment, the basement apartment of a custodian, unfinished attics, garages, outside balconies, open porches, accessory buildings, or any floor area within a building which is used for off-street parking.

The floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet; i.e. ten feet in height shall equal one floor.

Frontage – The contact of abutting property with a street which affords unobstructed access to the property.

Garage, commercial – Any building or premises (except those defined herein as a private garage) used for storage of motor vehicles, for remuneration.

Garage, private – An accessory building in a residential district with the capacity of no more than three motor vehicles for storage only, not more than one of which may be a commercial vehicle of no more than three-fourths ton capacity. A garage designed to house one motor vehicle for each family housed in an apartment shall be classed as a private garage.

Garage sale – See Sales, Rummage – Private and Public.

Garage, vehicle repair – A structure, or portion thereof, designed or used for the repair, equipment, or servicing of motor vehicles, including, but not limited to, upholstery work, glass work, painting, welding, body and fender work, and major engine overhaul and transmission work, but not including motor vehicle sales.

Go-cart – Any miniaturized motor vehicle, regardless of the number of wheels, which is designed for off-road recreational use only and whose horsepower does not exceed six hp.

Grade – The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is

not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt or buffer strip – A strip of land of definite width and location reserved for planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Group housing quarters – A structure occupied by individuals sharing common facilities. Group housing quarters shall differ from two and multi-family dwelling units in that the rooms contained in the structure do not constitute independent housekeeping establishments.

Home occupations – An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes and confined completely within the dwelling and subject to the following specific conditions:

- a. No home occupation shall be permitted to be established or expanded when the same is objectionable as determined by the Planning Commission due to noise, dust, smoke, odor, traffic congestion, reduction of the living environment, or other causes detrimental to the neighborhood in which located.
- b. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
- c. All single-family dwellings may be utilized for instruction in a fine art or craft in accordance with the provisions contained in this section.

(Ord. No. 2006-03; §V; 12-11-06)

Hospital – A facility in which patients are rendered medical and/or surgical care on an episodic basis with the standard provision of continuous 24-hour acute medical care on an in-patient basis.

Hospital, animal – A medical facility for the treatment of domestic animals and birds. For purposes of this Ordinance, an animal hospital shall also be considered a veterinary clinic.

Hotel – A building containing separate sleeping units, each of which may have bathroom facilities, designed for or used primarily on a temporary basis by transients.

Housekeeping unit – A group of one or more persons occupying a building and living as single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than four persons, as distinguished from a group occupying a lodging house or hotel.

Industrial park – A special or exclusive type of planned industrial designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Junk yards – An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed or disassembled or handled. Junk shall include, but not be limited to: rubbish, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes vehicle wrecking yards of any size for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel – Reserved. (Ord. No. 2023-02;§I;7-10-23)

Laboratory – A place devoted to experimental study such as testing and analyzing.

Land use plan – A composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of Lockport Township as adopted by the Township Board.

Landing field – A private transportation facility, closed to the public to accommodate the take-off and landing of aircraft which has sod or paved runways.

Landscaping – The planting and maintenance of trees, ground cover, shrubs, vines, flowers, or lawns, including natural features such as rock or stone and structural features such as rock or stone and structural features such as fountains, art work, screens, walls, fences and benches.

Livestock – Any animal, which is commonly used for the production of food for human consumption or for the production of fiber.

Loading space, off-street – Space logically and conveniently located for both pick-ups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading spaces are not to be included as off-street parking space in computation of required off-street parking space.

Lodging house – A building where lodging without meals is provided for compensation.

Lot – A parcel of land occupied or intended for occupancy by a use permitted in the Ordinance, including one main building and its accessory buildings, and the open spaces required by this Ordinance. All buildable lots shall have frontage on a public street.

Lot, access – A type of waterfront lot providing for private or common (semi-private) access to a waterway for one or more access lot beneficiaries. An access lot includes the buffer strips required herein.

Lot, access beneficiary – The owners or occupants of any offshore lot or waterfront lot, and any other person with a right of access to or use of a waterway through a waterfront lot, in whole or in part, by fee ownership, easement, lease, license, gift, business invitation, or any other form of conveyance, dedication, permission, or access or use rights.

Lot area – The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as a street.

Lot, corner – A lot at the junction of two or more streets.

Lot, coverage – See Building coverage; Building area.

Lot, interior – Any lot other than a corner lot.

Lot, offshore – Any lot or parcel of land, whether or not improved, and whether or not platted, which does not abut the shoreline of any waterway.

Lot, Waterfront – Any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which abuts the shoreline of any waterway.

Lot line, front – That portion of a lot which abuts a street (or right-of-way of an approved private street or access easement); in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot a line separating deed restrictions in effect specify another line as the front line.

Lot line, rear – a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side – Any lot boundary line not a front lot line or a rear lot line.

Lot of record – A lot of record at a time of enactment of this Ordinance in the Office of the Register of Deeds, either as a part of a subdivision or described by metes and bounds.

Lot, through – A lot having frontage on two parallel or two approximately parallel streets.

Lot width – The horizontal distance between the side lot lines, measured at the right-of-way line and at right angles to the lot depth.

Manufacturing or industry – any use, in which the major activity is the treatment, processing, rebuilding or repairing or bulk storage of material, user on the premises; as distinguished from a retail use, where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

Mobile home – A structure transportable in one or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. All mobile homes must conform to the U.S. department of Housing and Urban Development's code for mobile homes, 24 CFR parts 3280 and 3283, as amended. Mobile home includes a double-wide unit.

(Ord. No. 2006-03; §V; 12-11-06; Ord. No. 2012-01; §XII; 9-10-12)

Mobile home park – A mobile home development, designed with facilities for common use, and in which mobile home spaces are rented.

Mobile home subdivision – A subdivision providing lots for sale for the placement of mobile homes for residential purposes.

Motel – A building or a group of buildings containing sleeping units, each with bathroom facilities, designed for or used primarily on a temporary basis by automobile tourists or other transients, with parking space conveniently located to each unit.

Motor vehicle sales lot – Any premises where three or more motor vehicles are offered for sale or sold during any calendar year.

Motor vehicle wrecking yard – Any place where two or more motor vehicles not in running condition or otherwise legally operable on public ways, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, including farm machinery stored in the open and not being restored to operating condition.

Nonconforming lot – a lot of record which does not conform to the lot area or lot width regulations of this Ordinance.

Nonconforming use – Any building or land lawfully occupied by a use which at the time of the passing of this Zoning Ordinance or an amendment thereto does not conform with the regulation in which it is situated.

Noxious matter – Offensive to the human senses, especially sight and smell.

Nursing home – A building to house and within which services are provided for ill and aged persons.

Official zoning map – The official map(s) showing the location and boundaries established by this Ordinance. The Official Zoning Map, together with all the explanatory matter thereon and all amendments thereto, is adopted by reference and is a part of this Ordinance.

Open space – The portion of the gross site area that is landscaped or that is usable and maintained for recreational purposes (including lawns, patios, and usable rooftops).

Off-street parking – A parcel of land with a durable surfaced area, enclosed in a main building or an accessory building, or unenclosed, sufficient in size to store at least one standard automobile. Such open, unoccupied space shall be other than a street or alley, and the principal use of such parcel of land, durably surfaced, enclosed or unenclosed, shall be the purpose of parking vehicles off the thoroughfares, within Lockport Township

Ordinary High Water Mark - The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly

from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

(Ord. No.2021-02B;§I;11-8-21).

Park or Preserve Public- An area of land, usually in a largely-natural state, for the enjoyment of the public.

(Ord. No. 2015-04; §I; 9-25-15).

Parking lot, commercial – A parcel of land devoted to unenclosed parking spaces for two or more motor vehicles for compensation or otherwise.

Parking space – An area of not less than two-hundred (200) square feet designed to accommodate one motor vehicle not including required access and maneuvering areas.

Personal Farm Land Division - A Personal Farm Land Division is the land division or land split of a portion of land from the Agricultural Productive District as defined in Section 2.02 of this ordinance. Such land division for this purpose is for the allowance of a one-time separation of the principal farm dwelling and all accessory buildings and structures from the farmed portion of the parcel.

Planning commission – The Lockport Township Planning Commission.

Planned unit development – Residential, commercial or industrial development, or combination thereof, on a tract of land under single ownership or control according to an approved final site development plan.

Public sewer system – A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes or such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.

Public utility – Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Recreation area, private – All lands and structures which are owned and operated by private individuals, a business or corporation which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Recreational vehicle – Includes boats, motor homes, snowmobiles, travel trailers and other similar items designed and intended specifically for temporary living such as travel, camping and vacationing, whether self-propelled or towed.

Restaurant – A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, dinner theatre, drive-ins, and any fast food establishment permitting consumption on the premises.

Restaurant, drive-in – Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to, or permitted to be consumed by , patrons in automobiles or other vehicles parked on the premises.

Restaurant, fast food – Any restaurant designed to permit or facilitate the serving of meals, sandwiches or other food directly to patrons at the counter to be consumed elsewhere, either on or off the premises.

Right-of-way line – The dividing line between a lot and a public street, legally open or officially plotted by the Township, County or State or over which the owners or tenants or two or more lots held in single or separate ownership have the right-of-way.

Road – Whenever and wherever the term “road” is used in this Ordinance, it shall have the same meaning as found in the definition of “street”.

Road, private – Whenever and wherever the term “private road” is used in this Ordinance, it shall have the same meaning as found in the definition of “street, private”.

Roadside stand – A structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.

Rooming house – See Lodging House.

Sales, rummage-private – A temporary sale of used clothing and/or household items conducted only by the immediate members of one or two families in a residence, private garage, porch, rear yard or barn.

Sales, rummage-public – A temporary sale, conducted by a non-profit organization such as a church or club, where the members of the group bring articles or items to a central building to be sold to raise money for use by the organization.

Sanitary landfill – A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of Act 451 of 1994, as amended. (Ord. No. 2006-03; §V; 12-11-06)

Screening – A hedge, fence or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

Setback – The minimum required horizontal distance between the right-of-way lines and the building line.

Setback lines (minimum) – The line which pertains to and defines those minimum building/structure setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for in this Ordinance.

Shopping center – A group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises, and related in its location, size, and type of stores, to the trade area which it serves.

Sign – Any name, identification, description, display or illumination which is affixed to, painted or represented directly or indirectly upon a building (including on window area) structure or land which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization or business. (Ord. No. 2006-08; §V; 12-16-06).

Solar Energy. The following definitions shall apply to solar energy provisions in this Ordinance:

Accessory Ground-Mounted Solar Energy System: A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Building-Integrated Solar Energy System (“BIPV”): A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Dual Use: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- **Pollinator Habitat:** Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites. Alternatively, the Tier 2 Pollinator Scorecard developed by the Rights-of-Way as Habitat Working Group can be used to evaluate pollinator habitat and management practices.
- **Conservation Cover:** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (eg. bird habitat) or providing specific ecosystem services (eg. carbon sequestration, soil health).
- **Forage for Grazing:** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- **Agrivoltaics:** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- **Dual Use:** Does not include the use of solar arrays on parcel or lots that already have an established use such as dwellings, commercial buildings, etc.

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

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

Maximum Tilt: The maximum angle of a solar array (ie., most vertical position) for capturing solar radiation as compared to the horizon line.

Minimum Tilt: The minimal angle of a solar array (ie., most horizontal position) for capturing solar radiation as compared to the horizon line.

Non-Participating Parcel(s): One or more existing lots or parcels for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

Participating Parcel(s): One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant's project.

Photovoltaic (PV) System: A semiconductor material that generates electricity from sunlight.

Principal-Use Solar Energy System: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Principal-Use (Large) Solar Energy System: A Principal-Use SES generating more than 5,000 KWH/5MW for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Accessory-Use (Small) Solar Energy System: An accessory SES generating up to and including 5,000KWH/5MW per month installed and used for the primary purpose of serving an individual residence or structure; with any minor generated excess available to place on the grid.

Property Owner or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, possession care, or control of any premises, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the St. Joseph County Register of Deeds to be the owner of a particular property shall be presumed to be the person who owns or is in control of that property.

Repowering: Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

Roof-Mounted Solar Energy System: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

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

Solar Array: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy (electric energy or other energy) system that collects solar radiation.

Solar Carport: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system’s transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Energy System (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

Solar Thermal System: A system of equipment that converts sunlight into heat.

UL Listed: Refers to the Underwriters Laboratory product certification database.

Utility Scale Solar Energy System: A Large Scale Solar Energy System that meets one or more of the following:

- A. It is primarily used for generating electricity for sale, distribution off site to an authorized public utility or other firm for use in the electrical grid.
- B. The total surface area of all solar collector surfaces exceeds one-thousand five hundred (1,500) square feet; and/or
- C. It is not considered an accessory use or structure by the Township Zoning Administrator.

Weed: Native or non-native plant that is not valued in the place where it is growing.

Wildlife-Friendly Fencing: A fencing system with openings that allow wildlife to traverse over or through a fenced area.

(Ord. No. 2023-01; §I; 2-13-23)

Special land use – A special land use is a use that would not be appropriate without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare.

(Ord. No. 2006-03; §V; 12-11-06).

Sports Complex or Athletic Complex - A group of sports or athletic facilities located out-of-doors except for necessary accessory structures for use in team or individual athletic endeavors. Examples of such facilities include but are not limited to the following: track and field areas, football fields, baseball fields, soccer fields, swimming pools, exercise areas, walking trails and golf courses. Activities shall take place out-of-doors. Necessary accessory structures are limited to storage facilities, judges' boxes, dugouts and restroom facilities. Any building or structures housing facilities for the containment of athletic endeavors shall be considered a commercial activity regardless of ownership and shall be located in the appropriate zoning district. (Ord. No. 2015-04; §I; 9-25-15).

Story – That portion of a building, included between the surface of any floor and the surface of the floor next above it, then the space between such floor and the ceiling above it shall be the story.

Story, half – That portion of a building under a sloping gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

Street – A public right-of-way, Private road, or shared driveway which provides vehicular and pedestrian access to abutting properties and which shall provide easements and/or rights of way therein for public improvements.

- **Public Street:** A public thoroughfare located within a public road right-of-way and dedicated to public use, which affords traffic circulation and provides access to abutting property.

- **Private Road:** A privately-owned and maintained thoroughfare, located within a private road right-of-way easement, providing access to three (3) or more contiguous parcels, which is not a public road, which affords traffic circulation and provides access to three (3) or more abutting parcels.
- **Shared Driveway:** A driveway that provides the primary access from a public road to only two (2) contiguous parcels which, because of their zoning, configuration, or other element related to the land, cannot be or are unlikely to be split into future additional lots. A shared driveway permit is required, see Section 95.1322a.
- **Safe and Unimpeded Route of Travel:** A road surface of at least twenty four(24) feet in width and is of sufficient quality of construction to accommodate any fire, police, rescue or other emergency vehicle. (Ord. No. 2006-03;§V;12-11-06;Ord.No.2021-01;§I;4-12-21)

Structure – An office or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner. Anything constructed or erected, the use of which requires permanent location on or under the ground or attachment to something having a permanent location on the ground. Advertising signs, billboards, backstops, tennis courts, mobile homes, and other similar things shall be included in this definition.

Subdivision – All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development.

Swimming pool – An artificial or semi-artificial basin or tank, including all appurtenant equipment, structures and facilities, for the purpose of impounding water to a depth of more than two and one-half feet for the immersion or partial immersion therein of human beings.

Tavern – A public establishment where food is sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises.

Tower – Any ground or roof mounted pole, spire, structure or combination thereof taller than 15 feet, including support liens, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.

Township Board – The Board of Trustees of Lockport Township, St. Joseph County, Michigan.

Toxic materials – Those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Zoning Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring.

Trade school – A privately owned school not conducted by or under the sponsorship of a charitable organization, which teaches industrial or technical arts.

Truck terminal – Any place where trucks are stored and/or dispatched or where freight is brought and dispatched by truck.

Variance – A variation of the lot size or width requirements, yard requirements, height restrictions, sign regulations, parking and loading requirements, or other development standards from those set forth in the Zoning Ordinance, granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance where

strict enforcement of the terms of the Ordinance would create practical difficulty, owing to the unique characteristics of the property for which the variance is sought. Under no circumstances shall a variance to the use of any property within the Township be heard or granted by the Township Zoning Board of Appeals. (Ord. No. 2006-03; § V; 12-11-06)

Waterway – A natural or man-made lake, river, stream, channel, pond, or other natural or artificial watercourse.

Yard-front, side, rear – A general term applied to the space on a lot with a building or group of buildings, lying between the building or group of buildings and the nearest respective lot line facing each building.

Yard (minimum) – The area of each lot in which no building or structure shall be erected. The size of such area is determined by the distance from the property lines to the building lines.

- a. **Front** – The minimum required open space, extending the full width of the lot, from the property line to the building line.
- b. **Side** – The minimum required open space, extending the full depth of the lot and extending from the side lot line to minimum side setback line.
- c. **Rear** – The minimum required open space, extending the full width of the lot, from the rear lot line to the minimum rear setback line.

Zone – Same as District.

Zoning Administrator – The designated administrator and enforcement official of this Ordinance.

Zoning lot – A tract of land designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A “zoning lot” may or may not coincide with a lot of record.

Zoning map – A map showing the division of land into various districts within the jurisdiction of Lockport Township.

(Ord. No. 1982-A; 11-9-82; Ord. No. 2-87; 5-12-87; Ord. of 6-10-91; §I; Ord. of 7-29-92; §III; Ord. No. 02-95; § I, 2-13-95; Ord. No. 05-95; 5-24-95; Ord. No. 04-96A; § II, 6-10-96; Ord. No. 12-97A; 12-8-97; Ord. No. 05-98, § II, 5-11-98; Ord. No. 04-99B; 5-10-99; Ord. No. 2006-03, § V, 12-11-06)

End of Article I

ARTICLE II

95.200

AGRICULTURAL PRODUCTION DISTRICT

95.201

Intent.

Sec. 2.01. it is recognized that the public health and welfare of the citizens of Lockport Township, the State of Michigan, and the United States is greatly dependent upon the sustenance and economic benefit provided by a viable agricultural industry. It is the purpose of the Agricultural District to insure that land areas within Lockport Township which are uniquely suited for the production of food are retained for agricultural production, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.

95.202

Permitted uses.

Sec. 2.02. The following uses of land and structures shall be permitted in an Agricultural District:

- A. Agricultural production: including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables; and other similar agricultural uses, but not including slaughtering of animals for other than home use on the premises.
- B. Single-family dwellings which serve as the principal residence for the owner, operator and employees of the farm and their immediate families. (Ord. No. 2012-01;§I; 9-10-12)
- C. Home occupations.
- D. Roadside stands for the sale of farm products produced on the premises, or other premises owned and operated by the owner or operator of the farm, provided that off-highway parking facilities be provided, and that entrance and exit facilities be approved in writing by the County or State Road Commission in the interest of public safety.
- E. Uses or structures customarily incidental to the operation of a farm and permitted dwellings.
- F. Cottage Industries as defined in Section 1.12 which have not more than two employees in addition to family members living within the residence and subject to the following specific restrictions:
 - a. No cottage industry shall be permitted to be established or continued when the same is objectionable by reason or continued when the same is objectionable by reason of noise, dust, smoke, odor, light, traffic congestion or other causes detrimental to the health, safety and general welfare of the neighborhood in which the same is located. In the event of a dispute concerning any of the foregoing conditions, the same shall be decided by the Township Board with recommendation by the Township Planning Commission after public hearing upon applications of any interested party.
 - b. Signs, advertising devices, and other manifestations of the activities located on the exterior of the dwelling unit or within any yard area which suggest or implies the existence of a cottage industry shall be in accordance with Section 12.16 (C) of this Ordinance.
- G. Community facilities and public utility uses directly related to and necessary for essential services within the district or township.

H. **Split of Original Principal Farm Residence from Agriculturally Productive Land.**

1. **Procedure.** Only the original and principal farm dwelling may be sold as a non-farm residence and separated from the original farmstead in accordance with this subsection. A property split or division obtained under this Section shall require the submission of an application to the Zoning Administrator and review by the Zoning Administrator establishing adherence to the criteria in Subsection 2 below. The Zoning Administrator shall submit the application and his or her review for adherence thereto to the Township Board for final approval. The Township Board's approval shall be conditioned on the provision of "Notice of Municipal Conditions" to be recorded with the St. Joseph County Register of Deeds. Proof of this recording shall be submitted to the Township Assessor prior to the Assessor's approval of the non-farm residence land division under the Township's Land Division Ordinance.
2. **Standards for Approval of Split of Original Farm Residence from Agriculturally Productive Land.** The following standards and conditions apply to this Section:
 - a. Only the original farm residence may be split from agriculturally productive land.
 - b. The non-farm residence shall be situated on a parcel of not less than two (2) acres in area.
 - c. The minimum building site or parcel width shall be a contiguous minimum footage along a public street/road. The minimum contiguous road frontage in the district is two hundred (200) feet. The minimum contiguous road frontage for the divided farm residence is two hundred (200) feet. In order to authorize the division, each parcel must meet the required minimum contiguous road frontage for the use, regardless of whether there is a "secondary width" which is not contiguous (ie. the original parcel surrounds the split parcel). The parcel shall not be divided if either parcel cannot meet the minimum resulting contiguous road frontage. Any non-contiguous road frontage or "secondary width" shall either meet the minimum two hundred (200) feet contiguous road frontage or shall be sixty-six (66) feet in width to allow for access/future public road. The following diagram is offered to explain this subsection.

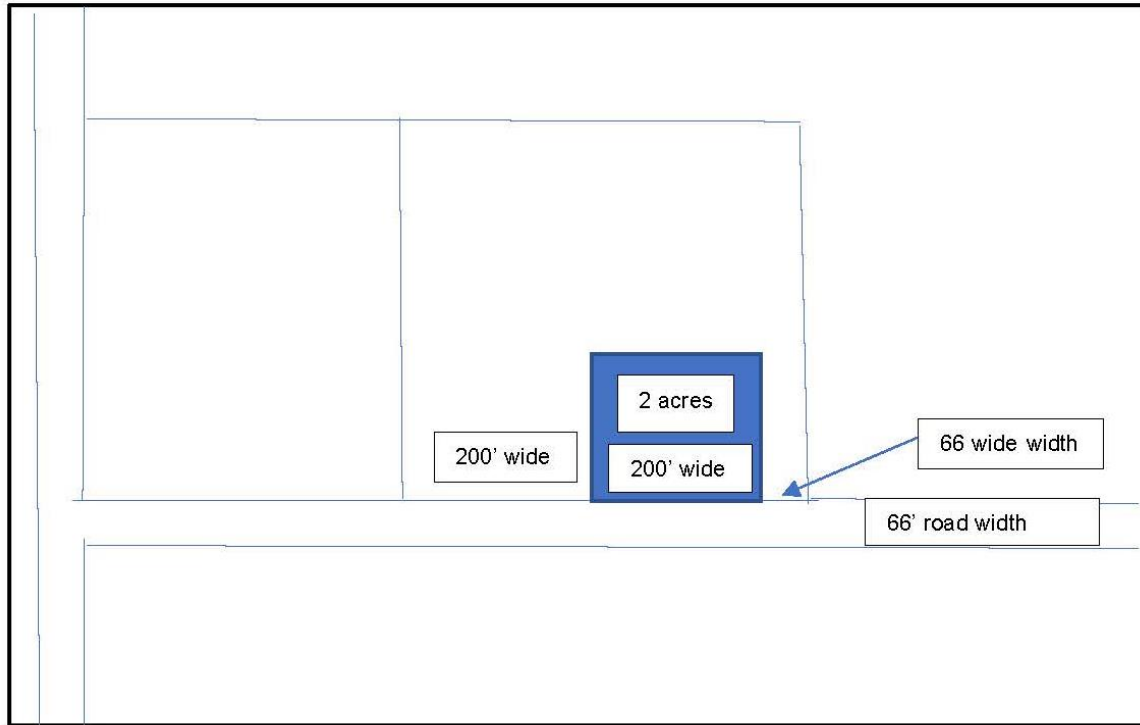


Diagram: Example two-acre lot split with 200 feet continuous frontage, leaving parent parcel with 200 feet continuous frontage, and with 66-foot-wide alternate frontage.

- d. Maximum building site or parcel coverage by buildings shall not exceed twenty-five (25) percent.
- e. Setback requirements set forth in Section 2.04C shall be complied with.
- f. Maximum building height requirements shall not exceed those provided in Section 2.04D of this ordinance. Building height shall be measured in accordance to Section 112, "Definitions" of this ordinance.
- g. Minimum building floor areas shall comply with Section 112 "Definitions, dwelling-unit" of the ordinance.
- h. If a condition or conditions cannot be met, the applicant shall be referred to the Zoning Board of Appeals for a variance or interpretive.

(Ord. No. 2-87; 5-12-87; Ord. of 6-10-91; § II; Ord. No. 2004-03; § III; 11-8-04; Ord.No.2022-01;§I;1-10-22)

95.203

Uses permitted as a special use

Sec. 2.03. The following uses of land and structures may be permitted in an Agricultural District upon issuance of a special use permit in accordance with the procedures and criteria contained in Article XIII.

- A. The sale and service of machines used in agricultural production.
- B. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- C. The storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- D. Facilities used to provide veterinarian services for livestock.

