

ENSLEY TOWNSHIP

COUNTY OF NEWAYGO, MICHIGAN

At a regular meeting of the Township Board of the Township of Ensley, Newaygo County, Michigan, held in the Ensley Township Hall, 7163 E. 120th Street, Sand Lake, Michigan, on the 10th day of May, 2011 at 7:30 p.m.

PRESENT: Members: Phil Starr, Cynthia Harwood, Faye Folkema, Brenda Bird and John VanderMeulen.

ABSENT: Members: None

The following ordinance was offered by Member VanderMeulen and supported by Member Bird.

ORDINANCE NO. 11-1

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ENSLEY TOWNSHIP BY ADDING A NEW AND ADDITIONAL CHAPTER 11A REGARDING THE EC-ENSLEY CENTER ZONING DISTRICT AND CHANGING THE DISTRICT CHART IN SECTION 4.00

THE TOWNSHIP OF ENSLEY (“Township”) ORDAINS:

ARTICLE 1 A new and additional Chapter 11A is hereby added to the Ensley Township Zoning Ordinance, as amended, to read in its entirety as follows:

CHAPTER 11A

EC-ENSLEY CENTER DISTRICT

SECTION 11A.00 DESCRIPTION AND PURPOSE

This District is intended to provide for a variety of uses within a unique geographic area known as Ensley Center, located at the intersection of Cypress Avenue, a county primary road, and 120th Street, also a county primary road. The area is identified in the 2009 Ensley Township Master Plan as a location recommended for Rural Commercial uses. The Master Plan states that commercial areas are intended to permit small scale, service related uses such as convenience stores, professional services, and personal services.

Ensley Center is the location of the Ensley Township Hall and offices, a fire station, existing and former commercial uses, and residential uses. The physical form of these uses is that of a village-type pattern with small lots and structures

close to the public road right-of-way. The purpose of the Ensley Center District is to retain and promote the existing pattern of development, to permit expansion and establishment of a variety of uses in a safe and aesthetically pleasing manner, and to serve as a “Township Center” for Ensley Township residents.

SECTION 11A.01 APPLICABILITY

The Ensley Center zoning district is intended for those parcels in the Ensley Center area that lie in an area 500 feet from the intersection of Cypress Avenue and 120th Avenue, and which have frontage either on Cypress Avenue or 120th Avenue (or both), and as described in the Ensley Township Master Plan.

SECTION 11A.02 PERMITTED USES

Only the following uses shall be permitted within the EC Ensley Center District:

- A. Personal service establishments which perform services on the premises within a completely enclosed building, including beauty and barber shops; fitness centers; travel agencies; tanning and manicure salons; tailors; shoe repair; and dry-cleaning service outlets but excluding establishments that perform cleaning operations on the premises.
- B. Dance, art, music, and similar professional studios that may offer lessons or items for sale.
- C. Executive, administrative, and professional offices.
- D. Retail shops for items such as antiques, books, jewelry, art, crafts, gifts, apparel, collectibles, florist items, yard and garden supplies, hardware, and similar items.
- E. Outdoor display of items for sale where such items are not within the required front yard, do not encroach upon any pedestrian walkway, and are not displayed within any off-street parking area. The outdoor display of items must be displayed in a neat and organized manner as determined by the Zoning Administrator.
- F. Sit down and carry out restaurants, delicatessens, ice cream shops, and coffee houses, including those uses with drive-through facilities subject to the requirements of Section 13.06 K., except the minimum lot size shall be as required by Chapter 11A. Modification of requirements for parking and access from that required by Section 13.06 K. are permitted upon recommendation of the Planning Commission and approval of the Township Board. Carryout service and outdoor dining are permitted. Outdoor dining is permitted where such dining does not encroach upon a public or private road right-of-way. Outdoor dining may be separated from the right-of-way only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36)

inches including plant material. Outdoor dining shall not encroach upon any pedestrian walkway or any off-street parking area.

- G. Bakeries and confectionaries.
- H. Meat and fish markets.
- I. Municipal offices, facilities, parking facilities, libraries, and public safety facilities.
- J. Single family residential uses, subject to the requirements of Section 3.25.
- K. Residential uses located above commercial or office uses subject to the following conditions:
 - 1. Residential uses shall be completely separated from the non-residential uses with a separate means of entrance and internal or external staircase.
 - 2. Parking for residential uses shall be clearly marked and delineated as reserved for the residential uses only, and shall be within 300 feet of the building containing the residential use.
 - 3. Second story residential uses shall comply with all local and State of Michigan requirements and all applicable accessibility requirements of the Americans with Disabilities Act.
- L. Home occupations subject to the regulations of Section 3.14.
- M. Temporary outdoor art and craft exhibitions and sales, and temporary markets, festivals, and events subject to applicable Township regulations. Except for Township or government sponsored events, such uses or activities shall not occur on a given lot or parcel for more than 30 days during any calendar year.
- N. Catering establishments.
- O. Multiple uses of buildings provided each use is a use permitted in the EC District.
- P. Sporting goods stores subject to all applicable local, county, state, and federal regulations.
- Q. Antennas and towers 35 feet in height or less.
- R. Lawful accessory buildings, structure, and uses.
- S. Automotive Sales.

