

ZONING ORDINANCE CASCO TOWNSHIP ALLEGAN COUNTY, MICHIGAN

Published by Authority of the Township
(Republished 2019)

Adopted October 14, 1968



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PREFACE

This publication constitutes a codification of the Zoning Ordinance of Casco Township, Allegan County, Michigan.

Source materials used in the preparation of this publication were the Casco Township Zoning Ordinance, adopted October 14, 1968 and restated and approved by the Township Board on May 29, 2014, as amended through August 1, 2016, and ordinances subsequently adopted by the Township. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of this publication. By use of the comparative tables appearing in the back of this Zoning Ordinance, the reader can locate any section of the 2014 Zoning Ordinance, as supplemented, and any subsequent ordinance included herein.

Chapter and Section Numbering System

The chapter and section numbering system used in this Zoning Ordinance is similar to the system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Zoning Ordinance, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
ZONING ORDINANCE	ZO1:1
CODE APPENDIX	ZOA:1
CODE COMPARATIVE TABLES	ZOCCT:1
STATE LAW REFERENCE TABLE	ZOSLT:1
CHARTER INDEX	CHTi:1
ZONING ORDINANCE INDEX	ZOi:1

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Michal Ford, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Tasha Smalley, Zoning Administrator, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a publication which will make the active zoning regulations of the Township readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the Township's affairs.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code will be able to gain a more complete picture of the Code's historical evolution.

Legislation	Date Adopted	Included/Omitted	Supplement Number
<u>O102119-2</u>	10-21-2019	Included	1
<u>101920-1</u>	10-19-2020	Included	2
<u>111620</u>	11-16-2020	Included	2

1182021-1	1-18-2021	Included	2
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Chapter 1 - TITLE AND PURPOSE

Footnotes:

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Editor's note— Contained herein is the zoning ordinance for the Township which derives from a restated ordinance approved by the Township Board on May 19, 2014, effective May 27, 2014, and as amended through August 1, 2016. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used. Additions made for clarity are indicated by brackets.

Sec. 1.01. - Title.

An ordinance to establish zoning regulations for the Township of Casco, Allegan County, Michigan including regulations governing nonconforming uses, structures and buildings, to provide for the administration, enforcement and amendment of such regulations, to prescribe penalties for the violation of such regulations, and to provide a method for resolving conflicts with other ordinances or regulations, all in accordance with the provisions of Michigan Act 110 of 2006, as amended.

Sec. 1.02. - Enacting clause.

The Township Of Casco, Allegan County, Michigan, Ordains:

Sec. 1.03. - Short title.

This Ordinance shall be known and may be cited as the "Casco Township Zoning Ordinance".

Sec. 1.04. - Purpose.

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people and to support the Master Plan. The provisions are intended to, among other things, encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use; to limit the improper use of land and resources; to provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued; to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties as described in the Master Plan.

Sec. 1.05. - The effect of zoning.

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations for the zoning district in which it is located; these limitations being the minimum legislation necessary to promote and protect the general safety and welfare of the community.
- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to law or to the provisions

of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.

- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, or an amendment to the Ordinance, nothing in this Ordinance as amended shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one year from the effective date of this Ordinance or an amendment to this Ordinance.
- D. Nonconforming buildings, uses, and lots shall be governed by the provisions of Section 3.28 of this Ordinance.

Sec. 1.06. - Legal basis.

This Ordinance is enacted pursuant to Michigan Act 110 of 2006, as amended.

Chapter 2 - DEFINITIONS

Sec. 2.01. - Rules applying to text.

- A. The particular shall control the general.
- B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. 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.
- F. A "building" or "structure" includes any part thereof.
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday observed by the Township.
- J. With the exception of this Chapter, the headings which title a Chapter, Section or Subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.

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

Sec. 2.02. - Definitions—A.

Accessory building or structure means a building, structure, or portion of a building supplementary and subordinate to a main building or use on the same lot, occupied by or devoted exclusively to an accessory use. The term "accessory building" shall not include any truck, bus, trailer, or other motorized or non-motorized vehicle.

Accessory use means a use that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use, building or structure to which it is related. Residential supportive uses such as lawns, gardens, driveways or play areas are considered customary accessory uses.

Adult foster care facility means a facility defined by the Adult Foster Care Facility Licensing Act (PA 218 of 1979), as amended, having as its principal function the receiving of adults for foster care. Such facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.

- A. *Adult foster care family home.* A private residence in which the licensee is a member of the household and an occupant, providing foster care for five or more days a week and for two or more consecutive weeks with the approved capacity to receive six or fewer adults.
- B. *Adult foster care large group home.* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- C. *Adult foster care small group home.* An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

Agricultural labor housing means a tract of land and all buildings and other structures pertaining thereto which are established, occupied or used as living quarters for migratory workers engaged in agricultural activities including related food processing as licensed under the provisions of P.A. 289 of 1965, as amended.

Agriculture means the use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income, or any other use as defined by the Michigan Right to Farm Act. The term shall not include the keeping or raising of fur-bearing animals, stables, kennels, nor game fish hatcheries. The term shall also not include the disposal of garbage, sewage, refuse, offal or rendering plants; the slaughtering of animals except such animals as have been raised on the premises, trucking, equipment repairs and sales, or contractor storage yards.

Alterations means any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

Anemometer means a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy conversion system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

ANSI means the American National Standards Institute.

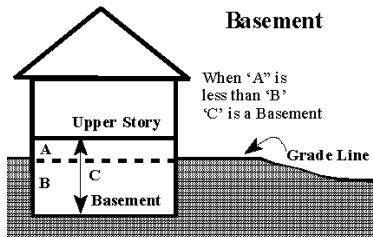
Architectural features means architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

Average grade means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. For the purpose of measuring height of structures in the residential districts, "average grade" means a reference plane representing the average of the finished ground level adjoining the building along the front elevation.

Sec. 2.03. - Definitions—B.

Background sound level means the amount of background sound at a given location prior to the installation of a wind energy conversion system measured during the quietest time of the day or night that the wind energy conversion system will operate.

Basement or *cellar* means a portion of a building, partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.



Bed and breakfast establishment means a use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

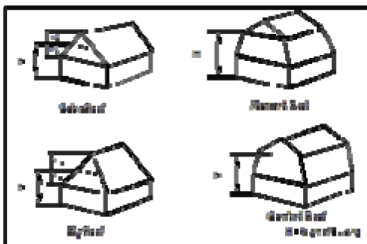
Billboards—See signs.

Board, Township—See Township Board.

Buildable area means the space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

Building means an independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any building portion is completely separated from every other part by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building height means the vertical distance measured from the average grade 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.



Building setback means the horizontal distance between a building or structure or any portion thereof, and the boundaries (front, side, rear) of the lot or parcel of land upon which the same is situated. The required setback is the minimum distance required in the zoning district in which the property is located.

Sec. 2.04. - Definitions—C.

Campground means a publicly or privately owned establishment intended or used for the purpose of supplying a location for overnight camping.

Clearing of land means the removal of vegetation from any site, parcel or lot, except when land is cleared and cultivated for bona fide agricultural or garden use in a district permitting such a use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Clinic means a building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

Commercial means the use of property for the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services; or the maintenance of service offices for recreation or amusement enterprises; or garage/yard sales operating more than 12 days during any one 12-month period.

Commission, Planning, as used in this Ordinance, means the Casco Township Planning Commission.

Condominium Act means Public Act 59 of the Michigan Public Acts of 1978, as amended.

Condominium project means a plan or project consisting of not less than two condominium units established in conformance with the Condominium Act.

Condominium project, site means a division or development of land on the basis of condominium ownership in accordance with the Condominium Act, which is not subject to the provisions of the Land Division Act (P.A. 288 of 1967, as amended).

Condominium unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed of the condominium project.

Conservation easement means a non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water.

Cottage industry means an accessory use to a principal residence where the owner of the residence operates a small scale business as part of their lifestyle as a means of income. Uses may include, but are not limited to: small scale food processing (without consumption) and artists or craftsmen producing unique items on site.

Sec. 2.05. - Definitions—D.

Day care facility means:

- A. *Commercial day care facility*. A facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered commercial day care.
- B. *Family day care home*. A single-family residence, occupied as such, in which care is provided for more than one but less than seven minor children for periods of less than 24 hours per day, for more than four weeks during a calendar year, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- C. *Group day care home*. A single-family residence, occupied as such, in which care is provided for at least seven but not more than 12 minor children for periods of less than 24 hours per day, for more than four weeks during a calendar year, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

Daytime guest means individuals who are not listed on a lease agreement, but stay at a short-term or long-term rental from sunrise to sunset.

Decibel (dB) means a unit of measure used to express the magnitude of sound pressure and intensity. This refers to a weighted scale defined by ANSI using a frequency that mimics the human ear.

Meaning of dB(A) and dB(C)—The letters "A" or "C" following the abbreviation "dB" designate a frequency-response function that filters the sounds that are picked up by a microphone in a sound level meter. A frequency-response function, also called a weighting characteristic (meaning that some frequencies are given more weight or importance than others) can also be thought of as a tone control. It emphasizes or de-emphasizes sounds of certain pitches relative to others. (A)-weighting is used to measure hearing risk and for compliance with Occupational Safety and Health Administration and Michigan Occupational Safety and Health Administration regulations that specify permissible noise exposures in terms of a time-weighted average sound level or daily noise dose. (C)-weighting is used in conjunction with (A)-weighting (the dB[A] and dB[C] levels are compared) for certain computations involving hearing protector attenuation.

Deed restriction means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, or is specifically made a third party beneficiary of the deed restriction, a deed restriction is enforced by the parties to the agreement, not by the Township.

Density, as applied in this Ordinance in the agricultural and residential districts, means the number of dwelling units situated on or to be developed on a gross acre of land.

District, zoning means a portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Drive-through establishment means a commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including automobile service stations.

Dwelling, or dwelling unit means any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one or more families, either permanently or temporarily, but in no case shall a motor home, trailer coach, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

- A. *Dwelling, multiple-family.* A building or portion thereof, used or designed for use as a residence for three or more families living independently of each other and each doing their own cooking and housekeeping.
- B. *Dwelling, single-family (detached).* A detached building used or designed for use exclusively by one family.
- C. *Dwelling, two-family.* A detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

(Ord. No. Q21918-2, § 1, 1-24-2018)

Sec. 2.06. - Definitions—E.

Easement means a right, distinct from ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

Elderly housing means a building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Michigan law; or a mental hospital for mental patients licensed under Michigan law.

Erected includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term "erect" or "erected."

Essential services means:

- A. The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, or any go agencies, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collect communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connect therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare.
- B. Essential services does not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
- C. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

Excavation means any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Sec. 2.07. - Definitions—F.

Family means:

- A. An individual or group of two or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

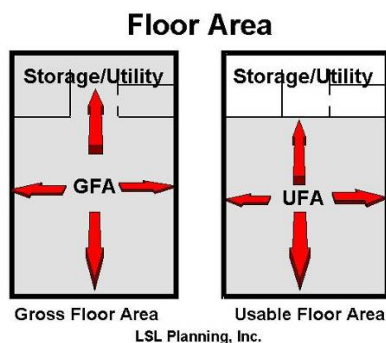
Farm market means a commercial establishment selling produce and other farm products, primarily produced in the agricultural operation, at retail to customers, not unlike a grocery store. Such an establishment shall be operated in conformance with the Michigan Department of Agriculture & Rural Development's Generally Accepted Agricultural and Management Practices for Farm Markets (GAAMPs).

Fence means any permanent partition, wall, barrier, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

Floodplain and related terms means:

- A. *Base flood*. The flood having a one percent chance of being equaled or exceeded in any given year.
- B. *Development*. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- C. *Flood or flooding*. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- D. *Flood hazard area, special*. The land within a community subject to a one percent or greater chance of flooding in any given year. Also known as "area of 100 year flood," and shown on the Flood Insurance Rate Map (FIRM) as "Zone A."
- E. *Flood insurance rate map (FIRM)*. An official map of a community, on which the Federal Insurance Administration has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- F. *Flood insurance study*. The official report for the Township provided by the Federal Insurance Administration containing flood profiles, the water surface elevation of the base flood, and the Flood Hazard Boundary-Floodway Map.

- G. *Floodplain*. Land designated as Special Flood Hazard Area.
- H. *Floodplain Overlay District*. The zone that overlays the existing zoning districts delineated on the official Casco Township Zoning Map. The boundaries of the Floodplain Overlay District shall coincide with the boundaries of the Special Flood Hazard Area indicated on the Flood Insurance Rate Map.
- I. *New construction*. Means structures for which the start of construction commenced on or after the effective date of this Ordinance.
- J. *Substantial improvements*. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the State Register of Historic Sites.



Floor area, gross (GFA) means:

- A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The gross floor area of a building shall not include the basement floor area.
- B. Gross floor area shall not include attic space having headroom of less than seven and one-half feet or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

Floor area, usable (UFA) means:

- A. That area in nonresidential buildings used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area.
- B. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

Frontage means the horizontal distance between the side lot lines measured at the public or private road right-of-way.

Frontage, shoreline, for waterfront lots, means the horizontal distance between the side lot lines measured at the ordinary high water mark and including a strip of land paralleling the shoreline. For lots abutting Lake Michigan, a strip of land parallel to the ordinary high water mark, which extends inland from the high water line for the required waterfront setback distance.

Glare means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Greenbelt means a vegetative strip intended to provide physical separation and visual screening between potentially incompatible uses; be sufficient to screen or filter views of building walls, loading areas, parked vehicles, and outdoor storage areas; moderate harsh or unpleasant sounds; filter air pollutants; or slow the effects of stormwater runoff.

(Ord. No. 10920-1, § 1, 10-19-2020)

Sec. 2.09. - Definitions—H.

Hazardous substance means any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injudicious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance, the use of which requires a Material Safety Data Sheet by the U.S. Environmental Protection Agency.

High risk erosion area (HREA) means those shore lands along the Great Lakes and connecting waters where recession of the zone of active erosion has been occurring at a long-term average rate of one foot or more per year. HREAs are regulated by Part 323, Shoreline Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended.

Home-based business means an occupation or profession that is conducted on a residential parcel, in a detached accessory building, and is an incidental and secondary use of such property, but which has a potential to possess characteristics that may be more obtrusive than the home occupation standards of this Ordinance. Examples of home-based businesses include, but are not limited to, wood shop, and storage of contractor's equipment.

Home occupation means an occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation.

Hospital means an institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, medical emergency services, out-patient departments, training facilities, central service facilities and staff offices.

Hotel means a facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Sec. 2.10. - Definitions—I.

Improvements means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

Sec. 2.11. - Definitions—J.

Junk, for the purpose of this Ordinance, means but is not limited to any motor vehicles, machinery, appliances, products, or merchandise with significant parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

Junkyard includes automobile wrecking yards and salvage areas and includes any area of more than 200 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

Sec. 2.12. - Definitions—K.

Kennel means any lot or premises on which four or more animals, six months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale. This definition shall include animal shelters.

Sec. 2.13. - Definitions—L.

L90 scale means the sound level is exceeded 90 percent of the time. This is a measure of the nominal background level. Example: During a one-hour measurement, an L90 of 50 dBA means the sound level was at or above 50 dBA for 54 minutes.