- E. Facilities used in the research and testing of agricultural products and techniques.
- F. Cemeteries.
- G. Landing fields, commercial airports, and associated accessory uses.
(See Section 13.19)
- H. Fire control structures.
- I. Commercial mining, gravel and sandpits.
- J. Sanitary landfill.
- K. Churches.
- L. Reserved.
- M. Reserved.
- N. Animal Breeding Facility
- O. Animal Camp
- P. Animal Control Shelter
- Q. Animal Hospital (Veterinary)
- R. Commercial Animal Kennel
- S. Animal Kennel Home (Private)
- T. Animal Park
- U. Animal Protection Center
- V. Animal Sanctuary
- W. Animal Rescue Facility
- X. Groomers

(Ord. No. 05-95, 5-24-95; Ord. No. 2006-03; § VI; 12-11-06; Ord. No. 2007-01; § I; 9-10-07; Ord. No. 2009-02; § I; 7-13-09; Ord. No. 2022-01; § II, III; 1-10-22; Ord. No. 2023-02; § IV; 2-13-23).

95.204

Site development standards.

Sec. 2.04. The use of land and structures within an Agricultural District shall maximize agricultural productivity and conform to the following standards:

- A. **Minimum farm size:** A farm within an Agricultural District shall encompass a minimum of 40 acres. While it remains the intent of Lockport Township to maintain unique farm land within the Agricultural Production Zoning District, any single-family dwelling on an established lot within the AP District, regardless of size, shall hereafter be considered a non-conforming use of land and structure and may be improved, enlarged, or replaced if destroyed, provided, however, that nonconformity is not increased or created with respect to any other restriction of the AP Zoning District.
- B. **Minimum lot, parcel or building site-area and width:** A lot, parcel or building site area of not less than two hundred (200) feet along a public roadway, shall be provided for every building or other structure erected or used for any use `permitted in this district.
(Ord. No. 2015-01; § III; 1-20-15).
- C. **Minimum setback:** All principal dwellings shall be situated no closer than thirty-five (35) feet to the closest point of the right-of-way of a street or road, nor eighty-three (83) feet from the center line, nor twenty (20) feet to the nearest point on a property boundary defining the limits of a farm or lot. Accessory structures used to house livestock or fowl shall not be located closer than one hundred and fifty (150) feet to any boundary of the Agricultural District abutting a Single-Family

Residential or Multiple-Family Residential district. Any other accessory structure shall follow the schedule in Section 95.1203.

1. **Front yard:** On every lot, parcel or building site or premise there shall be a front yard setback for a principal structure of not less than eighty-three (83) feet in depth from the center line of the road nor less than thirty-five (35) feet from the right-of-way line, whichever is greater as set-forth in the schedule. In the case of waterfront lots it shall be fifty (50) feet or the average setback distance of three (3) nearest existing residential structures on each side (total of six (6)), whichever is greater. Such measurements shall be established from the high-water mark. (See Section 95.1203). All accessory buildings or structures must comply with the setbacks set-forth in the schedule. (See Section 95.1203). (Ord. No. 2021-21B; §II; 11-8-21).

2. **Side yards:**
 - a. On each interior lot, parcel or building site, there shall be two (2) side yards, each side yard having a width not less than twenty (20) feet.
 - b. On each corner lot, parcel or building site there shall be two (2) side yards, the side yards abutting the street shall have a width of not less than eighty-three (83) feet from the center line of the street, and the side yard not abutting the street shall have a width of not less than twenty (20) feet.
 - c. On any lot, parcel or building site and any side yard not abutting the street, a detached private garage may be erected and maintained within the rear yard of the lot, parcel or building site if not closer to the side lot, parcel or building site line than twenty (20) feet.
3. **Rear yard:** There shall be a rear yard on each lot, parcel or building site, the depth of which shall be not less than fifty (50) feet, except that an accessory use structure may be erected within the rear yard not closer than ten (10) feet to the rear property line (Ord. No. 2015-01; § III; 1-20-15).

- D. **Maximum Building Height Requirements.** For any building accessory to a dwelling use, thirty-five (35) feet measured from ground level to peak.

(Ord. No. 2015-01; § III; 1-20-15)

- E. **Reduced minimum lot size for public utilities.** For any permitted public utility structure or building, the minimum lot size shall be three (3) acres. Road frontage and length-to-depth ratios, if any, shall be met. Public utility telecommunications towers shall comply with the provisions of Section 12.23 [95.1223] of this Ordinance, as amended.

- F. **Building coverage:** Not more than ten (10) percent of the area of any lot, parcel or building site shall be occupied by buildings and structures. (Ord. of 6-10-91; § II; Ord. No. 2006-03; § IX, 12-11-06; Ord. No. 2009-01; § I; 2-9-09; Ord. No. 2012-01; §II; 9-10-12; Ord. No. 2015-01; § III; 1-20-15).

Supplementary standards.

Sec. 2.05. The following supplementary standards shall apply to the use of land and structures within an Agricultural District:

- A. ***Agricultural labor camp*** – The dwelling units in agricultural labor camps provided for migratory employees engaged in agricultural activities on a farm shall be exempt from the minimum lot size and width requirements contained in this section. All structures in agricultural labor camps shall comply with the setback requirement established in this section and the provisions of Part 124 of Act 368 of 1978, as amended, and the administrative rules promulgated there under. The provisions of this section shall apply to dwelling units for seasonal employees which do not meet the definitions of an agricultural labor camp.
(Ord. No. 2006-03; § VII; 12-11-06)
- B. ***Site development standards for special uses*** – In addition to applicable general requirements of this Ordinance, and such conditions imposed in accord with the (Ord. No. 3-80) standards stated in Section 2.03 of this section and Article IX, a special use permitted in an Agricultural District shall be identified as either a commercial or industrial use, and shall comply with the applicable site development standards contained in either Articles VI, VIII, or IX.
(Ord. No. 2006-03; § VII; 12-11-06)
- C. ***Reserved.***
(Ord. No. 2015-01; § IV; 1-20-15)
- D. ***Structures located in certain areas*** – No structures in this district shall be located closer than one hundred and fifty (150) feet to the centerline of any river or stream or to the shoreline of any lake or pond. No structure in this district may be located in a flood hazard area as identified by the Department of Environmental Quality (DEQ), the Army Corps of Engineers and/or the Federal Emergency Management Agency. The Zoning Administrator may require the applicant for a building permit to demonstrate that the proposed structure is not in such a flood hazard area.
(Ord. No. 2006-03; § VII; 12-11-06; Ord. No. 2015-01; § IV; 1-20-15).

End of Article II

ARTICLE III

95.300

AGRICULTURAL-RESIDENTIAL DISTRICT

95.301

Purpose.

Sec. 3.01. The Agricultural-Residential Districts are those areas identified on the Township's Land Use Plan as being marginal for agriculture production and yet not presently needed for urban residential-type uses. The purpose of this section is to provide for the continual change from rural agriculture to suburban and from suburban to urban uses. The Agriculture-Residential Districts are expected to remain essentially in agriculture production, but provide for the transition of these uses to more intensively used rural residential developments on large lots providing a variety of housing types.

95.302

Permitted uses.

Sec. 3.02.

- A. All uses permitted in Article II Agricultural Production District except Cottage Industries.
- B. Single-family dwellings.
(Ord. No. 2012-01; § III; 9-10-12).
- C. Two family dwellings which meet the requirements of the State Construction Code as adopted and enforced by Lockport Township.
(Ord. No. 2012-01; § III; 9-10- 12).
- D. Home Occupations, as defined in Section 1.12.
(Ord. No. 2-87; 5-12-87; Ord. of 6-10-91; §III; Ord. No. 2012-01;§III; 9-10-12)

95.303

Special uses.

Sec. 3.03.

- A. All special uses in Article II, Agricultural Production District; except landing fields and sanitary landfills;
- B. Reserved;
- C. Mobile home parks, when served by public water and sewer facility;
- D. Mobile home subdivisions;
- E. Kennels;
- F. Cottage Industries as defined in Section 1.12 including but not restricted to potting, ceramics, weaving, sculpturing, painting or leather studios; sail making; archery equipment making, musical instrument making; printing; and other craft shops or galleries; subject however to the following specific restrictions:
 - a. No cottage industry shall be permitted to be established or continued when the same is objectionable by reason or continued when the same is objectionable by reason of noise, dust, smoke, odor, light, traffic congestion or other causes detrimental to the health, safety and general welfare of the neighborhood in which the same is located. In the event of a dispute concerning any of the foregoing conditions, the same shall be decided by the Township Board with recommendations by the Township Planning Commission after public hearing upon application of any interested party.
 - b. Signs, advertising devises and other manifestations of the activities located on the exterior of the dwelling unit or within

any yard area which suggests or implies the existence of a cottage industry shall be in accordance with Section 12.16 (C) of this Ordinance.

- c. The number of assistants or employees that may be employed in addition to family members living within the residence shall not exceed the following:

- (1) In Agricultural-Residential District – two (2)
- (2) The Township Board with the recommendation of the Planning Commission may grant permission to permit additional non- family employees where the same would not adversely affect the character of the area.

- G. Animal Breeding Facility
- H. Animal Camp
- I. Animal Control Shelter
- J. Animal Hospital (Veterinary)
- K. Commercial Animal Kennel
- L. Animal Kennel Home (Private)
- M. Animal Park
- N. Animal Protection Center
- O. Animal Sanctuary
- P. Animal Rescue Facility
- Q. Groomers

(Ord. No. 2-87; 5-12-87; Ord. of 6-10-91; § III; Ord. No. 2006-03; § VIII;12-11-06;Ord. No. 2023-02;§V;2-13-23)

95.304

Height regulations.

Sec. 3.04.

- A. For any principal dwelling thirty five (35) feet, not exceeding two and one-half stories;
- B. For any non-agricultural accessory building to a dwelling use, thirty five (35) feet measured from average grade level to peak; agricultural buildings are exempt from this criteria (See schedule in Section 95.1203). (Ord. No. 2015-01; §V; 1-20-15)
- C. Reserved. (Ord. No. 2006-03; § IX; 12-11-06).

95.305

Area, width and yard regulations.

Sec. 3.05.

- A. **Minimum lot, parcel or building site – area and width:** A lot, parcel or building site area of not less than two hundred (200) feet along a public roadway, shall be provided for every building or other structure erected or used for any use permitted in this district. The depth of any lot, parcel or building site shall not exceed four (4) times the width of the lot, parcel or building site for parcels of less than ten (10) acres in size. The lot, parcel or building site as of January 1, 2015 shall be a minimum of two (2) acres. Parcel size and width requirements for uses dealing with a public utility may be reduced when authorized by the Planning Commission. (Ord. No. 2015-01; §VI; 1-20-15).

- B. **Front yard:** On every lot, parcel or building site or premise there shall be a front yard setback for a principal structure of not less than eighty three (83) feet in depth from the center line of the road nor less than thirty five (35) feet from the right-of-way line, whichever is greater as set forth in the schedule. In the case of waterfront lots it shall be fifty (50) feet or the average setback distance of the three (3) nearest existing residential structures on each side (total of six (6), whichever is greater. Such measurements shall be established from the high-water mark. (See Schedule 95-1203).
(Ord. No. 2015-01; §VI; 1-20-15; Ord. No. 2021-02B; §III; 11-8-21).
- C. **Side yards:**
1. On each interior lot, parcel or building site, there shall be two side yards having a width of not less than twenty (20) feet.
(Ord. No. 2015-01; §VI; 1-20-15).
 2. On each corner lot, parcel or building site, the side yards the side yards abutting the street shall have a width of not less than eighty three (83) feet from the center line of the street, and the side yard not abutting the street shall have a width of not less than twenty (20) feet.
(Ord. No. 2015-01; §VI; 1-20-15).
 3. On any lot, parcel or building site and any side yard not abutting the street, a detached private garage may be erected and maintained if not closer to the side lot, parcel or building site line than twenty (20) feet.
(Ord. No. 2015-01; §VI; 1-20-15).
- D. **Rear yard:** There shall be a rear yard each lot, parcel or building site, the depth of which shall be not less than fifty (50) feet, except that an accessory use structure may be erected within the rear yard not closer than ten (10) feet to the rear property.
(Ord. No. 2015-01; §VI; 1-20-15).
- E. **Building coverage:** Not more than twenty-five (25) percent of the area of any lot, parcel or building site shall be occupied by buildings.
(Ord. No. 2015-01; §VI; 1-20-15)
- F. All accessory buildings or structures shall comply with the setbacks set forth in the schedule. (See schedule in Section 95.1203).
(Ord. No. 05-98; §III; 5-11-98; Ord. No. 04-99B; §II; 5-10-99; Ord. No. 2009-03; § II; Ord. No. 2012-01; §IV; IX; 9-10-12; Ord. No. 2015-01; §VI; 1-20-15).

95.306

Site development standards for farms.

Sec. 3.06. The use of land and structures within the Agricultural-Residential District for agricultural purposes shall conform to the following standards:

- A. **Minimum farm size:** A farm within an Agricultural-Residential District shall encompass a minimum of five (5) acres.
- B. **Minimum lot size:** No dimension of any farm less than ten (10) acres in size shall be more than four (4) times any other dimension of the farm property. Each dwelling placed on a farm in addition to the principal farm dwelling occupied by the farm owner or operator shall be situated on a lot encompassing a minimum of twenty thousand (20,000) square feet per dwelling unit. The width of such lot shall be not less than one hundred (100) feet.

- C. **Minimum set-back:** All dwellings and structures shall be situated no closer than fifty (50) feet to the closest point of the right-of-way of a street or road; nor closer than fifty (50) feet to the nearest point on a property boundary defining the limits of a farm or a lot. Accessory structures used to house livestock or fowl shall not be located closer than one hundred (100) feet to the nearest point of any property boundary defining the limits of a farm or a lot.
(Ord. of 6-11-91; §III; Ord. No. 05-98: §IV; 5-11-98)

95.307 Vision clearance.

Sec. 3.07. Vision clearance requirements will be in accordance with the provisions of Article XII, Section 12.08 and 12.11 of this Ordinance.

95.308 Off-street parking.

Sec. 3.08. Off-street parking requirements will be in accordance with the provisions of Article XIV of this Ordinance.

95.309 Signs.

Sec. 3.09. Sign requirements will be in accordance with the provisions of Article XII [Section 12.15 et seq.] of this Ordinance.

95.310 Livestock – Special provision.

Sec. 3.10. No livestock shall be harbored, kept or maintained on any property which is not classified as a farm in accordance with Section 3.06 above.

95.311 Structures in flood hazard areas.

Sec. 3.11. No structure shall be erected in an area identified as a flood hazard area by the Department of Environmental Quality (DEQ), the Army Corps of Engineers and/or Federal Emergency Management Agency. The Zoning Administrator may require that the applicant for a building permit demonstrate that the location for a building is not in such an area.

(Ord. No. 2015-01; 1-20-15).

End of Article III

ARTICLE IV

95.400

SINGLE-FAMILY RESIDENTIAL DISTRICT

95.401

Intended purposes.

Sec. 4.01. The purpose of creating Residential Districts is to provide areas primarily designed for residential use consisting of single-family dwellings located on individual lots or premises, adequate size to provide for safe water and sewage disposal facilities, spaced to diminish spread of fire, and set back from the public thoroughfare to facilitate safe exit from the entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each district, and to provide suitable and safe conditions for family living.

The general character of these residential districts is to consist of single-family detached dwellings, set on large buildings lots. Nonresidential uses would be restricted to those community facilities which:

- A. May appropriately be located in residential areas to serve educational needs or to provide other essential services for the residents, or
- B. May appropriately be located in residential areas to provide recreational, religious, health and other essential services for residents, or
- C. Can perform their activities more effectively in a residential environment, unaffected by adjacent industrial or general service uses, and
- D. Do not create significant objectionable influences in residential areas. In Single- Family Residential Districts, the following regulations shall apply:

95.402

Use regulations.

Sec. 4.02. A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other:

A. *Permitted uses.*

- (1) Single-family detached dwelling units shall comply in all respects to those standards and regulations for construction as imposed by the State Construction Code and any Federal or State standard or regulation in effect;
(Ord. No. 2015-01; 1-20-15).
- (2) Publicly owned parks and playgrounds without buildings;
- (3) Accessory Uses;
- (4) Home occupations, as defined in Section 1.12, and subject to the following additional specific conditions in the Single-Family Residential District:
 - a. Said home occupation shall not exceed thirty (30) percent of the gross floor area of the residential structure.
 - b. There shall be no alteration in the residential character or function of the premise in connection herewith, nor shall any garage or parking area be used in connection herewith.
 - c. Signs and advertising devices shall be in accordance with Section 12.17 (B) of this Ordinance.
 - d. There shall be no commodity or stock in trade sold or stored upon the premises.

- e. Not more than one assistant or employee shall be employed in connection with the home occupations provided that family members shall not be counted as employed.
 - f. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
- (5) Community facilities and public utility uses directly related to and necessary for essential services within the district or township.
- B. ***Special uses by permit.***
 - (1) Churches, Parish Houses, Schools, educational and Philanthropic Institutions;
 - (2) The use of open lands and waters for privately owned and operated parks, picnic groves, golf courses and similar facilities for outdoor exercise and recreation but not including race tracks or miniature golf courses;
 - (3) Boat liveryes;
 - (4) Professional offices;
 - (5) Two Family Dwelling;
 - (6) Stabling and pasturing of horses and other similar large animals excluding livestock on unplatted parcels of five or more acres
 - (7) Animal Kennel Home (Private)
 - (8) Animal Sanctuary
 - (9) Animal Rescue Facility

(Ord. No. 2-87; 5-12-87; Ord. of 6-10-91; § IV; Ord. of 7-29-92; § I; Ord. No. 12-97B; 12-8-97; Ord. No. 2004-03; §§ I, II; 11-8-04; Ord. No. 2006-03; § X; 12-11-06; Ord. No. 2012-01; § V; 9-10-12; Ord.No.2023-02;§IV;7-10-23)

95.403

Height regulations.

Sec. 4.03.

- A. For any principal dwelling, thirty-five (35) feet, not exceeding two and one-half stories;
(Ord. No. 2015-01; §VII; 1-20-15).
- B. For any building accessory to any dwelling use, thirty-five (35) feet measured from average grade level to peak;
(Ord. No. 2015-01; §VII; 1-20-15).
- C. For any other nonresidential building or other structure, thirty-five (35) feet, measured from the average grade level to the peak
(See schedule in Section 95.1203).
(Ord. No. 2006-03; § XI; 12-11-06; Ord. No. 2015-01; §VII; 1-20-15).

Area, width and yard regulations.

Sec. 4.04.

- A. **Minimum lot, parcel or building site area and width.** A lot, parcel or building site area as of July 1, 2023 shall be a minimum of one (1) acre with a lot, parcel or building site width of not less than one hundred (100) feet and at least one hundred (100) feet of frontage on a public street, shall be required for every buildable lot, parcel or building site that contains a private water supply and private septic system. The lot, parcel or building site and width requirements for uses dealing with public utilities (water and sewer) may be reduced to a minimum of 0.25 acres with a lot or parcel width of at least eighty (80) feet of frontage on a public street. The depth of any lot, parcel or building site shall not exceed four times the width of the lot, parcel or building site. (Ord. No. 2009-03; §III; 7-9-09; Ord. No. 2012-01; §IX; 9-10-12; Ord. No. 2015-01, §VIII, 1-20-15; Ord.No.2023-05;§II;7-10-23)
- B. **Front yard.** On every lot, parcel or building site there shall be a front yard not less than eighty-three (83) feet in depth from the centerline of the road nor less than thirty-five (35) feet from the right-of-way line. Where a yard of greater or lesser depth occurs in front of a dwelling in existence on the date of enactment of this Ordinance on the same side of the street or road in the same block or within three hundred (300) feet of the side lot, parcel or building site lines, the depth shall not be less, and need be no greater than, the average depth of the front yards of existing dwellings. In the case of waterfront lots it shall be fifty (50) feet or the average setback distance of three (3) nearest existing residential structures on each side (total of six (6), whichever is greater. Such measurements shall be established from the high-water mark. (Ord.No.2015-01;§VIII;1-20-15;Ord.No.2021- 02B;§IV;11-8-21).
- C. **Side yards.**
1. On each interior lot, parcel or building site, there shall be two (2) side yards having a width of not less than ten (10) feet. (Ord. No. 2015-01; §VIII; 1-20-15)
 2. On each corner lot, parcel or building site, the side yard abutting the street shall have a width of not less than thirty (30) feet, and the side yard not abutting the street shall have a width of not less than ten (10) feet. (Ord. No. 2015-01; §VIII; 1-20-15)
 3. On any lot, parcel or building site, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear yard of the lot, parcel or building site if not closer to the side lot, parcel or building site line than ten (10) feet.
 4. Underground structures shall be no closer than ten (10) feet to any lot, parcel or building site line. (Ord. No. 2015-01; §VIII; 1-20-05)
- D. **Rear yard.** There shall be a rear yard on each lot, parcel or building site, the depth of which shall be not less than twenty-five (25) feet, except that an accessory use structure may be erected within the rear yard not closer than ten (10) feet to the rear property line. (Ord. No. 2015-01; §VIII; 1-20-15)

- E. ***Building coverage.*** Not more than twenty-five (25) percent of the area of any lot, parcel or building site shall be occupied by buildings. When private well and private septic system is in use not more than fifty (50) percent of the area of any lot, parcel or building site shall be occupied by buildings when being served by public utilities.
(Ord. No. 2015-01; §VIII; 1-20-15; Ord.No.2023-05; §II;7-10-23)
- F. ***Setback from agriculture district.*** Where the Single-Family District abuts the Agricultural District an additional fifty-foot (50-foot) setback will be added to the yard regulation. This area will be maintained as permanent open space.
- G. The minimum separation distance between buildings for which a building permit is required shall be twelve (12) feet.
(Ord. No. 05-98; §V; 5-11-98; Ord. No. 04-99B; §III; 5-10-99; Ord. No. 2009-03; § III; Ord. No. 2012-01; §§VI, IX; 9-10-12)

95.405 Vision clearance.

Sec. 4.05. Vision clearance requirements will be in accordance with the provisions of Article XII, Sections 12.08 and 12.11 of this Ordinance.

95.406 Off-street parking.

Sec. 4.06. Off-street parking requirements will be in accordance with the provisions of Article XIV of this Ordinance.

95.407 Signs.

Sec. 4.07. Sign requirements will be in accordance with the provisions of Article XII, Section 12.15 et seq. of this Ordinance.

95.408 Structures in flood hazard areas.

Sec. 4.08. No structure shall be erected in an area identified as a flood hazard area by the Department of Environmental Quality, the Army Corps of Engineers and/or Federal Emergency Management Agency. The Zoning Administrator may require that the applicant for a building permit demonstrate that the location for a building is not in such an area.
(Ord. No. 2015-01; 1-20-15)

95.409 Tiny Home Overlay District.

95.409.1 Intended Purposes.

Sec.4.09.1. The purpose of creating the Tiny home Overlay Districts is to provide areas primarily designed for residential use consisting of a smaller single-family dwelling(s) located on individual lots or premises which are small in nature, adequate size to provide for safe water and sewage disposal facilities, spaced to diminish spread of fire, and set back from the public thoroughfare to facilitate safe exit from entrance to the premises. It is the intent of the Township to provide landowners the highest use of their land and provide a means to construct a structure that cab be legally occupied as a dwelling. We will adopt the term; “TINY HOUSE” for these purposes.

The requirements are intended to protect and stabilize the basic qualities of the district, and to provide suitable and safe conditions for family living. The general character of these residential districts is to consist of smaller-single family detached dwellings designed for 1-2 persons, set on smaller buildings lots which may not be conducive of a typical single family dwellings that are located in other areas of the Township. Nonresidential uses inn this district would be strictly prohibited including home occupations.

95.409.2

Use Regulations.

Sec. 4.09.2. A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other:

A. *Permitted uses.*

- (1) Single-family detached dwelling units designed for 1-2 persons shall comply in all respects to those standards and regulations for constructions as imposed by the State of Michigan Construction Code or State Building Code or other standard or regulation in effect.
- (2) One single family dwelling unit per parcel. Dwelling unit shall be owner Occupied.
- (3) Accessory Uses: One detached accessory structure may be constructed on the parcel. The footprint of the accessory structure shall not be any larger than the footprint of the principal dwelling. No accessory structure shall be used for any habitation.

B. *Special uses by permit.*

- (1) Community facilities and public utility uses directly related to and necessary for essential services within the district or township.
- (2) The planning commission may permit more than one principal dwelling on a lot or parcel if the following conditions exist:
 - a. Such dwellings are owned and operated by a government unit supplying temporary housing or permanent housing totally under control of that governmental unit. Such approval would still be subject to all township regulations. No such dwelling shall be subleased to other agencies or groups. Such lot or parcel would not be subject to any future land divisions.
 - b. Such dwellings must meet all the setback requirements and other requirements set forth by the zoning ordinance or other township regulations.
 - c. Must have approval by the local or state health department for a communal water supply system and communal waste collection system.
 - d. May be subject to annual reporting to the Township Zoning Administrator or Code Compliance Officer unless otherwise requested for documented compliance.

95.409.3 Height Regulations.

Sec.4.09.3

- A. For any principal dwelling, fifteen (15) feet measured from the average grade to the level peak, not exceeding one story.
- B. For any building accessory to any dwelling use, fifteen (15) feet measured from average grade level to peak.

95.409.4 Area, width and yard regulations.

Sec.4.09.4.

- A. ***Minimum lot, parcel or building site area and width located in the Tiny House Overlay District shall as of the date of adoption of this ordinance*** shall be a minimum of 0.5 acres with a lot, parcel or building site width of not less than fifty (50) feet and at least fifty (50) feet of frontage on a public street or private road within the Tiny Home Overlay District. The site shall not exceed four times the width of the lot, parcel or building site.