- T. Automotive Repair Shop when repairs are done inside of building. Shall be subject to Sec.3.08 of Ensley Township Zoning Ordinance.

SECTION 11A.03 SPECIAL LAND USES

Land and/or buildings in the EC-Ensley Center District may be used for the following purposes following a review by the Planning Commission and approval by the Township Board as a Special Land Use according to the requirements of Chapter 13.

- A. Open air businesses as defined by Section 2.15 of the Ensley Township Zoning Ordinance except the minimum lot size shall be as required by this Chapter 11A.

Display of materials or equipment for sale shall be as required by Section 13.06 N, except that materials or equipment for sale may extend into the required yards upon recommendation of the Planning Commission and approval by the Township Board. In no case shall materials or equipment for sale extend into the public or private road right-of-way.

- B. Bed and breakfast establishments.
- C. Public and private parks.
- D. Public or private clubs, lodges, banquet halls, or similar places of assembly.
- E. Churches.
- F. Essential public service equipment, buildings, and structures.
- G. Antennas and towers exceeding a height of 35 feet.
- H. Wind energy systems not exceeding a height of 65 feet.

SECTION 11A.04 SITE DEVELOPMENT REQUIREMENTS

- A. Site Plan Review. All permitted uses and special land uses allowed in the EC-Ensley Center District shall be subject to a site plan review in accordance with Chapter 12 of this Ordinance.
- B. Parking and Loading. Off-street parking and loading shall be provided only in accordance with the requirements of Chapter 14 of this Ordinance, and the following:
 - 1. Off-street loading spaces in the EC-Ensley Center District shall be located in the rear yard, and may, upon recommendation of the Planning Commission and approval of the Township Board, be

located in the front or side yard where location of the loading spaces in the rear yard is impractical. Area of the loading spaces shall be subject to the requirements of Section 14.03 B.

2. Parking for multiple uses in one structure shall be provided as required for each use within the structure.
3. Modification of requirements for parking and loading from that required by Chapter 14 or Chapter 11A of this Ordinance are permitted upon recommendation of the Planning Commission and approval of the Township Board. The Planning Commission and Township Board may take into consideration that a portion of the required parking spaces can be reasonably provided by municipal parking spaces located within 300 feet of the proposed use.

C. Signs. Signs shall be provided in accordance with the requirements of Section 14.11 A, C-commercial District-Permitted Signs, except that the following regulations shall also apply:

1. Ground signs shall not exceed 25 square feet and shall be set back five (5) feet from the road right-of-way. Ground signs shall maintain a 10-foot setback from any side property line.
2. Wall signs shall not exceed 10 percent of the wall to which the sign is affixed, or 32 square feet in area, whichever is less. Where several tenants occupy one structure, a wall sign shall be permitted for each tenant but the combined total area of the signs shall not exceed 10 percent of the wall area or 32 square feet, whichever is less, and the permitted size each sign shall be divided proportionally based upon the proportion of the total wall area occupied by each tenant.
3. Signs shall reflect the desired character of the EC-Ensley Center District and ground signs shall be landscaped with low-level plantings and landscape materials.
4. Freestanding signs are not permitted.
5. Signs for home occupations shall be subject to the requirements of Section 14.11 A, schedule for Permitted Signs in the A-R, R-L, R-S, R-A, and R-MH Districts.

D. Outdoor Furnaces. Outdoor furnaces or wood boilers shall not be installed or operated within the EC-Ensley Center District.

E. Outdoor Storage. The outdoor storage of goods or materials shall be prohibited in the front yard. Goods or materials stored in a side or rear

yard shall not be stored in the required setback area and shall be screened from view from the street and from abutting properties.