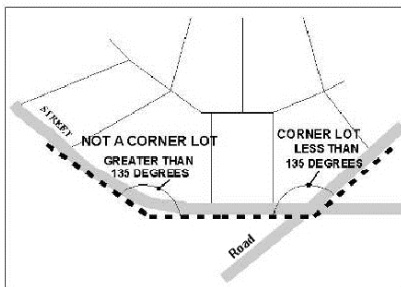
Landmark tree means a tree with a diameter of over 28 inches at a height of four feet off the ground.

Livestock means those species of animals used for human food and fiber or those species of animals used to service humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

Long-term rental means the rental of any single-family dwelling for a term of 28 consecutive days or more in any calendar year.

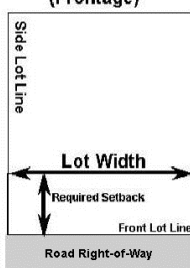
Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership or use.

- A. *Lot area*. The total area encompassed within the lines of a parcel or piece of property, excluding road or road rights-of-way or road easements.



- B. *Lot, corner*. A lot located at the intersection of two roads where the corner interior angle, formed by the intersection of the center lines of the roads, is 135 degrees or less, or a lot abutting upon a curved road or roads if tangents to the curve at the two points where the lot lines meet the centerline curve form an interior angle of 135 degrees or less.
- C. *Lot, depth*. The distance between the front and rear lot lines, measured along the median between the side lot lines, or the two front lines of a double frontage lot.
- D. *Lot, double frontage (through)*. Any lot, excluding a corner lot, which fronts on two roads which do not intersect.
- E. *Lot, interior*. A lot other than a corner lot with only one lot line fronting on a road.
- F. *Lot, waterfront*. A lot having frontage directly upon a lake, river or otherwise formed impoundments of water.

Lot Width (Frontage)

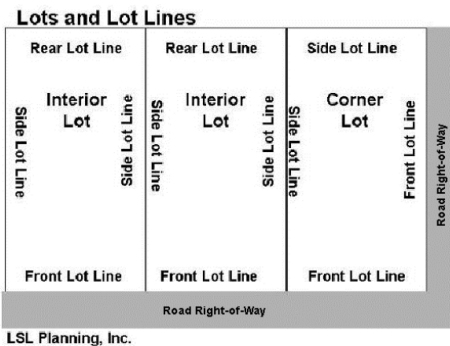


LSL Planning

- G. *Lot width.* The shortest continuous distance between the side lot lines, measured at the required building setback line and angles to the lot depth.

Lot coverage means The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not including parking lots.

Lot lines means the property lines or other described lines bounding the lot.



- A. *Front lot line.* In the case of an interior lot, the front lot line shall mean the line separating such lot from such road right-of-way or easement. In the case of a corner or through lot, each lot line separating the lot from a right-of-way shall be considered a front lot line. In case of a waterfront lot on Lake Michigan, the front lot line shall be the ordinary high water mark.
- B. *Rear lot line.* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.
1. In the case of an irregular or triangular-shaped lot, a line at least ten feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
 2. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
- C. *Side lot line.* Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record means a lot or parcel, whether it exists in a subdivision plat, is described by metes and bounds, or is part of a condominium project, which is shown on the records of the County Register of Deeds.

(Ord. No. O21918-2, § 2, 1-24-2018)

Sec. 2.14. - Definitions—M.

Manufactured home means a detached residential dwelling unit designed for transportation after fabrication on roads on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

Manufactured housing community means a parcel or tract of land under the control of a person upon which two or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment, or facility is used or intended for use incident to the occupancy of a manufactured home.

Master plan means the Master Plan currently adopted by the Township, including graphic and written materials, indicating the general location for roads, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan and any amendment to such plan.

Medical marihuana grower means as defined in the Michigan Medical Marihuana Facilities Licensing Act, and as regulated by State laws, State regulations, and the Township's Marihuana Regulation Ordinance, all as amended from time to time.

Motel (see hotel).

(Ord. No. 1182021-1, § 1, 1-18-2021)

Sec. 2.15. - Definitions—N.

Natural feature means including but not limited to soils, wetlands, woodlots, landmark and specimen trees, floodplains, water bodies, groundwater, topography, vegetative cover, and geologic formations.

Neighbor means a property owner or tenant that owns or occupies a lot or building located adjacent, abutting, or within 300 feet of any lot line of the lot to which the property owner or tenant is considered a neighbor.

Nonconforming building or structure means a building, structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance as amended in the zoning district in which it is located.

Nonconforming lot means a lot that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width, and which has not been further subdivided or reduced in size.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that no longer conforms to the use regulations of the zoning district in which it is located.

Nursery (plant) means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises, including products used for gardening, landscaping materials and related services.

Nursing home means a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and be licensed under applicable State law.

(Ord. No. Q21918-2, § 3, 1-24-2018)

Sec. 2.16. - Definitions—O.

Open air business means uses operated substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and accessory equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

Open space means undeveloped land not part of any required yard which is set aside in a natural state, for recreational purposes, or for an agricultural use.

Open space, usable means that portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation.

Ordinary high water mark means as defined by Part 301 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, 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. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

Owner means a person holding legal or equitable title to a single-family dwelling. An owner may designate an agent to perform duties or receive notice under this Ordinance.

Owner's agent means an individual designated by the owner to oversee the rental of a single-family dwelling and to respond to calls from renters, neighbors, concerned citizens, and representatives from the Township.

(Ord. No. Q21918-2, § 4, 1-24-2018)

Sec. 2.17. - Definitions—P.

Parallel plan means a method of determining appropriate density for an open space or planned unit development proposal whereby a layout is provided for the property which reflects a traditional design not using open space or planned unit development tools. The plan lays out lots in a proposed development to comply with ordinance regulations including such factors as minimum lot sizes, frontage requirements, access, lot orientation, and road layout.

Park means an area open to the general public and reserved for recreational, educational, or scenic purposes.

Parking lot means an off-street facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

Parking space means an off-street space of at least 180 square feet exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a road or alley.

Planned unit development (PUD) means a development of land planned and developed as a whole in a single project or series of phases. The PUD may include roads, utilities, buildings, open spaces, and other site features and improvements.

Planning Commission. See Commission, Planning.

Plat means a map or drawing of a subdivision of land, as specified by the Land Division Act (P.A. 288 of 1967, as amended).

Principal or main use means the primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

Private road means a privately owned and maintained thoroughfare meeting the requirements of Section 3.26 of this Ordinance and providing access to three or more individual lots or parcels.

Public road means a public thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, street, or other thoroughfare, except an alley.

Public utility means any governmental unit, board, or commission, or any person (under public regulation if a private agency) authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (except cellular telephone or commercial wireless communications towers), telegraph, transportation, wastewater disposal, water services, or other essential public service.

(Ord. No. Q416-2-18, § 1, 4-16-2018)

Sec. 2.18. - Definitions—R.

Recreational vehicle means a vehicle intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other similar transportable equipment or vehicles of a similar nature.

Rent or rental means the permission, provision, or offering of possession or occupancy of a single-family dwelling with some type of remuneration paid to the owner for a period of time by a person who is not the owner, pursuant to a written or verbal agreement.

Residential district means the Agricultural (AG), Rural Residential (RR), Lakeshore Residential (LR), Low Density Residential (LDR), Medium-Density Residential (MDR), and Manufactured Housing Community (MHC) Zoning Districts.

Right-of-way means land reserved, used, or to be used for a road, alley, walkway, or other public purposes.

Roadside stand means a building or structure designed or used for the seasonal display and/or sale of agricultural products.

Rotor means an element of a wind energy conversion system that acts as a multi-bladed airfoil assembly which attracts, through rotation, kinetic energy directly from the wind.

Rubbish means any solid waste, except human excreta, but including garbage, refuse, ashes, road cleanings, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction waste resulting from the operation of a contractor.

(Ord. No. Q21918-2, § 5, 1-24-2018)

Sec. 2.19. - Definitions—S.

Satellite dish means a parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, subreflector feed, amplifier and support structure.

SCADA tower means a freestanding tower containing instruments such as anemometers that is designed to provide present moment wind data for use by a Supervisory Control and Data Acquisition (SCADA) system.

Screen means a structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Setback or setback area means the minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

Setback lines means:

- A. *Front setback line.* The line marking the required setback distance from the road easement line (right-of-way) of a public road or private easement, as applicable that establishes the minimum front yard setback area.
- B. *Rear setback line.* The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. *Side setback line.* Lines marking the required setback distance from the side lot lines which establish the minimum side yard setback area.

Sexually oriented business means an adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation or live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented business (see additional definitions in Section 15.03.GG).

Shadow flicker means alternating changes in light intensity caused by the sun setting or rising behind a moving blade of a wind energy conversion system casting flashing shadows.

Shared driveway means a privately owned and maintained thoroughfare meeting the requirements of Section 3.39 of this Ordinance and providing access to no more than two individual lots or parcels.

Short-term rental means the rental of any single-family dwelling for a term of less than 28 days in any calendar year; the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

Site Plan means the documents and drawings required by this Ordinance to ensure that a proposed land use or activity is in compliance with this Ordinance and State and Federal statutes.

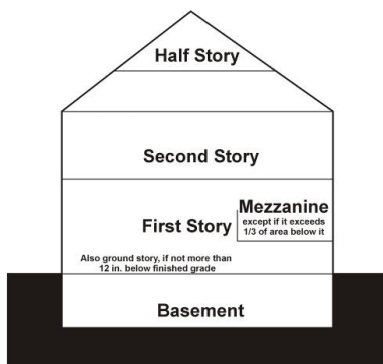
Sound pressure means the average rate at which sound energy is transmitted through a unit area in a specified direction; the atmospheric pressure of a sound measured at a receiver.

Special events venue means rental space in a barn, accessory building, outside area, or tent for functions such as, but not limited to: wedding parties, conferences, service club meetings, and other similar gatherings, with or without the serving of food.

Special use means a use that, due to some characteristics of its operation, such as traffic, noise, odor, glare, or hours of operation, may be permitted in a district subject to special requirements different from those generally applicable to permitted uses within the zoning district in which the special use is located.

State licensed residential facility means a residential care facility licensed by the State of Michigan under Act 218 of 1979 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under 24-hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions.

- A. A *State licensed residential family facility* includes a State licensed residential facility providing resident services to six or fewer persons.
- B. A *State licensed residential group facility* includes a State licensed residential facility providing resident services to more than six persons.



Story means that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes.

Story, half means that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half the floor area of said full story, provided the area contains at least 200 square feet and which contains a clear height of at least seven and one-half feet, at its highest point.

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

Subdivision means the partitioning or splitting of a parcel or tract of land in accordance with the requirements of the Land Division Act (P.A. 288 of 1967, as amended).

(Ord. No. Q21918-2, § 6, 1-24-2018; Ord. No. Q416-2-18, § 2, 4-16-2018)

Sec. 2.20. - Definitions—T.

Temporary building or use means a structure or use permitted to exist during a specified period as permitted by this Ordinance.

Tower height, for horizontal axis wind turbine rotors, means the distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades; for a vertical axis wind turbine, the distance between the ground and the highest point of the WECS.

Township means Casco Township, Allegan County, Michigan.

Township Board means the Casco Township Board.

Sec. 2.21. - Definitions—U.

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

Use, incompatible means a proposed use having a size, bulk, physical characteristics or activity characteristics that conflict with existing uses within 300 feet of the outer edges of the property upon which the new use is proposed.

An incompatible or conflicting characteristic is one that produces sound, odor, dust or light, in excess of pre-existing ambient conditions, at the property line of the source, or a use that overloads or reduces the efficiency of public facilities, to an extent that such proposed use could interfere, more than other reasonable permitted uses, with the rights of neighboring property owners or occupants.

Sec. 2.22. - Definitions—V.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except a mobile home.

Vehicle repair means any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Vehicle service station means a building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

Vehicle wash establishment means a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Sec. 2.23. - Definitions—W.

Wetland means land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Wind energy conversion systems (WECS) definitions:

Wind energy conversion systems means a land use for generating electrical power by use of wind, including:

- A. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
- B. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- D. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and
- E. Building or equipment accessory thereto.

WECS, abandonment means WECS and testing facilities where the operating agreement with the public utility has expired; or where the turbine(s) are obviously in disrepair and have remained inoperable for over 12 months or where the interconnect power lines have been removed; or where the generator(s) have been removed; or where the turbines have been removed.

WECS, commercial means a WECS tower placed upon land with the intent to sell or provide electricity to others. The tower may or may not be owned by the owner of the property upon which the tower is placed.

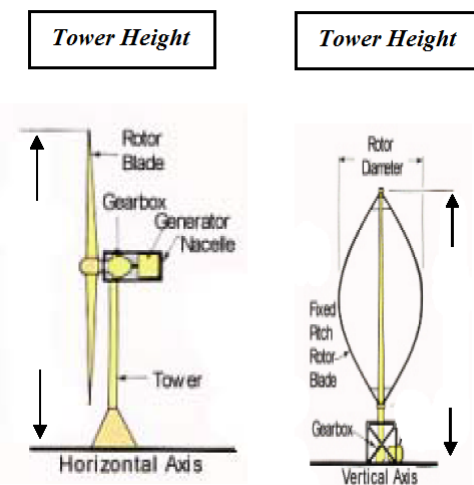
WECS, interconnected means a WECS which is electrically connected to the local electrical power utility and able to feed back power into the local electrical power utility grid.

WECS, single property, on-site use means a wind energy conversion system intended to primarily serve the needs of the property upon which the system is placed. This type of WECS shall not exceed 70 feet in height.

WECS, single property, on-site use, structure mounted means a wind energy conversion system intended to primarily serve the needs of the property upon which the system is placed and attached to a structure's roof, wall, or other elevated surface. The overall height of this type of WECS plus the structure on which it is mounted shall not exceed 70 feet in height, and may generate a maximum of 250 kilowatts.

WECS testing facility means an anemometer tower and other related structures and apparatus over 100 feet in height; also known as a SCADA tower.

WECS tower height means:



- A. *Horizontal axis wind turbine rotors* means the distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades;
- B. *Vertical axis wind turbine* means the distance between the ground and the highest point of the WECS.

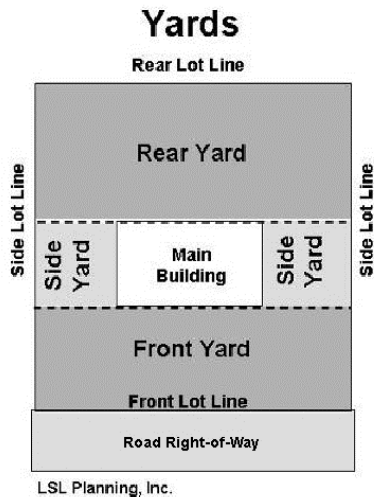
WECS, utility grid means a structure designed and built to provide electricity to the electrical power utility grid.

Wind farm means an interconnected wind energy conversion system consisting of two or more wind energy production structures with a combined nameplate generating capacity in excess of 250 kilowatts.

Wireless communications tower means a structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Sec. 2.24. - Definitions—Y.

Yard means an open space of prescribed width or depth on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.



- A. *Yard, required front* means an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. *Yard, required rear* means an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. *Yard, required side* means an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

Yard, front, rear, side means a general term describing the space on a lot or parcel containing a main building, lying between the main building and the respective front, rear and side property lines. This is normally larger in area than the required front, rear or side yard.

Sec. 2.25. - Definitions—Z.

Zoning Act means the Michigan Zoning Enabling Act; Act 110 of 2006 of the Public Acts of Michigan, as amended.

Zoning Administrator means the person designated by the Township Board to administer the provisions of this Ordinance.