The following setback requirements apply to both the principal dwelling and the accessory building or structure. (See Setback Definitions).

- A. **Front yard.** On every lot, parcel or building site there shall be a front yard not less than thirty (30) feet from the right-of-way line. If the lot or parcel is located on any body of water that area between the dwelling and the water shall be deemed the front yard.
- B. **Side yards.**
 - 1. On each interior lot, parcel or building site, there shall be two (2) side yards having a width of not less than five (5) feet.
 - 2. On each corner lot, parcel or building site, the side yard abutting the street shall have a width of not less than thirty (30) feet, and the side yard not abutting the street shall have a width of not less than thirty (30) feet.
- C. **Rear yard.** There shall be a rear yard on each lot, parcel or building site, the depth of which shall be not less than ten (10) feet. If the lot or parcel is located on any body of water that area between the dwelling and the road shall be deemed the rear yard.
- D. **Building coverage.** Not more than twenty-five (25) percent of the area of any lot, parcel or building site shall be occupied by buildings unless approved by the planning commission.
- E. The minimum separation distance between buildings for which a building permit is required shall be ten (10) feet.

95.409.5 Dwelling Standards.

Sec. 4.09.5

- 1. **Tiny house is defined as:** A dwelling that is more than eight hundred (800) square feet and less than nine hundred and fifty (950) square feet exclusive of garages or basements, with a minimum side elevation of no less than eight (8) feet to support a 4/12 or 5/12 roof pitch. A minimum width of twenty (20) feet and built to all Michigan building and sanitary codes and qualifies for a Certificate of Occupancy. Unless the current property owner at the time of adoption of this Ordinance desires to build a dwelling larger than nine hundred and fifty (950) square feet, such

requirements are not subject to a variance from such minimal requirements.

2. Each dwelling unit shall have two (2) separate entrances and exits.
3. It shall comply with any additional minimum square footage required of this Ordinance for the zoning district in which it is located.
4. The dwelling shall comply in all respects to those standards and regulations for constructions as imposed by the State of Michigan Construction Code or State Building Code or other standard or regulation in effect.
5. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site, said separate structure being a standard of construction similar to or of better quality than the principal dwelling; such storage area maybe uses for the storage of automobiles, but shall be limited to one detached accessory building. With the exception of daily operated automobiles, there shall be no storage of items outdoors which shall include recreational vehicles i.e. campers, and motorhomes, boats (rather on a trailer or not).
6. The dwelling shall be aesthetically compatible in designed and appearance with other residences in the vicinity. The compatibly of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for the particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals.
7. All dwellings and accessory structures must be placed on a cement slab, crawl space or a basement and meets the Michigan Construction Code or the Michigan State Building Code. Such determination will be made by the Township Building Official.
8. **Roof assemblies.** Roof assemblies shall be designed and installed in accordance with the current adopted MRC-Michigan Residential Code and the manufactures installation instructions such that the rood assembly shall serve to protect the building or structure. Shingles, wood shakes, or steel panels may be used. Rolled roofing or other types of roofing will not be allowed. R903.1 MRC or other applicable codes.
9. All dwellings must meet ADA American Disability Act Standards.
10. **Electrical.** All electrical connections and electrical wiring in Tiny Homes shall meet all electrical codes and be installed and inspected under an electrical permit obtained from the Lockport Township Electrical Official. Tiny Home's shall have a maximum two hundred (200) amp electrical service.
11. **Gas or Diesel Powered Generators.** Shall be prohibited unless a permit has been obtained by the Lockport Township Mechanical Official.
12. Wood stove or other alternative heat source devices that emit smoke or other offensive orders shall be prohibited either on the exterior of the property or in the interior of the dwelling or structure.
13. **Current adopted International Energy Conservation Code.** All units equipped with (HVAC) heating ventilating or air conditioning units shall be required to meet all provisions of the current adopted IECC. Should an Owner install this type of equipment after a Certificate of Occupancy has been issued for a unit without HVAC, the structure shall be brought into compliance to meet all the provisions of the current adopted IECC.

This renovation may mean the rebuilding of the floor, walls, entire roof structure and all insulation.

14. **Plumbing.** All plumbing installed in a Tiny Home shall meet all the requirements of the current adopted Michigan Plumbing Code and shall be installed and inspected under a permit obtained from the Lockport Township Plumbing and Mechanical Official and shall also meet all the requirements of Branch, St. Joseph and Hillsdale County Health Department or the State of Michigan Health Agency.
15. The landowner is responsible to secure and comply with Township zoning ordinance and other local ordinances, permits, established Township zoning requirements as well as Lockport Township building permits, to include all structural, electrical, mechanical, and plumbing systems. An address shall be obtained for each dwelling unit. Driveway considerations as the St. Joseph County Road Commission requires.
16. The balance of the Lockport Township Zoning Ordinance, as amended, shall remain in full force and effect.

95.409.6 Off-street parking.

Sec. 4.09.6. All parking of vehicles shall be located on private property and shall not be within the roadway or roadway right-of-way. Any parking area shall be an approved surface such as gravel, stone or other type of approved material.

95.409.7 Structures in flood hazard areas.

Sec. 4.09.7. No structure shall be erected in an area identified as a flood hazard area by the Department of Environmental Quality, the Army Corps of Engineers and/or Federal Emergency Management Agency. The Zoning Administrator may require that the applicant for a building permit demonstrate that the location for a building is not in such an area.

(Ord.No.2023-06;§II;7-10-23)

End of Article IV

ARTICLE V

95.500 MULTIPLE-FAMILY RESIDENCE DISTRICT

95.501 Intended purposes.

Sec. 5.01. The general character of these residential districts is to consist of single-family, two-family and multiple-family dwellings set in a medium density living environment. Nonresidential uses would be those permitted in the Single-Family Residence Districts.

95.502 Use regulations.

Sec. 5.02. A building may be erected, altered or used, and lot may be used or occupied for any of the following purposes and no other:

A. ***Permitted uses.***

1. A use permitted in Single-Family Residence Districts;
2. Single-family attached, not to exceed six (6) dwellings per structure unit;
3. Multiple-family dwellings;
4. Accessory uses;
5. Mobile homes.
6. Community facilities and public utility directly related to and necessary for essential services within the district or township.

B. ***Special uses by permit.***

1. Medical offices or group medical centers, including the practice of dentistry, osteopathy, or chiropractor;
2. Mobile home parks in accordance with the regulations established in this Ordinance;
3. Mobile home subdivisions.
(Ord. of 6-10-91, § V; Ord. No. 2004-03, § IV, 11-8-04; Ord. No. 2006-03; § XII; 12-11-06)

95.503 Height regulations.

Sec. 5.03. No building shall hereafter be erected or altered to exceed thirty-five (35) feet in height or three (3) stories in height, except where altered by Airport authority.

95.504 Area, width and yard regulations.

Sec. 5.04.

A. ***Minimum lot, parcel or building site area and width.***

A minimum lot, parcel or building site area per housing unit and minimum lot, parcel or building site width shall be provided for every building or structure erected, altered or used for any dwelling use permitted in this district in accordance with the following in subsection B below.

For every building erected, altered or used for any other uses permitted in this district, there shall be a lot, parcel or building site area of not less than one hundred (100) feet on a public street/road. If public water and sewer are provided, the lot, parcel or building site area can be reduced to eighteen thousand (18,000) square feet.

- B. In the MF-Multifamily district, no building or structure nor any enlargement thereof shall be erected except in conformance with the following rooms per dwelling unit, lot area, width, frontage, setback, height, living area, minimum separation distance, and lot coverage requirements:
1. **Minimum rooms required per dwelling unit.** All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the dwelling units may be of a one-room efficiency apartment type.
 2. **Minimum living area per dwelling unit:**
 - a. Efficiency apartment: four hundred (400) square feet.
 - b. One room apartment: six hundred and fifty (650) square feet.
 3. **Minimum lot size:**
 - a. For developments not exceeding three (3) dwelling units (six (6) rooms): 21,780 square feet (0.5 acres).
 - b. For developments of more than three (3) dwelling units (six (6) rooms): twenty-one thousand seven hundred and eighty (21,780) square feet (0.5 acres) plus three thousand (3,000) square feet for each additional room exceeding six (6).
 4. For the purpose of computing required lot size, kitchen, dining, storage, or sanitary facilities shall not be counted; however, the following room totals shall be used:
 - a. Efficiency apartment: one (1) room.
 - b. One-bedroom apartment: two (2) rooms.
 - c. Two-bedroom apartment: three (3) rooms.
 - d. Three-bedroom apartment: four (4) rooms.
 - e. Four-bedroom apartment: five (5) rooms.
 - f. Dens, libraries, or other extra rooms shown on plans will be counted as bedrooms for the purpose of determining lot size requirements.
 5. **Minimum lot width:** One hundred (100) feet on a public street/road.
 6. **Minimum street frontage:** One hundred (100) feet on a public street/road.
 7. **Minimum yard setbacks:**
 - a. **Front:** Fifty (50) feet. In the case of waterfront lots it shall be fifty (50) feet or the average setback distance of three (3) nearest existing residential structures on each side (total of six (6), whichever is greater. Such measurements shall be established from the high-water mark. (See Section 95.1203).
 - b. **Each side:** Thirty (30) feet.
 - c. **Rear:** Thirty (30) feet.
 8. **Maximum building height:** Two and one-half (2 ½) stories and thirty five (35) feet.
 9. **Distance between structure:** Minimum separation distance between buildings shall be no less than thirty (30) feet from closest point of each structure.

10. ***Building Coverage:*** Maximum percentage of lot area that may be covered by all buildings: twenty five (25) percent, not including that dedicated to access roads.
(Ord. No. 05-98; §VI; 5-11-98; Ord. No. 04-99B; §IV; 5-10-99; Ord. No. 2009-03; §IV; Ord. No. 2012-01; §X; 9-10-12; Ord. No. 2015-01; §IX; 1-20-15; Ord. No. 2021-02B; §V; 11-8-21).

95.505 Vision clearance.

Sec. 5.05. Vision clearance requirements will be in accordance with the provisions of Article XII, Sections 12.08 and 12.11 of this Ordinance.

95.506 Off-street parking.

Sec. 5.06. Off-street parking requirements will be in accordance with the provisions of Article XIV of this Ordinance.

95.507 Signs.

Sec. 5.07. Sign requirements will be in accordance with the provisions of Article XII, Section 12.15 et seq. of this Ordinance.

95.508 Structures in flood hazard areas.

Sec. 5.08. No structure shall be erected in an area identified as a flood hazard area by the Department of Environmental Quality, the Army Corps of Engineers, and/or Federal Emergency Management Agency. The zoning administrator may require that the applicant for a building permit demonstrate that the location for a building is not in such an area.

(Ord. No. 2015-01; 1-20-15)

End of Article V

ARTICLE VI

95.600

RETAIL COMMERCIAL DISTRICT

95.601

Intended purposes.

Sec. 6.01. The purpose of the Retail Commercial District is to provide for the everyday shopping needs and related convenience of residential neighborhoods. All activities in this district would take place entirely within enclosed buildings.

In Retail Commercial District, the following regulations shall apply:

95.602

Use regulations.

Sec. 6.02. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes:

A. *Permitted uses.*

- (1) Retail stores and shops offering chiefly new merchandise (but not excluding Antique Shops) when conducted within an enclosed building.
- (2) Business and personal services including barber shops, beauty parlors, shoe repair shops, dry cleaning agencies, self-service laundries, printing shops, radio and television shops, real estate sales, insurance and similar businesses and services.
- (3) Professional offices, show rooms, banks, undertaking establishments, publicly owned buildings, fraternal, civil and social organization buildings.
- (4) Food service establishments (including drive-ins, taverns, or night clubs).
- (5) Motels and hotels.
- (6) Theatres (except drive-in theatres).
- (7) Reserved.

(Ord. No. 2015-01; §X; 1-20-15)

- (8) Due to the established character of this area, which contains both residences and commercial uses, it is intended that any single-family residences existing at the time of adoption of this Ordinance may continue to be used as single-family dwelling and may be improved, enlarged and may be replaced if destroyed in any way. However, in order to accomplish the objective of providing a transition to phase out the residential aspect of this district, if a residential structure is converted and used at any time for a permitted commercial use, it may not later be reverted to a residential use.

Additionally, any use which complies with all site development standards for accessory structures in the Retail-Commercial District, such as height, area, setback, etc. and the following conditions may be operated, constructed, repaired, or replaced as an accessory use to such residential structures described above:

- A. Is clearly incidental and customary to and commonly associated with the operation of the residential use.
- B. Is operated and maintained under the same ownership and on the same lot or contiguous lot to the residential use.

- C. Does not include structures or structural features inconsistent with the residential use.
 - D. Does not by itself include residential occupancy such that it would constitute a second residence on the property.
(Ord. No. 2015-01; §X; 1-20-15)
- (9) Community facilities and public utility uses directly related to and necessary for essential services within the district or township.
- B. ***Special uses by permit.***
- (1) Public utility buildings, telephone exchanges, transformer stations, sub-stations with service yards but without storage yards.
 - (2) Outdoor advertising media, and signs not pertaining exclusively to the business conducted within the building on the premises.
 - (3) Groomers
 - (4) Pet Shop
(Ord. No. 2002-03; § I; 10-14-02; Ord. No. 2004-03; § V; 11-8-04; Ord. No. 2006-03; § XIII; 12-11-06; Ord. No. 2015-01; §X; 1-20-15; Ord.No.2023-02; §VII; 2-13-23)

95.603 Height regulations.

Sec. 6.03. No building shall exceed forty (40) feet or three (3) stories in height. Churches, hospitals, schools or any other public building permitted to be constructed in a business district may be built to a height of seventy (70) feet or six (6) stories; provided any such building sets back from every street and lot line in addition to any other yard and setback requirements specified for commercial districts, on foot for each two (2) feet of height of the building above forty five (45) feet.

95.604 Area, width and yard regulations.

Sec. 6.04

- A. ***Minimum Building Site or Parcel Area:*** Two (2) acres.
(Ord. No. 2015-01; §XI; 1-20-15)
- B. ***Minimum Lot Frontage and Width:*** Three hundred (300) feet on a public street/road.
(Ord. No. 2015-01; §XI; 1-20-15)
- C. ***Setback Requirements:***
 - 1. ***Front setback:*** Minimum setback of not less than the following road requirements; seventy-five (75) feet for the U.S. or State Highway, measured from the right-of-way; ninety-three (93) feet County Local roads, measured from the center line there shall be a minimum setback of eighty-three (83) feet.
 - 2. ***Side setback:*** Twenty (20) feet except in the case where a side yard abuts a Residential Zoning District; in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street, side shall not be less than the setback required for the front setback.

3. **Rear setback:** Twenty (20) feet; except in the case where a rear yard abuts a Residential Zoning District, in which case the minimum required rear yard shall be sixty (60) feet.

D. **Maximum Lot Coverage:** Fifty (50) percent.

E. All accessory building or structures shall comply with the setbacks set forth in the schedule. (See schedule in Section 95.1203). (Ord. No. 04-99B; 5-10-99E; Ord. No. 2005-01; § I; 9-12-05; Ord. No. 2009-03; §V; 7-9-09; Ord. No. 2012-01;§XI; 9-10-12; Ord. No. 2015-01;§XI; 1-20-15).

95.605 Off-street parking and loading.

Sec. 6.05. Adequate off-street parking and loading space shall be provided in accordance with Article XIV.

95.606 Signs.

Sec. 6.06. Sign requirements will be in accordance with the provisions of Article XII, Section 12.15 et seq. of this Ordinance.

95.607 Special Conditions.

Sec. 6.07. All business shall be conducted within a completely enclosed building, except for off-street parking, unless authorized by the Planning Commission.

95.608 Vision clearance.

Sec. 6.08. Vision clearance will be in accordance with the provisions of Article XI, Sections 12.08 and 12.11.

95.609 Fences.

Sec. 6.09. The erection of a fence around that portion of this district which a drive-in restaurant utilizes for customer parking shall be mandatory. The ingress and egress driveways are excluded from this requirement. The fence shall be so designed as to contain paper products and debris within the enclosed area.

No fence over seven (7) feet in height shall be erected between the lot, parcel or building site line in the rear and the building setback line. No fence over four (4) feet in height shall be erected between the setback line and the front lot line; provided, however, that such fence shall have a minimum of seventy-five (75) percent of its surface open to permit visibility through it.

End of Article VI

ARTICLE VII

95.700 SERVICE COMMERCIAL DISTRICT

95.701 Intended purpose.

Sec. 7.01. This district is designed to provide for automotive, service and free-standing commercial activities which require limited comparison shopping. Customers usually arrive by automobile making a separate stop for each errand. Uses permitted in this district usually require larger sites and buildings and often provide services which are not compatible with other commercial or residential districts.

95.702 Use regulations.

Sec. 7.02. Within a Service Commercial District no building, structure or premises shall be used or arranged or designed to be used, except for one or more of the following uses:

A. *Permitted uses.*

Any use permitted in the Retail Commercial District;
Animal hospitals, animal boarding or dog kennels;
Automobile sales and service (new or used);
Building materials – retail;
Contractors-air conditioning, plumbing, heating and ventilating, electric, insulation;
Farm equipment sales and service;
Laundries;
Material handling equipment sales and service;
Meat processing (no slaughtering);
Milk distributing (retail-wholesale), no processing;
Mobile home sales and service;
Packaging services;
Restaurants (including drive-ins and fast food service);
Rental equipment;
Vehicle sales and service.

Due to the established character of this area, which contains both residences and commercial uses, it is intended that any single-family residences existing at the time of adoption of this Ordinance may continue to be used as a single-family dwelling and may be improved, enlarged and may be replaced if destroyed in any way. However, in order to accomplish the objective of providing a transition to phase out the residential aspect of this district, if a residential structure is converted and used at any time for a permitted commercial use, it may not later be reverted to a residential use.

Additionally, any use which complies with all site development standards for accessory structures in the Service Commercial Zoning District, such as height, area, setback, etc. and the following conditions may be operated, constructed, repaired, or replaced as an accessory use to such residential structures described above:

- A. Is clearly incidental and customary to and commonly associated with the operation of the residential use.
- B. Is operated and maintained under the same ownership and on the same lot or contiguous lot to the residential use.
- C. Does not include structures or structural features inconsistent with the residential use.

D. Does not by itself include residential occupancy such that it would constitute a second residence on the property.

B. ***Special Uses.***

Go-cart race tracks;

Miniature golf recreational area;

Outdoor advertising signs; exclusive to the business conducted within the building(s) on the premises;

Outdoor drive-in theatres;

Animal Kennel Home (Private)*.

(*Must have written approval by the mobile home park management.)

(Ord. No. 08-94-1; § I, 8-8-94; Ord. No. 02-95; § II; 2-13-95; Ord. No.

2002-03; § II, 10-14-02; Ord. No. 2006-03; § XIV; 12-11-06; Ord. No.

2023-02; § VIII; 2-13-23)

95.703

Height regulations.

Sec. 7.03. No building shall exceed forty (40) feet or three (3) stories in height.

95.704

Area, width and yard regulations.

Sec. 7.04.

A. **Minimum Building Site or Parcel Area:** Two (2) acres.

B. **Minimum Lot Frontage and Width:** Three hundred (300) feet on a public street/road.

C. **Setback Requirements:**

1. **Front setback:** Minimum setback of not less than the following road requirements; seventy-five (75) feet for the U.S. or State Highway, measured from the right-of-way; ninety-three (93) feet for County Primary and Major Roads, measured from the center line; and for County Local Roads there shall be a minimum setback of eighty-three (83) feet.

2. **Side Setback:** Twenty (20) feet except in the case where a side yard abuts a Residential District; in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front setback.

3. **Rear Setback:** Twenty (20) feet; except in the case where a rear yard abuts a Residential Zoning District, in which case the minimum required rear yard shall be sixty (60) feet.

D. **Maximum Lot Coverage:** Fifty (50) percent.

E. All accessory building or structures shall comply with the setbacks set forth in the schedule. (See schedule in Section 95.1203).

(Ord. No 04-99B; § VI, 5-10-99; Ord. No. 2005-01; § II; 9-12-05; Ord. No. 2015-01; § XIII, 1-20-15)

95.705

Signs.

Sec. 7.05. Sign requirements will be in accordance with the provisions of Article XII, and Section 12.15 et seq..

95.706

Vision clearance.

Sec. 7.06. Vision clearance shall be in accordance with the provisions of Article XII, Sections 12.08 and 12.11.

95.707

Fences.

Sec. 7.07. Fences shall be in accordance with the provisions of Article VI, Section 6.09.

95.708

Off-street parking.

Sec. 7.08. Off-street parking will be in accordance with the provisions of Article XIV.

End of Article VII

ARTICLE VIII

95.800

LIGHT INDUSTRIAL DISTRICT

95.801

Intended purpose.

Sec. 8.01. These districts are intended to provide sites for heavy commercial and light manufacturing activities employing relatively large numbers of people. Industrial uses would generally be located on sites of not more than ten acres and activities would be of such a nature that they do not create serious problems of compatibility with other kinds of adjacent land use. Permitted commercial uses would be those which are most appropriately located as neighbors of industrial uses or which are necessary to serve the immediate needs of the people in these districts. Truck traffic and loading operations would be confined to buildings or areas completely enclosed by walls or opaque fences.

95.802

Use regulations.

Sec. 8.02. In the Light Industrial District, buildings and premises may be used, and buildings may be erected or structurally altered for the following use only:

A. ***Permitted uses.***

Cleaners and laundries;
Community facilities and public utility uses directly related to and necessary for essential services within the district or township;
Contractors;
Equipment repair;
Fabrication assembly and packaging;
Food processing;
Grinding, milling and production;
Material handling and equipment;
Motor vehicle services;
Repair services;
Warehousing, storage movers;
Wholesaling;
Animal Control Shelter;
Animal Hospital (Veterinary);
Groomers;
Pet Shop.

Due to the established character of this area, which contains both residences and industrial uses, it is intended that any single-family residences existing at the time of adoption of this Ordinance may continue to be used as a single-family dwelling and may be improved, enlarged and may be replaced if destroyed in any way. However, in order to accomplish the objective of providing a transition to phase out the residential aspect of this district, if a residential structure is converted and used at any time for a permitted light industrial use, it may not later be reverted to a residential use.

Additionally, any use which complies with all site development standards for accessory structures in the Light Industrial Zoning District, such as height, area, setback, etc., and the following conditions may be operated, constructed, repaired, or replaced as an accessory use to such residential structures described above:

- A. Is clearly incidental and customary to and commonly associated with the operation of the residential use.
- B. Is operated and maintained under the same ownership and on the same lot or contiguous lot to the residential use.

- C. Does not include structures or structural features inconsistent with the residential use.
 - D. Does not by itself include residential occupancy such that it would constitute a second residence on the property.
- B. ***Special uses by permit.***
 Freight terminals;
 Outdoor advertising signs; exclusive to the business conducted within the building(s) on the premises;
 Animal Breeding Facility;
 Animal Camp;
 Commercial Animal Kennel;
 Animal Laboratory;
 Animal Park;
 Animal Protection Center;
 Animal Sanctuary.
 (Ord. No. 2002-03; § III; 10-14-02; Ord. No. 2004-03; § VI; 11-8-04;
 Ord. No. 2006-03; § XV; 12-11-06; Ord. No. 2015-01; § XIV; 1-20-15; Ord. No. 2023-02; § IX; 2-13-23)

95.803 Height regulations.

Sec. 8.03. The maximum height of buildings and other structures erected or enlarged in this district shall be thirty five (35) feet, except that such height may be increased to a maximum of sixty five (65) feet provided that for every foot of height in excess of thirty five (35) feet there shall be added to each yard requirement one corresponding foot of width and depth.

95.804 Area, width and yard regulations.

Sec. 8.04.

- A. **Minimum Building Site or Parcel Area:** Two (2) acres, except for the buildings or structures in an industrial park, in which case the minimum building site or parcel area shall be one (1) acre.
- B. **Minimum Lot Frontage and Width:** Three hundred (300) feet on a public street/road.
- C. **Setback Requirements:**
 - 1. **Front setback:** Minimum setback of fifty (50) feet, but not less than the following road requirements; seventy five (75) feet for the U.S. or State Highway, measured from the right-of-way; ninety three (93) feet for County Primary and Major Roads, measured from the center line; and for County Local Roads there shall be a minimum setback of eighty three (83) feet.
 - 2. **Side setback:** Twenty-five (25) feet except in the case where a side yard abuts a Residential Zoning District; in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front setback.
 - 3. **Rear setback:** Twenty (20) feet; except in the case where a rear yard abuts a Residential Zoning District, in which case the minimum required rear yard shall be sixty (60) feet.
 - D. **Maximum Lot Coverage:** Fifty (50) percent.

- E. All accessory building or structures shall comply with the setbacks set forth in the schedule. (See schedule in Section 95.1203).
(Ord. No. 04-99B; §VII; 5-10-99; Ord. No. 2005-01; §III; 9-12-05; Ord. No. 2015-01; §XV; 1-20-15)

95.805 Off-street parking.

Sec. 8.05. The provisions of Article XIV to the contrary notwithstanding, no parking area shall be permitted closer than forty (40) feet to the front line of any lot in this district, nor closer than forty (40) feet to any residential district.

95.806 Signs.

Sec. 8.06. Sign requirements will be in accordance with the provisions of Article XII, Section 12.15 et seq. of this Ordinance.

End of Article VIII

ARTICLE IX

95.900

MANUFACTURING DISTRICT

95.901

Intended purposes.