- F. Trash Receptacles. All trash and refuse containers and storage areas shall be situated in the side or rear yard and shall be effectively screened by either a six-foot privacy fence maintained in good condition, or other method of screening if recommended by the Planning Commission and approved by the Township Board. Containers and refuse areas shall not be placed in the required minimum setback areas.
- G. Fences. Fences shall be subject to the requirements of Section 3.12 of the Ensley Center Zoning Ordinance, except that barbed wire and electric fences are not permitted in the EC Ensley Center District.
- H. Landscaping. Landscaping shall comply with the requirements of Section 12.05 4 and the following:
 - 1. Landscaping shall be shown on the site plan and shall include the type, size, location, and number of plantings proposed, any existing vegetation, and existing vegetation that will be retained on the site.
 - 2. The front yard shall be landscaped in a manner that enhances the character of the site and that reflects the desired character of the EC Ensley Center District.
 - 3. Outdoor mechanical equipment shall be screened from view from all public roads.
 - 4. Parking areas exceeding 25 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
 - 5. Parking areas shall be screened on any side that abuts a residential use or zoning district. Screening shall consist of plantings that are a minimum height of not less than three feet.
- I. Lighting. Building, wall, and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be compatible with the desired character of the EC Ensley Center District. For pole lighting in parking areas, light fixtures shall not exceed a height of 20 feet.
- J. Residential Structures used for Commercial Use. Residential structures may be used for commercial purposes. A residential structure may be

used for both a residential use and a commercial use subject to the requirements of Section 11A.02 K.

- K. Accessory Buildings and Structures. Accessory buildings and structures shall be subject to the requirements of Section 3.11 A, B, and D of the Ensley Township Zoning Ordinance, and the following:
 - 1. The Planning Commission may recommend and the Township Board may approve a side and rear setback of less than 10 feet if the modification of the required 10 feet is necessary due to conditions particular to the site, and if the modification will result in substantially satisfying the purpose of the EC-Ensley Center District as stated in Section 11A.00. However, in no case shall the side or rear setbacks for accessory buildings and structures be less than four feet.
- L. Clear Vision Areas. All uses and structures in the EC Ensley Center District shall comply with the requirements of Section 3.07 Clear Vision Corners.

SECTION 11A.05 HEIGHT, AREA, AND YARD REQUIREMENTS

- A. Lawful Existing Structures. No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur within the EC zoning district unless all of the dimensional requirements of this Chapter are met and maintained in connection with such building, structure, use, or enlargement. However, structures lawfully existing as of January 1, 2011 shall be deemed conforming in regard to height, required yards, lot area, lot width, and lot coverage. Existing structures that violate setback requirements shall be permitted to be enlarged or altered so long as the existing structure's setbacks are not decreased (*i.e.*, do not encroach further into the setback area). In no case shall an existing structure be enlarged or expanded such that the structure extends into the public or private road right-of-way. If existing structures are enlarged or expanded, the total area of all principal buildings, accessory buildings, and structures on a lot shall not exceed a coverage of 30% of the lot area of that lot. If the total area of all principal buildings, accessory buildings, and structures on a lot already equals or exceeds 30% of the lot area of that lot as of January 1, 2011, existing structures shall not be enlarged or expanded.
- B. Building and Structure Height. No building or structure shall exceed a maximum of 35 feet in height, except as otherwise provided in this Ordinance.
- C. Front Yard. No front yard shall be less than 15 feet nor greater than 25 feet.

- D. Side Yard. No side yard shall be less than four (4) feet, and a total of ten (10) feet shall be required between principal buildings on adjacent lots, unless additional distance is required to allow fire protection, minimal accumulation of debris, adequate pedestrian circulation, or storm water management.
- E. Rear Yard. No rear yard shall be less than 25 feet. In the case of a corner lot, the zoning administrator shall determine which of two lot lines is the rear lot line for the purposes of determining the rear yard. The remaining lot line shall be a side lot line.
- F. Minimum Lot Area. No minimum lot area is required, provided the lot is served by both an adequate water supply and a septic system as approved by the Newaygo County Health Department.
- G. Minimum Lot Width. Minimum lot width shall be 100 feet as measured at the road right-of-way.
- H. Lot Coverage. The total area of all principal buildings, accessory buildings, and structures shall not exceed 30% of the lot area.

Except as expressly amended above to add a new Chapter 11A, the balance of the Ensley Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 2 A new and additional zoning district is hereby added to the table contained in Section 4.00 (entitled “Districts”) of the Ensley Township Zoning Ordinance, as amended, to read in its entirety as follows:

E-C	Ensley Center	Chapter 11A
-----	---------------	-------------

Except as expressly amended above to add the new E-C Ensley Center district information to the table in Section 4.00, that table and Section 4.00 otherwise remain unchanged and in full force and effect.

ARTICLE 3 SEVERABILITY:

The various parts, section, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby and shall remain in full force and effect.

ARTICLE 4 THE BALANCE OF THE ENSLEY TOWNSHIP ZONING ORDINANCE REMAINS UNCHANGED AND IN FULL FORCE AND EFFECT:

Except as expressly amended by this document, the Ensley Township Zoning Ordinance, as amended, remains otherwise unchanged and in full force and effect.