Zoning Board of Appeals, Board of Appeals, or ZBA means the Zoning Board of Appeals of Casco Township.

Zoning Compliance Permit means a permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, or planned unit development status.

Chapter 3 - GENERAL PROVISIONS

Sec. 3.01. - The effect of zoning.

- A. Zoning applies to every building, structure or use in every zoning district, unless specifically exempted by law.
- B. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.
- C. Any land use not specifically permitted by right or special use permit is prohibited.

Sec. 3.02. - Restoration of unsafe building.

Subject to the provisions of Section 3.28, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

Sec. 3.03. - Area, height and use conditions and exceptions.

- A. *Required area or space.* A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- B. *Existing lots of record.* A lot which is platted, or otherwise of record as of the effective date of this ordinance, may be used as specified in the zoning district, provided the lot can meet the provisions of Section 3.28.
- C. *Exceptions.* The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind powered electrical generator, and private television and radio reception and transmission antennas and towers which do not exceed 100 feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

Sec. 3.04. - Essential services.

The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department of commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- B. Public utility buildings when located in any residential or AG District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
- C. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.

Sec. 3.05. - Required yard or lot.

All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the zoning district in which they are located.

Sec. 3.06. - Control of heat, glare, fumes, dust, noise vibration and odors.

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

Sec. 3.07. - Accessory buildings and uses.

- A. In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same property as the principal use, subject to the conditions of the Ordinance.
- B. Except for buildings related to active farming operations, an accessory building or use shall only be permitted on a lot which contains a principal use or building. For example, storage buildings or garages shall not be permitted where no principal building exists.
- C. In any zoning district, except as noted elsewhere, an accessory building may be erected detached from the principal building, or it may be erected as an integral part of the principal building. When erected as an integral part of the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device, or when the accessory building is located within ten feet of the principal building.
- D. No detached accessory building shall be located in any required front yard setback of a lot or parcel.
- E. No accessory building shall include sleeping quarters.
- F. Setbacks for accessory buildings shall be measured to the eaves of the building.
- G. Accessory buildings shall be set back from any rear or side property line according to the following:

Accessory Building Size	Minimum Rear and Side Yard Setback
Up to 960 square feet	10 feet
Over 960 square feet, up to 1,200 square feet	15 feet
Over 1,200 square feet, up to 1,700 square feet	20 feet
Over 1,700 square feet, up to 2,200 square feet	25 feet
Over 2,200 square feet, up to 2,700 square feet	30 feet
Over 2,700 square feet	35 feet

H. Accessory building sizes, and heights:

1. The total area for all accessory buildings shall not exceed the building footprint noted in Subsections 2 and 3, below.
2. Aggregate building footprints and maximum heights for buildings accessory to residential uses shall not exceed:

Lot Size	Maximum Accessory Building Size	Maximum Height
Under 10,000 square feet	999 square feet	14 feet
10,000 square feet or more	10 percent of lot coverage	22 feet

3. Maximum floor areas for buildings accessory to other uses:
 - a. Buildings accessory to agricultural operations: No size or height limitation.
 - b. Multiple-family developments: Same as Subsection 2 above, excluding garages or carports for the use of residents.
 - c. Manufactured housing communities: As required by Chapter 10.
 - d. Nonresidential uses in residential districts: Not to exceed 25 percent of the gross floor area of the main building(s).
 - e. Other uses in nonresidential districts shall not exceed the lot coverage limitations for the district.
4. Except for accessory buildings used for agricultural operations, accessory buildings in nonresidential districts may be constructed to the permitted maximum height for the zoning district in which it is located.

Sec. 3.08. - Principal use on a lot.

In all zoning districts, no more than one principal use shall be placed on a lot, except that shopping centers and multi-family buildings shall be considered a principal use collectively.

Sec. 3.09. - Double frontage and waterfront lots.

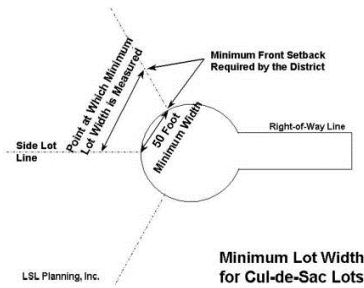
- A. Buildings on lots having frontage on two intersecting or nonintersecting roads shall comply with front yard requirements on both such roads.
- B. Waterfront lots shall have the required frontage on both the road and the waterfront. The waterfront yard shall be the front yard.

Sec. 3.10. - Additional setbacks for structures adjacent to major roads.

Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting Blue Star Highway or 109th Avenue unless a 50-foot minimum building setback is maintained, measured from the road right-of-way. Maximum setback for any commercial or industrial building shall be 125 feet.

Sec. 3.11. - Minimum road frontage on irregular lots.

- A. Except as hereinafter provided, minimum lot widths for building sites in all districts shall be measured along the lot line abutting a public or private road and shall not be diminished below such minimum throughout the lot.
- B. In the case of lots abutting cul-de-sac roads, the minimum lot width shall be measured at the required setback distance for buildings and structures and the minimum width shall not be diminished throughout the remainder of the lot. Such cul-de-sac lots shall have a minimum of 50 feet of frontage, which minimum shall not be diminished within the required setback area for structures and buildings.



- C. Irregular, flag, or T-shaped lots complying with the minimum lot width requirements for the zone in which located, as measured at the building setback line, as well as the minimum area requirements, and which are not abutting a cul-de-sac road, shall have a minimum of 50 feet of frontage, which minimum width shall not be diminished between the road and the building setback line.
- D. No new, irregularly-shaped lots shall be created that do not meet required lot width and area requirements of the Ordinance unless they are part of an approved, recorded subdivision.

Sec. 3.12. - Health Department approval.

No permit shall be issued for the construction of a building or structure which is to have drinking water or sanitary sewer facilities located therein and which is to be located on a lot which is not served by both public water and public sanitary sewer facilities, unless a permit has been issued by the Allegan County Health Department or appropriate State agency for private water supply or sanitary sewage disposal facilities (or both if necessary).

Sec. 3.13. - Demolition of buildings.

No building shall be razed until a permit has been obtained from the Zoning Administrator, who may be authorized to require a performance bond as provided in [Section 21.05](#). Said bond shall be conditioned on the applicant completing the razing within a period not to exceed six months and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

Sec. 3.14. - Moving of buildings.

No existing building of any type or kind, except as otherwise permitted in this Section, shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a permit is issued by the Zoning Administrator. All such buildings shall meet the construction code as adopted by the Township. In considering such permit, the Zoning Administrator shall consider the following standards:

- A. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
- B. Accessory buildings and decorative garden structures of less than 200 square feet, and children's play structures shall be exempt from this requirement.

Sec. 3.15. - Keeping of animals.

- A. The keeping of livestock shall be considered customary to, and commonly associated with, the operation of the permitted uses or special uses, subject to the requirements of this Section. The keeping of animals shall comply with the generally accepted agricultural and management practices established by the Michigan Department of Agriculture.
- B. Kennels shall only be permitted as required by the zoning district in which the property is located. Any pen or building or structure housing these animals shall be a minimum of 50 feet from any property line.
- C. Animals, other than house pets, shall only be permitted in the AG and RR Districts with a minimum lot size of five acres.

When kept as allowed outside, livestock shall be contained by a fence suitable to prevent them from leaving the premises. Livestock shall be maintained in compliance with Generally Accepted Agricultural Management Practices or GAAMPs, as established by the Michigan Department of Agriculture or a successor agency.

Sec. 3.16. - Swimming pools.

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section. However, these regulations shall not be applicable to any pool less than 24 inches deep or having a surface area less than 250 square feet, except where pools are permanently equipped with a water recirculation system.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
- C. The outside edge of the pool wall shall meet the side and rear yard setbacks of the zoning district in which it is located. On waterfront lots, no pool or fence surrounding the pool which is four feet or higher shall be located closer than the minimum required setback designated by the Michigan Department of Environmental Quality for high risk erosion areas. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four feet, sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must be not less than four feet above the underlying ground. All gates must be self-latching, and latches shall be placed four feet above the ground or otherwise made inaccessible from the outside to small children. See Section 3.32 for other fence requirements. A natural barrier or other protective device may be approved by the Zoning Administrator as an alternative if the degree of protection afforded is at least equal to the protection offered by the fence or wall, and if the alternative complies with the State building code.
- E. All swimming pool installations shall comply with any applicable construction codes and all other applicable codes.

(Ord. No. O31819-3, § 1, 3-18-2019)

Sec. 3.17. - Recreational vehicle storage or parking in residential districts.

- A. The outdoor storage or parking of recreational vehicles in residential districts, RR, LDR, MDR, LR-A, LR-B, shall be subject to the following minimum conditions:
 - 1. Any recreational vehicle parked outside shall not be located in any required front or required side yard setback area. Not more than one recreational vehicle shall be stored on a lot or parcel, except as allowed under Subsection 4 below.
 - 2. Recreational vehicles stored outside shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
 - 3. Storage or parking of recreational vehicles shall be limited to a lot or parcel upon which a principal building is located. The lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a residential district other than a licensed campground.
 - 4. It shall be lawful for only non-paying guests to occupy one recreational vehicle on a lot or parcel upon which a principal building is located and parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding 72 consecutive hours. The total number of days during which a recreational vehicle may be occupied under this Subsection shall not exceed 14 in any calendar year.
 - 5. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied, except as otherwise permitted in Subsection 4 above, and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas.
 - 6. Notwithstanding the provisions above, a recreational vehicle may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- B. The storage of recreational vehicles not owned by the primary resident shall be permitted within an approved and fully

enclosed accessory building or farm building on property within the AG and RR Districts.

C. Overnight tent camping is prohibited on vacant land and the beach along Lake Michigan.

(Ord. No. 111620, § 1, 11-16-2020)

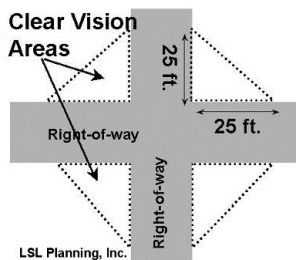
Editor's note— Ord. No. 111620, § 1, adopted Nov. 16, 2020, changed the title of § 3.17 from outdoor storage in residential districts to recreational vehicle storage or parking in residential districts.

Sec. 3.18. - Home occupations.

All home occupations shall be subject to the following restrictions and regulations:

- A. The home occupation shall be conducted within the principal dwelling and only by a resident of the dwelling, along with not more than one person employed who is not a resident of the premises.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. There shall be no alteration in the residential character of the premises, or any visible evidence of the conduct of the home occupation, other than signage permitted in accordance with this Section.
- C. The home occupation shall be operated in its entirety within the principal dwelling, but shall not in any case, exceed a total area greater than 20 percent of the usable floor area of the dwelling unit, or 300 square feet, whichever is less.
- D. For the purpose of identification of such use, one non-illuminated wall sign not exceeding four square feet in area may be permitted, mounted flat against the wall of the principal building. Such signs shall identify only the name of the profession and the name of the occupant of the premises.
- E. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- F. No articles or materials used in connection with such home occupation shall be stored other than in the dwelling.
- G. No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- H. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the road and not within the required front yard.
- I. By way of example, the following uses shall not be considered home occupations: medical clinics or offices, hospitals, tearooms, veterinary clinics or offices, bed and breakfasts, kennels, and similar uses, as determined by the Planning Commission.

Sec. 3.19. - Clear vision areas.



- A. On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above the established abutting road grade within a triangle formed by the two road right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines.

- B. No plantings, fencing, or other structures shall be established or maintained on any corner lot which will obstruct the view of a driver approaching the intersection.

Sec. 3.20. - Minimum requirements for principal dwellings outside of manufactured housing communities.

It is the intent of this Section to establish minimum standards of construction and appearance for all single-family dwellings placed in the Township, outside of manufactured housing communities, whether such dwellings are constructed as a manufactured home or constructed on a lot. Agricultural labor housing shall not be subject to this Section. Construction and placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- A. If the dwelling unit is a manufactured home, the manufactured home must be one of the following:
 - 1. New and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated.
 - 2. Used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced in Subsection 1 above, and found, on inspection by the Township building official, to be in excellent condition, safe and fit for residential occupancy.
- B. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half feet.
- C. The dwelling unit shall have a minimum horizontal dimension across any front, side and rear elevation of 24 feet at time of manufacture, placement or construction.
- D. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings, with a minimum depth of 42 inches below grade. The foundation shall provide a maximum exposed foundation above grade of 16 inches and a minimum exposed foundation above grade of eight inches, and shall comply with all applicable provisions of the building code enforced by the Township. The dwelling shall be firmly attached to the foundation as required by the construction code enforced by the Township, or by an anchor system designed and constructed in compliance with United States Department of Housing and Urban Development Regulations, if a manufactured home.
- E. Reserved.
- F. The wheels, pulling mechanism, and tongue of any manufactured home shall be removed prior to placement on a foundation.
- G. All dwellings shall be connected to a sanitary sewer or septic system and water supply system approved by the Township, County Health Department or appropriate State agency.
- H. All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than one foot between any door and the surrounding grade.
- I. All dwellings shall provide a minimum of two points of ingress and egress for adequate fire access.
- J. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Zoning Administrator. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- K. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the County or Township, and with applicable Federal or State standards or regulations for construction. Appropriate evidence of compliance with the standards or regulations shall be provided to the Zoning Administrator.
- L. All additions to dwellings shall meet all the requirements of this Ordinance as well as all applicable construction codes.
- M. A minimum of 100 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Zoning Administrator.

- N. The foregoing standards shall not apply to a manufactured home located in a manufactured housing community licensed by Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Chapter Ordinance except to the extent required by State or Federal law.

Sec. 3.21. - Vehicle storage and repair.

- A. The carrying out of repair, restoration and maintenance procedures or projects may occur on one vehicle in any residential district provided the vehicle is owned by the owner or occupant of the property. Long term restoration procedures must be conducted within a fully enclosed building.
- B. No parts or vehicles not in a legally operable condition shall be stored outside of an enclosed building.

Sec. 3.22. - Satellite dish antenna.

These regulations shall not apply to antennas that have a diameter of one meter or less in residential districts, or two meters or less in nonresidential districts. No satellite dish antenna shall be constructed, installed, maintained, or operated in the Township except in conformance with these regulations. It is the intent of these regulations to protect the community from a potentially unsightly proliferation of such antennas in open view, to protect public safety by regulating the placement of such dishes in front yards and thereby avoiding visual obstructions to traffic, to ensure conformance to applicable building codes to avoid injury or destruction of property, and to ensure that the intent and purposes of this Ordinance are met.

- A. Nonresidential districts:
1. The dish antenna shall be permitted in an interior side or rear yard, or mounted on top of a building, if securely anchored.
 2. The nearest part of the antenna shall be at least five feet from any property line.
 3. The height shall not exceed the height restrictions in the zoning district in which the proposed device is to be located.
- B. Residential districts:
1. The antenna shall be permitted in the rear yard only.
 2. The nearest part of the antenna shall be at least five feet from any property line.
 3. The unit shall be securely anchored as determined by the Zoning Administrator.
 4. The maximum height measured from the ground to the top edge of the dish shall be 14 feet.
 5. The antenna shall be an unobtrusive color, as approved by the Zoning Administrator.
- C. No portion of the antenna shall contain any name, message, symbol, or other graphic representation.
- D. A site plan shall be submitted to the Zoning Administrator for approval prior to the issuance of a zoning compliance permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.
- E. The Zoning Administrator shall be permitted to waive or modify any of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.