Sec. 9.01. The Manufacturing District is designed to provide areas suitable for development as heavy industrial sites, and at the same time, protect such industrial developments from the intrusion of nonindustrial uses which impeded the full utilization of property located sites for industrial purposes. These uses would generally acquire a larger site of more than ten acres and may be of such a nature that they may require isolation from many other kinds of uses. No use is permitted which violates any local, state or federal pollution control law or regulation.

95.902

Use regulations.

Sec. 9.02. A building or other structure may be erected, altered or used, and a lot may be occupied or used for any of the following purposes:

A. ***Permitted Uses.***

Uses permitted in the Light Industrial District;
Bulk storage;
Food processing;
Handling and processing of construction materials;
Manufacturing;
Processing and handling of raw materials;
Repair and service of heavy duty trucks and construction equipment;
Warehousing;
Wholesaling;
Accessory uses.

Due to the established character of this area, which contains both residences and manufacturing uses, it is intended that any single-family residences existing at the time of adoption of this Ordinance may continue to be used as a single-family dwelling and may be improved, enlarged and may be replaced if destroyed in any way. However, in order to accomplish the objective of providing a transition to phase out the residential aspect of this district, if a residential structure is converted and used at any time for a permitted manufacturing use, it may not later be reverted to a residential use.

Additionally, any use which complies with all site development standards for accessory structures in the Manufacturing Zoning District, such as height, area, setback, etc., and the following conditions may be operated, constructed, repaired, or replaced as an accessory use to such residential structures described above:

1. Is clearly incidental and customary to and commonly associated with the operation of the residential use.
2. Is operated and maintained under the same ownership and on the same lot or contiguous lot to the residential use.
3. Does not include structures or structural features inconsistent with the residential use.
4. Does not by itself include residential occupancy such that it would constitute a second residence on the property.

- B. ***Special Uses.***
Sand and gravel quarrying;
Scrap processing and storage;
Storage and handling of explosives, flammables or other potentially dangerous materials;
Animal Laboratory;
Animal Rescue Facility.
(Ord. No 2002-03; § IV; 10-14-02; Ord. No. 2006-03; § XVI; 12-11-06, Ord. No. 2015-01; § XVI; 1-20-15; Ord. No. 2023-02; § X; 2-13-23)

95.903 Height regulations.

Sec. 9.03. The maximum height of buildings and other structures erected or enlarged in this district shall be fifty (50 feet), except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot in excess of fifty (50) feet there shall be added to each yard requirements one corresponding foot of width and depth.

95.904 Area, width and yard regulations.

Sec. 9.04.

- A. **Minimum Building Site or Parcel Area:** Two (2) acres, except for the buildings or structures in an industrial park, in which case the minimum building site or parcel area shall be one (1) acre.
- B. **Minimum Lot Frontage and Width:** Three hundred (300) feet on a public street/road.
- C. **Setback Requirements:**
1. **Front setback:** Minimum setback of not less than the following road requirements; seventy-five (75) feet for the U.S. or State Highway, measured from the right-of-way; ninety-three (93) feet for County Primary or Major Roads, measured from the center line; and for County Local Roads, measured from the center line there shall be a minimum setback of eighty-three (83) feet.
 2. **Side setback:** Twenty-five (25) feet except in the case where a side yard abuts a Residential Zoning District, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front setback.
 3. **Rear setback:** Twenty (20) feet; except in the case where a rear yard abuts a Residential Zoning District, in which case the minimum required rear yard shall be sixty (60) feet. In any case, no structure shall be located any closer than two hundred (200) feet to a residential district line.
- D. **Maximum Lot Coverage:** Fifty (50) percent.
- E. All accessory building or structures shall comply with the setbacks set forth in the schedule. (See schedule in Section 95.1203).
(Ord. No. 04-99B; § VIII; 5-10-99; Ord. No. 2005-01; § IV; 9-12-05; Ord. No. 2015-01; § XVII; 1-20-15)

95.905

Off-street parking.

Sec. 9.05. The provisions of Article XIV to the contrary notwithstanding, no parking area shall be permitted closer than forty (40) feet to the front line of any lot in this district, nor closer than forty (40) feet to any residential district.

95.906

Open storage.

Sec. 9.06. Any open storage or repair yards shall be entirely enclosed with a fence at least eight (8) feet high. The material and construction of this fence shall be approved by the Planning Commission.

End of Article IX

ARTICLE X

95.1000

PLANNED UNIT DEVELOPMENT DISTRICT

95.1001

Intent and purpose.

Sec. 10.01. Recognizing that there is a need for flexibility in keeping abreast of new building methods, designs and materials; and to provide for variety in dwelling types and commercial complexes, this District is limited to allow for variation in the use and area requirements of this Ordinance (which are designed primarily to apply to the traditional pattern of lot development and building arrangement generally prevailing within the Township) and in the regulations applying to buildings, yards, etc. The Township Board may amend this Ordinance and Zoning Map for the accomplishment of the foregoing purposes, in accordance with the following procedure:

95.1002

Preliminary and final plans required.

Sec. 10.02. For the purpose of accomplishing the objectives of this section, the owner or owners of any tract of land shall submit to the Township Board a preliminary plan and the Board shall refer it to the Township Planning Commission for review and public hearing. The Planning Commission shall then make its recommendation to the Township Board. If the Township Board approves the preliminary submission after report of the Planning Commission, the preliminary plan shall be signed by the Township Board and filed with the Township Planning Commission. The Board shall then amend the zoning map to include the zoning district change. Within a period of twelve (12) months following such approval, a final detailed plan shall be submitted showing that specific and detailed provisions have been made for the essential conditions listed in this Ordinance. The detailed plan shall be submitted to the Planning Commission and, except for the requirement of recording in the office of the County Register of Deeds, be processed in the same manner as for subdivisions in the Township.

Although the preliminary plan must show the entire proposed developments, the final detailed plan may be submitted and approved in stages. No building permit shall be issued nor construction be commenced before a detailed final plan or stage thereof is approved, signed, and filed with the Township Planning Commission.

95.1003

The preliminary plan.

Sec. 10.03. The preliminary plan shall show the layout of the total area to be included in the proposed district and shall be accompanied by documentary evidence to the satisfaction of the Planning Commission and the Township Board showing the following:

- A. That the plan shall be consistent with the Land Use Plan as adopted and from time to time amended for the orderly development of the Township and that it will promote the general welfare of the Township;
- B. That the appropriate use and value of adjacent property will be safe guarded;
- C. That the capacity of existing or proposed utilities, streets and thoroughfares is adequate to absorb the additional burden created by the Planned Unit Development District when considered in conjunction with presently existing and additional proposed facilities;
- D. That the development will consist of a grouping of buildings or other structures deemed by the Township Planning Commission to be compatible; that adequate service, parking and open spaces will be

provided; and that this development will be a common operating and maintenance unit;

- E. That proper and sufficient provision is made for open space; but not less than eight (8) percent of the total site;
- F. That all buildings will be served by an adequate sewage disposal system, water supply and other utilities;
- G. That any reduction in the minimum lot area per dwelling otherwise required in this Ordinance will result in increased open space immediately available to those residents and will be in addition to the requirement of Subsection E above.

95.1004

Final plans.

Sec. 10.04. If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions and intent of this Ordinance shall be fully complied with at the completion of each stage.

The comprehensive final detailed plans shall have a scale of not less than 1 inch equals 100 feet (1" = 1') and this plan with its evidence shall show the following:

- A. Contour lines showing two (2) foot changes in elevation or indicating any unusual topographical features;
- B. That adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site;
- C. That the location, dimensions, and arrangements of all open spaces, yards, access ways, entrances, exits, off pedestrian ways, widths of roads, streets and sidewalks are adequate to provide for safe and efficient ingress and egress to and from public streets and highways serving the development;
- D. The size and capacity of all areas to be used for automobile access, parking, loading and unloading, with respect to parking (see Article XIV Parking and Loading Requirements);
- E. The location, uses planned, elevations, major exterior treatment, dimensions, gross floor area, building coverage, and height of each building or other structure;
- F. The location and arrangement of all areas devoted to planted lawns, trees, recreation and similar purposes;
- G. Provisions made for the location of existing or proposed sewage disposal, water supply, storm water drainage, parking lot lights and other utilities;
- H. Sufficient additional data as may have been required by the Planning Commission or Township Board subsequent to the approval of the preliminary plan to enable the Planning Commission to judge the effectiveness of the design and character of the entire Planned Unit Development District and to consider properly such things as the relationship to surrounding area, anticipated traffic, public health, safety and general welfare.

95.1005 Time limit for beginning of construction and reversion to former zoning classification.

Sec. 10.05. Every application, when approved by the Planning Commission either as submitted or resubmitted in modified form, shall constitute an agreement by the applicant or owner that such installation shall be made, completed and operated as indicated by the approved plan and in accordance with the provisions of this section and that the area which has been zoned or rezoned shall lose its new classification and revert to its former zoning classification in any of the following events:

- A. If construction of approved buildings and improvements shall not be undertaken within twelve (12) months after the approval of the detailed plans or within such additional time as may be authorized by the Township Planning Commission.
- B. If there shall be a failure to complete construction or to comply or to continue to comply with the specified conditions listed in Section 10.04 and in this section, or with conditions imposed by the Township Board hereunder in the zoning of the area.

The change of zoning required by this section shall not be effective unless written notice has been given to the applicant by mail giving him thirty (30) days in which to show cause to the Township Planning Commission why the change in zoning should not take place.

95.1006 Zoning designation binding successors in interest.

Sec. 10.06. Whenever a tract of land has been designated as a Planned Unit Development, such zoning designation shall continue in effect irrespective of subsequent changes in ownership, whether all or a portion of the designated tract; and the uses and regulations of such zoning shall bind and be applicable to any successors in interest to those who were the owners of such tract at the time this zoning was imposed upon this real estate.

End of Article X

ARTICLE XI

95.1100

NONCONFORMING BUILDING USES AND LOTS

95.1101

Intended purpose.

Sec. 11.01.

- A. Within the districts established by this Ordinance, or amendments that may later be adopted, there exist lots, land, structures, and uses thereof which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- B. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of land, structure or combination thereof, shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.
- C. 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 was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

95.1102

Nonconforming lots.

Sec. 11.02.

- A. In any district in which single family dwellings are permitted, a single family dwelling and accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, in spite of limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

- B. If two (2) or more lots or combinations of lots and portions of lots within continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

95.1103

Nonconforming uses of land.

Sec. 11.03.

- A. Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of this Ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
 3. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
 4. No additional structure, not conforming to the requirements of this Ordinance, shall be erected in connection with such nonconforming use of land.

95.1104

Nonconforming structures.

Sec. 11.04.

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
 2. Should such nonconforming structure or nonconforming portion of percent of a nonconforming structure be destroyed by a non-voluntary act, which does not include lack of maintenance, such principal building or structure may be replaced to its exact footprint. Any accessory building or structure destroyed under the same condition, may be replaced only if bought into conformance of the Ordinance. Any non-conforming building or structure removed or destroyed voluntarily may not

be replaced unless brought into conformance of the ordinance.

(Ord. No.2015-01; §XVIII; 1-20-15)

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. of 7-29-92; § IV)

95.1105

Nonconforming uses of structures and land.

Sec. 11.05. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. In any Commercial or Industrial District, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Section. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one hundred and eighty (180) consecutive days, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
(Ord. No. 2012-01; §VII 9-10-12)
- F. Where nonconforming status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than seventy-five (75) percent of the replacement cost at time of destruction.

95.1106 Repairs and maintenance.

Sec. 11.06. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

95.1107 Change of tenancy or ownership.

Sec. 11.07. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

95.1108 Classes of nonconforming uses of structures and land.

Sec. 11.08. In keeping with the intent of the Lockport Township Land Use Plan and the Zoning Ordinance the following Classes of Nonconforming Uses are established:

- A. **Class I – Minimum negative Impact.** The following nonconforming uses may be completed, restored, reconstructed or expanded:
 - 1. Nonfarm residential uses in AP District (except that no new dwelling units may be added).
- B. **Class II – Moderate negative Impact.** The following nonconforming uses may be completed, restored, reconstructed or expanded only within existing structures:
 - 1. Commercial – Industrial uses in AP Districts;
 - 2. Residential uses in RC, LI and M Districts (except that no new dwelling units may be added).
- C. **Class III – Maximum Negative Impact.** The following nonconforming uses may not be expanded, completed, restored, or reconstructed:
 - 1. Commercial – Industrial uses in Single Family and Medium Density Residential District.

95.1109 Purchase of nonconforming buildings.

Sec. 11.09. The elimination of nonconforming uses of structures is hereby declared to be in the public interest and for a public use. The Township may acquire by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses. The cost and expense or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of a special assessment district for public improvements in townships. The Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911 as amended, being Sections 213.21 to 213.41 of the Michigan compiled laws or other applicable statute.

End of Article XI

ARTICLE XII

95.1200

SPECIAL PROVISIONS

95.1201

Purpose.

Sec. 12.01. There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

95.1202

Dwelling per lot, parcel or building site.

Sec 12.02. Every dwelling hereafter erected shall be located on a lot, parcel or building site or premises, the description of the boundaries of which are on record at the Register of Deeds Office, or in the case of a Land Contract shall be on record with the Zoning Administrator as adequately descriptive.
(Ord. No. 04-99B; § IX; 5-10-99)

95.1203

Accessory building.

Sec. 12.03.

- A. All accessory buildings not attached to the main building shall be located in premises on which located. All accessory buildings attached to the main building, including breezeways, shall be considered a part of the main building in determining yard requirements.
- B. No accessory building shall project into any front yard setback.
- C. Reserved.
(Ord. No. 2015-01; §XIX; 1-20-15)
- D. On a corner lot, parcel or building site no accessory building shall be located nearer to the side street lot, parcel or building site line than the side yard setback of the principal building on said lot, parcel or building site.
(Ord. of 7-28-92; § II; Ord. No. 04-99B; § IX, 5-10-99)

Schedule 95.1203

	AP	AR	SF	MF	RC	SC	L-I	MA
Minimum Lot Frontage/Width (Ft)	200	100/200 *****	100	100	300	300	300	300
Minimum Lot Area (Gross Acre or Sq. Ft)	40 ac	12,000/ 2 ac ***	0.5/ 2 ac ***	0.5	2 ac	2 ac	2 ac/1ac *****	2 ac
Min Gross Floor Area (Living Space) Per Dwelling Unit (Sq. Ft.)	1300	1300	1300	1300 per unit				
Max Lot Coverage of All Structures (Percent)	10	25	25	25	50	50	50	50
Principal Buildings								
Min. Front Yard Setback (Ft.)	35*	35*	35*	35*	35*	35*	35*	35*
Min. Side Yard Setback (Ft.)	20	20	10	30	25/60	25/60	25/60	25/60
Min. Rear Yard Setback (Ft.)	50	50	25	30	20	20	20	20
Accessory Buildings								
Min. Front Yard Setback (Ft.)	35**	35 **	35**	35**	35**	35**	35**	35**
Min. Side Yard Setback (Ft.)	20	20	10	30	25/60	25/60	25/60	25/60
Min. Rear Yard Setback (Ft.)	50	50	10	30	20	20	20	20
Max. Building or Structure (Peak) Height (Ft.)	35	35	35	35	35	35	35	35

* Or eighty-three (83) feet from the center of the road, whichever is greater.

** Or ninety-three (93) feet from the center of the road, whichever is greater.

*** Two acre parcel size required after January 1, 2015.

**** Increased road frontage after January 1, 2015

***** One acre if located in an Industrial Park.

Waterfront lots, parcels or building sites or premises, access and use.

Sec. 12.04.

- A. **Front lot, parcel or building site line and setbacks.** The boundary of any lot, parcel or building site or as specified in the Deed abutting upon a lake, stream or other body of water shall constitute the front lot, parcel or building site line for the purposes of this Ordinance. Where the rear lot, parcel or building site line so established abuts a street, in which case the minimum setback shall be fifteen (15) feet for any structure.
- B. **Access and use.** No waterfront lot, parcel or building site in any zoning district shall be used as an access lot, parcel or building site unless it complies with all of the following regulations and conditions:
1. An access lot, parcel or building site shall have a minimum frontage on the waterway corresponding to the minimum lot, parcel or building site width for a lot, parcel or building site in the zoning district in which the access lot, parcel or building site is situated, pursuant to the requirements of this Ordinance as may be applicable. Where the access lot, parcel or building site is providing waterway access to more than one access lot, parcel or building site beneficiary such access lot, parcel or building site shall have at least an additional forty (40) feet of frontage on the waterway for each additional access lot, parcel or building site beneficiary. Waterway frontage shall be measured by a straight line which intersects each side line of the access lot, parcel or building site at the high water line. Areas consisting, in whole or in part, of swamp, bog, marsh, or other type of wetland, as commonly defined by the Michigan Department of Natural Resources, shall not be counted towards the minimum waterway frontage required herein, except to the extent of the minimum required buffer strips.
 2. An access lot, parcel or building site shall have a minimum lot, parcel or building site area corresponding with the minimum lot, parcel or building site area for the zoning district in which the access lot, parcel or building site is situated, pursuant to the requirements of this Ordinance as may be applicable.
 3. An access lot, parcel or building site shall include a buffer strip on each side of the access lot, parcel or building site, parallel with each side lot, parcel or building site line. Each buffer strip shall have a minimum width for the entire depth of the access lot, parcel or building site corresponding with the minimum side yard setback for the primary structure requirement for the zoning district in which the access lot, parcel or building site is situated.
 4. Required buffer strips shall be preserved to provide a natural barrier between the usable portion of an access lot, parcel or building site and adjacent lot, parcel or building sites. Required buffer strips shall contain sufficient existing and/or transplanted vegetation so as to effectively screen the access lot, parcel or building site from view by adjacent lots, parcels or building sites during all seasons of the year except when deciduous trees/vegetation have no foliage.

5. No building or structure of any kind shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic or parking, or for storage purposes, or other development purpose of any kind, and shall be preserved to provide a natural barrier between the useable portion of an access lot, parcel or building site and adjacent lot, parcel or building sites.
6. An access lot, parcel or building site shall be allowed one (1) seasonal dock; provided that where the access lot, parcel or building site has sufficient minimum frontage on the waterway and sufficient minimum lot, parcel or building site area as described above, one additional seasonal dock shall be allowed on each such additional thirty (30) lineal feet of frontage beyond the minimum frontage required in the zoning district for the lot, parcel or building site to be considered buildable.
7. An access lot, parcel or building site shall provide for off-street parking in accordance with the applicable provisions of Article XIV and additional parking for each beneficiary access as is required for single and two family dwellings.
8. An access lot, parcel or building site created as part of a plat or subdivision shall be dedicated at the time of recording of the plat or subdivision for use solely by the owners/occupants of the lots, parcels or building sites contained within the plat or subdivision, or a specified lesser number thereof.
(Ord. of 7-29-92; § V; Ord. No. 04-96A; § I, 6-10-96; Ord. No. 04-99B; § IX; 5-10-99; Ord. No. 2006-03; § XVII; 12-11-06)

95.1205 Substandard dwellings.

Sec. 12.05. For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement dwelling, cellar dwelling, tent, garage-house, or other substandard structure shall hereinafter be erected or moved upon any premises and used for dwelling purposes.

95.1206 Required water supply and sanitary sewer facilities.

Sec. 12.06. In addition to the requirements established by the State and County Health Departments, the following site development and use requirement shall apply:

- A. No structure for human occupancy, or use shall hereafter be erected, altered or moved unless it shall be proved with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes.
- B. No drain field for a septic tank system shall be located nearer than one hundred and fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

95.1207 Access to a street.

Sec. 12.07. A lot or parcel shall have frontage on a public street or private road as required by the zoning district in which it is located. All new private roads require a special land use as established in Section 95.1322.

- a. Shared driveways for up to two (2) parcels may be approved by the Zoning Administrator so long as a Safe and Unimpeded Route of Travel is provided (See definitions “street”). Cross easements for the shared driveway shall be recorded with the County Register of Deeds. Any access for more than two (2) parcels shall be via private road or public street.
- b. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through residential neighborhoods.
(Ord. No. 04-99B; § IX, 5-10-99; Ord. No. 2009-03; § I, 2012-01, § VIII; 9-10-12; Ord.No.2021-01; §II; 4-12-21)

95.1208

Visibility at intersections.

Sec. 12.08. No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than two (2) feet above street grade on any corner lot, parcel or building site in any zoning district requiring front and side yards within the triangular area formed by the intersecting street rights-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines.
(Ord. No. 04-99B; § IX; 5-10-99)

95.1209

Street closures.

Sec. 12.09. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which, such area is located.

95.1210

Height regulations.

Sec. 12.10. The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and receiving antennae; silos, parapets and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

95.1211

Fences.

Sec. 12.11.

- A. Fences within a rear or side yard of a lot, parcel or building site in a residential district shall not be greater than seven (7) feet in height.
- B. Fences within a front yard of a lot, parcel or building site in a residential district shall not be greater than four (4) feet in height.
- C. No fence having more than fifty (50) percent of its surface of solid construction, which obstructs through visibility, shall be greater than three (3) feet in height where said fence may obstruct the necessary view of motorists and interfere with traffic safety. The Zoning Board of Appeals shall have the authority to determine compliance with this section.
- D. No fence shall encroach upon the right of way of any roadway.
(Ord. No. 08-94-2; § I, 8-8-94; Ord. No. 04-99B; § IX; 5-10-99)

95.1212 Shoreline excavation and dredging.

Sec. 12.12. No persons shall alter, change, transform, or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the following:

- A. As provided in the Inland Lakes and Waters Act, 451 of 1994, being MCL 324.30101 through MCL 324.30113, as amended, and in accordance with the requirements of the Michigan Department of Natural Resources.
- B. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission all data, exhibits and information as required by the Department of Natural Resources.
(Ord. No. 2006-03; § XVII; 12-11-06)

95.1213 Essential services.

Sec. 12.13. For purpose of this Ordinance the following provisions shall apply:

- A. The surface of land used for pipeline rights-of-way shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- B. Essential services shall be exempt from lot area requirements in all districts.

95.1214 Swimming pools.

Sec. 12.14. All swimming pools shall conform to the requirements of the County Health Department. Swimming pools to be constructed or which are already constructed shall be enclosed by a fence, wall or other structure which shall be at least five (5) feet in height as measured from the outside. Any opening under the bottom of the fence shall not be more than four (4) inches in height. A fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is a self-closing and latching type with the latch on the pool side of the gate. Said entrance way shall lead to the shallow end of the pool. If the entire premise is enclosed by a fence or wall, this requirement may be waived.

95.1215 General sign regulations.

Sec. 12.15. No sign shall be erected at any location ,where by reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic, Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed and maintained so as not to change the essential character of such area.

95.1216 Permitted signs in “AP” and “AR” districts.

Sec. 12.16. In the “AP” Agricultural Production and the “AR” Agricultural Residential Districts, only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line than one-half (½) the required front yard depth.
- B. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding six (6) square feet in area.

- C. A non-illuminated sign announcing a home occupation, service or produce offered on the premises, provided that such a sign shall not exceed twelve (12) square feet in area and shall be located no closer to the street line than one-half ($\frac{1}{2}$) the required front yard.
- D. A sign or bulletin board identifying a church, school, park or other authorized use not to exceed twenty-four (24) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

95.1217

Permitted signs in residential districts.

Sec. 12.17. In any residential district only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or property not exceeding six (6) square feet in area and placed no nearer to the street line than one-half ($\frac{1}{2}$) of the required front yard depth.
- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such a sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
- C. One non-illuminated sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third ($\frac{1}{3}$) the minimum authorized front yard depth. Such sign shall be removed within one (1) year after the sale of all lots or units within said subdivision or development.
- D. One (1) non-illuminated sign identifying a multiple-family building, subdivisions or development, not having commercial connotations, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way line than one-third ($\frac{1}{3}$) the minimum authorized front yard depth.
- E. A sign or bulletin board identifying a church, school or other authorized use not to exceed twenty-four (24) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

95.1218

Permitted signs in the commercial and industrial districts.

Sec. 12.18. Except as specified in Section 12.19, a sign in any Commercial or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building set-back and height requirements, except for, and in addition to, the requirements provided below:

- A. In any Commercial or Industrial District a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which it is affixed.

- B. One (1) free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side or rear property line than one-third ($\frac{1}{3}$) the distance of the required building set-back.
- C. One (1) free-standing identification sign may be erected for each separate enterprise situated on the individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, except in the Retail Commercial District. Such sign shall not exceed thirty-six (36) square feet in area, not be closer to the front, side or rear property line than one-third ($\frac{1}{3}$) the distance of the required building setback.
- D. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

95.1219

Outdoor advertising signs.

Sec. 12.19. Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- A. Outdoor advertising signs (billboards) are permitted only in the Agricultural, Commercial and Industrial Districts.
- B. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- C. Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- D. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.
- E. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
- F. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- G. Outdoor advertising signs shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.
- H. Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

95.1220 Signs for gasoline service stations.

Sec. 12.20. Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians shall not be obstructive in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

95.1221 Elimination of nonconforming signs.

Sec. 12.21. All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any existing sign or billboard not conforming shall be deemed a nonconforming use, and shall either be made to conform or shall be removed by the owner within three (3) years from the effective date of this Ordinance. If the owner of said sign fails to remove such nonconforming sign or billboard, it shall be deemed a violation and the property owner shall be charged with a violation and subject to the provisions of this Zoning Ordinance.

