**SULLIVAN TOWNSHIP**

**COUNTY OF MUSKEGON**

 At a regular meeting of the Sullivan Township Board, held at the Sullivan Township Hall, Ravenna, Michigan, on the \_\_\_\_th day of \_\_\_\_\_\_\_\_\_\_\_\_, 2023, at \_\_\_\_\_\_\_ p.m.

 PRESENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ABSENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 The following ordinance was offered by Member \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and supported by Member \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

ORDINANCE NO. 2023 - \_\_\_\_\_

AN ORDINANCE TO AMEND THE ZONING ORDINANCE

OF THE TOWNSHIP OF SULLIVAN

[Ponds & Building Height]

THE TOWNSHIP OF SULLIVAN ORDAINS:

 Section 1. Pond. Section 2.17 (Definitions – P) of the Zoning Ordinance of the Township of Sullivan is hereby amended in its entirety to read as follows:

POND

An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression on any Lot or parcel of land, either above or below or partially above or partially below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.

 Section 2. Outdoor Ponds. Section 3.18 of the Zoning Ordinance of the Township of Sullivan is hereby amended in its entirety to read as follows:

SECTION 3.18 OUTDOOR PONDS

1. The construction, maintenance, or existence within the Township of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits, wells, or water impoundments which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare are hereby prohibited; provided, however, this Section shall not prevent any excavation for an outdoor pond or farm manure lagoon that has first been approved by the Township; this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies; and provided further that this Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources as regulated by Section 13.04.I of the Zoning Ordinance.
2. If the creation of a pond results in 300 cubic yards or more of material being removed from the site, the project must also undergo concurrent review of Commercial Removal and Processing of Topsoil, Stone, Rock, Sand, Gravel, Lime or other Soil or Mineral Resources per Section 13.04.I of the Zoning Ordinance.
3. Ponds less than three (3) acres shall require a zoning permit and administrative review. Ponds three (3) acres or larger shall require a Special Land Use. Applications for either type shall contain the information required in Section 13.04.NN.
4. No explosives may be used in the creation of a pond.

E. A pond shall be a minimum of thirty (30) feet from any lot line, except that any pond used as a farm manure lagoon shall not be located less than three hundred (300) feet from adjacent lot lines or road right-of-way lines. For ponds greater than five acres, the Planning Commission may increase the minimum setbacks for ponds when in its discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties.

F. A pond may be located in any zoning district and may be considered as a principal or an accessory use.

G. Ponds on parcels of less than three acres in size shall be enclosed by a fence. Ponds requiring Special Land Use approval may also require a fence if the Planning Commission determines in the course of its approval of a pond that the protection of the general public requires that the pond be enclosed. A fence enclosing a pond shall:

1. Be not less than four (4) feet above the grade line;

2. Be designed so that a child cannot pass through, or under, or climb over the fence, wall, or other enclosure except at a gate or door.

H. All gates or doors leading to a pond, except a door in any building forming part of the enclosure, shall be kept closed when the pond is not in actual use or when the proprietor is absent or away. The gates and doors shall be fitted with a positive latching device which automatically latches when the gate or door is closed.

I. A Soil Erosion permit from the Muskegon County Department of Public Works shall be provided if required. Muskegon County Water Resources Commissioner approval shall be provided if required.

J. No pond shall be wholly or partially emptied in any manner that will cause water to flow on the land of another, and no pond shall be wholly or partially emptied on any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is prohibited.

K. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of five (5) feet.

L. Finished slopes above the ordinary high water mark must be seeded and established with vegetation to prevent erosion.

M. All outdoor ponds or farm manure lagoons shall be constructed to completion within one year from the date of zoning permit issuance. A one-year extension may be granted, provided progress is shown. During construction of the pond, edges of the pond that do not maintain a 1:3 slope shall be barricaded.

N. For ponds of five acres or larger, all applicants shall provide a certification from a licensed professional engineer that the pond complies with the Sullivan Township Outdoor Ponds standards prior to final approval. For ponds three acres or greater the Planning Commission shall retain the right, at their discretion, to require a certification from a licensed professional engineer that the pond complies with the Sullivan Township Outdoor Ponds standards prior to final approval. The Planning Commission shall show good cause for the requirement of certification.

 Section 3. Special Land Use Specific Requirements. Section 13.04 of the Zoning Ordinance of the Township of Sullivan is hereby amended with the addition of the following:

NN. Ponds three (3) acres in size or larger.

1. Application for approval of a Special Land Use Permit for a pond shall include:

a. The name of the person who is or will be the owner of the pond;

b. The location of the proposed or existing pond;

c. The safety precautions to be taken to protect those using the pond or who might be endangered by it;

d. The size, depth, and water capacity of the pond;

e. The method of filtration and treatment of the water, if required; and

f. For ponds five (5) acres or larger, a plan drawn and sealed by a civil engineer licensed by the State of Michigan, and certify.

g. Any further information necessary for the protection of public health, safety, and environment as may be required by the Planning Commission.

2. The application must include a plot plan of the land on which the pond is to be located. The plot plan shall include:

a. Lot lines;

b. Location of pond with respect to lot lines;

c. Location of wall, fence, or enclosure around pond; and

d. Location of gates or doors in the fence, wall, or enclosure. The application shall also include a description and sketch of the construction of the pond and of the wall, fence, or enclosure

e. A cross section of the proposed pond showing the slopes and depth

f. A timeline for completion

 Section 4. Building Height. Section 2.03 - Definitions of the Zoning Ordinance of the Township of Sullivan is hereby amended to read in its entirety as follows:

The building height is the vertical distance measured from the established average grade (excluding the side of a walk-out basement) to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

 Section 5. District Regulations. Sections 4.04 Rural Residential/Agricultural, 5.04 Rural Residential, 6.04 Low Density Residential, 7.04 Medium Density Residential, 8.04 High Density Residential, 10.04 Neighborhood Commercial, and 11.04 Sullivan Corners of the Zoning Ordinance of the Township of Sullivan are hereby amended to state that the Maximum Building Height shall be fifty (50) feet or three stories.

 Section 6. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

 Section 7. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

 Section 8. Publication/Effective Date. A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township within 15 days after adoption. This Ordinance shall become effective seven days after such publication.

 AYES:

 NAYS:

ORDINANCE DECLARED ADOPTED.

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 Libby Spencer

 Sullivan Township Clerk

 I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Sullivan at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

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 Libby Spencer

 Sullivan Township Clerk