Sec. 3.23. - Projections into yards.

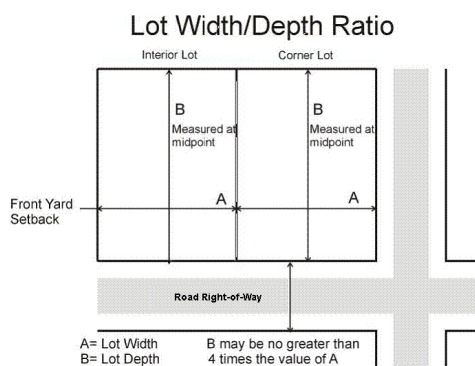
- A. Architectural features may project a maximum of four feet into a front or rear yard setback area, but shall not project into the side yard setback.
- B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on three sides, unenclosed, and uncovered and project six inches or more above the surrounding grade:
1. May project a maximum of ten feet into a front yard setback area.
 2. May project a maximum of 15 feet into a rear yard setback area.

3. Shall not project into a side yard setback area.
 4. An open deck or patio less than 30 inches in height may be five feet from any side or rear property line.
- C. If these structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building and shall comply with the setback requirements of the main building.
- D. Yards, projections into. Notwithstanding other provisions in this Section, outdoor stairways shall be permitted, to allow access over natural features such as dunes or wetlands, if all applicable State regulations are satisfied, whether or not the stairways are connected to the principal building on the lot. A storage area, not used for human habitation, shall be permitted under such stairway or deck, even if the storage area includes walls and a roof. Stand-alone accessory structures such as decks, pools, and gazebos, as well as storage sheds with less than 225 square feet, are permitted in the waterside front yard of waterfront lots.

Sec. 3.24. - Parking in residential zones.

- A. In no case shall vehicles be parked in any required parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.
- B. It shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in the LR, LDR, or MDR Districts to permit or allow the open storage or parking, either day or night, thereon of trucks (over one ton), semi-trucks and trailers, manufactured homes, construction equipment, or any other similar equipment or machinery used for business purposes, unless expressly permitted in other Sections of this Ordinance.
- C. In all other districts such parking as described in Subsection B above shall be permitted for a period not exceeding 48 hours. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on that farm; and equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be exempted from this restriction.
- D. No vehicle storage or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

Sec. 3.25. - Maximum width to depth ratio.



- A. No lot shall be created whose lot depth exceeds four times its width, except for residentially zoned lots or parcels that have more than one-half of their road frontage on a cul-de-sac, or parcels located in the LR Zoning District.
- B. For purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the road connected to the cul-de-sac.
- C. In the case of an unimproved corner lot or corner parcel, the depth of a lot or parcel shall be measured midway between the side lot lines and from the front lot line to the rear lot line along the dimension of the lot comprising the greatest distance.

Sec. 3.26. - Private roads.

- A. *Purpose.* The Township determines that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of private roads. Private roads are only permitted in the LR, LDR, MDR and commercial or industrial districts, and on lots in the Rural Residential District which directly front Blue Star Highway and which include an open space development. These provisions have been enacted to assure that proposed private roads:
1. Will not be detrimental to the public health, safety, or general welfare.
 2. Will not adversely affect the long term development policies of the Township.
 3. Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
 4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
- B. *Frontage and access.*
1. Interior access and circulation within or to a parcel may be provided by a private road or a system of private roads, provided such road or road system shall be directly accessible from a perimeter public road.
 2. All parcels utilizing a private road shall have frontage on the approved private road for a distance equal to or greater than the minimum lot width required for the zoning district in which the parcel is located.
- C. *Permits.*
1. No person shall construct, upgrade, or extend a private road without first having obtained a private road permit from the Planning Commission.
 2. The Zoning Administrator shall not issue a certificate of occupancy for a building or structure on lots or condominium units served by a private road until construction of the private road is completed and inspected by the Township engineer to the extent required by the Planning Commission.
 3. All required Allegan County or State of Michigan permits shall be obtained.
 4. The Planning Commission may elect to have all design and construction plans reviewed by the Township's attorney, engineer, or planner prior to consideration of the application for the private road permit.
- D. *Application.* Prior to consideration of a private road permit, an application shall be filed with the Township Clerk and shall contain the following:
1. An application form and fee as established by the Township Board.
 2. A detailed written description of the development to be served by the private road.
 3. Ten copies of a site plan, drawn to scale (at least one inch equals 100 feet), prepared by a registered engineer, showing a general location sketch; the precise location, grade, route, elevation, dimensions, and design of the private road, and any proposed extensions thereto; existing and proposed curb cuts; and the location and distance to any public road which the private road is to intersect. The plan may be prepared by a registered surveyor, rather than a registered engineer, if the proposed private road is to serve five or fewer parcels, main buildings, etc., and the Planning Commission waives said requirement in writing.
 4. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
 5. The location of all public utilities, including, but not limited to water, sanitary sewer, telephone, gas, electricity, and television cable to be located within the private road or drive easement or within 20 feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
 6. The location of any lakes, streams, wetlands, drains, and slopes (over 12 percent) within the proposed right-of-way or within 100 feet thereof.
 7. The location of any other buildings and structures located, or to be located, within 100 feet of the private road right-of-way.

8. The layout of all existing or proposed lots or parcels which will use the private road. Such lots or parcels shall also be review of the private road parcel.

E. *Review and approval.*

1. The application, along with all other required information, shall be submitted to the Zoning Administrator.
2. The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing notice of such hearing as required by the Zoning Administrator for special uses.
3. The Planning Commission shall consider the request based on the standards of this Section, and all other relevant provisions of this Ordinance. The Planning Commission may request review assistance from any appropriate entity that could provide insight on the project including but not limited to the Township attorney, engineer, planning consultant or any appropriate County or State entity.
4. The Planning Commission shall review the application and such other information available to it through the public hearing or from any other sources, including recommendations and reports of the consultants and shall preliminarily approve, approve with conditions, or deny the request, and state the basis for the decision and any conditions which should be imposed. The Planning Commission may require that the applicant comply with reasonable conditions relative to the design and construction of the private road. Preliminary approval shall serve to allow construction of the private road in accordance with the provisions of this Section and all conditions imposed by the Planning Commission.
5. No petition for private road approval which has been disapproved shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
6. Following completion of the private road to the extent required by the Planning Commission and prior to the issuance of any occupancy permit, the applicant shall request final approval. In order to request placement on the Planning Commission agenda for final approval, the applicant shall obtain or complete the following:
 - a. Final inspection and approval of private road plans by the Township's engineer.
 - b. Road sign and traffic control device plans.
 - c. Underground utility plans.
 - d. Ten copies of recorded land survey and legal descriptions showing easements for underground electrical and communication service lines, drainage, sanitary sewer, public water, the private road, and dedication of any private road right-of-way.
 - e. Two copies of recorded road maintenance agreements.
 - f. Two copies of recorded deed restrictions and easements.
7. Final approval shall be given if the private road is in compliance with this Section, imposed conditions, and all other Ordinance and applicable requirements.

F. *Review standards.* Prior to approving a private road permit application, the Planning Commission shall determine that the following standards have been met:

1. The proposed private road will not be detrimental to the public health, safety, or general welfare.
2. The proposed private road will not adversely affect the use of land.
3. The private road is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
4. The private road is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
5. The location, lots served, and construction of the private road will conform to the requirements of this Ordinance.
6. All requirements outlined in this Section will be satisfied.

G. *Design requirements.* The construction of private roads shall conform to the construction standards provided in this

Ordinance, as follows:

1. No private road shall extend for a distance of more than 2,640 feet in length from the nearest public road right-of-way, as measured along the centerline of the private road, without a second direct access thereto being available from a public road.
2. All private roads shall have a recorded permanent easement with a minimum width of at least 66 feet. The easement shall also expressly permit public or private utilities to be installed within the easement.
3. The area in which the private road is to be located shall have a minimum cleared width of 28 feet, which clearing shall always be maintained.
4. Pavement widths shall conform to the following table. Any private road serving five or fewer parcels which is subsequently extended to serve more than five parcels shall be upgraded in its entirety to meet the pavement width requirements of this Section.

Standards	Serving 2—5 Lots	Serving More Than Five Lots
Width	16 feet	22 feet
Materials	A minimum of six-inch 22A aggregate over a minimum of six inches compacted sand base.	Private roads must be hard surfaced with either asphalt or concrete. A two-inch minimum of bituminous mixture shall be used with a minimum of six-inch 22A aggregate base material over a minimum of six inches compacted sand base.

5. A road shoulder at least two feet wide, composed of six inches of compacted gravel, shall be provided on each side of the private road surface and shall slope one-half inch per foot from the outside edge of the road surface to the toe of the slope.
6. Any private road which terminates at a dead-end shall have a means for vehicle turn-around either by use of a cul-de-sac, with a minimum road surface radius of 42 feet, or by a continuous loop private road system, both of which must be constructed in accordance with the standards set forth in this Section and approved by the South Haven Area Emergency Service (SHAES).
7. The road surface shall have a minimum crown of 0.02 foot per foot from the centerline of the private road to the outside edge thereof.
8. The maximum longitudinal road grade shall not exceed six percent, provided that the Planning Commission may allow up to a ten percent grade if the applicant produces written justification, satisfactory to the Planning Commission, that an increase in the road grade will not adversely affect public safety and the design of the road system(s). The Planning Commission may seek written recommendations from the Township engineer.
9. The layout of the private road and the intersection(s) of the private road with either a public or another private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer. The minimum distance between intersections of public or private road rights-of-way or easements shall not be less than 300 feet, as measured along the right-of-way line thereof.
10. The private road shall be constructed with such stormwater runoff, culverts, and drainage contours as is required by the Planning Commission and Allegan County Drain Commission to ensure adequate drainage and runoff.
11. Water and sanitary sewer easements shall be provided as part of the private road approval process.

12. The private road shall be given a name and road signs shall be installed in accordance with the standards and approval of the Road Commission for public roads. Private roads shall have a standard stop sign where the private road abuts any public road or where two or more private roads abut. All required road signs shall meet the Road Commission's sign standards for public roads.
 13. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any other agency having jurisdiction thereof.
 14. The maximum number of lots on a single access cul-de-sac or dead end private road shall be determined by South Haven Area Emergency Service (SHAES) review and approval.
 15. A person shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction designed to limit access or control vehicular speed on any private road.
- H. *Maintenance and repairs.*
1. Private roads shall be maintained in a manner that complies with the provisions of this Section.
 2. All private roads shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All private roads shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
 3. All costs for maintenance and repair of the private road shall be the responsibility of the property owners or any property owner's association served by the private road.
 4. The applicant(s)/owner(s) of the proposed private road easement or private road shall provide the Planning Commission with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road easement and any other parties having any interest therein or a property owner's association which shall provide that the private road shall be regularly maintained, repaired, and snowplowed so as to assure that the private road is safe for travel at all times and the cost thereof paid. The maintenance agreement shall at a minimum contain the following:
 - a. A method of initiating and financing of such road or easement improvements and maintenance in order to keep the road in a reasonably good and usable condition.
 - b. A workable method of apportioning the costs of maintenance and improvements.
 - c. A notice that no public funds of the Township are to be used to build, repair, or maintain the private road.
 - d. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 5. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, to assure that any parcels or lots accessed by the private road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded with the Allegan County Register of Deeds and shall run with the land. Once approved by the Township, records shall be furnished to the Township prior to final approval of the private road.
- I. *Performance guarantee.* The Planning Commission shall, as a condition of the private road construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of Section 21.05, and waiver of liability.
- J. *Inspections/certificate of compliance.*
1. Upon completion of construction of the private road, the Zoning Administrator shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
 2. The applicant(s) shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit and this Ordinance.
 3. If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties

provided for in Section 21.03 and the Township's Municipal Civil Infractions Ordinance.

- K. *Indemnification.* The applicant(s)/owner(s) of the private road agree that by applying for or securing a permit to construct the private road to indemnify and hold the Township harmless from any and all claims for personal injury or property damage arising out of the use of the private road or of the failure to properly construct, maintain, use, repair, and replace the private road.

Sec. 3.27. - Ponds.

- A. No person shall commence excavation, dredging, or construction of a dam, any of which is designed, intended or results in the creation or enlargement of a pond, without first making application for and receiving a zoning permit approving the specific plans for a pond.
- B. Up to 20,000 cubic yards of earth material may be removed from a one-acre pond excavation site. If a greater amount of material is anticipated to be moved from the excavation site it shall be subject to the special use provision of this Ordinance for the "removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources."
- C. Proposed ponds of less than one acre in size shall be reviewed by the Zoning Administrator and shall require a plot plan.
- D. Ponds (or manmade lakes) in excess of one acre shall be reviewed by the Planning Commission and considered under the site plan review process.
- E. Applications for ponds larger than five acres or ponds which are located within 500 feet of a lake, river, stream, or open county drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, applies to the proposal.
- F. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, and any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells) and method of water discharge; the applicant shall also indicate the method of filtration and treatment of the water, if required.
- G. The slopes of the banks or sides of the pond shall be constructed so that for each one foot of rise there shall be a minimum of three feet of run. This minimum slope angle must be maintained and extended into the pond to a depth of three feet.
- H. No pond shall be closer than 50 feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
- I. No pond shall be constructed, installed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- J. Ponds on parcels of less than 20 acres in size may be required to be fenced by a minimum of a four-foot fence, and may be required to maintain one or more safety stations in compliance with the following:
1. U.S. Coast Guard approved ring buoys securely connected to 40 feet of rope mounted on posts located at 500-foot intervals around the perimeter of the pond.
 2. A 12-foot long pole attached to one safety station.
- K. No pond shall be used or maintained unless adequate public health measures are periodically taken to ensure that the existence or use thereof will not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.
- L. The discharge pipe from any pond without a direct outlet to an established drain shall not exceed two inches in diameter. The discharge pipe shall be constructed with galvanized iron or such other standard and durable material as may be approved by the Zoning Administrator.
- M. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon adjacent properties.

Sec. 3.28. - Nonconforming lots, uses or structures.

A. Intent.

1. Within the zoning districts established by this Ordinance, or any subsequent amendments thereto, there exist lots, structures, uses of land, and structures, and characteristics of use 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 nonconformities to continue until they are removed but not to encourage their expansion or continuation except in compliance with this Section.
2. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved. A nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance or an amendment to this Ordinance except in compliance with this Section.
3. 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 permanent position and fastened 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.