95.1222 Procedure for site plan review.

Sec. 12.22. Site plan review shall be required for all multiple family and nonresidential projects prior to the issuance of a building permit. This review will be carried out by the Planning Commission.

- A. Any applicant shall submit to the Planning Commission a sketch of the proposed project for a preliminary review.
- B. After reviewing the sketch plan with the applicant, the Planning Commission shall suggest any changes in the proposal, deemed necessary in order to comply with the provisions of this Zoning Ordinance and the subdivision regulations.
- C. The applicant shall then prepare and submit proper plans of the project to the Planning Commission. Development plans shall be drawn to scale and shall show:
 1. Location of main yard and accessory buildings;
 2. Location of yards, driveways, walks, parking areas, recreation areas, and other site improvements;
 3. Proposed storm drainage facilities;
 4. Surrounding streets and nearby buildings; and
 5. Proposed building plans.
- D. Three (3) copies of the Development Plan should be submitted to the Planning Commission no less than ten (10) days before the next Commission meeting.
- E. After reviewing the Development Plan, the Commission may approve, conditionally approve, or disapprove the Development Plan.
- F. After approval of the Site Plan by the Planning Commission, a copy of the approved drawings along with recommended additions or corrections shall be signed by the officers of the Commission and filed with the Zoning Administrator for future reference.
- G. The Planning Commission shall review with the Zoning Administrator to see that the specifications of the Site Plan are carried out.
- H. Private roads pursuant to Section 95.1322 of this Ordinance.
(Ord. No. 2006-03; § XVIII; 12-11-06; Ord.No.2021-01;§II; 4-12-21)

Cross reference – Site plan approval, 90.000.

Telecommunication towers.

Sec. 12.23.

Purpose: Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of the Ordinance is to minimize adverse visual effects of towers, avoid damage to adjacent properties while adequately serving the community.

- A. Towers are permitted in all Light Industrial and Manufacturing Districts; public utility towers, such as public radio towers in permitted zoning districts shall comply with the following conditions:
 - 1. In order to contain falling ice or debris from the tower failure on site, the base of a freestanding (monopole) or guy-wired (lattice) tower shall be setback from the abutting residential district, streets or public property as follows:
 - (a) The minimum setback of towers shall be no less than one hundred (100) feet for towers one hundred (100) feet or less and equal to the height of the tower for those towers in excess of one hundred (100) feet.
 - (b) Guy wire anchors shall be setback seventy-five (75) feet from all property lines and shall be located on the same parcel as the tower.
 - 2. The tower base shall be enclosed by a security fence, consisting of a six-foot tall chain link fence topped with three strands of barb wire or an eight-foot tall chain link fence.
 - 3. A six-foot tall landscaped screen is required to screen the tower base from adjacent residential district, streets and public property.
- B. **Lighting:** Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.
- C. **Signs:** The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- D. **Application Requirements:** Application must be made for a building permit, and the following information must be submitted:
 - 1. Site plan of the proposed location showing all existing and proposed features of the site.
 - 2. Elevations of the proposed tower height above grade, and any other improvements.
 - 3. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety.
- E. **Location Requirements:** All commercial wireless telecommunication towers erected, constructed or located within the Township shall comply with the following requirements:
 - 1. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius of the proposed tower, due to structural inadequacies, impact on

other communication devices or services, insufficient height or other verifiable reason.

2. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users.

F. **Abandonment of Unused Towers or Portions of Towers:** Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve (12) months of the cessation of the operations at the site unless a time extension is approved by the Township Zoning Board of Appeals. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within the twelve (12) months of the cessation of operations at the site, the tower and associated facilities shall be removed by the Township and the costs of removal assessed against the real property.
(Ord. No. 12-97A; 12-8-97; Ord. No. 2009-01; § II, 2-9-09)

95.1224

Site drainage.

Sec. 12.24.

1. All portions of a site shall be adequately drained.
2. When public drainage systems are available, the site drainage system shall be designed to achieve a capacity to meet a 25-year storm frequency with onsite detention. The public drain outlet shall be adequate to meet a 25-year storm frequency. The drainage system shall include sediment basins designed to capture silt prior to storm water leaving the site.
3. When a public drainage system is not available, on-site retention shall be provided so as to prevent drainage of water onto adjacent properties or towards buildings. Onsite retention systems shall be subject to engineering review and approval by the township engineer, or his/her designee.
4. All open storm water retention/detention facilities shall have side slopes that do not exceed a one-foot vertical drop for each three feet of horizontal distance from the bottom of the basin to the highest bank elevation surrounding the basin.
5. All storm water retention/detention facilities shall be included in the site landscaping design. Curvilinear or free-form design of retention/detention basins are preferable, over a square or rectangular retention/detention basin.
6. **Grading/Filling** – The final surface grade of ground areas surrounding and adjacent to a building or structure shall be designed and landscaped so that the surface water flows away from the building or structure and is managed in such a way so as to avoid an increased flow onto adjacent properties or public roads.
(Ord. No. 2005-01; § V; 9-12-05)

95.1225 Large Scale Solar Energy Systems.

Sec. 12.25 Large Scale Solar Energy Systems are permitted only in the Solar Overlay Zoning District. Classification as defined by this Ordinance, refer to Section 95.1323 "Large Scale Solar Energy System(s)".
(Ord. No. 2023-01; §II; 2-13-23)

95.1226 Accessory Use Small Scale Solar Energy System.

Sec. 12.26 Small scale solar is designed to either ground-mount or roof-mount solar array(s) for personal use whether residential or commercial (private business) shall follow the Township Zoning Ordinance as it relates to accessory uses, and or accessory buildings or structures.

Accessory Use Small Scale Solar Energy Collectors Systems

1. **Applicability.** This section applies to any system of small-scale personal use solar energy collector systems. This section does not apply to utility-scale solar energy collector systems. Nothing in this section shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.
2. **General requirements.**
 - a. **Applications.** In addition to all other required application contents as listed in Article XIII, Section 95.1303, equipment and unit renderings, elevation drawings, and plot plans or site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review. No small-scale solar energy collector system shall be installed or operated excepted in compliance with this section. If such small-scale solar energy collector system to be designed as a roof-mount system on a dwelling, building or structure, such small-scale solar energy collector system shall have stamped engineer licensed in the State of Michigan.
 - b. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads or private roads.
 - c. **Installation.**
 - i. A solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes and other applicable Township, State and Federal requirements.
 - ii. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
 - d. **Power lines.** On site power lines between solar panels and inverters shall be placed underground.

- e. **Abandonment and Removal.** A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within one (1) year of abandonment.
- 3. **Solar-Thermal Systems.** These systems may be established as accessory uses to principal uses in all zoning districts.
- 4. **Building-Mounted Solar Energy Collectors.** These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions:
 - a. **Maximum Height.** The maximum height of the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three (3) feet.
 - b. **Obstruction.** Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
- 5. **Ground-Mounted Solar Energy Collectors.** These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions:
 - a. **Location.**
 - i. **Rear and Side Yards.** The unit may be located in the rear or side yard but shall be subject to the setbacks for accessory structures.
 - ii. **Front Yard.** The unit may be located in the front yard only if located no less than one-hundred and fifty (150) feet from the front line.
 - b. **Obstruction.** Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
 - c. **Vegetation.** All vegetation underneath solar energy infrastructure shall be properly maintained as to not block access to solar collectors and in accordance with the noxious weed ordinance.
 - d. **Maximum Number.**
 - i. **Residential Uses.** There shall be no more than one (1) ground-mounted solar energy collector unit per principal building on a lot.
 - ii. **Agricultural, Commercial, and Industrial Uses.** There shall be no more than ten-thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.

- e. **Maximum Size.**
 - i. **Residential Uses.** There shall be no more than one percent (1%) of the lot area up to one-thousand five hundred (1,500) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
 - ii. **Agricultural, Commercial and Industrial Uses.** There shall be no more than ten-thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
- f. **Maximum Height.**
 - i. **Residential Uses.** The maximum height shall be six (6) feet, measured from the natural grade below the unit to the highest point at full tilt.
 - ii. **Agricultural, Commercial and Industrial Uses.** The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.
- g. **Minimal Lot Area.** Two (2) acres shall be the minimum lot area to establish a ground-mounted solar energy collector system.
- h. **Screening.** Screening shall be required in cases where a ground-mounted solar energy collector unit impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.
 - i. Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses. (Ord. No. 2023-01; §V;2-13-23)

95.1227

Keeping of Animals.

Sec. 12.27

- 1. Family Pets shall be limited to the maximum number existing dwelling units in the Township which is generally no more than two (2); however, if more than two (2) are desired, as long as all other county, state and federal laws are complied with, additional domesticated household pets will be permitted up to a maximum of six (6) animals. Small, caged birds and animals may be excluded from this limitation.
- 2. Family Pets shall be permitted indoors. Fencing or another type of physical restraint shall be required if Family Pets are kept outside or allowed to run outdoors.

3. **If kept outside, Owners shall prevent their animals, including Family Pets, from causing a nuisance or disturbance to adjacent property owners by reason of noise, odor, waste, or trespass on private property.**
4. Family Pets kept inside of a principal dwelling unit are not required to obtain Special Land Use permit unless the number of animals exceeds six (6) animals, or written complaints have been received from neighboring property owners.
5. The keeping of more than six (6) Family Pets on any property requires a Special Land Use permit. However, this limit may be exceeded for a period of four (4) months after the birth of a litter of dogs or cats, provided that no more than two (2) litters of animals shall be allowed on a premises within any consecutive twelve (12) month period, and that these litters shall not be offered for sale. All such animals shall be prohibited in any area of the Township if they create a nuisance by reason of odors or noise.
 - a. **The Planning Commission will require a public hearing for a Special Land Use permit for the keeping of more than six (6) Family Pets, but may waive the fee for the Special Land Use permit at their discretion.**
6. Family Pets that are also used for Animal Breeding or for other commercial uses shall be considered a Home Occupation and shall be subject to Special Use Requirements of this Ordinance.
7. All animals kept on the subject property shall be kept in compliance with all federal, state and local laws and regulations concerning feeding, water, cleanliness, prevention of danger and disease, ventilation and light, proper exercise, veterinary care, shelter, and structural integrity of shelters. Wherever multiple laws or regulations apply, the more restrictive ordinance or regulation shall prevail.
8. As defined in "Section I, Definitions" of this ordinance Animal Hoarding, Animal Fighting, Animal Laboratories, and facilities to train or keep Bait Animals are strictly prohibited in all zoning districts.
9. Licenses, vaccinations records, and other similar records related to the keeping of animals shall be maintained for all animals on the property, and shall be made available for review during inspections.
10. Large domestic animals which are used essentially for 4-H, contest, riding, educational or other special purpose as individual animal specimens are permitted in Agricultural Production, Agricultural-Residential, and Single Family Residential Zoning Districts at the rate of one (1) on a minimum of five (5) acres for the first animal and one (1) acre for each additional animal.
11. **Enforcement.** Any Sheriff's Deputy, Law Enforcement Officer, Animal Control Officer, Zoning Administrator, or Township designee may issue and serve infraction citations if they have reasonable cause to believe that person has committed a violation of this Ordinance.
 - a. Any Officer described in Section 12.27, subsection 11 above may enforce St. Joseph County Animal Control Ordinance, Section 13.12 concerning Confiscation of Victimized Animal, and Section 13.13 Investigation.
(Ord. No. 2023-02; §II; 2-13-23)

95.1228**Keeping of Livestock.**

Sec. 12.28

1. The Michigan Generally Accepted Agricultural Management Practices (GAAMP'S) are used to determine standards for care of Livestock.
2. Keeping of Livestock is only permitted in Agricultural Districts.
(Ord. No. 2023-02; §II; 2-13-23)

95.1229**Exemptions.**

Sec. 12.29

For the purpose of this Ordinance the following animals and facilities are exempted from this Ordinance.

1. Livestock or animals within a farm operation. "Livestock" for the purpose of this Ordinance shall be as defined under the Licensing Livestock Dealers Act, Public Act 284 of 1937, MCL 287.121(b). "Farm Operation" shall be as defined under the Right to Farm Act, Public Act 93 of 1981, MCL 286.427(b). Bee colonies are also considered livestock.
2. Animals registered for the purpose of 4-H.
3. A State of Michigan Licensed Animal Hospital.
4. A Federal, State or Local Animal Control Facility or Shelter.
(Ord. No. 2023-02; §II; 2-13-23)

End of Article XII

ARTICLE XIII

95.1300

SPECIAL USES*

95.1301

Purpose.

Sec. 13.01. The formulation and enactment of this zoning ordinance is based upon the division of the Township into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

95.1302

Authority to grant permits.

Sec. 13.02. The Township Board, with recommendations from the Township Planning Commission, shall have the authority to grant Special Use permits, subject to such conditions of design and operation, safe-guards and time limitations as it may determine for all special uses specified in the various district provisions of this Ordinance.

95.1303

Application and information required.

Sec. 13.03.

- A. Written application shall be made to the Township Board of Trustees who shall immediately forward a copy of said application to the Zoning Administrator. The application shall include the following:
 - 1. Name of Applicant and Owner of the premises.
 - 2. Legally recorded description of the premises.
 - 3. Description of proposed use, including parking facilities, if required.
 - 4. A legible sketch drawn to scale showing size of building or structure and location on premises.
 - 5. Sewage disposal and water supply facilities, existent or proposed.
 - 6. Use of premises on adjacent properties.
 - 7. Statement by applicant appraising the effect of proposed use on adjacent properties and development of the neighborhood.

95.1303.5

Notice of request for special land use.

Sec. 13.03.5.

- A. Upon receipt of an application for a special land use, the Township shall provide notice of the request as follows:

***Editor's note** – Section XIX of Ord. No. 2006-03, adopted Dec. 11, 2006, amended Article XIII, title to read as herein set out.

1. The Township shall cause a notice of the request to be published in a newspaper of general circulation in the local unit of government not less than fifteen (15) days prior to date that set for hearing on the request.
2. Notice shall also be sent by regular U.S. mail or by personal delivery to the owner of property for which the special use is being considered and to the applicant, if different from the owner.
3. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property for which the special use is to be considered and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located within Lockport Township or an adjoining municipality. If the name of the occupant is not known, the term "occupant" may be used in making notification.

B. **Contents of notice.** The notice of the request for a special land use shall:

1. Describe the nature of the request.
2. Identify the property which is the subject of the request by street address. If more than one property is to be considered for the special address. If more than one property is to be considered for the special land use, the notice shall include a listing of all existing street addresses within the scope of consideration for a special land use.
 - (a) The Township shall not be required to create a street address where one does not exist. If no street address is available, other means of identification may be used.
3. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered for a special land use regardless of whether the property or occupant is located in Lockport Township; and
4. Indicate when and where written comments will be received concerning the request.

(Ord. No. 2006-03; § XIX, XXI; 12-11-06)

95.1304

Public hearing.

Sec. 13.04.

- A. **Request for public hearing.** At the initiative of the Zoning Administrator, the Planning Commission or upon a request of the applicant, a real property owner whose real property is assessed within three hundred (300) feet of the property, or the occupant of a structure located within three hundred (300) feet of the property, a public hearing shall be held by the Township Planning Commission.
- B. **Nature of public hearing.** If a public hearing is to be held by the Township Planning Commission, notice of the date and time of the public hearing shall be published once in a newspaper of general circulation within the Township not less than fifteen (15) days prior to said hearing. Notice of the date and time of the public hearing shall be mailed or personally delivered to the applicant, the property owner of the property for which the special use is being considered, to all

owners of property within three hundred (300) feet of the property for which the special use is being considered and to the occupants of property within three hundred (300) feet, regardless of whether the 300-foot radius is within Lockport Township.
(Ord. No. 2006-03; § XXII; 12-11-06)

95.1305

Required standards and findings for making determinations.

Sec. 13.05. The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- A. Will be harmonious and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disruptive to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.
- F. Will be designed to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by it; will to the extent possible protect the natural environment and conserve natural resources and energy; will be compatible with adjacent uses of land, and will use the land to the extent possible in a socially and economically desirable manner.
- G. The Planning Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.
- H. Whether a public hearing is held or not, a request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated within this Ordinance, the conditions imposed under this Zoning Ordinance, other applicable ordinances, and state and federal statutes.
- I. Whether a public hearing is held or not, the Planning Commission shall transmit its recommendation with respect to the special land use request to the Township Board, together with the record of proceedings at which the request was considered. The Township Board may, in its discretion hold another public hearing on the request, with notice provided as established in Article XIII, Sections 13.03.5 [95.1303.5] and 13.04 [95.1304] of this Ordinance. The Township Board may approve the special land use; deny the special land use; approve the special land use

with conditions; or refer the request to the Township Planning commission for additional information.

- J. The Township Board of Zoning Appeals shall have no authority to hear appeals from the Township Board or Planning Commission action on a special land use.
(Ord. No. 2006-03; § XX; 12-11-06)

95.1305.5 Record of special use.

Sec. 13.05.5.

1. **Record of approval and conditions.** The decision on a special use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.
2. **Keeping of records.** The conditions imposed with respect to the approval of a special land use or activity shall be recorded in the record of the approval action by the Lockport Township Board and shall remain unchanged except upon the mutual consent of the Lockport Township Board and the landowner. The Lockport Township Board shall maintain a record of conditions and those which are changed by mutual agreement.
(Ord. No. 2006-03; § XXIII; 12-11-06)

95.1306 Junk yards and inoperative vehicles.

Sec. 13.06. In addition to, and as an integral part of, development the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- B. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, an opaque fence or wall at least eight (8) feet in height, and not less in height than the materials located on the lot on which a junk yard shall operate, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. The materials and construction of this fence shall be approved by the Planning Commission. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot.
- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

***Cross reference – Dismantled vehicles, Part 50. [Ord. No. 1-84]**

Mobile home park.

Sec. 13.07.

- A. A mobile home park and buildings, structures, or parts hereof may be erected or so used only in an Agricultural-Residential and Medium Density Residential Districts.
- B. No mobile home park shall be developed and constructed unless a public hearing is held prior to approval of a specified site and overall site plan. The preliminary site and development plans of new mobile home parks or additions to existing parks shall be submitted to the Township Board of Trustees.
- C. The following information shall be shown on the development plan or submitted in writing with it:
 - 1. The name of the proposed mobile home park;
 - 2. Names, addresses and telephone number of the developer or his representative;
 - 3. Location of mobile home park and legal description of the property;
 - 4. A map of the entire area scheduled for development. If the proposed development is a portion of a larger holding intended for subsequent development, both maps shall be submitted;
 - 5. Allocation map showing the relationship of the proposed development and the adjacent tracts;
 - 6. The present land use and existing zoning of the proposed development and the adjacent tracts;
 - 7. Interior streets, street names, streets, right-of-way and roadway widths;
 - 8. All lot liens and open spaces with dimensions shown;
 - 9. Topographic contours shall be shown on the plan at five foot intervals where slope is ten percent or less;
 - 10. Delineation of all improvements required in Section 13.07 of this Ordinance.
- D. **Permitted accessory uses and requirements thereof.**
 - 1. Accessory buildings or structures under park management supervision, shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park resident use only. No accessory building or structure shall exceed twenty-five (25) feet in height, nor two stories; and shall meet the requirements of other applicable codes and ordinances.
 - 2. A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park.
 - 3. One identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area not have any moving parts, nor stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet.
 - 4. No more than one entry and one exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan of the mobile home park. In no case shall the sign

be larger than two square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

- E. **Periodic inspection.** The Township Building Inspector or other agents authorized by the Township Board are granted the power and authority to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision or provisions of this or any other Township Ordinance applicable to the conduct and operation of mobile home parks.

F. **Required Development Standards.**

1. The land area of a mobile home park shall not be less than fifteen (15) acres.
2. Mobile home sites shall be at least five thousand (5,000) square feet in area.
3. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower, bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
4. Each mobile home site shall have front, rear and side yards with each such yard not less than ten (10) feet in width.
5. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which at every point shall not be less than the minimum width herein provided. Open patios, carports and individual storage facilities shall be disregarded in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.
6. From all pads, the following minimum distances shall be maintained:
 - a. Fifty (50) feet to the boundary of such park which is not a public street;
 - b. One hundred (100) feet to the right-of-way of any public street or highway;
 - c. Fifteen (15) feet to any collector street of such park (parking bay, local drive, or central parking drive is not a collector street). A park collector street is that roadway which carries traffic from local park streets, driveways and parking areas to public street(s) outside the park;
 - d. Eight (8) feet to any common walkway or local drive of such park;
 - e. Fifty (50) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents);
 - f. Fifty (50) feet to any service building in such park.
7. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions.

8. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not less than the length and width of the mobile home that will use this site. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
9. Each mobile home shall be supported on uniform jacks or blocks. In addition, each mobile home shall have tie-downs or anchors securing both ends and sides.
10. Alternative pad and support mechanisms (in lieu of items 8 and 9) may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.
11. An all-weather hard surfaced outdoor patio area of not less than one hundred and eighty (180) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home.
12. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.
13. Uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement, such skirting shall be of 26 gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents and insects.
14. Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sunroom purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the Township Building Inspector, before such enclosure can be used for living purposes.
15. All mobile homes within such parks shall be suitably connected to common sewer and water services provided at each mobile home site.
 - a. All sanitary sewage facilities, including plumbing connections so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a state tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home.
 - b. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

16. Disposal of garbage and trash.
 - a. All garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited.
 - b. The method used for such removal shall be approved by the State and inspected periodically by the County Health Department.
17. Every mobile home shall be equipped at all times with fire extinguishing equipment in good working order of such type and size so as to satisfy regulations of the State Fire Marshal and the Township, City and/or Village Fire Department.
18. All electric, telephone and other lines from supply poles outside the park or other sources to each mobile home site shall be underground.
19. Any common fuel oil storage shall be centrally located in underground tanks, at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to park and mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State Code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner. The use of individual fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited.
20. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park excepting at established entrances and exits serving such park. When necessary for health, safety and welfare, a fence approved by the Planning Commission shall be required to separate park from an adjacent property.
21. Any and all plantings in the park shall be hardy plant materials and maintained hereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but not longer than one growing season.
22. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing necessary area.
23. All roads, driveways, motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads and driveways shall have curbs and gutters.
24. Two automobile parking spaces shall be provided within one hundred fifty (150) feet of each mobile home site. In each park there shall be provided additional automobile parking spaces

in number not less than the number of mobile home sites within such park. Central storage of all non-passenger type vehicles including trucks rated over three-fourths ton capacity and trailers shall be properly screened as not to be a nuisance, and such central storage shall not be closer than fifty (50) feet to any mobile home site when such storage is allowed in the mobile park. Each parking space shall have a minimum width of ten (10) feet and twenty (20) feet in length.

25. Minimum widths of roadways (curb face to curb face) shall be as follows:

<i>Parking</i>	<i>Traffic Pattern</i>	<i>Minimum Pavement Width</i>
Prohibited	One-way Traffic	22 feet
One Side Only	One-way Traffic	22 feet
Both Sides	One-way Traffic	29 feet
Prohibited	Two-way Traffic	22 feet
One Side	Two-way Traffic	29 feet
Both Sides	Two-way Traffic	40 feet

26. When a cul-de-sac drive is provided such roadway loop should be a minimum of fifty (50) feet, curb face to curb face with the drive length a maximum of three hundred (300) feet.
27. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three (3) mobile home sites shall be not less than three (3) feet in width.
28. When exterior televisions antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
29. Park owners and management are required to maintain the physical and natural facilities and features of the park in neat, orderly, and safe manner.

G. **Unique Character Design.**

1. **Purpose and interest.**

In the event an applicant for a site plan approval desires unique flexibility in a mobile home park design that can be obtained from a unique character of development and still conform to the purpose and intent of this Ordinance even though the proposal does not comply with all provisions, one may apply for such be stating so on the site plan application. Qualification for such unique character design shall be

determined by the Township Planning Commission upon review of the preliminary sketch plan.

2. Park standards shall be in accordance with the provisions under "Required Development Standards", except for the following:
An added degree of flexibility may be granted in the placement and inter-relationship of mobile home sites within the mobile home park. A gross density of not more than eight (8) mobile home sites per any single acre, within park shall be maintained. No site shall be less than five thousand (5,000) square feet.
3. An added degree of flexibility may be granted in the yard dimensions of a mobile home site in the following manner:
 - a. There shall be unobstructed open spaces of at least fifteen (15) feet between the sides or end and sides of adjacent mobile homes for the full length of the mobile home, and at least ten (10) feet of unobstructed open space between the ends of the mobile homes.
 - b. No window of any mobile home shall open onto another mobile home face unless such dimension between mobile homes is at least fifteen (15) feet.
 - c. No main doorway of any mobile home shall open onto another mobile home main doorway unless such dimension between mobile homes is at least thirty (30) feet.

H. **Permits.** The application for the installation of construction of a mobile home park shall be accompanied by a minimum deposit of \$500.00 to defray the expense of hearings, publications, and reports by engineers and other experts in assistance to the Township Board in its consideration of said application. The issuance of a permit shall entitle a proprietor to continue to operate a mobile home park so long as he/she remains in compliance with the regulatory ordinances of the Township and the State of Michigan. The permittee under the terms of this Ordinance does by application for such a permit expressly grant to the Township Board, for enforcement of this Ordinance, power and authority to enter upon the premises of such mobile home park at any time for the purpose of inspection and enforcement of this or any other Township Ordinance applicable to the conduct and operation of mobile home parks. The applicant will be refunded the unexpended portion of the deposit within ninety (90) days of the final decision of the Township Board.

