

**ORDINANCE NO. 76**

**ZONING TEXT AMENDMENT ORDINANCE**

**AN ORDINANCE TO AMEND THE BLUE LAKE TOWNSHIP ZONING ORDINANCE, CHAPTER 380 OF THE BLUE LAKE TOWNSHIP CODE OF ORDINANCES, IN THE FOLLOWING DESCRIBED WAYS; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.**

THE TOWNSHIP OF BLUE LAKE, COUNTY OF MUSKEGON, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Animal Control. Section 380-38, regarding the raising or keeping of domestic animals, is restated in its entirety as follows.

**§ 380-1. Raising or keeping of domestic animals.**

Raising or keeping of domestic animals, including horses, ponies, cattle, livestock, mules, donkeys, sheep, goats, pigs, fur-bearing animals, fowl, and rabbits shall be permitted within the Township as provided below.

- A. The Lot must have at least 2.5 acres in Lot Area; in the event horses, ponies, cattle, livestock, or pigs are kept upon the Lot, an additional 1/2 acre in Lot Area shall be required for each head of livestock or swine in excess of four.
- B. The above animals and fowl shall be confined within a Building, Structure or fenced enclosure located at least 50 feet from any well used for water for human consumption and from any Dwelling Unit, whether located upon the same Lot or an adjacent Lot. Further, any such Building, Structure, or fenced area shall not be located closer than 20 feet from the Lot Lines of the Lot upon which the animals or fowl are kept.
- C. No Animals or fowl shall be permitted to run at large upon a Street or within 50 feet of any well or Dwelling.
- D. The enclosure, Structure, or Building for animals shall be so maintained to prevent offensive odors therefrom or from attracting rodents, flies, vermin, or insects upon the Lot.
- E. Animal litter and barn type waste shall not be permitted to accumulate, so as to become an annoyance or neighborhood nuisance.

Section 2. Definition of “Erected”. The definition of “Erected” in Section 380-8 is restated in its entirety as follows.

ERECTED – The word “Erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the Building. Excavation, Fill, drainage, and the like, shall be considered a part of Erection.

Section 3. Definition of “Private Street”. The definition of “Private Street” in Section 380-8 is restated in its entirety as follows.

PRIVATE STREET – Any undedicated path, trail, Street, access, or road that provides or is intended to provide the primary means of ingress and egress to two or more Lots or two or more principal Buildings or Dwelling Units, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an Easement. Any extensions, additions, or branches of or to a Private Street shall be considered part of the Private Street. A Private Street may also provide the primary means of ingress and egress to two or more Lots or Dwellings, even if each Lot or Dwelling has the required Frontage on a Public Road.

Section 4. Projections into Yards. Section 380-21.A regarding projections into yards is restated in its entirety as follows.

- A. Architectural elements attached to and necessary to the integrity of the Building, or the health or safety of occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be allowed to encroach upon the minimum Setback requirements of this Chapter, provided the projection into a required front or Rear Yard area is no closer than five feet from a Street right-of-way line or rear lot line. No encroachment shall be allowed into the Side Setback of the Lot.

Section 5. Fencing in Residential Districts. Section 380-23.B(1) regarding fencing in residential districts is restated in its entirety as follows.

- (1) Fencing which is essentially open (e.g., wrought iron, chain link, split rail, or picket Fence) may be up to 48 inches in height in the Front Yard.

Section 6. Repair of Nonconforming Signs. Section 380-45.E regarding repair of nonconforming signs is restated in its entirety as follows.

- E. Repair. If a legal nonconforming Sign suffers damage, destruction, or deterioration, it may be replaced or repaired to its exact original state.

Section 7. FR-R4 District Uses. Section 380-88.H, allowing raising or keeping of domestic animals as a special land use in the FR-R4 District, is eliminated and reserved for future use.

Section 8. Access Management. Section 380-130.A(1) regarding access management is restated in its entirety as follows.

- (1) By owning sufficient Frontage on the Street to meet the spacing requirement; or . . .

Section 9. Exempt Signs. Section 380-142.I regarding exempt signs is added to state in its entirety as follows.

- I. Election campaign signs, provided they do not exceed eight square feet, are not located within 100 feet of any entrance to a Township voting precinct location, and are removed within 14 days of any election to which they pertain.

Section 10. Wireless Telecommunication Services – Commercial. Section 380-163.C (1) shall be amended only in the first line to state, in its entirety as follows: “(1) For construction of a commercial tower:” (the balance of subsection (1) shall remain as is).

Section 11. Wireless Telecommunication Services – Non-Commercial. Section 380-163.C (5) and (6) shall be added to state in their entirety as follows.

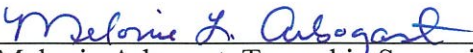
- (5) A Special Land Use permit shall not be required for a non-commercial tower (i.e. designed to serve the needs of the Lot on which the tower is located, without monetary compensation).
- (6) Regardless of subsection (5) above, a non-commercial tower that exceeds 100 feet in height shall be considered a commercial tower for purposes of this Chapter.

Section 12. Special Land Uses – Raising or Keeping of Domestic Animals. Section 380-163.E, providing standards for special land uses to allow the raising or keeping of domestic animals, is eliminated and reserved for future use.

Section 13. Special Land Uses – Utility-Scale Solar Energy Collectors and Systems. Section 380-163.H is added to state in its entirety as follows.

- H. Utility-scale solar energy collectors and systems. See Article XXXIII.

Section 14. Effective Date. The foregoing amendment to the Blue Lake Township Zoning Ordinance was approved and adopted by the Township Board of Blue Lake Township, Muskegon County, Michigan on August 8, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on August 29, 2022, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.


  
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Melonie Arbogast, Township Supervisor

  
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Jeff Abram, Township Clerk

**CERTIFICATE**

I, Jeff Abram, the Clerk for the Township of Blue Lake, Muskegon County, Michigan, certify that the foregoing Blue Lake Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on August 8, 2022. The following members of the Township Board were present at that meeting: Todd Conzemius, Jeff Abram, Melonie Arbogast, and Debbie Therrian.

The following members of the Township Board were absent: Lyle Monette. The Ordinance was adopted by the Township Board with members of the Board: Todd Conzemius, Jeff Abram, Melonie Arbogast, and Debbie Therrian voting in favor and members of the Board: None voting in opposition. The Ordinance or a summary of the Ordinance was published in the White Lake Beacon on August 21, 2022.

  
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Jeff Abram, Clerk  
Blue Lake Township