B. Nonconforming lots of record.

1. A single lot of record is not contiguous with another lot or lots under the same ownership. Where a single lot of record in a platted subdivision (in existence at the time of the adoption or amendment of this Ordinance) does not meet the minimum requirements for lot width, lot depth, or lot area, that single platted lot of record may be used for any purposes permitted by the zoning district in which the lot is located, provided that:
 - a. The minimum lot width shall be 50 feet;
 - b. The minimum lot depth shall be 100 feet;
 - c. The maximum lot coverage for all buildings shall be 25 percent; and
 - d. The setbacks for the main building shall be a minimum of:
 - (1) Twenty-five feet for the front setback;
 - (2) Twenty feet for the rear setback; and
 - (3) Ten feet for each side setback.
2. Where the setbacks cannot be met on the nonconforming lot, the owner may request a variance from the Zoning Board of Appeals under Chapter 20.
3. Contiguous nonconforming lots in common ownership.
 - a. For any two or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they meet the following:
 - (1) Are in the same or substantially the same ownership;
 - (2) Are adjacent to each other or have continuous frontage; and
 - (3) Individually do not meet the lot width or lot area requirements of this Ordinance.
 - b. In the case where several contiguous nonconforming lots in an existing platted subdivision must be combined, the resultant buildable lot or lots shall provide a:
 - (1) Minimum lot width of 60 feet;
 - (2) Minimum lot depth of 100 feet;
 - (3) Maximum lot coverage for all buildings of 25 percent;

- (4) Front setback of 25 feet;
 - (5) Rear setback of 20 feet; and
 - (6) Side setback of ten feet.
 - c. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width or lot area requirements.
 4. The maximum height of all buildings shall be 35 feet.
 5. Fire pit. A fire pit shall not be less than 25 feet from any structure or building or combustible materials and have a setback of 15 feet from a property line. The maximum size shall be three feet wide by two feet high, and be in full compliance with all other regulations set forth by SHAES (South Haven Area Emergency Services or any successor organization) as of November 1, 2017, or as amended.
- C. Nonconforming uses—Change or discontinuance.
1. Except as noted in Subsection 2 below, the nonconforming use of a building or structure or of any land or premises shall not be:
 - a. Re-established after it has been changed to a conforming use; or
 - b. Re-established after being abandoned or discontinued for a continuous period of 12 consecutive months, or for 18 months within any three-year period. A nonconforming use shall be determined to be abandoned or discontinued if one or more of the following conditions exist, and are deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (1) Utilities, such as water, sanitary sewer, gas, and electricity to the property, have been disconnected;
 - (2) The property, buildings, and grounds have fallen into disrepair;
 - (3) Signs or other indications of the existence of the nonconforming use have been removed;
 - (4) Equipment or fixtures which are necessary for the operation of the nonconforming use have been removed; or
 - (5) Other actions have been taken which, in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner to abandon the nonconforming use.
 2. The Zoning Administrator may permit a nonconforming use to be converted to a more conforming use which is less intensive or objectionable. In considering this permission, the Zoning Administrator shall use the following standards in making the decision.
 - a. The building or premises may be changed to a permitted use for the zoning district in which the existing nonconforming use is located. The new use must meet all applicable Ordinance requirements.
 - b. The use of the building or premises may be changed to another nonresidential use which would be permitted by right in a more restrictive zoning district than that in which it is located.
 3. The Zoning Administrator must document the rationale for permitting the conversion of a nonconforming use and place that documentation in the records of the Township. This documentation shall also be provided to the Planning Commission.
- D. Nonconforming buildings or structures.
1. Where a lawful building or 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, location on the lot, or other requirements concerning the building or structure, the building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions.
 - a. No nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but it may be altered to decrease its nonconformity.
 - b. Should a nonconforming building or structure be destroyed by any means, it may only be rebuilt as permitted in Section 3.28.E.2.

c. Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to regulations for the zoning district in which it is located.

E. Repairs and maintenance.

1. Except as provided by Section 3.28.E.2, all repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life, except for repairs necessary to maintain public safety.
2. Nonconforming buildings or structures damaged by fire, wind, explosion, act of God, or public enemy may be restored or repaired if the cost does not exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction. If the cost of restoration or repair would exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, the restoration or repair shall be permitted only if it complies with the requirements of this Ordinance.
3. Residential nonconforming dwellings damaged by fire, wind, explosion, Act of God, or public enemy may be restored or repaired provided that the reconstruction takes place within the confines of the original nonconforming building height and footprint.
4. If a nonconforming building or structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored or repaired, except in conformity with this Ordinance.

F. Any buildings, structures, or uses which fail to conform to the predecessor of this Ordinance, were not constructed or used legally, were not permissible nonconforming buildings or structures or uses thereunder, or which violated the predecessor of this Ordinance, shall not be considered nonconforming buildings or structures under this Ordinance. The buildings, structures, or uses shall be considered illegal and subject to the enforcement provisions of this Ordinance.

G. Structures, buildings, or uses nonconforming because of height, area, or parking and loading space only may be extended, enlarged, altered, remodeled, or modernized provided there is compliance with all height, area, and parking and loading sections with respect to the extension, enlargement, alteration, remodeling, or modernization, and the Zoning Administrator determines that the extension, enlargement, alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming because of parking and loading sections and which is thereafter made conforming or less nonconforming by the addition of parking or loading space shall not thereafter be permitted to use such additionally acquired parking or loading space to meet requirements for any extension, enlargement, alteration, remodeling, modernization, or change of use which requires greater areas for parking or loading space.

H. No nonconforming use of any building or structure or of any lot or parcel which is nonconforming for reasons other than height, area, or parking and loading space shall be extended or enlarged unless all extensions or enlargements do not exceed 50 percent of the area of the original nonconforming use and unless such extension or enlargement is authorized by the Zoning Board of Appeals as a matter for decision pursuant to Section 20 of the Zoning Act (MCL 125.290). In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

1. Whether the extension or enlargement will substantially extend the probable duration of the nonconforming use; and
2. Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with this Ordinance.

(Ord. No. Q31819-2, § 1, 3-18-2019; Ord. No. Q31819-3, § 2, 3-18-2019; Ord. No. 1182021-1, § 3, 1-18-2021)

Sec. 3.29. - Clearing of land.

Unless associated with a bona fide forestry, or agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the State, Federal government, County, or the Township), it shall be unlawful for any person to engage in land clearing of over one acre, including grading, stripping and removing of topsoil or existing vegetation, from

any site, parcel, or lot within the Township without first receiving appropriate development approval, such as but not limited to site plan review, special use, planned unit development, or subdivision approval.

Sec. 3.30. - Excavations.

Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building, structure or pond on the lot, provided that a permit is first obtained from the Zoning Administrator. If any removal from a parcel exceeds 500 cubic yards of material, then the applicant shall comply with the provisions of Section 15.03.DD. In addition, topsoil or sand may be moved from one part of the lot to another part of the lot if such action will not cause, or be likely to cause, sand blow, stagnant water pools, or possible future injury to adjoining properties. A permit shall be required from the Township if the property affected is over one acre in size.

Sec. 3.31. - Hazardous materials.

The accessory storage of hazardous substances shall be subject to the following provisions:

- A. No loading/unloading shall take place in the front yard of any use in any zoning district.
- B. A description of any hazardous substances expected to be used, stored or disposed of on the site shall be provided to the Township. The information shall describe the type of materials, location within the site and method of containment.
- C. Documentation of compliance with Federal and State requirements, and a Pollution Incident Prevention Plan (PIPP), shall be submitted to the Township, as appropriate.
- D. Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the Department of Environmental Quality, Surface Water Quality Division. Any discharge of liquids, sludges, wastewater or wastewater residuals into or onto the ground shall be documented and appropriate permits obtained from the Department of Environmental Quality, Waste Management Division.
- E. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from the State Police Fire Marshal Division, Hazardous Materials Section.
- F. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division.

Sec. 3.32. - Fences.

- A. Fences shall not be constructed in any public right-of-way.
- B. Unless provided for elsewhere in this Ordinance, a fence may not exceed a height of three feet within any required front yard setback area, or a height of seven feet in any other area. For waterfront lots, a fence may not exceed a height of three feet within any front or rear yard setback area, or a height of seven feet in any other area.
- C. Fence height shall be measured from average grade within five feet of the fence on the ground to top of fence.
- D. Razor wire is prohibited in the Township.
- E. In the case of a double frontage (through) lot in any residential district, a fence up to seven feet in height may be erected in the rear yard, as determined by the Zoning Administrator, but shall not block clear vision for area driveways or roadways.
- F. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque.
- G. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque. Fences used for agricultural purposes shall not exceed eight feet in height.

(Ord. No. 031819-3, § 3, 3-18-2019; Ord. No. 111620, § 2, 11-16-2020)

Sec. 3.33. - Greenbelts, buffers and landscaping.

It is the intent of this provision to promote the public health, safety and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping as greenbelt buffer zones between potentially incompatible uses and residential dwellings. Landscaping is also viewed as a critical element contributing to the aesthetics, development quality, stability of property values, mitigation of nuisance affects, and overall rural character of the Township. As such, the following standards shall be met, as applicable. Further, protected landscapes and well-designed landscapes help the Township meet Master Plan goals and objectives.

- A. It is the intent of this Ordinance to protect existing site vegetation as a means of retaining rural character. Significant site vegetation, including landmark trees, shall be protected as much as practical and noted for protection on the site plan. If existing plant material is labeled "to remain" on a site plan by the applicant or is required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed prior to grading and construction activities. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved.
- B. The purpose of greenbelts is to provide physical and visual separation between potentially incompatible uses.
 1. A required greenbelt shall be a strip at least 20 feet in width. The greenbelt shall have a minimum of one evergreen tree, of at least five feet in height, for every ten feet of length of the greenbelt. The greenbelt shall be situated to provide an effective sound and visual permanent buffer. Protected vegetation may be considered in lieu of the evergreen quota. The Planning Commission may alter plant material requirements or may require additional landscaping, berming, wall or a stockade fence in addition to the greenbelt area, in order to provide an effective screen.
 2. Greenbelt and landscaping materials shall contain groundcover and live materials. Pavement gravel or other hard surfaces are not considered landscaping.
 3. Any plant materials required as part of the greenbelt which die shall be replaced by the property owner.
- C. The Township may require a performance guarantee, per Section 21.05, to ensure the installation of required landscaping.
- D. For commercial and industrial uses the required front yard shall have a minimum of one canopy tree of at least one and one-half inches in diameter four feet off the ground for every ten feet of frontage.
- E. For residential developments requiring site plan review, a natural vegetative buffer of a minimum of 100 feet deep from the right-of-way line shall be provided along the entire frontage of any public road abutting the development. The buffer area shall remain in a natural state. Where adequate natural vegetation does not exist, the Planning Commission will require that the area be augmented with landscaping.
- F. Ornamentals, shrubbery and perennials shall also be creatively placed in setbacks (including the side and rear setbacks) to accentuate the site (not necessarily to serve as a buffer). Landscaping should be placed to:
 1. Define cross-access easements, pedestrian ways and outdoor amenities like seating.
 2. Serve as windbreaks where warranted.
 3. Provide shade for parking areas.
 4. Break up large expanses of building walls without windows.
 5. Provide for long term viability (for example, so as not to block the view of on-site signs in the future).
- G. Where landscaping could impair adjacent agricultural operations (i.e., inhibit air circulation) the Planning Commission may alter proposed landscaping plans.
- H. The owner or occupant of property that is required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be removed and replaced.

Temporary uses, buildings and structures, not used for dwelling purposes, may be placed on a lot or parcel and occupied for up to 12 months in duration only under the following conditions as authorized by the Zoning Administrator or Planning Commission. A performance guarantee may be required pursuant to Section 21.05 in an amount equal to the estimated cost of removing any temporary use, building or structure permitted.

- A. Only the following temporary uses, buildings or structure are permitted:
1. Temporary buildings and structures incidental to construction work, except those related to construction of single-family dwellings, may be placed on the developing tract or parcel during construction. No cooking accommodations shall be maintained. Said temporary buildings shall be removed within 15 days after construction is complete. The structure shall not be allowed more than 12 months, unless expressly authorized after petition to the Zoning Administrator.
 2. Temporary real estate offices are permitted within approved development projects. No cooking accommodations shall be maintained. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.
 3. Concrete and asphalt crushing is permitted in the AG and RR Zoning Districts, provided:
 - a. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to neighboring areas.
 - b. The Planning Commission shall approve appropriate access after receiving a recommendation from the County Road Commission.
 - c. Before permit approval is granted for a temporary concrete and asphalt crushing facility, the Planning Commission shall find that the facility is both incidental to and necessary for construction activities within 15 miles of the facility.
 - d. The facility shall be located at least 500 feet from any dwelling.
 - e. No dust, or fumes from the operation shall be discernable at or beyond the lot line.
 - f. Adequate measures will be taken to prevent lights, drainage, and traffic from creating a nuisance on uses of adjacent properties.
 - g. All permitted materials shall be maintained in a neat and orderly manner and shall be covered or wet down regularly so as to prevent debris from leaving the site.
 - h. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and the operation shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.
 - i. The facility shall comply with the environmental protection standards of this Ordinance and with all water and air quality permit requirements of the Michigan Department of Environmental Quality.
 4. An anemometer more than 100 feet and less than 200 feet in height is permitted in all zoning districts as a temporary use, in compliance with the provisions of this Section and the applicable WECS regulations in this Ordinance.
 - a. The construction, installation, or modification of an anemometer tower shall require site plan review by the Planning Commission; a building permit; and compliance with all applicable Township, State, and Federal requirements, including those of the Federal Aviation Authority.
 - b. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety, and decommissioning that correspond to the size of the WECS that is proposed to be constructed on the site.
 - c. An anemometer may be permitted for no more than 13 months for a single property, on-site use, WECS, and no

- more than three years for an interconnected wind energy conversion system.
- d. Height, anemometer tower: Towers used to conduct wind assessment studies for possible installation of a WECS, including attached equipment, shall not exceed a height of 200 feet and shall be setback at least one and one-tenth times the height of the tower from any lot line.
 - e. Lights and markings: Towers over 50 feet high shall have obstruction lighting or painting in accordance with United States Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K.
- B. A zoning permit shall be required from the Zoning Administrator for permitted temporary uses. For more intensive temporary uses, the Zoning Administrator may refer an application for the zoning permit to the Planning Commission. If the temporary use request goes before the Planning Commission for review a public hearing shall be required after notice is given as provided in the Zoning Act.
- C. A written temporary use permit shall include the following:
1. The applicant's name;
 2. The location and effective dates of the temporary use;
 3. Conditions under which the permit was issued, included but not limited to:
 - a. Use and placement of signs;
 - b. Provision for security and safety measures;
 - c. Control of nuisance factors;
 - d. Hours of operation;
 4. Submission of performance guarantee, if applicable;
 5. Signature of the Zoning Administrator and owner or operator of the temporary use.
- D. Conditions may be imposed, with the issuance of a permit, which are designed to ensure compliance with the requirements of this Ordinance. The Township may revoke a permit at any time for nonconformance with the requirements of this Section.
- E. The nature of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing uses. Additional standards include, but are not limited to:
1. The temporary use shall not be typically located within a permanent building or structure.
 2. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
 3. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
 4. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
 5. Signs shall be limited to 32 square feet in size.
 6. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- F. Request for permit renewal shall be filed at least 15 days prior to the expiration date of the current permit. Applications for renewal or extension of a permit having a duration of 15 days or less shall be applied for at least three days prior to the expiration date of the current permit. Regardless, temporary uses shall be limited to one time extension of not more than 90 days.
- G. Upon expiration or revocation of a temporary zoning permit for a temporary use, the temporary use shall cease and all temporary structures or buildings shall be removed from the parcel of land. A temporary zoning permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
1. That circumstances have changed;
 2. That the temporary zoning permit was obtained by misrepresentation or fraud;

3. That one or more of the conditions of the temporary zoning permit have not been met;
 4. That the temporary use violates any statute, ordinance, law, or regulation.
- H. The applicant shall sign an affidavit holding the Township harmless against any claim for damages if the Township were to use the performance guarantee to remove the temporary structure after its authorized period had expired.
1. In the event that a temporary structure is not removed by a permit holder at the end of the permit period the Township may use the performance guarantee to remove the temporary structure once the permit has expired.
 2. If the applicant removes the temporary structure as dictated by the permit the performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

Sec. 3.35. - Single property, on-site use, wind energy conversion system.