I. **Revocation of Permits.** In the event a mobile home park shall violate any of the regulations of the Ordinance or any other Township Ordinance applicable to the conduct and operation of a mobile home park, he shall be ordered to show cause before the Township Board at any open public meeting why his permit shall not be revoked, and if it shall appear that the proprietor has violated any of the provisions of the Township Ordinance applicable to the conduct and operation of a mobile home park, his permit may be revoked and he shall cease to operate, or a civil penalty of not to exceed \$100.00 per day for each day of violation will be imposed.

Individual mobile homes.

Sec. 13.08. In zoning districts in which individual mobile homes are permitted, the following provisions shall apply in order to insure compatibility with existing dwellings or with dwellings which may be constructed in the future.

- A. Owner shall make application and obtain Certificate of Approval and Building Permit for said residence and accessory building as set forth in Section 13.03.
- B. Lot size, main living area, front and side set back shall be the same as set forth for residences in Multiple Family Residential.
- C. Applicant and occupant shall own or have Land Contract for property upon which home is to be placed.
- D. An inspection of all units shall be performed by the Building Official to determine that no condition exists which poses a threat to life or property. Where such conditions are found to exist, they shall be corrected at the time of placement and before a Certificate of Occupancy may be issued.
- E. Water and sanitation provisions shall comply with Section 13.07.
- F. Uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. Such skirting shall be of 26-gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents or insects.
- G. An accessory building shall be constructed to the rear of each mobile home to provide storage for the essential outdoor home items. The construction of a garage of sufficient size as to provide this storage in addition to space for motor vehicles shall be judged as meeting this requirement.
- H. Dwelling, accessory building and grounds shall be maintained and kept in such manner as to provide a neat and orderly appearance and to maintain property value.
- I. Failure to comply with any of the above requirements shall constitute violation of this Ordinance and cause to enforce the removal of the mobile home from the premises.
- J. Reserved.
- K. Each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- L. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- M. A mobile home must be placed on a single reinforced concrete slab, the same perimeter as the mobile home, said slab having a depth of four inches completely covering the perimeter, but shall in all other respects meet the minimum foundation standards for all single-family dwellings placed on private property.
- N. Any space that may exist between the foundation and the mobile home floor shall be enclosed with a non-corrosive metal or other material of equal strength with a removable panel for inspection and with proper ventilation.
- O. Mobile homes shall in all respects comply with all construction, plumbing, electrical and insulation requirements of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as

promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
(Ord. No. 1982-A; 11-9-82; Ord. of 6-10-91; § VI)

95.1309 Temporary mobile home.

Sec. 13.09.

- A. The owner of any premises may erect or move not more than one mobile home upon any premises which qualifies for the erection of a dwelling and occupy the same during the actual construction of a dwelling thereon, but not exceeding a period of twelve (12) months from the date of issue of a Certificate of Approval.
- B. Private water supply and sewage disposal facilities shall conform to all requirements of this Ordinance listed in Section 13.07.
- C. The location of such mobile home shall conform to all yard and set-back requirements of the zoning district in which it is located.
- D. On approval and delivery of the Certificate of approval, the applicant shall certify on a copy retained by the Zoning Administrator and on the copy returned to him or her, that they have full knowledge of the limitation of the Certificate, including the penalties for violations provided by this Ordinance. Failure to conform to the provisions shall cause cancellation and be deemed a violation and a civil penalty of not to exceed \$20.00 per day for each day of violation will be imposed.
- E. Renewal of any permit shall be contingent upon progress in construction of the dwelling, and conformance of the provisions of this Ordinance. It shall be subject to the same provisions as the granting of the Original Permit.

(Ord. No. 2006-03; § XXIV; 12-11-06)

95.1310 Guest trailer.

Sec. 13.10. The owner or renter of any premises occupied by a dwelling may permit the parking of an occupied recreation vehicle (RV) of a guest or visitor on the premises for a period not exceeding a total of fifteen (15) days in the calendar year, provided the serial number and license number of the RV and the name of the owner thereof are recorded with the Township Clerk, and provided, further, that the occupants of the RV shall have unrestricted use of the sewer and water supply facilities of the dwelling.

95.1311 Drive-in theatres and temporary transient amusement enterprises.

Sec. 13.11. In addition to and as an integral part of development, the following provisions shall apply:

- A. Drive-in theatres shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously and shall contain no advertising.
- B. All fences shall be set back at least one hundred (100) feet from any property line. In addition, the Planning Commission may require a greenbelt to be constructed.
- C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and

existing vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two street or highways.

95.1312

Gasoline service stations.

Sec. 13.12. Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements:

- A. **Frontage and area.** Every gasoline service station shall have a minimum frontage of one hundred twenty (120) feet and a minimum area of twelve thousand (12,000) square feet.
- B. **Setbacks.** Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of thirty-five (35) feet and a minimum setback from all other property lines of twenty-five (25) feet.
- C. **Construction standards.** All vehicle service areas shall be constructed to conform to the following standards:
 - 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.
 - 2. The entire area used for vehicle service shall be paved, except for such unpaved areas in landscaped and protected from vehicle use by a low barrier.
 - 3. Hydraulic hoist, lubricating, greasing, washing and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting may be carried out within the premises.
 - 4. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.
 - 5. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
- D. **Lighting.** All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties or distraction to motorists.

95.1313

Sanitary Landfill.

Sec. 13.13. Provided that such use shall be permitted as a special use only in the Agricultural Production, Agricultural-Residential, Light Industrial and Manufacturing Districts and shall conform to all State of Michigan and County Health Department regulations of such use, and the permit for such use shall be subject to annual renewal.

95.1314**Development of natural resources.**

Sec. 13.14. Including extraction of sand, gravel, fill dirt, topsoil, gas and oil; provided that such activity shall be permitted as a special use only in the Agricultural Production, Agricultural-Residential, Light Industrial and Manufacturing Districts and shall comply with the following provisions:

- A. Commercial pits and quarries, where deemed necessary, shall be completely enclosed by a fence four (4) or more feet in height for the safety of the general public and shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. Said fence shall conform with the minimum setback requirements of the district in which it is located.
- B. No slope shall exceed an angle with the horizontal of more than thirty (30) degrees for the first twelve (12) feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty-five (45) degrees.
- C. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition, entirely free from hazards and blended with the surrounding natural ground. All slopes and banks shall be reasonably graded to prevent excessive erosion.
- D. The Planning Commission shall establish routes of ingress and egress for truck movement in order to minimize the wear on public roads and to prevent hazards to traffic.
- E. The Township Board of Trustees, when deemed necessary, shall require the applicant to post a bond for compliance with the Township Clerk; the amount of said bond to be determined by the Township Board to insure that all provisions of this Ordinance are complied with.
- F. A special use permit for the development of natural resources is subject to annual review and renewal by the Planning Commission and the Township Board of Trustees.

(Ord. No. 2006-03; § XIX; 12-11-06)

95.1315**Campgrounds, camps and lodges.**

Sec. 13.15. Including private and semi-private camps, lodges for active and passive recreation uses, provided that such activity shall be permitted as a special use in any zoning district except the residential districts, and shall comply with the following provisions:

- A. No commercial activity shall be conducted on the premises, except as an accessory use.
- B. Such use shall be located on a site of not less than three (3) acres in size.
- C. Building shall not exceed thirty (30) feet in height, and shall be located no nearer to any property line forty (40) feet. Yards may be utilized for parking provided that such parking shall not be closer than twenty (20) feet to any property.
- D. Any portion of the facility located adjacent to any residential district shall be screened from such district by an approved fence, or masonry wall of not less than four (4) feet nor greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet. Residential districts separated by a roadway shall also be considered as adjacent.

- E. Compliance with County Health Department standards applicable to the site.
- F. The securing of a campground permit from the State of Michigan, if required by MCL 333.12501 through MCL 333.12516, as amended. (Ord. No. 2006-03; §§, XIX, XXV; 12-11-06)

95.1316

Essential service buildings.

Sec. 13.16. In Single-Family Residential and Multiple-Family Residential Zoning Districts the following essential service buildings shall be required to have a special use permit prior to their construction: transformer substations, pumping stations, communications relay stations, gas and steam regulating valves, and stations and buildings of similar function. Essential service buildings are permitted uses in all other districts.

Essential service buildings shall be exempt from the area and yard requirements of all districts except Single-Family and Multiple-Family Residential.

No building shall be used for human occupancy.

An opaque fence or screening material may be required by the Planning Commission.

(Ord. No. 2006-03; § XIX; 12-11-06)

95.1317

Miniature golf recreational area.

Sec. 13.17.

- A. All playgrounds and miniature golf courses shall be fenced. Tees, fairways, and greens within a golf course shall be located not less than fifty (50) feet from adjacent residentially-zoned property under separate ownership or fifty (50) feet to a public street. All such tees, fairways, and greens shall be adequately fenced to prevent trespassing upon said residential property. The Planning Commission is hereby given authority to determine upon application to it the adequacy of such fences to prevent trespassing upon adjacent properties.
- B. Public rest rooms and other facilities shall be constructed and property maintained.
- C. Rubbish disposal shall be handled in such a manner as will be adequate for the purpose and avoid any nuisance or annoyance to adjoining property owners.
- D. Off-street parking must be provided equivalent to two parking spaces for each tee plus one space for each one hundred (100) square feet of building area used by customers and one (1) space for each employee.
- E. Any sale of foodstuff, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the miniature golf course while on the property. Permission for the sale of food for on-premises consumption shall be governed by the County Health Department.
- F. All night lighting shall be so arranged that it does not produce a glare on adjoining premises and/or highways.

(Ord. No. 08-94-1; § II; 8-8-94; Ord. No. 2006-03; § XXVI; 12-11-06)

95.1318**Go-cart race tracks.**

Sec. 13.18. Go-cart race tracks shall comply with the following provisions:

- A. The minimum site area for a go-cart track shall be three acres with a minimum dedicated road frontage of not less than two hundred (200) feet.
 - B. All access to such site shall be from a paved county primary road and/or state highway.
 - C. All sides of the development not abutting a major thoroughfare shall be provided with a six-foot high wall, berm, fence (except as restricted by Section 6.09), or ten-foot wide buffer strip with plantings of sufficient density at planting to provide an effective barrier to adjacent properties.
 - D. Such use shall not cause or create a detriment to any adjacent residentially-used properties by way of dust or objectionable noise levels exceeding fifty five (55) decibels at the property line.
 - E. Hours of operation shall be determined by mutual agreement of the Planning Commission and owner/operator.
 - F. Rubbish disposal shall be handled in such a manner as will be adequate for the purpose and avoid any nuisance or annoyance to adjoining property owners.
 - G. Off-street parking shall be provided as per Article XIV [95.1400] with two spaces per go-cart available plus one space for each employee.
 - H. Any sale of foodstuff, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the go-cart facility while on the property. Permission for the sale of food for on-premises consumption shall be governed by the County Health Department.
 - I. Public rest rooms and other facilities shall be constructed and properly maintained.
 - J. All night lighting shall be so arranged that it does not produce a glare on adjoining premises and/or highways.
- (Ord. No. 02-95; § III; 2-13-95; Ord. No. 2006-03; § XXVII; 12-11-06)

95.1319**Landing fields and commercial airports.**

Sec. 13.19.

Landing fields shall comply with the following provisions:

- A. The minimum parcel size shall be forty (40) acres.
- B. Accessory uses shall be limited to private hangers for the storage and maintenance of aircraft.
- C. All applicable provisions of the FAA and other state and federal agencies shall be complied with.

Commercial airports shall comply with the following provisions:

- A. A commercial airport shall be located on a paved, county primary or state highway. The primary ingress to the facility shall be at least five hundred (500) feet from any residential zoning district.
- B. A perimeter fence shall be erected to completely enclose the facility except at a main entrance gate.
- C. Where such facility abuts a residential district a ten-foot-high berm or ten-foot-wide buffer strip with plantings of sufficient density at planting to provide an effective barrier to adjacent properties shall be constructed.

- D. Such separate emergency vehicle entrances shall be installed as the Planning Commission shall direct based on recommendations of fire, police, and other agencies having jurisdiction.
 - E. Approval of the County Drain Commissioner's Office, Soil Erosion and Sedimentation Control, County Road Commission or M-DOT, electrical power company and other utilities, the County Health Department, FAA, and DNR shall be demonstrated.
 - F. Accessory uses shall be limited to hangers for the shelter, supply, and service repair of aircraft, food service establishments, retail stores and shops, motels and hotels, barber shops, beauty parlors, shoe repair shops, and business offices, and certain uses which use air transport in whole or in part for the distribution of products, including warehousing, light machining, milling, assembly, and packaging.
 - G. Provisions of Article XIV (Off-street parking) shall be complied with.
 - H. All fuel servicing and dispensing equipment and fuel storage structures shall be set back a minimum one hundred (100) feet from any property line.
 - I. The Planning Commission shall establish hours of operation for landings and departures.
- (Ord. No. 05-95; 5-24-95)

95.1320

Housing and pasturing horses and other similar animals.

Sec. 13.20. The housing and pasturing of horses and other similar animals such as llamas, camels, zebras, but excluding livestock as defined in Article I, Section 1.12 [95.112] shall comply with the following provisions:

- A. No horses or other similar animals shall be permitted on other than an unplatted parcel of five (5) acres or more.
 - B. A maximum of four (4) animals shall be permitted on the first five (5) acres plus one for each acre in addition to the first five (5) up to a maximum of ten (10) animals.
 - C. Structures used for the housing or boarding of animals shall be located a minimum of one hundred (100) feet from any adjacent, residentially zoned, property line.
 - D. No animals shall be pastured closer than twenty (20) feet to any adjacent, residentially zoned, property line.
 - E. A four (4) foot fence shall be erected around all pasture lands. Such fences may include woven wire, high tensile wire, or other fencing as approved by the Planning Commission.
 - F. Animals shall be cared for and manure shall be disposed of according to accepted farming practices. Where it can be demonstrated that this is not the case, the practice shall be declared a nuisance per se.
- (Ord. No. 12-97B; 12-8-97)

95.1321

Reserved. (Ord.No.2022-01;§IV;1-10-22)

Private Roads

Sec. 13.22 The Township recognizes that, as large tracts of land are divided, sold, transferred and developed, private roads may be created to provide access to newly-divided properties. The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, expansion relocation and use of private roads. Private roads are subject to site plan review and the following additional requirements:

- A. **Permit required.** No individual, association, corporation or entity, either public or private shall construct or extend a private road without first having obtained special approval hereunder.
- B. **Limitation on number of parcels to be serviced.** No more than twenty (20) parcels may be served by a private road. The number of lots or parcels may be increased if a HOA (Homeowners Association) is established and approved by the Township Board.
- C. **Access to public road.** A private road shall be permitted only upon receipt of approval for public road access from the County Road Commission.
- D. All private roads shall be constructed and maintained such that they are passable in all weather conditions; and shall readily afford access to emergency services via a Safe and Unimpeded Route of Travel to all buildings, dwellings or other structures serviced by the private road.
- E. Private roads shall be constructed of suitable materials, either asphalt or six inches (6") gravel and shall be maintained year-round, regardless of the occupancy of the parcels they serve.
- F. Private roads shall be constructed to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands, and other significant natural features of the Township.
- G. All setbacks required by this Ordinance shall be measured from the right-of-way line of the private road. Minimum lot and width areas shall exclude any private road easements. Private Road Design and Construction Requirements.
- H. **Private Road Design and Construction Requirements.**
 - 1. A private road shall not provide access to more than twenty (20) lots or parcels. Road proposed to provide access to more than twenty (20) lots or parcels must be dedicated as a public road and built to the standards for approval by the County Road Commission.
 - 2. A private road with only one (1) access point to a public road shall not exceed two thousand five hundred (2,500) feet in length, as measured along the centerline of the private road. Any private road exceeding this length shall provide for at least one (1) additional access to a public road.
 - 3. All shared driveways constructed after the date of amendment of this ordinance shall have a recorded permanent right-of-way and easement with a minimum width of thirty (30) feet. The right-of-way shall expressly permit public and/or private utilities to be installed within the right-of-way.
 - 4. All private roads constructed after the date of amendment of this ordinance shall have a recorded permanent right-of-way and easement with a minimum width of sixty six (66) feet. The right-

of-way shall expressly permit public and/or private utilities to be installed with the right-of-way.

5. Private roads shall have and maintain above-road clearance of at least fourteen (14) feet to ensure a Safe and Unimpeded Route of Travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

I. **Private Road Maintenance Agreement Required.** An application for a private road shall be accompanied by a private road maintenance agreement, in recordable form, that meets the following minimum standards:

1. The private easement and maintenance agreement shall require the property owner(s) served by the private road to be responsible for the ownership and maintenance of the private road.
2. The agreement shall contain the method for apportioning costs of construction, maintenance and repair of the private road. The agreement shall also contain provisions for a performance guarantee, if required by the planning commission.
3. The agreement shall contain a legal description of the private road.
4. The agreement shall bind all of the benefitting lots and/or parcels and owners thereof and all succeeding owners of benefitted lots or parcels to its terms.
5. The agreement shall contain a clause stating that the applicants and owners shall indemnify and hold harmless the township and its planning commission for all claims of personal injury, and/or property damage arising out of the construction and use of the private road or of the failure to properly construct, maintain, use repair and replace the private road.
6. The agreement shall contain a provision permitting the Township Board to authorize the repair of any private road that is not being adequately maintained to permit Safe and Unimpeded Route of Travel by users and emergency vehicles, and to assess the costs of such repair, including the costs of engineering and administration, to the benefitted owners of the agreement on an equitable basis as a special assessment. The Township Board has sole discretion to determine whether to authorize repair or maintenance of a private road.
7. The agreement shall be reviewed and approved by the planning commission as part of the special use approval. The agreement may be referred to the Township's Attorney for review and approval at the applicant's expense.
8. The agreement shall be recorded with the County Register of Deeds. A copy of the recorded agreement shall be provided to the Township Clerk.

J. **Private Road Application Process and Requirements.** An application for a private road shall include the following, unless waived by the planning commission:

1. A completed application form, provided by the Township, along with any fees and escrow established for review.
2. The required private road easement and maintenance agreement.

3. A detailed written description of the development/parcels and/or lots to be served by the private road.
 4. Road construction plans drawn by an engineer registered in the State of Michigan.
 5. A survey of the right-of-way by a registered land surveyor.
 6. The location of all proposed public utilities to be located within the private road right-of-way or within one hundred (100) feet thereof.
 7. The location of any lakes, streams, wetlands and drains within the proposed right-of-way or with one hundred (100) feet thereof.
 8. The location of any other buildings and structures located within one hundred (100) feet of the private right-of-way.
 9. An approved Soil Erosion and Sedimentation Control Permit.
 10. The planning commission may require that the plans be reviewed and commented upon the St. Joseph County Drain Commission, the St. Joseph Road Commission, the fire department or any other agency deemed affected by the proposed private road.
 11. All private roads shall be named and the name shall be approved by the St. Joseph Land Resources Department. Road identification signs meeting the requirements of the St. Joseph County Road Commission shall be shown to be installed at intersections.
- J. No land division, subdivision or site condominium hat creates lots or parcels accessed by a private road shall be approved or recorded unless and until a private road maintenance agreement conforming to the provisions of this Ordinance is approved.
- K. No occupancy permit for a structure on a lot or parcel accessed by a private road, back lot access private drive, or shared driveway shall be approved until the requirements of this section are met.
- L. **As built drawings.** After construction, the applicant, at its expense, shall provide the Township with a set of “as built” drawings bearing a certificate and statements from a registered design professional certifying that the private road has been completed in accordance with the special use approval.
- M. **Maintenance.** Private roads shall be maintained in a manner such that they provide a Safe and Unimpeded Route of Travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions. Failure to provide a Safe and Unimpeded Route of Travel shall be deemed to be a violation of this Ordinance.
- (Ord.No.2021-01;§III;4-12-21)

Large Scale Solar Energy System(s).

Sec. 13.23

- A. **Purpose and Intent:** The purpose and intent of this Section is to establish standards for the siting installation, operation, repair, decommissioning and removal of Large Scale Solar Energy Systems.
- B. **Application Escrow Account:** An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use for a Large Scale Solar Energy System. The monetary amount deposited by the Applicant in escrow with Township shall be the amount of \$ 15,000.00 (fifteen thousand), to cover all reasonable costs and expenses associated with the Special Land Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Legal Counsel, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning process for the application. Such escrow amount shall be in addition to any filing or application fees applicable to special land use applications as established by resolution. At any point during the Special Land Use review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use shall be returned in a timely manner to the Applicant.
- C. **Compliance with the State Construction Code and the National Electric Safety Code:** Construction of a Large Scale Solar Energy System shall comply with the National Electric Safety Code and the State Construction Code (consisting of Building, Electric, Mechanical and Plumbing Codes) as administered and enforced by Lockport Township as a condition of any Special Land Use under this section. In the event of a conflict between the Local Building Code and National Electric Safety Code (NESC), the more restrictive shall apply.
- D. **Certified Solar Array Components:** Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic testing Laboratories (“EIL”), Underwriters Laboratories (UL), National Fire Protection Association (NFPA), and the National Electrical Code (NEC) or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- E. **Height:** Maximum height of a Solar Array, other collection device, components or buildings of the Large Scale Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and

electrical transmission equipment shall not exceed one hundred (100) feet in height.

- F. **Setbacks:** All above-ground components of the large scale solar energy system; all buildings and solar arrays, shall be setback a minimum of fifty (50) feet from all exterior property lines, existing public roads, and railroad rights-of-way; as well as from all bodies of water, delineated wetlands, or other protected land or water. In addition, a setback of two-hundred and fifty (250) feet shall be required from any parcel line of a property containing an existing residential structure. Contiguous parcels which are all part of a single Large Scale Solar Energy Project need not maintain side yard setbacks for the panels/array so long as the planning commission approves the elimination of the side yard setback in its statement of conditions.
- G. **Lot Coverage:** A Large Scale Solar Energy System is exempt from maximum lot coverage limitations. Setbacks must be complied with.
- H. **Screening and Security:** A Large Scale Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least four (4) feet in height. Barbed wire, razor wire and electric fencing are not permitted. The perimeter of Large Scale Solar Energy System shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Scale Solar Energy System from adjacent residential structures, subject to following requirements:

The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy, dead, or dying plant or tree material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first. In case of a question, the Township Zoning Administrator shall make the determination as to whether a plant or tree must be replaced.

1. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season to ensure planting takes place. The Township may call the Board if plantings are not timely completed and use the proceeds to accomplish the required plantings. After all plantings have occurred, the Township shall return the financial guarantee.

2. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use may be subject to revocation.
- I. **Signage:** No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Scale Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- J. **Noise:** No component of any Large Scale Solar Energy System shall emit noise exceeding sixty (60) dBA as measured at the exterior property boundary or the existing right-of-way line.
- K. **Lighting:** All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- L. **Distribution Transmission and Interconnection:** All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Scale Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- M. **Abandonment and Decommissioning:** Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Scale Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use. Under the plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to seventy-two (72) inches below-grade shall be removed off-site for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred and sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure return to prior use is possible upon restoration. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.
 1. **Continuing Security for Decommissioning:** If any Large Scale Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work required to decommission the project as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and

operation of the Large Scale Solar Energy System. Such financial security shall be kept in full force and non-cancelable. The amount required for decommissioning security shall be reviewed by the Planning Commission every two (2) years from the date of issuance of zoning approval. Failure to submit any additional charges shall be construed as a violation of the Special Exception Use Permit.

2. **Continuing Obligations:** Failure to keep any required financial security in full force and effect at all times while a Large Scale Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use and this Ordinance, and will subject the Large Scale Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use.

N. **General Standards:** The Planning Commission shall not approve of any Large Scale Solar Energy System Special Land Use unless it finds that all of the general standards for Special Exception Land Uses contained in Article XIII of the Lockport Township Zoning Ordinance, as amended, are met.

O. **Township Board Oversight:** Upon Planning Commission approval, the record of approval, finding of fact and any conditions shall be forwarded to the Township Board for consideration at its next available meeting. The Township Board may require a development agreement with the Applicant, which shall be in the form of a contract signed by both parties. The decommissioning agreement may be a part of the development agreement, or it may be in a separate document. The Township Board has the authority to consider and approval all proposed agreements, and to authorize the supervisor or his/her designee to sign on behalf of the Township.

P. **Conditions and Modifications:** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

Q. **Approval Time Limit and Extension:** Special Land Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Special Land Use and Site Plan approvals shall be considered null and void. If construction begun prior to the expiration date established by Township Board approval, the Special Land Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the Applicant

prior to the expiration date established by Township Planning Commission approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.

- R. **Inspection:** The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large Scale Solar Energy System is located. The Township may hire one or more consultants to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Scale Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- S. **Annual Reports:** The Large Scale Solar Energy System operator shall submit an annual report to the Planning Commission by no later than October 1st of each year. The annual report shall document the amount of electricity produced each month for the reporting period in units of Megawatt-hours. The annual report shall list all complaints received regarding the Large Scale Solar Energy Systems along with the status of the complaint resolution and the actions taken to mitigate the complaints. The report shall also contain a certification that the estimated decommissioning costs have not changed, and that any surety bond is still valid. If said report does not contain such certification, then the report shall include an update cost estimate for decommissioning and proof of a new and updated surety bond.
- T. **Maintenance and Repair:** Each Large Scale Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Scale Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use, or that it poses a safety hazard, the Zoning Administrator, or his/her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Scale Solar Energy System must be shut down, Applicant shall immediately shut down the Large Scale Solar Energy System must be shut down, and not operate, start or restart the Large Scale Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within forty-eight (48) hours of such request. Applicant shall keep all sites within the Large Scale Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- U. **Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of Large Scale Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County or State agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County and/or State

requirements regarding the use and/or repair of County roads or State highways.