- A. The following shall apply only to single property, on-site use, wind energy conversion systems. Water pumping and ornamental wind devices which do not produce electrical energy shall be exempt from this Section and are regulated by the height limitations and other provisions for permitted accessory structures of Section 3.07.
- B. A single property, on-site use, wind energy conversion system shall be a permitted use in all zoning classifications subject to the following regulations.
1. *Application:* A zoning permit application shall be submitted to the Zoning Administrator with a scaled site plan demonstrating compliance with these regulations.
 2. *Property setbacks:* The distance between a single property, on-site use, wind energy conversion system and the lot lines shall be at least one and one-tenth times the height of the system structure. No portion of the structure, including guy wire anchors, shall extend closer than ten feet to the lot line.

A single property, on-site use, structure mounted wind energy conversion system is exempt from this Subsection so long as the structure upon which it is mounted is fully conforming as to setbacks and height. A single property, on-site use, structure mounted WECS may be located upon a nonconforming structure so long as it is located on a portion of the structure that is conforming to all setback and height requirements of the zoning district in which it is located.

3. *Construction codes, towers, and interconnection standards:* Single property, on-site use, wind energy conversion systems including towers shall be built to the manufacturer's instructions and shall comply with all applicable State construction and electrical codes and building permit requirements.
4. *Safety:* A, single property, on-site use, wind energy conversion system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All towers shall have lightning protection. If a tower is supported by guy wire anchors, the wires shall be clearly visible up to a height of at least six feet above the guy wire anchors.
5. *Clearance:* The minimum vertical blade tip clearance from the ground (the highest point of grade level within 25 feet of the base of the tower) shall be 15 feet for a single property, on-site use, wind energy conversion system employing a horizontal axis rotor. For a single property, on-site use, structure mounted WECS, the minimum blade tip clearance from any portion of a structure that is located within 25 feet of the turbine blades shall be ten feet.
6. *Lights and markings:* Towers over 50 feet high shall have obstruction lighting or painting in accordance with United States Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K.

Sec. 3.36. - Cottage industry.

- A. The types of cottage industries that can be taken up shall include, but not be limited to, those listed below and those the Planning Commission determine to be substantially similar:
1. Tearooms, such as those that serve cream tea, often served from a china set, and a scone with jam and clotted cream;
 2. Specialty food and beverage preparation—without consumption;

3. Artisans and craftsmen producing unique and distinctive items for sale on the premises;
 4. Custom manufacturing—art framing, etc.;
 5. Packing and processing: Winery;
 6. Horticulture;
 7. Handloom weaving, handicrafts, sericulture, beekeeping, etc.
- B. Not more than two employees shall be working on the premises in addition to the members of the family residing on the premises.
- C. The cottage industry shall be clearly incidental and subordinate to the use of a parcel containing a dwelling occupied as a principal residence of the owner or operator of the cottage industry.
- D. Multiple uses may be permitted within a cottage industry. The area occupied by all uses within the cottage industry, including storage, shall not exceed 1,000 square feet.
- E. Minimum parcel size shall not be less than one acre; provided that a smaller parcel may be approved by the Planning Commission upon finding that the intent and other requirements of this Section can still be met.
- F. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s).
- G. There shall be no change in the outside appearance of any building or the premises, except one non-illuminated sign not exceeding six square feet in area and four feet in height.
- H. In the event a new building is constructed to accommodate the cottage industry, it shall maintain a vernacular similar to that of existing buildings within the vicinity. The building shall have a traditional rural residential, farmstead or lakeside cottage character.
- I. The sale of merchandise not produced on the premises shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.
- J. Not more than ten customers or clients shall come to premises during any one day, restricted to the hours 7:00 a.m. to 7:00 p.m.
- K. Not more than two delivery vehicles shall access the premises each week.
- L. Large vehicles or construction equipment (such as trucks of over one ton rating) is not permitted as part of a cottage industry.
- M. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.

Sec. 3.37. - Home-based businesses.

- A. The home-based business shall not be used as an attempt to establish a commercial or industrial use in a residential area.
- B. The parcel containing the home-based business shall be a minimum of two acres and shall contain a single-family dwelling.
- C. The home-based business shall be owned and operated by the owner and resident of the dwelling located on the property.
- D. No more than two persons at a time who are not residents of the dwelling may be employed on the premises at which the home-based business is conducted. This does not preclude the use of additional employees who may be employed by the home-based business but who work in other locations off the premises.
- E. Any parking needed for employees of the home-based business shall be provided off the road. No more than five spaces shall be needed by the home-based business. The parking spaces shall be screened and shall not be provided in a required yard.
- F. The home-based business shall be conducted entirely within a dwelling, or within one approved accessory building, not exceeding ten percent of the lot area of the lot on which the business is housed up to 5,000 square feet in area. In no case shall the area devoted to the home-based business exceed this allotment. All activities shall be conducted within this

building and no outdoor storage of goods shall be permitted.

- G. The home-based business shall not result in the alteration of the dwelling, nor the construction of an accessory building that is not customary to dwellings and residential accessory buildings.
- H. Buildings which must meet special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of motor oil, lubricants, and anti-freeze), and other similar systems shall not be permitted.
- I. One sign shall be permitted, not exceeding six square feet in area. The sign shall not be illuminated or higher than four feet above grade.
- J. Any traffic generated by the home-based business shall not be so great or occur at a time that would cause serious adverse effect within or upon the surrounding neighborhood, as determined by the Zoning Administrator.
- K. No equipment or process shall be used on the premises which create excessive noise, vibration, glare, fumes or odors, or electrical interference.
- L. Storage of vehicles associated with the business shall either be wholly contained within the accessory structure or screened on site. In no case shall there be more than two vehicles or pieces of equipment stored outside.
- M. Only those goods or products which are clearly primary to the home-based business may be sold on the premises. No merchandise for sale shall be displayed for advertising purposes so as to be viewable from the road.
- N. Home-based businesses existing at the time of the adoption of this Ordinance may not be extended to occupy more land without receiving approval as a home-based business as required by this Ordinance.

Sec. 3.38. - Open space preservation.

These provisions are adopted to satisfy the requirements of Section 506 of the Zoning Act. The Zoning Act requires that qualified townships provide for the clustering of residential units on property provided that 50 percent or more of the land is preserved in permanent open space in those districts that have a density of three units per acre or less (with public sanitary sewer) or two units per acre or less (without public sanitary sewer). The clustering must be at the option of the landowner; the Township retains authority to establish minimum standards applicable to clustered developments.

- A. In those residential zoned districts where the minimum lot size is 21,780 square feet or greater without municipal sanitary sewer, and in those residential zoned areas served by municipal sanitary sewer where the minimum lot size is 14,520 square feet or greater, a landowner may choose to apply for land division(s), plat or site condominium under the Open Space Preservation option described below. Provided that no more than the same number of dwelling units allowed on the entire land area of the tract, under the existing zoning district regulations, State laws and rules, may be created.
- B. To qualify for an Open Space Preservation land division, plat or site condominium option the landowner shall:
 1. Sign and record an Open Space Preservation Agreement in the form of a conservation easement, plat dedication, deed, covenant or other legal document that runs with the land and is approved by the Township Board, whereby the landowner shall agree that at least 50 percent of the landowner's property shall remain in a perpetual undeveloped state. An "undeveloped state" shall mean; a natural state preserving natural resources, natural features, or scenic wooded conditions, agricultural use, open space; or a similar use condition. Land in an undeveloped state shall not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
 2. If the property is not served by a municipal sanitary sewer system, then before any divisions under one acre in area are approved the landowner shall obtain individual septic system permits on each proposed lot, or, a State and County approved common septic system may be an acceptable option with the approval of the Township Board, so long as the common septic system is not located in areas included within the required open space.

3. No exercise of the Open Space Preservation option shall be effective until the Township Board has approved the document by this Subsection, and these have been filed and are of record with the Allegan County Register of Deeds.
 4. All land divisions proposed under the Open Space Preservation option are subject to the site plan review provisions of this Ordinance.
- C. Minimum lot (or condominium unit) requirements. Under the Open Space Preservation option, the minimum lot requirements shall be as follows:
1. *Minimum lot width*: Shall be 80 percent of the minimum lot width required under this Ordinance for the zoning district.
 2. *For corner lots*: 80 percent of the minimum lot width shall be required on both road frontages.
 3. *Minimum lot depth*: Shall be at least 100 feet excluding any right-of-way easement.
 4. *Minimum lot area*: Shall be at least 50 percent of the required lot area for the zoning district.
 5. *Maximum lot coverage*: May not exceed 35 percent.
- D. Application—parallel plan. All applications for an Open Space Preservation option land division shall be accompanied by a surveyor's drawing showing a layout of building sites that meet the Ordinance requirements without applying the Open Space Preservation option. This parallel plan shall be designed to demonstrate that the number of sites shown on the application does not exceed the number of sites that could be permitted without applying the Open Space Preservation option and without reference to existing environmental conditions.
1. *Plats*: The applicant shall inform the Township Clerk in writing at the time of application for tentative approval of the preliminary plat if the landowner chooses to exercise the Open Space Preservation option.
 2. *Site condominiums*: The applicant shall indicate on the zoning application form when submitting the preliminary site plan to the Zoning Administrator if the landowner chooses to exercise the Open Space Preservation option.
 3. *Exempt divisions under the State Land Division Act*: The applicant shall indicate on the land division application form when submitting the application to the Zoning Administrator if the landowner chooses to exercise the Open Space Preservation option.
- E. Mandatory inclusion of existing regulated floodplains, critical sand dunes, high risk erosion areas, wetlands, areas of open waters, and drainage ravines in open space preservation. The inclusion of existing regulated floodplains, wetlands, critical sand dunes, high risk erosion areas, areas of open water and drainage ravines in developable lots under this Open Space Preservation Section is hereby prohibited except where over 50 percent of the parent parcel is composed of such areas. When over 50 percent of the parent parcel contains such environmentally sensitive areas all proposed land divisions or condominium units shall be reviewed by the Planning Commission, which shall ensure that no more than the minimum impact upon such areas is approved. Applications for land divisions or condominium units that include floodplains, wetlands, critical dunes, high risk erosion areas or open water shall include review(s) by the appropriate divisions of the Michigan Department of Environmental Quality or successor agency.

Sec. 3.39. - Rental of single-family dwellings.

All short-term and long-term rentals as defined in Chapter 2 shall be subject to the following regulations and performance standards:

- A. Regulations applicable to short-term and long-term rentals:
1. *Lighting*. All lighting on the lot shall be fully cut-off, downward-facing, dark-sky compliant, and shall not cast glare or light beyond any lot line.
 2. *Parking*. Parking shall comply with the standards of Chapter 18 and Section 3.24.
 3. *Signage*. Signage, if permitted, shall comply with the standards of Section 19.07.
 4. *Fire pit*. A fire pit shall not be less than 25 feet from any structure or building or combustible materials and have a

setback of 15 feet from a property line. The maximum size shall be three feet wide by two feet high, per the regulations set forth by SHAES (South Haven Area Emergency Services or any successor organization) as of November 1, 2017, or as amended.

5. *Tents.* Beach tents or camping tents shall not be permitted between sunset and sunrise.
6. *Accessory uses.* Accessory uses shall be regulated by applicable Township ordinances, including all requirements of this Ordinance.

(Ord. No. O21918-2, § 7, 1-24-2018; Ord. No. 1182021-1, § 4, 1-18-2021)

Sec. 3.40. - Shared driveways.

- A. *Purpose.* The Township determines that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of shared driveways. Shared driveways are only permitted in the AG and RR Districts. These provisions have been enacted to assure that proposed shared driveways:
 1. Will not be detrimental to the public health, safety, or general welfare;
 2. Will not adversely affect the long-term development policies of the Township;
 3. Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles; and
 4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
- B. *Frontage and access.*
 1. A shared driveway shall be directly accessible from a public road.
 2. All lots utilizing a shared driveway shall have frontage on the approved shared driveway for a distance equal to or greater than the minimum lot width required for the zoning district in which the lot is located.
- C. *Permits.*
 1. No person shall construct or extend a shared driveway without first obtaining a zoning compliance permit from the Zoning Administrator.
 2. All required Allegan County and State of Michigan permits shall be obtained.
- D. *Design requirements.* The construction of a shared driveway shall conform to the following construction standards.
 1. A shared driveway that extends for a distance of more than 150 feet shall require review and approval by South Haven Area Emergency Services (SHAES).
 2. A shared driveway shall have a recorded permanent easement with a minimum width of at least 33 feet. The easement shall also expressly permit public or private utilities to be installed within the easement.
 3. The area in which the shared driveway is to be located shall have a minimum cleared width of 20 feet, which clearing shall always be maintained.
 4. A shared driveway shall have a finished width of 16 feet constructed of a minimum of six-inch 22A aggregate over a minimum of six inches compacted sand base.
 5. The shared driveway surface shall have a crown sufficient enough to provide for the drainage of stormwater.
 6. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any other agency with jurisdiction.
- E. *Maintenance and repairs.* Shared driveways shall be maintained in a manner that complies with the provisions of this Section.
 1. All costs for maintenance and repair of the shared driveway shall be the responsibility of the property owners served by the shared driveway.

2. The applicant(s) of the proposed shared driveway shall provide the Zoning Administrator with a recorded shared driveway maintenance or restrictive covenant agreement among the owner(s) of the shared driveway and the owners of the lots adjacent to the shared driveway; the agreement shall provide that the shared driveway shall be regularly maintained, repaired, and snowed to assure that it is safe for travel at all times. The agreement shall at a minimum contain the following:
 - a. A method of initiating and financing of the shared driveway improvements and maintenance to keep it in a reasonably good and usable condition;
 - b. A workable method of apportioning the costs of maintenance and improvements;
 - c. A notice that no public funds of the Township will be used to build, repair, or maintain the shared driveway;
 - d. Perpetual easements to the public for purposes of emergency and other public vehicles rendering necessary public services.

F. *Performance guarantee, drawings, and indemnification.*

1. The Zoning Administrator may require that the applicant provide a performance guarantee, in accordance with the provisions of Section 21.05.
2. The applicant(s) shall agree by applying for or securing a permit to construct the shared driveway to indemnify and hold the Township harmless from all claims for personal injury or property damage arising out of the use of the shared driveway or the failure to properly construct, maintain, use, repair, and replace the shared driveway.

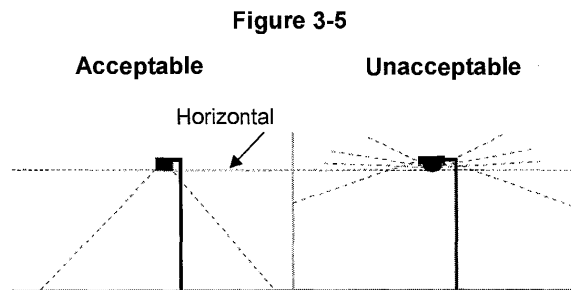
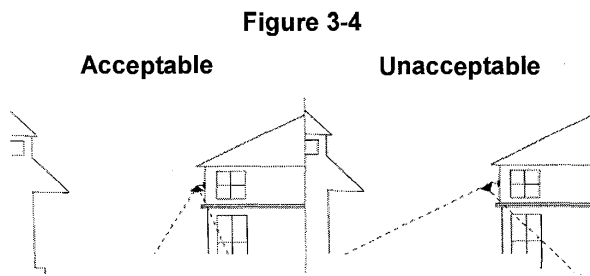
(Ord. No. 0416-2-18, § 3, 4-16-2018)

Editor's note— Ord. No. 0416-2-18, § 3, adopted Apr. 16, 2018, set out provisions intended for use as § 3.39. Inasmuch as there are already provisions so designated, the provisions have been included as § 3.40.

Sec. 3.41. - Exterior lighting.

All outdoor lighting fixtures in the LDR, LR-A, LR-B, MDR Zoning Districts shall be installed in such a manner as to:

- A. Ensure that direct light is confined to the subject property per Figures 3-4 and 3-5.



(Ord. No. 0102119-2, § 1, 10-21-2019)

Sec. 3.42. - Prohibition of recreational marijuana establishments.

- A. Marijuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marijuana Act (the

"Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 3.18 of this Ordinance.

- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance or prior to the addition of this Section to the Ordinance, shall be deemed to have been a legally established use under the provisions of this Ordinance; that use shall not be entitled to claim legal nonconforming status.
- C. Violations of this Section are subject to the violations and penalties pursuant to Chapter 21 of this Ordinance and may be abated as nuisances.

(Ord. No. O31819-1, § 1, 3-18-2019)

Sec. 3.43. - Fire pits in residential districts (RR, LR-A, LR-B, LDR, 3.28B lots).

A fire pit shall not be less than 25 feet from any structure or building or combustible materials and have a setback of 15 feet from a property line. The maximum size shall be three feet wide by two feet high, and be in full compliance with all other regulations set forth by SHAES (South Haven Area Emergency Services or any successor organization) as of November 1, 2017, or as amended.

(Ord. No. 1182021-1, § 5, 1-18-2021)

Chapter 4 - MAPPED DISTRICTS

Sec. 4.01. - Districts established.

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Master Plan, the Township is divided into zoning districts of such number, boundaries, shape, and area that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this Ordinance, the Township is hereby divided into the following zoning districts:

DISTRICT DESIGNATIONS	
AG	Agricultural District
RR	Rural Residential District
LR-A	Lakeshore Residential District
LR-B	Lakeshore Residential District
LDR	Low Density Residential District
MDR	Medium Density Residential District
MHC	Manufactured Housing Community District
C-1	Neighborhood Commercial District
C-2	General Commercial District

I-1	Industrial District
FP	Floodplain Overlay District
PUD	Planned Unit Development District

Sec. 4.02. - Zoning Map.

The locations and boundaries of these descriptions are hereby established on a map entitled "Casco Township Zoning Map" which is hereby adopted and declared to be a part of this Ordinance.

- A. Regardless of the existence of copies of the zoning map which may be made or published, the Official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township.
- B. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map. The Official Zoning Map is to be kept up to date, be distributed to the appropriate officials and be accessible to the general public.

Sec. 4.03. - District boundaries.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of roads, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- E. Boundaries indicated as approximately parallel to the centerlines of roads or highways or alleys shall be construed as being parallel thereto and at such distances there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- F. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two zoning districts, the Zoning Administrator shall determine the appropriate district boundaries. Appeals of the Zoning Administrator decision may be taken only to the Zoning Board of Appeals.

Sec. 4.04. - Zoning of vacated areas.

Whenever any road, alley or other public right-of-way within the Township is vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such road, alley, or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining

lands.

Sec. 4.05. - Zoning of filled land.

Whenever any fill is placed in any lake or stream, after all required permits are obtained, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations under this Ordinance for such adjoining lands.

Sec. 4.06. - Zoning district changes.

When zoning district boundaries hereafter become changed, any use made nonconforming by such change may be continued, subject to the provisions of Section 3.28 of this Ordinance.





Chapter 5 - AG, AGRICULTURAL DISTRICT

Sec. 5.01. - Description and purpose.

The purpose of this zoning district is to promote the goals of the Master Plan by preserving the agricultural character of lands within the Township, maintain the integrity of agricultural areas, minimize public service costs, preserve a maximum of open space, and control the intrusion of non-farm uses.

This zoning district is intended primarily for agricultural uses and associated agricultural activities which are protected under the Right to Farm Act, Public Act 94 of 1995, as amended. A limited number of non-farm residences may be appropriate where land does not hold a great deal of agricultural value, will not conflict or interfere with existing agricultural operations, or where the property owner has found it desirable to sell a portion of land owned for income or use by family members. Careful consideration will be given to environmental concerns related to groundwater quality and other related issues due to the limited ability of the Township to provide public services. All uses permitted within this zoning district shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with, the Michigan Right to Farm Act.

Sec. 5.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	AG
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in <u>Section 3.07</u>	P

Adult foster care, family homes	P
Adult foster care, group homes, in accordance with Section 15.03.A	SU
Airports and landing fields and rotorcraft, in accordance with Section 15.03.B	SU
Bed and breakfast establishments, in accordance with Section 15.03.D	P
Campgrounds and recreational vehicle parks, in accordance with Section 15.03.E	SU
Churches, in accordance with Section 15.03.F	SU
Commercial kennels, in accordance with Section 15.03.G	P
Cottage industries, in compliance with <u>Section 3.36</u>	P
Country clubs and golf courses, in accordance with Section 15.03.I	SU
Day care, group homes, in accordance with Section 15.03.K	SU
Day care, family homes	P
Farm markets, in accordance with Section 15.03.O	SU
Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms, including agricultural labor housing, provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and any other Federal, State and local regulating agency having jurisdiction	P
Greenhouses and nurseries	P
Home-based businesses, in compliance with <u>Section 3.37</u>	P
Home occupations, in accordance with the requirements of <u>Section 3.18</u>	P
Long-term rental	P
Medical marihuana grower	P
Open space developments with a minimum parcel size of 40 acres, in accordance with Section 15.03.X	SU
Ponds in compliance with <u>Section 3.27</u>	P
Private K-12 schools, in accordance with Section 15.03.AA	SU
Public K-12 schools	P

Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC	SU
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources, in accordance with Section 15.03.DD	SU
Riding stables and horse boarding, in accordance with Section 15.03.EE	P
Roadside stands which sell products primarily grown or produced on the premises	P
Sawmills, in accordance with Section 15.03.FF	P
Short-term rental	P
Single-family detached dwellings	P
Special events venue	SU
Utility and public service buildings, in accordance with Section 15.03.JJ	SU
Veterinary hospitals and clinics, in accordance with Section 15.03.LL	SU
Wind energy conversion systems, in accordance with Section 15.03.PP	SU
Wireless communication towers and buildings, in accordance with Section 15.03.QQ	SU

(Ord. No. Q21918-2, § 8, 1-24-2018; Ord. No. Q416-2-18, § 4, 4-16-2018; Ord. No. 1182021-1-L, § 2, 1-18-2021)

Sec. 5.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Agricultural (AG) District	
Minimum lot size	2.5 acres
Minimum lot width	250 feet
Front yard setback	50 feet*
Width to depth ratio	1:4
Side yard setback	Residential buildings—25 feet

	Main buildings for nonresidential uses—50 feet
Rear yard setback	50 feet
Maximum height of all buildings**	35 feet
Maximum lot coverage**	20 percent
Minimum dwelling unit size	1,000 square feet, with a minimum of 720 square feet on the ground floor for two or more story dwellings

* Also see Section 3.10—Additional Setbacks for Structures Adjacent to Major Roads.

** Except for buildings associated with farming or other agricultural operations.

(Ord. No. Q31819-1, § 2, 3-18-2019)

Chapter 6 - RR, RURAL RESIDENTIAL DISTRICT

Sec. 6.01. - Description and purpose.

The purpose of this zoning district is to preserve the rural character of lands within the Township, maintain the integrity of viable agricultural areas, minimize public service costs, and preserve a maximum of open space. This zoning district is intended primarily for large residential lots, principally on non-prime farmland. Careful consideration will be given to environmental concerns related to groundwater quality and other related issues due to the limited ability of the Township to provide public services. No public utilities are planned for these areas.

Sec. 6.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	RR
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in <u>Section 3.07</u>	P
Adult foster care, family homes	P
Adult foster care, group homes, in accordance with Section 15.03.A	SU
Airports and landing fields and rotorcraft, in accordance with Section 15.03.B	SU
Bed and breakfast establishments, in accordance with Section 15.03.D	P

Campgrounds and recreational vehicle parks, in accordance with Section 15.03.E	SU
Churches, in accordance with Section 15.03.F	SU
Commercial kennels, in accordance with Section 15.03.G	SU
Cottage industries, in compliance with <u>Section 3.36</u>	P
Country clubs and golf courses, in accordance with Section 15.03.I	SU
Day care, group homes, in accordance with Section 15.03.K	SU
Day care, family homes	P
Farm markets, in accordance with Section 15.03.O	SU
Farms for both general and specialized farming together with farm dwellings and buildings and other installations necessary to such farms, including agricultural labor housing, provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and any other Federal, State and local regulating agency having jurisdiction	P
Greenhouses and nurseries	P
Home-based businesses, in compliance with <u>Section 3.37</u>	P
Home occupations, in accordance with the requirements of <u>Section 3.18</u>	P
Long-term rental	P
Open space developments, in accordance with Section 15.03.X	SU
Ponds in compliance with <u>Section 3.27</u>	P
Private K-12 schools, in accordance with Section 15.03.AA	SU
Public K-12 schools	P
Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC	SU
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources, in accordance with Section 15.03.DD	SU
Riding stables and horse boarding, in accordance with Section 15.03.EE	SU

Roadside stands which sell products grown or produced on the premises	P
Sawmills, in accordance with Section 15.03.FF	SU
Short-term rental	P
Single-family detached dwellings	P
Utility and public service buildings, in accordance with Section 15.03.JJ	SU
Wireless communication towers and buildings	SU

(Ord. No. Q21918-2, § 9, 1-24-2018)

Sec. 6.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Rural Residential (RR) District	
Minimum lot size	1 acre without sanitary sewer
	30,000 square feet with sanitary sewer
Minimum lot width	150 feet
Front yard setback*	50 feet*
Side yard setback	25 feet
Width to depth ratio	1:4
Rear yard setback	50 feet
Maximum height of all buildings**	35 feet
Maximum lot coverage**	20 percent
Minimum dwelling unit size	1,000 square feet, with a minimum of 720 square feet on the ground floor for two or more story dwellings

* Also see Section 3.10—Additional Setbacks for Structures Adjacent to Major Roads.

** Except for buildings associated with farming or other agricultural operations.

(Ord. No. Q31819-1, § 3, 3-18-2019)

Chapter 7A - LR-A, LAKESHORE RESIDENTIAL DISTRICT

Sec. 7A.01. - Description and purpose.

The purpose of this zoning district is to recognize the unique residential character of portions of the area north of 107th Avenue between Lake Michigan and Blue Star Highway. This zoning district is intended primarily for residential uses including single-family dwellings on smaller lots than allowed in the AG or RR zoning districts.

Sec. 7A.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	LR-A
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in Section 307	P
Adult foster care, family homes	P
Adult foster care, group homes, in accordance with Section 15.03.A	SU
Bed and breakfast establishments, in accordance with Section 15.03.D	SU
Churches, in accordance with Section 15.03.F	SU
Country clubs and golf courses, in accordance with Section 15.03.I	SU
Day care, family homes	P
Home occupations	P
Long-term rental	P
Open space developments, in accordance with Section 15.03.X	SU
Ponds in compliance with <u>Section 3.27</u>	P
Private K-12 schools, in accordance with Section 15.03.AA	SU
Public K-12 schools	P

Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC	SU
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources, in accordance with Section 15.03.DD	SU
Short-term rental	P
Single-family detached dwellings	P
Utility and public service buildings, in accordance with Section 15.03.JJ	SU

(Ord. No. Q21918-2, § 10, 1-24-2018)

Sec. 7A.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall thereafter be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Lakeshore Residential (LR-A) District	
Minimum lot size	30,000 square feet
Minimum lot width	125 feet
Lot width to depth ratio	1:4
Front yard setback*	50 feet**
Side yard setback	25 feet
Rear yard setback	50 feet
Maximum height of all buildings	35 feet
Maximum lot coverage	25 percent
Minimum dwelling unit size	1,000 square feet, with a minimum of 720 square feet on the ground floor for two or more story dwellings

* Also see Section 3.10—Additional Setbacks for Structures Adjacent to Major Roads.

** The front yard for Lake Michigan waterfront lots is considered to be the waterside of the lot and the road side; the table above reflects the standards for all types of lots. The front yard setback on lots adjacent to Lake Michigan shall have the minimum setback required by the Michigan Department of Environmental Quality ("MDEQ").

(Ord. No. Q31819-1, § 4, 3-18-2019)

Chapter 7B - LR-B, LAKESHORE RESIDENTIAL DISTRICT

Sec. 7B.01. - Description and purpose.

The purpose of this zoning district is to recognize the unique residential character and improved infrastructure (public sanitary sewer and water) of the area south of 107th Avenue between Lake Michigan and Blue Star Highway. This zoning district is intended primarily for residential uses that provide a variety of housing types.

Sec. 7B.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	LR-B
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in Section 307	P
Adult foster care, family homes	P
Adult foster care, group homes, in accordance with Section 15.03.A	SU
Bed and breakfast establishments, in accordance with Section 15.03.D	SU
Churches, in accordance with Section 15.03.F	SU
Country clubs and golf courses, in accordance with Section 15.03.I	SU
Day care, family homes	P
Home occupations	P
Long-term rental	P
Open space developments, in accordance with Section 15.03.X	SU
Ponds in compliance with <u>Section 3.27</u>	P
Private K-12 schools, in accordance with Section 15.03.AA	SU
Public K-12 schools	P

Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC	SU
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources, in accordance with Section 15.03.DD	SU
Short-term rental	P
Single-family detached dwellings	P
Utility and public service buildings, in accordance with Section 15.03.JJ	SU

(Ord. No. Q21918-2, § 11, 1-24-2018)

Sec. 7B.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Lakeshore Residential (LR-B) District	
Minimum lot size	Public sanitary sewer available—12,000 square feet
	No public sanitary sewer available—30,000 square feet
Minimum lot width	Public sanitary sewer available—85 feet
	No public sanitary sewer available—125 feet
Lot width to depth ratio	1:4
Front yard setback*	Public sanitary sewer available—25 feet**
	No public sanitary sewer available—50 feet**
Side yard setback	Public sanitary sewer available—15 feet
	No public sanitary sewer available—25 feet
Rear yard setback	50 feet
Maximum height of all buildings	35 feet
Maximum lot coverage	25 percent

Minimum dwelling unit size	1,000 square feet, with a minimum of 720 square feet on the ground floor for two or more story dwellings
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* Also see Section 3.10—Additional Setbacks for Structures Adjacent to Major Roads.

** The front yard for Lake Michigan waterfront lots is considered to be the waterside of the lot and the road side; the table above reflects the standards for all types of lots. The front yard setback on lots adjacent to Lake Michigan shall have the minimum setback required by the Michigan Department of Environmental Quality ("MDEQ"). The front yard setback on lots adjacent to Lake Michigan without Michigan Department of Environmental Quality regulation shall be setback from the ordinary high water mark at a distance of 200 feet.

(Ord. No. Q31819-1, § 5, 3-18-2019)

Chapter 8 - LDR, LOW DENSITY RESIDENTIAL DISTRICT

Sec. 8.01. - Description and purpose.

The purpose of this zoning district is to provide areas for a stable and sound family residential environment with suburban-style, single-family dwellings. This zoning district is intended primarily for a relatively low density urban residential pattern with public utilities available, including public sanitary sewer and, where needed, public water.

Sec. 8.02. - Permitted uses and special uses.