- V. **Other Requirements:** Each Large Scale Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances and the Michigan Land Division Act which includes MCL 560.102. In the case of such land division requirements the following will apply:

1. The property on which the Large Scale Solar Energy System is planned shall be exempt from the parcel size requirement of the Township Zoning Ordinance.
2. The property on which the Large Scale Solar Energy System is planned shall be exempt from the road frontage requirement of the Township Zoning Ordinance.
3. The property on which the Large Scale Solar Energy System is planned land shall be exempt from the 4 to 1 rule requirement of the Land Division Act and Township Zoning Ordinance.
4. If such land division creates a landlock parcel, a dedicated easement of forty (40) feet in width for the purpose of ingress and egress must be recorded.
5. If the Large Scale Solar Energy System on a portion of a parcel is decommissioned and no longer in use, the land division approval shall be eliminated, and the parcel returned to a single parcel.

- W. **Transfer of Ownership:** Any and all conditions that have been approved as a part of the approval process, shall remain in place in the event of transfer of ownership, or sale of the property. Any change of conditions would have to be recommended by the Lockport Township Planning after a public hearing is held to the Lockport Township Board for approval.

- X. **Security:** Lock boxes and keys shall be provided at locked entrances for emergency personnel access. The Township shall be provided with a list of emergency contacts for the site. Such list shall be updated as needed by the owner and/or administrator of the Large Scale Solar Energy System to ensure that said list always contains current and correct contacts.

- Y. **Glare and Reflection:** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into dwellings on other lots or onto roads or private roads.

- Z. **Storage:** If solar storage is included as part of the Large Scale Solar Energy System, said storage must be placed in a security container or enclosure when in use in accordance with applicable laws and regulations, and when no longer used, shall be disposed of in accordance with applicable laws and regulations. Security containers or enclosures must also be in compliance with any and all local and state ordinances and codes.

- AA. **Submittal Requirements:**

1. **Site Plan Requirements and Standards:** (Site Plan Drawing and Supporting Materials) All applications for a Large Scale Solar Energy Systems must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a

registered engineer, architect or land surveyor licensed in the State of Michigan, displaying the following information:

- a. All requirements for site plan application contained in Article XIII, Section 95.1303 of the Lockport Township Zoning Ordinance.
- b. All parcel lines and dimensions, including a legal description of each lot or parcel comprising the Large Scale Solar Energy System.
- c. Names of owners of each lot or parcel within Lockport Township that is proposed to be within the Large Scale Solar Energy System.
- d. A vicinity map showing the location of all surrounding land uses and existing buildings on parcels included in the proposed Large Scale Solar Energy System.
- e. The location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Scale Solar Energy System.
- f. Horizontal and vertical (elevation) scaled drawings with dimensions that show the location of the Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above-ground structures and utilities on the property.
- g. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Scale Solar Energy System and within one-hundred (100) feet of all exterior property lines of the Large Scale Solar Energy System.
- h. Proposed setbacks from the Solar Array(s) to all existing and proposed structures, road right-of-ways (public or private), property lines shall be consistent with Article XII.
- i. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Scale Solar Energy System at a minimum of five (5) foot contours.
- j. Access driveways within and to the Large Scale Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to St. Joseph County Road Commission or the Michigan Department of Transportation approval and shall be planned so as to minimize the use of lands for that purpose.
- k. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Scale Solar Energy System.

- l. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Scale Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Scale Solar Energy System is decommissioned.
- m. Planned lightening protection measures.
- n. Additional detail(s) and information as required by the Special Land Use requirements of the Lockport Township Zoning Ordinance, or as required by the Planning Commission.
- o. Notarized written permission or copy of lease or deed establishing that the property owner authorizes the use of the property for a Large Scale Solar Energy System.
- p. Documentation of the pre-construction soil types and conditions. If the USDA Natural Resources Conservation Service Soil survey(s) is not available, provide agricultural soil test information and/or obtain from Michigan State University Extension.

BB. **Operational Plan:** An Applicant for a Large Scale Solar Energy System shall prepare and submit an operational plan supported by the following:

- 1. **Full Project Operational Plan.** In addition to those requirements and procedures established in Article XIII, Section 95.1303 any site plan must show the following:
 - a. A project description and rationale which identifies the type, size, rated power output, performance, safety and noise characteristics of the system, including the transmission line/grid connection for the project, and which identifies the project construction time frame, project life, development phases (and potential future expansions).
 - b. Estimated construction jobs and estimated permanent jobs associated with the development.
 - c. Photos and/or renditions of the project that graphically demonstrate the visual impact of the project, including, but not limited to, setbacks and proposed landscaping.
 - d. Any impacts on surface water quality and any impacts to county drains and/or established natural or private drainage features in the area.
 - e. Any solid or hazardous waste generated by the project.
 - f. Any emergency and normal shutdown procedures, and any potential hazards to adjacent properties, public roadways and to the general public that may be created.
 - g. A fire suppression plan as required by this Ordinance.
 - h. An operations plan describing the operation of the Large Scale Solar Energy System, including, but not limited to, the proposed technology, type of Solar Panels, and maintenance schedule.

- i. Environmental Impact analysis if required by this Ordinance.
 - j. Proof of public liability insurance for at least two (2) million (\$ 2,000,000.00) dollars covering the Large Scale Solar Energy System and the property owner.
2. **Existing Conditions Site Plan.** The Operational Plan shall include a site plan of existing conditions and shall show:
- a. Existing property lines and property lines extending one-hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
 - b. Existing public and private roads, showing widths of the roads and any associated easements.
 - c. Location and size of any known wells (including any abandoned wells), sewage treatment systems and dumps.
 - d. Existing buildings and any impervious surfaces.
 - e. Topography at five (5) foot intervals and source of contour interval. A contour map of the surrounding properties may also be required.
 - f. Existing vegetation (list type and percent of coverage, ie. Grassland, plowed field, wooded areas, etc.).
 - g. Waterways, watercourses, lakes and public water wetlands.
 - h. Wetland boundaries, if applicable.
 - i. The 100-year flood elevation and Regulatory Flood Protection Elevation, if available.
 - j. Floodway, flood fringe, and/or general flood plain district boundary, if applicable.
 - k. The waterfront boundary, if any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway.
 - l. If any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway, the ordinary high-water level and the highest known water level.
 - m. If any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway, the toe and top of any bluffs within the project boundaries.
 - n. Mapped soils.
 - o. Surface water drainage patterns.
3. **Solar Panels Operation and Site Plan.** In addition to those requirements and procedures established in Article XIII, Section 95.1303, any site plan of proposed solar panels must show the following:
- a. Location and spacing of Solar Panels.
 - b. Location of access roads.
 - c. Planned location of underground or overhead electric lines connecting the Large Solar Scale Energy System to the building, substation or other electric load.

- d. New electrical equipment other than at the existing building or substation that is the connection point for the Large Scale Solar Energy System.
- e. Proposed erosion and sediment control measures.
- f. Proposed storm water management measures.
- g. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
- h. A site lighting photometric plan for the Large Scale Solar Energy System.
- i. Proposed sign to be posted at the Large Scale Solar Energy System, along with its proposed dimensions, location and manner of display.
(Ord. No. 2023-01; §III; 2-13-23)

95.1324

Keeping of Animals, Special Use Designations.

Sec. 13.24

- A. The following conditions apply to any Animal Breeding Facility, Animal Camp, Animal Park, Animal Shelter, Animal Sanctuary, Boarding Kennel, Commercial Animal Kennel, or Private Residence with more than six (6) Family Pets. These designations are collectively described as “Animal Special Uses”.
 - i. No Animal Special Uses will be permitted in any residential subdivision
 - ii. A Special Land Use Permit shall be required for all Animal Special Uses, **in compliance with Sections B and C below.**
 - iii. Fencing or containment is required for animals that are kept out of doors.
 - iv. Screening for noise control is required for animals that are kept out of doors (ie. privacy fence).
 - v. Any facility used for Animal Special Uses Shall be required to provide a report of a licensed veterinarian’s findings on the conditions and quality of animal facilities used on the property to any Officer inspecting said property. The veterinarian’s report shall be dated not more than twelve (12) months from the date of the Officer’s request.
 - vi. Any holder of a Special Land Use permit issued for Animal Special Uses covered by this section, who determines that a disease has been present on such property within the past forty-five (45) days, must contact the owners or persons in control of any animals that was on the property of said disease. Such disease and notifications must be documented, and a copy of such documentation shall be provided to the St. Joseph County Animal Control and the Township Zoning Administrator. Proof that the animal(s) were properly treated must also be submitted. Failure to make such notification shall constitute grounds for revocation of the Special Land Use permit.
 - vii. The property owner shall comply with all federal, state or local regulations. Receipt of violations from any other agency, including police, fire, animal control, state or federal, shall

constitute grounds for revocation of the Special Land Use permit.

- viii. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.

B. Additional Application Requirements for Special Land Use Permit:

1. The site plan submitted as part of the application for the Special Land Use permit shall include a detailed drawing that includes:
 - a. Shows all buildings on the property (including dimensions and square footage);
 - b. Clearly identifies any building(s) that will be used for kennel operations;
 - c. Shows all enclosures which the animal(s) will be kept (including overall size, size of each separately enclosed area, height, construction materials, proposed floor or ground materials, etc.). Enclosure sizes must be in accordance with the standards set forth by the Michigan Department of Agriculture;
 - d. Shows all shelters that will be provided for the animals (including size and construction materials);
 - e. Shows the distance between all buildings and enclosures used as part of the kennel and the property lines of the subject property; and
 - f. Shows compliance with setback, frontage, and size requirements of the appropriate underlying zoning district.
2. The Special Land Use permit shall specify the maximum number of animals that may be kept on the subject property.
3. A plan detailing maintenance and cleaning of the kennel areas shall be submitted along with the Special Land Use application, which shall include a description of how the kennel areas will be cleaned and maintained a schedule for cleaning, and plans for animal waste removal and disposal.
 - a. If the plan is approved and a permit issued, the kennel operator's adherence to this plan shall be a condition of maintaining the permit. A record of actual maintenance and/or cleaning performed with regard to the kennel areas shall be kept and made available during any inspections.
 - b. All health records of the animals must be kept up to date and available for review.

C. Specific Special Land Use Conditions :

1. **Commercial Kennels, Animal Breeding Facilities, and Animal Parks**
 - a. None of these facilities shall qualify as a home occupation.
 - b. Existing kennels **licensed at the time of adoption of the St. Joseph County Animal Control Ordinance, as amended (September 4, 2012)**, shall be considered nonconforming.

- c. Any Commercial Kennel, Animal Camp and/or Boarding Kennel, Animal Breeding Facility, or Animal Park is considered an accessory use upon approval of a Special Land Use permit from the planning commission.
- d. An applicant applying for and receiving a Special Land Use permit for an animal operation consents to reasonable inspections (including unannounced inspections) of the kennel operation by the Township's Ordinance Enforcement Officer and/or Zoning Administrator, St. Joseph County Animal Control Officer, or any state or federal agency. Refusal to allow an inspection shall constitute grounds for revocation of the Special Land Use permit.
- e. A kennel permit may be revoked if a condition exists which will endanger the health of the community or if the kennel is, in the opinion of the Law Enforcement Officer, not in compliance with this Ordinance. Commercial Kennels and Animal Breeding Facilities shall not be permitted or allowed by the planning commission when the barking or natural sounds made by such animals, the odor, or any other type of activity would be a nuisance or offensive to any other property owners affected by such activity.
- f. Property owner must show proof of liability insurance in the amount of one-million dollars (\$ 1,000,000.00) clearly indicating liability protection covering the Township. Such insurance must also indicate that such coverage also covers that activity covered under the Special Land Use permit and includes coverage for animal bites or other injuries caused from such animal. Such insurance must always be maintained.
- g. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.
- h. **Additional Controls for Animal Breeding Facilities:**
 - i. The owner and/or operator of a kennel participating in Animal Breeding for commercial purposes shall maintain a valid kennel permit from St. Joseph County Animal Control. A copy of said permit must be submitted to the Township Zoning Administrator.
 - ii. The owner and/or operator of a kennel participating in Animal Breeding for commercial purposes shall maintain the following additional records:
 - a). A photograph of each animal used for the purpose of breeding labeled with the name, age, and sex of the animal and the date the animal was acquired.
 - b). The date of each breeding event along with the names of the animal breed.
 - c). The date any animals are born along with the names of the parents, the number of female animals in the litter, and the number of male animals in the litter.

- d). All veterinary and/or medical records related to the animals being bred and offspring.
- e). Each animal shall be microchipped and recorded with the St. Joseph County Animal Control department.
- f). Sale information for each animal sold, including the following:
 - i). Date of sale;
 - ii). Date of birth of the animal and the mother's name;
 - iii). Name and Address of the new owner.

2. **Animal Sanctuary, Animal Shelter or Rescue, or Animal Protection Facility.**

- a. A facility that keeps animals for humane animal care for a term greater than three (3) months per calendar year shall require a Special Land Use permit from the planning commission. **The fee for the Special Land Use permit shall be based on the total number of animals on the property and shall be determined by the planning commission.**
- i. Municipal facilities including Animal Control Facilities shall be exempt from the registration fees specified in (a) above.
- b. Any Animal Sanctuary, Animal Shelter or Rescue, or Animal Protection Facility shall be incorporated as a nonprofit organization, **or affiliated with a nonprofit organization that promotes animal welfare.**
- c. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.

3. **Family Pets, more than six (6).**

- a. Within thirty (30) days of acquiring a seventh (7th) animal, the owner of said animals shall initiate the application process for a Special Land Use permit.
- b. **The fee for the Special Land Use permit shall be based on the total number of animals on the property and shall be determined by the planning commission.**
- c. All dogs over six (6) months of age kept as Family Pets or in a Private Animal Kennel, must be licensed with St. Joseph County Animal Control department, per Michigan state law and St. Joseph County Animal Control Ordinance.
- d. An Owner must present their dog's license when requested by an Officer.
(Ord. No. 2023-02; §III; 2-13-23)

End of Article XIII

ARTICLE XIV

95.1400

PARKING AND LOADING REQUIREMENTS

95.1401

Off-street parking.

Sec. 14.01. In all districts, in connection with industrial, business, institutional, agricultural, recreational, residential, or other use, there shall be provided at the time any buildings is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

- A. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Zoning Administrator for review at the time of application for a building permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred and fifty (150) feet for single family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C. Parking of motor vehicles in residential zones shall be limited to passenger vehicles, one camper-type recreational vehicle per dwelling unit, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.
- D. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
 - 1. For ninety (90) degree perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
 - 2. For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
 - 3. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.

4. For parallel parking the aisle shall not be less than ten (10) feet in width.
- E. Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- F. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
 2. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
 4. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins, or faces property adjoining, a residential lot or institution, by a wall, opaque fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.
 6. Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building(s) on one property contain two or more uses provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- G. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in Article XII ,Sections 12.15 et seq..
- H. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.
- I. For the purposes of determining off-street parking requirements the following units of measurement shall apply:
1. **Floor area.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service,

- storage, installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
2. **Places of assembly.** In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 3. **Fractions.** When units of measurement determining the number of parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall require one parking space.
 4. The minimum required off-street parking spaces shall be set forth as follows:

Use

Minimum Required Parking Spaces

Automobiles or Machinery Sales and Service Garages:

One space for each 200 square feet showroom floor area plus two spaces for each service bay plus one space for each two employees on the maximum shift.

Banks, Business and Professional Offices:

Two parking spaces for each 200 square feet of floor area, plus one parking space for each employee working within the building.

Barber Shops and Beauty Parlors:

Two spaces for each chair plus one space for each employee.

Boarding and Lodging Houses, Fraternities:

Two parking spaces for each three beds.

Bowling Alleys:

Five parking spaces for each alley plus one space for each employee.

Churches, Auditoriums, Stadiums, Sports Arenas, Theatres, Dance Halls, Assembly Halls other than schools:

One space for each four seats, or for each four persons permitted in such edifice as stated by the Fire Marshal.

Clinics:

Four spaces for each doctor plus one space for each two employees, including nurses, per shift.

Convalescent Home, Orphanage, or similar use:

One parking space for each four beds plus one space for each two employees, including nurses, per shift.

Drive-in Banks, Cleaners and similar businesses:	Storage space for five cars between the sidewalk area and the service window and one parking space for each two employees.
Drive-in Eating Establishments:	Ten parking spaces, plus one parking space for each 20 square feet of floor area.
Dwellings (Single and Two-Family):	Two parking spaces for each family dwelling unit.
Funeral Home and Mortuaries:	Four spaces for each individual chapel or one space for each 50 square feet of floor space, whichever is greater, plus one space for each fleet vehicle.
Furniture, Appliance Stores, household equipment and Furniture Repair Shops:	One space for each 400 square feet of floor area.
Gasoline Filling and Service Stations:	One parking space for each repair and service stall, plus one space for each employee per shift.
General Office Building:	One parking space for each 400 square feet of gross floor area excluding auto parking within or on the building, plus one parking space per two employees per shift.
Hospitals:	One space for each bed plus one space for each two employees.
Hotels, Motels, Lodging Houses, Tourist and Boarding Homes:	One space for each living unit plus one space for each two employees per shift.
Libraries, Museums, Post Offices:	One parking space for each 800 square feet of floor area plus one parking space for each two employees per shift.
Livestock Auction:	Two square feet of parking area for each one square foot of buildings, pens, and all enclosed area on the premises of the auction facility.
Manufacturing, Fabricating, Processing and Bottling Plants, And Research and Testing Laboratories:	One space for each two employees on maximum shift

Restaurants, Taverns, Night Clubs and Private Clubs:	One parking space for each two patron seats, plus one parking space for each two employees per shift.
Retail Stores, except as otherwise specified herein:	One parking space for each 150 square feet of floor area excluding auto parking space within or on the building.
Roadside Stands:	Five parking spaces, plus one parking space for each 25 square feet of floor area
Schools, Private or Public Elementary and Junior High Schools:	One space for each employee normally engaged in or about the building or grounds plus one space for each 30 students.
Schools, Private or Public Senior High and Institution Of Higher Learning:	One parking space for each employee (including teachers and administrators) plus one space for each ten students in addition to the requirements of the auditorium.
Self-Service Laundry or Dry Cleaning Stores:	One space for each two washing and/or dry cleaning machines.
Supermarket, Self-Service Food and Discount Stores:	Two spaces for each 200 square feet of floor area plus one space for each two employees.
Wholesale Establishments and Warehouses:	One space for each 400 square feet of floor area plus one space for each two employees.
J.	For uses not specifically mentioned herein, off-street parking requirements shall be established by the Zoning Administrator form requirements for similar uses.

95.1402

Loading-unloading requirements.

Sec. 14.02. In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- A. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure.

- B. Each off-street loading-unloading space shall not be less than the following:
 - 1. In a Residential District a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
 - 2. In any Commercial or Industrial District a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
- C. Subject to the limitations of the next paragraph, a loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- D. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, opaque fence or compact planting not less than six (6) feet in height.
- E. In the case of mixed uses, on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.
- H. Off-street loading-unloading requirements for residential (excluding single family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one additional loading-unloading space, the size of such loading-unloading space subject to the provisions of this Ordinance.
- I. For uses not specifically mentioned herein, loading-unloading requirements shall be established by the Zoning Administrator from requirements for similar uses.

End of Article XIV

ARTICLE XV

95.1500

ADMINISTRATION AND ENFORCEMENT

95.1501

Purpose.

Sec. 15.01. It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto.

95.1502

Administration.

Sec. 15.02. The provisions of this Ordinance shall be administered by the Township Zoning Administrator, the Township Planning Commission and the Township Board as is provided within this Ordinance; in the Michigan Zoning Enabling Act, 2006 PA 110, as amended; and in the Township Planning Act, 1959 PA 168, as amended.

The Township Board shall employ a Zoning Administrator in order to effect proper administration of this Ordinance. The individual selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the powers of a police officer.

In the absence of the Zoning Administrator, the Township Clerk or other Township officer as designated by the Township Board shall assume all the powers and duties of the Zoning Administrator.

(Ord. No. 2006-03; § XXVIII; 12-11-06)

95.1503

Duties of a zoning administrator.

Sec. 15.03.

- A. Review all applications for building permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
- B. Review all applications for special use permits; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant in writing, of any decision of the Planning Commission.
- C. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys and investigation, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
- D. Review all applications for amendments to this Ordinance, conduct field inspections, survey and investigation, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
- E. The Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- F. Be responsible for providing forms necessary for the various applications as required by this Ordinance and shall be responsible for what

information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission and Zoning Board of Appeals.

G. Attend all Planning Commission meetings.

H. It shall be the duty of the Zoning Administrator to deliver all proposed Site Plan and other agenda to the Planning Commission at least ten days before the next Planning Commission Meeting.

(Ord. of 6-10-91; § VII; Ord. No. 2006-03; § XXIX; 12-11-06)

95.1504

Zoning-Building permit.

Sec. 15.04.

- A. **Zoning-Building permit requirements.** A zoning-building permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or the Building Inspector or his/her agent by the owner or his agent for the following conditions:
1. The construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof.
 2. Repairs or alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building shall not require a building permit.
- B. **Application for a zoning-building permit.** Application for a zoning-building permit shall be made in writing upon a blank form furnished by the Zoning Administrator or Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered, or moved. There shall be submitted with all applications for zoning-building permits a copy of a site layout or plot plan, showing:
1. The location, shape, area and dimensions for the lot, lots or acreage.
 2. The location of the proposed construction, upon the lot, lots or acreage affected.
 3. The dimensions, height and bulk of structures.
 4. The nature of the proposed construction, alteration, or repair and the intended use.
 5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses.
 6. The present use of any structure affected by the construction or alteration.
 7. The yard, open area and parking space dimensions, if applicable.
 8. The proposed design and construction standards of parking spaces, if applicable.
 9. The number of loading and unloading spaces provided, if applicable.
 10. Any other information deemed necessary by the Zoning Administrator or Building Inspector to determine and provide for the enforcement of this Ordinance. If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a zoning permit upon payment of the required zoning permit fee.

- C. **Voiding of zoning permit.** In the event a zoning permit shall have been issued by the Zoning Administrator, and no proceeding under authority thereof shall have been commenced by the applicant or designee within one year following the date of issue, or construction upon the issuance of a building permit. The Zoning Administrator is hereby authorized to reinstate such permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his/her agent or in violation of any of the ordinances or regulations of the Township.
- D. **Fees, charges and expenses.** The Township Board may establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits and building permits, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be made available, and may be altered or amended only by the Township Board. No permit, certificate, special use on approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals or the planning commission until fees have been paid in full.
(Ord. No. 2006-03; §§ XXX, XXXI; 12-11-06; Ord.No.2021-03; §I; 5-10-21)

95.1505

Violation.

Sec. 15.05.

- a. **Nuisance Per Se.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
- b. **Violation.** Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
(Ord. No. 2003-04; § I, 7-14-03; Ord. No. 2006-03; § XXXII; 12-11-06)

95.1506**Penalties.****Sec. 15.06.**

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

<u>Fine</u>	<u>Minimum Fine</u>	<u>Maximum</u>
-1 st Offense within 3-year period*	\$ 75.00	\$ 500.00
-2 nd Offense within 3-year period*	\$ 150.00	\$ 500.00
-3 rd Offense within 3-year period*	\$ 325.00	\$ 500.00
-4 th or More Offense within 3-year period*	\$ 500.00	\$ 500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lockport Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 2003-04; § II; 7-14-03; Ord.No.2021-03; §II; 5-10-21; Ord. No. 2023-02; §XI; 2-13-23)

95.1507**Initiating amendments and fees.**

Sec. 15.07. The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a fee prescribed by the Township Board, no part of which shall be returnable to the petitioner.

95.1508**Amendment procedure.**

Sec. 15.08. The Township Zoning Ordinance may be amended or property rezoned upon request from a property owner or upon initiation by the Township Board of Trustees or the Township Planning Commission. The following procedures will be followed in receiving, reviewing and approving amendments to the Zoning Ordinance or for the rezoning of property.

1. The applicant should submit to the Zoning Administrator an application for zoning amendment or rezoning together with the required application fee and the following documentation:
 - a) Evidence that the applicant has interest in the property proposed to be rezoned.
 - b) Legal description of the property proposed to be rezoned.

- c) Description of proposed use or uses, including access roadways and proposed off-street parking.
 - d) Description of sewage disposal and water supply facilities and proposed surface drainage.
- 2. The Zoning Administrator will review the rezoning application to insure that the application is in order and all required documentation is included.
- 3. The Zoning Administrator will transmit the application for rezoning to the Township Planning Commission.
- 4. The Township Planning Commission will receive the rezoning application and conduct a background study to determine:
 - a) If the proposed rezoning is compatible with the goals and objectives of the Township Land Use Plan.
 - b) Impact of the proposed use on surrounding properties and development.
 - c) The effect on public facilities and services.
 - d) The relationship of the proposed project to the intent of Township Zoning Ordinance.
- 5. The Township Planning Commission will establish a date for public hearing on the proposed zoning amendment at its next regular meeting allowing for the requirements for notification. The Planning Commission Secretary will provide to the Township Clerk all required material for publication and notification.
- 6. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Township Clerk or his or her designee shall publish notice of the request containing the individual addresses of the property or properties subject to rezoning in the Three Rivers Commercial not less than fifteen (15) days before the date the application will be considered for approval. Additionally, the Notice shall also be sent by mail or personal delivery to the owners of the property for which approval is being considered; to all persons to whom real property is assessed within three hundred (300) feet of the property; and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in Lockport Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- 7. If eleven (11) or more adjacent properties are proposed for rezoning, the Township Clerk or his or her designee shall cause a notice of such proposed rezoning to be published in the Three Rivers Commercial not less than fifteen (15) days before the hearing on the rezoning. Said notice need not contain the addresses of individual properties affected.
- 8 – 10. Reserved for future expansion.
- 11. Following the public hearing, the Planning Commission shall transmit a summary of comments received at the hearing and its proposed zoning ordinance text or rezoning, including any zoning maps and recommendations, to the Township Board and to the St. Joseph County Planning Commission.

12. The Township Board may hold a public hearing on the proposed text amendment or rezoning if it considers the same necessary. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing on a proposed ordinance provision to a property owner who request a hearing by certified mail, addressed to the Township Clerk. Notice of the public hearing, if one is to be held, shall be effectuated in the same manner as provided in Article XV, Sections 15.07 [95.1507] and 15.08 [95.1508] of the Lockport Township Zoning Ordinance.
13. The Township Board may refer any proposed text amendment(s) to the Planning Commission for consideration and comment within a time frame it specifies.
(Ord. No. 2006-03; §§§§§§§§ XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL, XLII; 12-11-06)

95.1509 Conformance to court decree.

Sec. 15.09. Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board of agency.

95.1510 Conditional rezoning.

Sec. 15.10.

1. **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 a 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 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.
2. **Application and offer of conditions.**
 - A. 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 the application for rezoning is filed or may be made at a later time during the rezoning process.
 - B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning request made without any offer of conditions, except as modified by the requirements of this Section.
 - C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - E. 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.
- F. 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.
 - G. 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 development is ultimately granted in accordance with the provisions of this Ordinance.
 - H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered 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.
- 3. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Article XV 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.
 - 4. **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 deliberation shall include, but not be limited to, a consideration of the factors for rezoning set forth in Article XV 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, have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.
 - 5. **Approval.**
 - A. 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.

B. The Statement of Conditions shall:

- (1) Be in a form recordable with the Register of Deeds of St. Joseph County 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.
- (2) Contain a legal description of the land to which it pertains.
- (3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
- (4) 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.
- (5) 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 Register of Deeds of St. Joseph County.
- (6) Contain the notarized signatures of all of 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.

6. **Listing of rezonings.** Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a 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.

7. **Filing of documents.** The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of St. Joseph County. 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.

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

9. **Compliance with conditions.**

A. 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 subject to judicial abatement as provide by the law.

- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

- 10. **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 eighteen (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 inconsistent with sound zoning policy. (Ord. No. 2006-03; § XLIII; 12-11-06)

End of Article XV

ARTICLE XVI

95.1600

ZONING BOARD OF APPEALS

95.1601

Purpose.

Sec. 16.01. It is the purpose of this article to provide a means to alleviate practical difficulty which may, in certain instances, be caused by the strict and literal interpretation and enforcement of the provisions of this Ordinance.
(Ord. No. 2006-03; § XLIV; 12-11-06)

95.1602

Board of Appeals established.

Sec. 16.02.

- A. There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Section 601, Act 110 of the Public Acts of 2006 as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done. The Board shall consist of five (5) regular members and two (2) alternative members, appointed by the Township Board for overlapping terms of three (3) years. The alternate members may be called to sit as regular members of the Board in the absence of a regular member or for purposes of reaching a decision on a case in which a regular member has abstained for reason of conflict of interest. One member may be the Planning Commission Chairman and only one member may be a member of the Township Board. The terms of elected Appeals Board members and the Planning Commission representative must correspond with their respective terms. Once a seat is vacated a new Appeals Board member shall be appointed within thirty (30) days.
- B. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- C. The terms "Board of Zoning Appeals" and "Zoning Board of Appeals" as utilized within this Ordinance are intended to be synonymous and interchangeable. When such terms are utilized in this Ordinance, the same refer to the Board created by this Article of the Zoning Ordinance.
(Ord. No. 4-93; 6-14-93; Ord. No. 2006-93; §§§§, XLV, XLVI, XLVII; 12-11-06)

95.1603

Powers and duties.

Sec. 16.03. The Board of Appeals shall have powers to interpret the provisions of this Ordinance, and to grant variances from the strict application of any provisions of this Ordinance.

95.1604**Variance.**

Sec. 16.04. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - 4. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 15.06 of this Ordinance.
- F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in said district.

95.1605**Voiding of and reapplication for variance.**

Sec. 16.05. The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

Procedure for appealing to the Board of Appeals.

Sec. 16.06. The following provisions shall apply:

- A. **Appeals, how taken.** An appeal to the zoning board of appeals may be taken by a person aggrieved by an administrative decision made under the Township Zoning Ordinance or by an officer, department, board, or bureau of the state or local unit of government. In addition, a variance from the Zoning Ordinance may be applied for and granted under Section 4 of the uniform condemnation procedures act, 1980 PA 87, being MCL 213.54, as amended. The Zoning Board of Appeals shall state the grounds of any determination made by the Board.
 1. The person, firm or agent thereof making the appeal, shall file in writing to the Building Inspector or the Zoning Administrator a letter stating what the specific appeal is and the reasons for said appeal.
 2. The Building Inspector or the Zoning Administrator shall submit the written appeal, along with all papers constituting the record from which the action appealed from was taken, to the Zoning Board of Appeals.
- B. **Request for interpretation.** Upon receipt of a written request seeking an interpretation of the Zoning Ordinance, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. If the request for an interpretation involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
- C. **Fee for appeal.** A fee as prescribed by the Township Board, no part of which shall be returnable, shall be submitted to the Building Inspector at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. **Effect of Appeal, Restraining Order.** An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or the St. Joseph County Circuit Court.
- E. **Publishing of appeal.** When a request for an appeal has been filed in the proper form with the Zoning Board of Appeals, the Secretary, or Township Clerk shall place the said request for appeal upon the calendar for hearing. Lockport Township shall publish notice of the appeal in a newspaper of general circulation within the Township not less than fifteen (15) days before the date for the hearing on appeal. Notice shall also be sent by mail or personal delivery to the owners of

property for which the appeal is being considered not less than fifteen (15) days before the date for the hearing on appeal. Notice shall also be mailed or personally delivered to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located within Lockport Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall conform to the provisions of the ZEA, being PA 110 of 2006, as amended.

F. **Representation at hearing.** Any party or parties may appear in person or by agent or by attorney at the hearing.

G. **Decisions of the Board of Appeals and Appeals to the Circuit Court.**
The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Official or Zoning Administrator from whom the appeal is taken.

H. **Who may appeal.** Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the St. Joseph County Circuit Court in accordance with the provisions of PA 110 of 2006, as amended.

(Ord. No. 2006-03; §§§§§, XLVIII, XLIX, L, LI, LII, LIII; 12-11-06)

Published: November 12, 1980

End of Article XVI

Listing of Ordinances

Ord. No.	Subject	Location
3-80	Zoning Ordinance	95.000
1982-A	Amendments to Zoning: Building and dwelling unit Definitions; individual mobile homes	95.112,95.1308
2-87	Amendments to Zoning: Cottage industries, home occupations definitions; permitted and conditional uses in agricultural production and residential districts, single family residential district	95.112,95.202 95.302,95.303, 95.402
3-87	Amendments to Zoning	95.112,95.202B, 95.204A,95.302B,C 95.402A,95.502A.5 95.1308D,J,M 95.1503H
	Amendments to Zoning : Livestock definitions, home occupation in single family, nonconforming structures, accessory buildings and waterfront lots	95.112,95.402 95.1104,95.1203 95.1204
04-93	Amendments to Zoning: Specify the number and term of members of the Zoning Board of Appeals	95.1602
08-94-1	Amendments to Zoning: Miniature golf recreational area use regulations (§I); miniature golf area restrictions (§II)	95.702,95.1317
08-94-2	Amendments to Zoning: Restrictions to fencing(§I); Change in reference to fencing regulations (§II)	95.1211,95.707
02-95	Amendments to Zoning: Go-cart race track restrictions (§III)	95.112,95.702, 95.1318
05-95	Amendments to Zoning: Landing field and commercial Airport definitions; restrictions and provisions for landing fields and commercial airports	95.112,95.203, 95.1319
04-96A	Amendment to Zoning: Definitions; lakefront lots, access and use	95.112,95.1204
12-97A	Amendment to Zoning: Telecommunications	95.112,95.1223
12-97B	Amendment to Zoning: Housing and Pasturing Horses and Other Similar Animals	95.402,95.1320

Listing of Ordinances (Cont.)

Ord. No.	Subject	Location
05-98	Amendment to Zoning: Articles I (Definitions), III (Agricultural-Residential District), IV (Single Family Residential District), and V (Multiple Family Residence District)	95.112,95.305A, 95.306B,95.404A, 95.505A
04-99B	Amendment to Zoning:	95.112,95.305, 95.404,95.504, 95.604,95.704, 95.804,95.904, 95.1202-95.1204, 95.1207,95.1208, 95.1211
2002-03	Amendments to Zoning:	95.602,95.702 95.802,95.902
2003-04	Amendments to Zoning: Makes violation thereof punishable as municipal civil infraction; specifies sanctions for violation	95.1505,95.1506
2004-03	Amendments to Zoning: Community facilities and public utility uses	95.202,95.402, 95.502,95.602, 95.802
2004-04	Amendment to Zoning: Rezoning of property in Section 5 from Agricultural Production Zoning District to Single-Family Residential District	
2005-01	Amendment to Zoning: Minimum lot sizes in the Retail Commercial, Service Commercial, Light Industrial and Manufacturing zoning districts; definitions; on-site water retention	95.604,95.704, 95.804,95.904, 95.1224

Listing of Ordinances (Cont.)

Ord. No.	Subject	Location
2006-03	Amendments to Zoning:	95.105,95.106 95.111,95.112 95.203,95.204 95.205,95.303, 95.304,95.402 95.403,95.502, 95.602,95.702, 95.802,95.902, 95.1204,95.1212, 95.1222,95.1300, 95.1303.5,95.1304, 95.1305,95.1305.5, 95.1309,95.1315, 95.1317,95.1318, 95.1502,95.1503, 95.1504,95.1505, 95.1508,95.1510, 95.1610,95.1602, 95.1606
2007-01	Amendment to Zoning: Allows a one-time split of residential parcel	95.203L
2009-01	Amendment to Zoning: Reducing permissible minimum lot size for public utilities in Agricultural Production Zoning District	95.204E,95.1223A
2009-02	Amendment to Zoning: Permits single-family dwellings on certain parcels split from Agricultural Production land	95.203M,95.1321
2009-03	Amendments to Zoning: delineate the public the public street construction requirement; to remove easement language	95.305,95.404, 95.504A,95.604, 95.1207

Listing of Ordinances (Cont.)

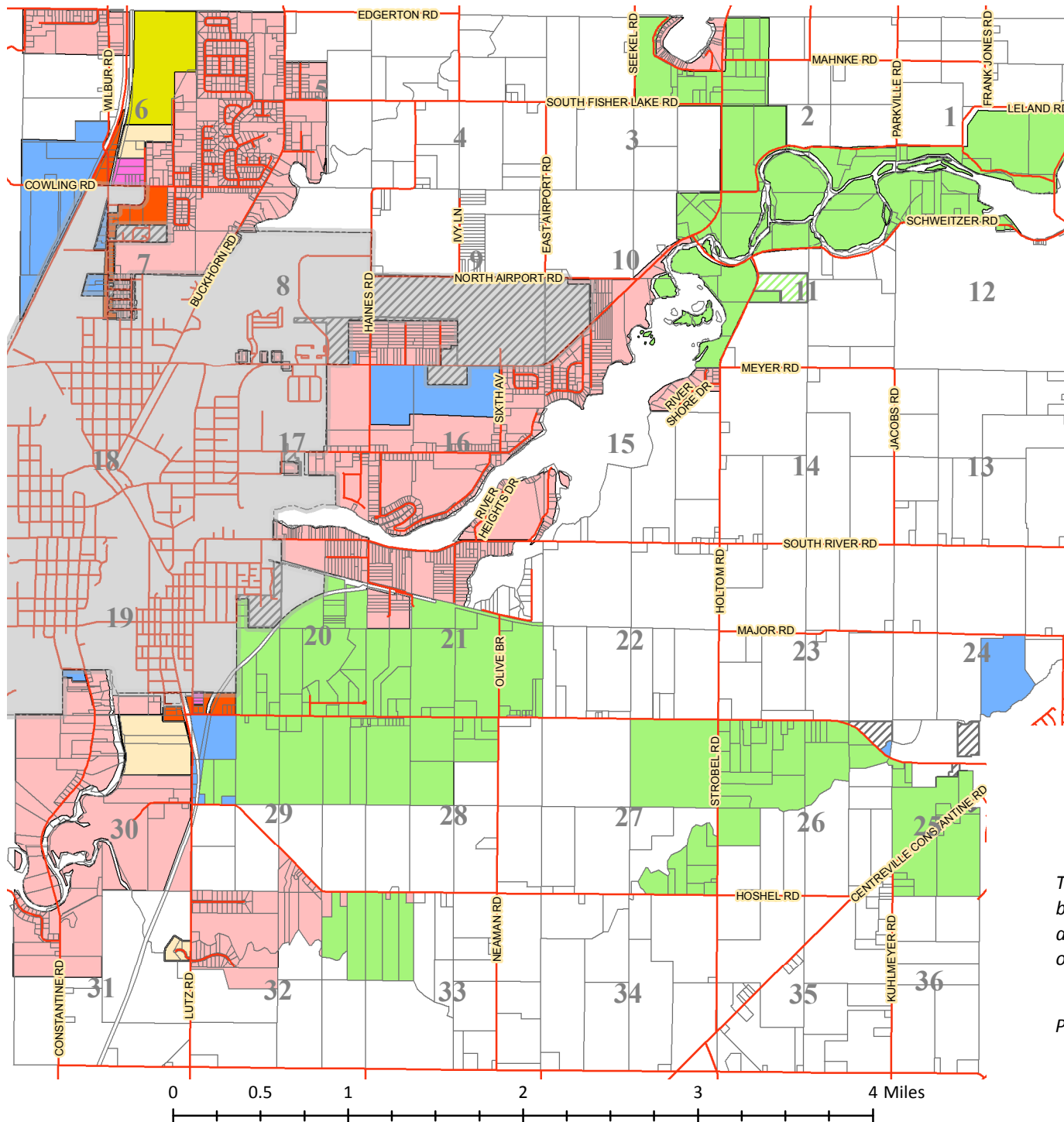
Ord. No.	Subject	Location
2012-01	Amendments to Zoning: eliminate the references therein to an obsolete state building code; to specify that the time frame for continuation of a lawful nonconforming use is 180 days; to establish a minimum distance between buildings in agricultural and residential zoning district classifications; to amend the definitions section related to mobile homes; to ass a minimum dwelling size to the general provisions section	95.105D,95.112, 95.202B,95.204F, 95.302B,95.305, 95.402A(1),95.404A, 95.404G,95.504A, 95.604B,95.1105E, 95.1207
2015-01	Amendments to Zoning: amend definitions of some words and phrases to correct typographical errors; to provide for road setback distances depending on road type; to set maximum heights; minimum lot widths and setback distances; to revise the chart containing the same; to eliminate unnecessary ordinance provisions	95.112,95.203L,a,2M, 95.204B,C,D,F 95.205C,D,95.304A,B,C, 95.305A,B,C,D,E,F,G, 95.403A,B,C, 95.404A,B,C,D,E,F,G, H,I,J,95.504B, 95.602A(7),(8),B(2),(3), 95.604,95.702A.,B., 95.704,95.802,95.802A.,B., 95.804,95.902A.,B., 95.904,95.1104A(2), 95.1203C.,95.1203 table
2021-01	provide for private roads, shared driveways	95.112,95.1207,95.1322
2021-03	provisions for zoning-building permits	95.1504,95.1506
2021-02B	Site development standards, and area, width, and Yard. Requirements in certain zoning districts to Allow for setback averaging on waterfront lots	95.112,95.204 95.305,95.404, 95.504
2021-04	Rezone property in Section 6 from AP to SC	zoning map
2022-01	procedure for review and approval for a Division of the original principal farm Residence from agriculturally productive Land	2.02H;2.03L,M;13.21;112
2023-01	solar definition, regulations ,map	95.112;95.1225;95.1323; 95.107;95.1226; appendix A

Listing of Ordinances (Cont.)

Ord. No.	Subject	Location
2023-02	repeal kennel language; keeping of animals	95.112;95.1227;95.1228; 95.1229;95.1323;95.203; 95.303;95.402;95.602; 95.702;95.802;95.902 95.1506
2023-03	rezone certain property in section 5 from “AP” to “SF”	zoning map
2023-04	rezone certain properties in section 6	zoning map
2023-05		
2023-06	tiny home language	95.112;95.404,A,E; 95.504,B,10;95.107,K; 95.109.2;95.409.1; 95.409.2;95.409.3; 95.409.4;95.409.5; 95.409.6;95.409.7;
2023-07	setback definition	95.112

Lockport Township Zoning Map

St Joseph County, Michigan

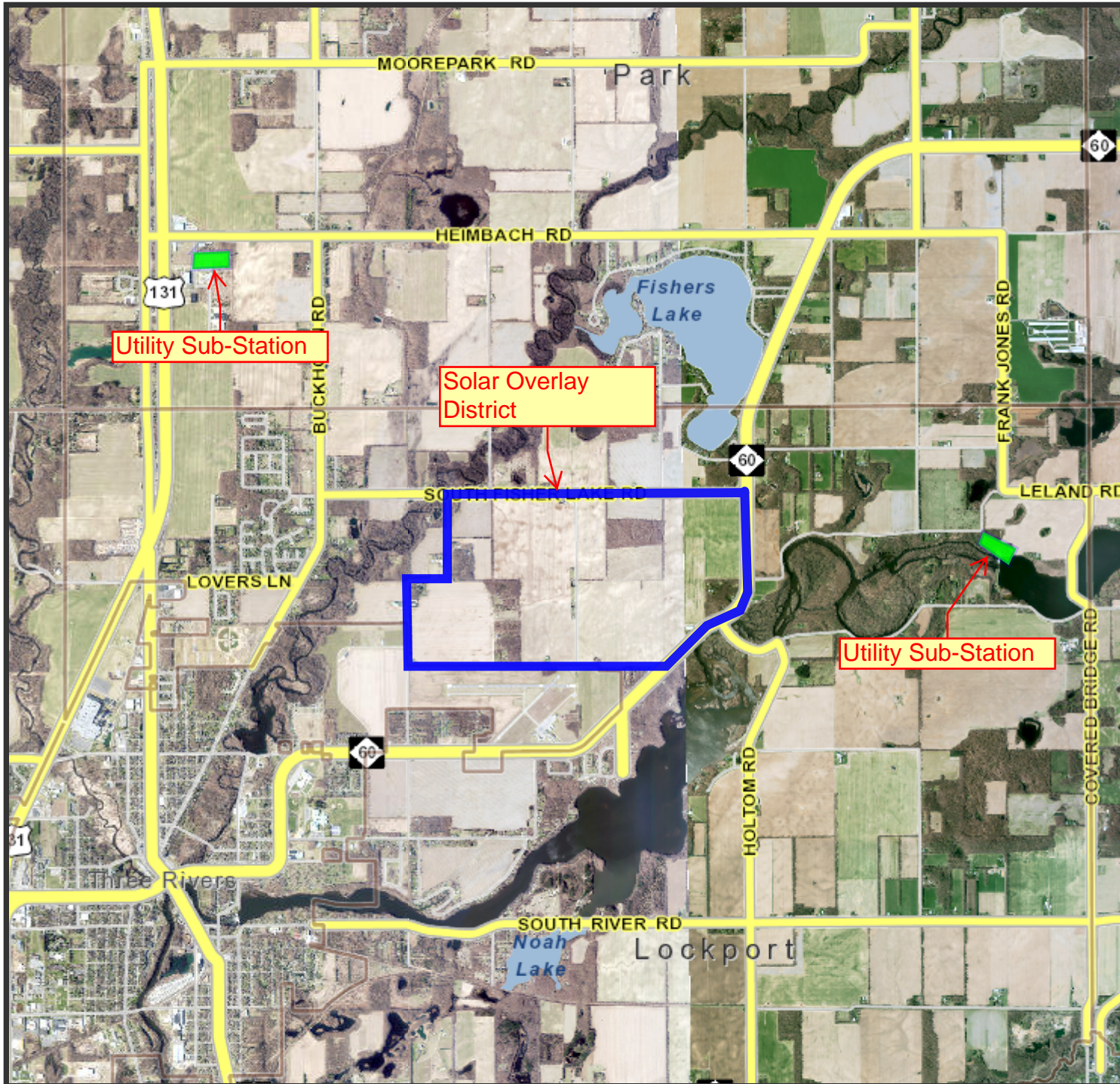


- SF Single Family Residential
- LI Light Industrial
- SC Service Commercial
- AR Agriculture-Residential
- APD AP Division 95.203L
- AP Agriculture-Production
- MF Multi-Family
- RC Retail-Commercial
- M Manufacturing
- City/Village Transfer

Zoning As Amended By:
Ordinance No. 2004-01, effective May 25, 2004
Ordinance No. 2008-01, effective March 4, 2008
Ordinance No. 2009-04, effective July 31, 2009
January 31, 2013

The information contained herein has been supplied by the local unit of government. St Joseph County assumes no responsibility for the accuracy of the map or the districts herein depicted.

*Produced by: St. Joseph County Land Resource Centre
Geographic Information Systems Department
(269) 467-5576*



Lockport Township

Solar Overlay District

Appendix A

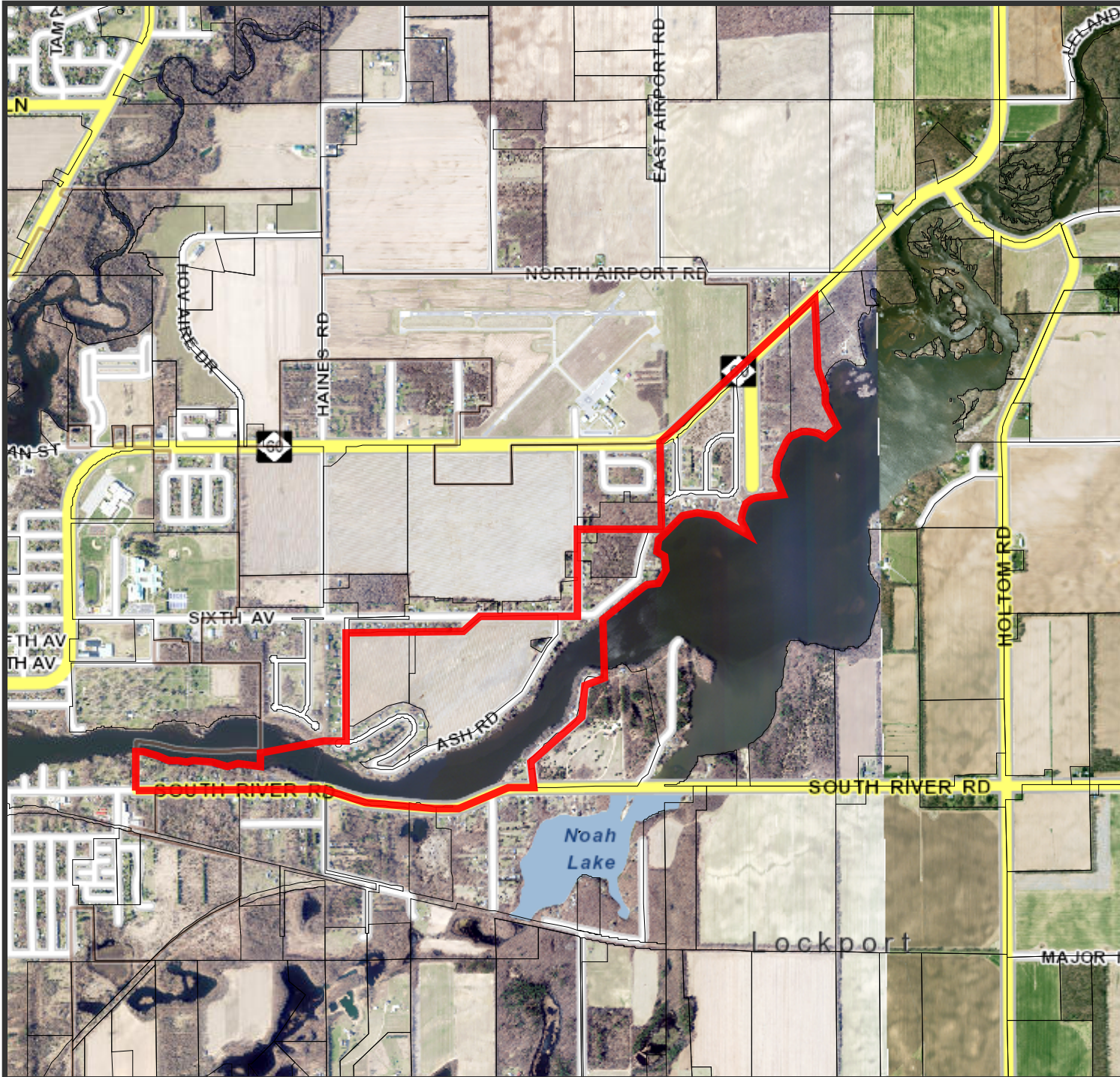


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Lockport Township

Tiny Home Overlay
District

Appendix B



Map Publication:
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