The following uses are permitted in this district:

USES P = Permitted by right SU = Special Use	LDR
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in Section 307	P
Adult foster care, family homes	P
Adult foster care, group homes, in accordance with Section 15.03.A	SU
Bed and breakfast establishments, in accordance with Section 15.03.D	SU
Churches, in accordance with Section 15.03.F	SU
Country clubs and golf courses, in accordance with Section 15.03.I	SU
Day care, group homes, in accordance with Section 15.03.K	SU
Day care, family homes	P

Home occupations in compliance with <u>Section 3.18</u>	P
Hospitals, clinics, convalescent homes, in accordance with Section 15.03.Q	SU
Libraries and museums, in accordance with Section 15.03.T	SU
Long-term rental	P
Ponds in compliance with <u>Section 3.27</u>	P
Private K-12 schools, in accordance with Section 15.03.AA	SU
Public K-12 schools	P
Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC	SU
Short-term rental	P
Single-family detached dwellings	P
Utility and public service buildings, in accordance with Section 15.03.JJ	SU

(Ord. No. Q21918-2, § 12, 1-24-2018)

Sec. 8.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Low Density Residential (LDR) District	
Minimum lot size	Public sanitary sewer available—10,000 square feet
	No public sanitary sewer available—20,000 square feet
Minimum lot width	Public sanitary sewer available—85 feet
	No public sanitary sewer available—100 feet
Front yard setback*	30 feet if public sanitary sewer available; 50 feet if no public sanitary sewer available**

Side yard setback	15 feet if public sanitary sewer available; 25 feet if no public sanitary sewer available
Width to depth ratio	1:4
Rear yard setback	40 feet
Maximum height of all buildings	35 feet
Maximum lot coverage	25 percent
Minimum dwelling unit size	1,000 square feet, with a minimum of 720 square feet on the ground floor for two or more story dwellings

* Also see Section 3.10—Additional Setbacks for Structures Adjacent to Major Roads.

** Per Section 3.09.B, the front yard for Lake Michigan waterfront lots is considered to be the waterside of the lot and the road side; the table above reflects the standards for all types of lots. The front yard setback on lots adjacent to Lake Michigan shall have the minimum setback required by the Michigan Department of Environmental Quality ("MDEQ"). The rear yard setback on lots adjacent to Lake Michigan without Michigan Department of Environmental Quality regulation shall be setback from the ordinary high water mark at a distance of 200 feet.

(Ord. No. Q31819-1, § 6, 3-18-2019)

Chapter 9 - MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 9.01. - Description and purpose.

The purpose of this zoning district is to provide areas for higher density residential uses such as duplexes or multiple-family dwellings.

Sec. 9.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	MDR
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in Sec. 307	P
Adult foster care, family homes	P
Adult foster care, group homes, in accordance with Section 15.03.A	SU

Bed and breakfast establishments, in accordance with Section 15.03.D	SU
Churches, in accordance with Section 15.03.F	SU
Day care, group homes, in accordance with Section 15.03.K	SU
Day care, family homes	P
Elderly housing, in compliance with Section 15.03.N	P
Home occupations, in accordance with the requirements of <u>Section 3.18</u>	P
Hospitals, clinics, convalescent homes, in accordance with Section 15.03.Q	SU
Libraries and museums, in accordance with Section 15.03.T	SU
Long-term rental	P
Multiple-family dwellings, including townhouses, and row houses	P
Ponds in compliance with <u>Section 3.27</u>	P
Private K-12 schools, in accordance with Section 15.03.AA	SU
Public K-12 schools	P
Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC	P
Removal and processing of topsoil, stone, rock, sand, gravel, lime and other soil or mineral resources, in accordance with Section 15.03.DD	SU
Short-term rental	P
Single-family detached dwellings	P
Two-family dwellings, or duplexes	P
Utility and public service buildings, in accordance with Section 15.03.JJ	SU

(Ord. No. Q21918-2, § 13, 1-24-2018)

Sec. 9.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement. All uses in the MDR Zoning District shall be served by public sanitary sewer.

Medium Density Residential (MDR) District		
Minimum lot size	Single-family	7,500 square feet
	Two-family	15,000 square feet
	Multi-family	Two acres, maximum density on any parcel shall not exceed six dwelling units per gross acre
Minimum lot width	Single-family	75 feet
	Two-family	125 feet
	Multi-family	150 feet
Front yard setback		50 feet*
Side yard setback		15 feet
Width to depth ratio		1:4
Rear yard setback		30 feet
Maximum height of all buildings		35 feet
Maximum lot coverage		25 percent for single-family; 35 percent for two or multi-family
Minimum dwelling unit size	Single-family dwellings—1,000 square feet, with a minimum of 720 square feet on the ground floor for two or more story dwellings	
	Two-family dwellings—900 square feet	
	Multi-family dwellings—one-bedroom, 650 square feet per unit; two-bedroom, 750 square feet per unit; three-bedroom, 900 square feet per unit; additional bedrooms require an additional 100 square feet per unit	

* Also see [Section 3.10](#)—Additional Setbacks for Structures Adjacent to Major Roads.

(Ord. No. Q31819-1, § 7, 3-18-2019)

Sec. 9.04. - Required conditions for all multiple-family uses.

- A. If more than one building is located upon a lot, an open space of at least 30 feet shall separate each building.
- B. Such uses shall be screened from other residential uses as required in Section 3.33, except that an opaque fence may be used in place of plantings required by that Section if approved by the Planning Commission. The Planning Commission may determine the adequacy and necessity of such screening during its site plan review of the development, based upon the nature of the development, adjacent developments, the contour of the land, the characteristics of the activities to be screened, and the purpose of this screening requirement to make the multiple-family use compatible with adjacent developments and zoning.

Chapter 10 - MHC, MANUFACTURED HOUSING COMMUNITY DISTRICT

The purpose of this zoning district is to provide for manufactured housing community development of long-term duration, in areas that are appropriate by means of traffic access and public utilities and services. Public water and sanitary sewer facilities, or a suitable alternative method, shall be provided for each development. Any such development is to be located near essential community services and abutting paved public roads.

Sec. 10.01. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	MHC
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in <u>Section 3.07</u>	P
Churches, in accordance with Section 15.03.F	SU
Day care, family homes	P
Manufactured housing community	P
Ponds in compliance with <u>Section 3.27</u>	P
Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC	P
Residential supportive uses such as lawns, gardens, driveways or play areas	P
Utility and public service buildings, in accordance with Section 15.03.JJ	SU

Sec. 10.02. - Regulations.

All manufactured housing communities shall comply with the applicable requirements of Act 96, P.A. 1987, as amended, provided further that said developments meet the standards and conditions of all other provisions as herein established.

Sec. 10.03. - Application procedures.

- A. *Rezoning approval.* If the property intended to be used for a manufactured housing community is not already in the MHC Zoning District, an application for rezoning shall be filed with the Township.
- B. *Site plan.* Any application for the extension, alteration, or construction of a manufactured housing community shall include a site plan of the development indicating the proposed methods of compliance with the requirements of this Ordinance and all other applicable regulations. Said site plan shall be in conformance with the provisions and requirements of Chapter 17 of this Ordinance.
- C. *Construction.* Construction of a manufactured housing community shall begin within one year of the final approval of the State Mobile Home Park Commission, or successor State agency having jurisdiction.

Sec. 10.04. - Manufactured home sales.

Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home lot by the individual owner or the owner's agent, or those home occupations as permitted in the Ordinance, provided such sales and occupations are permitted by the manufactured housing community regulations. A commercial manufactured home sales lot shall not be permitted in this zoning district.

Chapter 11 - C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 11.01. - Description and purpose.

The purpose of this zoning district is to provide a neighborhood convenience shopping zone wherein retail businesses or service establishments supply commodities or perform services to meet the daily needs of the neighborhood. While general community and highway-oriented commercial needs are amply accommodated in adjoining communities, limited retail and service activities are to be provided in this zoning district.

This zoning district is intended primarily for local services and convenience goods within the Township and accommodates small commercial facilities and offices to serve local needs. It is specifically not the intent of this zoning district to permit intensive uses serving a broader market area or the highway traveler whose needs are being met elsewhere. This zoning district is consistent with the local business land designation, as described in the Master Plan.

Sec. 11.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	C-1
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in Section 307	P
Banks, credit unions, and similar financial institutions, not including drive-through facilities	P
Business offices	P

Day care centers, in accordance with Section 15.03.J	SU
Elderly housing, in accordance with Section 15.03.N	SU
General retail store of less than 5,000 square feet	P
Libraries and museums, in accordance with Section 15.03.T	P
Long-term rental	P
Medical offices, including clinics	P
Mortuaries and funeral homes, in accordance with Section 15.03.V	SU
Personal service establishments—no drive-through	P
Ponds in compliance with <u>Section 3.27</u>	P
Restaurants, not including drive-through facilities	P
Short-term rental	P
Utility and public service buildings, in accordance with Section 15.03.JJ	P
Wireless communication towers and buildings, in accordance with Section 15.03.QQ	SU

(Ord. No. Q21918-2, § 14, 1-24-2018)

Sec. 11.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Neighborhood Commercial (C-1) District	
Minimum lot size	20,000 square feet
Minimum lot width	100 feet
Front yard setback*	Buildings—30 feet Pavement—20 feet
Width to depth ratio	1:3

Side yard setback	10 feet	Side or rear yards adjoining any lot in an agricultural or residential district shall be screened in accordance with the requirements of <u>Section 3.33</u>
Rear yard setback	25 feet	
Maximum height of all buildings	35 feet	
Maximum lot coverage	35 percent	

* Also see Section 3.10—Additional Setbacks for Structures Adjacent to Major Roads.

(Ord. No. O31819-1, § 8, 3-18-2019)

Sec. 11.04. - Required conditions—Neighborhood commercial uses.

- A. All business, service or processing shall be conducted wholly within a completely enclosed building, except automobile service stations.
- B. All products produced on the premises, whether primary or incidental, shall be sold only at retail and on the premises where produced.
- C. Outdoor storage is prohibited.
- D. Commercial uses shall be screened from agricultural or residential zones or uses (see Section 3.33).

Chapter 12 - C-2, GENERAL COMMERCIAL DISTRICT

Sec. 12.01. - Description and purpose.

The purpose of this zoning district is to provide for the general community-wide commercial and service needs of the Township above the scope of the C-1, Neighborhood Commercial District. It is intended to be used for more intensive and larger business operations that are not well-suited for the C-1 Zoning District. Yet it is not intended to provide regional shopping opportunities. Permitted uses are intended to be of an appropriate scale, appearance, and arrangement to maximize compatibility with adjoining uses and minimize conflicts with traffic on adjacent roads. This zoning district is meant to discourage strip or linear commercial development.

Sec. 12.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	C-2
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in Section 307	P

Assembly buildings including dance pavilions, auditoriums, and private clubs, in accordance with Section 15.03.C	SU
Banks, credit unions, and similar financial institutions, not including drive-through facilities	P
Business offices	P
Churches, in accordance with Section 15.03.F	P
Commercial kennels, in accordance with Section 15.03.G	P
Commercial schools (e.g., dance, music, or martial arts)	P
Day care centers, in accordance with Section 15.03.J	SU
Drive-through establishments, in accordance with Section 15.03.L	SU
Dry cleaning and laundries, in accordance with Section 15.03.M	SU
General retail store of less than 5,000 square feet	P
General retail store of over 5,000 square feet, in accordance with Section 15.03.P	SU
Health and physical fitness centers	P
Hotels	P
Indoor commercial recreational and entertainment facilities, in accordance with Section 15.03.R	SU
Long-term rental	P
Medical offices, including clinics	P
Mini-storage warehouses, in accordance with Section 15.03.U	SU
Mortuaries and funeral homes, in accordance with Section 15.03.V	SU
Open air businesses, in accordance with Section 15.03.W	SU
Personal service establishments—no drive-through	P
Ponds in compliance with Section 3.27	P
Restaurants, not including drive-through facilities	P
Short-term rental	P

Trade or industrial schools, in accordance with Section 15.03.HH	SU
Utility and public service buildings, in accordance with Section 15.03.JJ	P
Vehicle repair shops, in accordance with Section 15.03.KK	SU
Vehicle service stations and wash establishments, in accordance with Section 15.03.LL	SU
Veterinary hospitals and clinics, in accordance with Section 15.03.MM	SU
Wireless communication towers and buildings, in accordance with Section 15.03.QQ	SU

(Ord. No. Q21918-2, § 15, 1-24-2018)

Sec. 12.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

General Commercial (C-2) District		
Minimum lot size	30,000 square feet	
Minimum lot width	150 feet	
Minimum front yard setback*	Buildings—30 feet Pavement—20 feet	
Maximum front yard setback	125 feet	
Width to depth ratio	1:3	
Side yard setback	10 feet	Side or rear yards adjoining any lot in an agricultural or residential district shall be screened in accordance with the requirements of <u>Section 3.33</u>
Rear yard setback	25 feet	
Maximum height of all buildings	35 feet	
Maximum lot coverage	35 percent	

* Also see Section 3.10—Additional Setbacks for Structures Adjacent to Major Roads.

(Ord. No. Q31819-1, § 9, 3-18-2019)

Sec. 12.04. - Required conditions for general commercial uses.

Commercial uses shall be screened from agricultural or residential zones or uses (see Section 3.33).

Chapter 13 - I, INDUSTRIAL DISTRICT

Sec. 13.01. - Description and purpose.

The intent of this zoning district is to provide appropriate locations within the Township for those intense industrial and related uses that offer employment opportunities and tax base to the community. Such locations are to be served by public services and facilities with adequate capacity. This zoning district is specifically designed to prevent potentially negative impacts such as heavy traffic, continuous operation, odor, noise, or visual obtrusiveness from encroaching into areas or zoning districts where they would be incompatible.

Sec. 13.02. - Permitted uses and special uses.

The following uses are permitted in this zoning district:

USES P = Permitted by right SU = Special Use	I
Accessory buildings and uses, customarily incidental to any of the permitted uses or special uses in this zoning district, as regulated in Section 307	P
Airports and landing fields and rotorcraft, in accordance with Section 15.03.B	SU
Contractor yards, in accordance with Section 15.03.H	SU
Day care centers, in accordance with Section 15.03.J	P
Health and physical fitness centers	P
Junkyards and salvage yards, in accordance with Section 15.03.S	SU
Long-term rental	P
Machine shop	P
Manufacture, compounding, assembly from previously prepared materials: e.g., aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn	P

Manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils	P
Manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously manufactured clay	P
Petroleum or propane storage, in accordance with Section 15.03.Y	SU
Ponds in compliance with <u>Section 3.27</u>	P
Power generating plants, in accordance with Section 15.03.Z	SU
Production or refining of petroleum products, in accordance with Section 15.03.BB	SU
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources, in accordance with Section 15.03.DD	SU
Research and development facilities	P
Sexually oriented businesses, in accordance with Section 15.03.GG	SU
Short-term rental	P
Tool and die metal working shops	P
Trade or industrial schools, in accordance with Section 15.03.HH	SU
Truck and freight terminals, with or without maintenance facilities, in accordance with Section 15.03.II	SU
Utility and public service buildings, in accordance with Section 15.03.JJ	P
Warehousing, including refrigerated and general storage	P
Waste disposal facilities, including incinerators, in accordance with Section 15.03.NN	SU
Wastewater treatment facilities, in accordance with Section 15.03.OO	SU
Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber	P
Wireless communication towers and buildings, in accordance with Section 15.03.QQ	SU

Sec. 13.03. - District regulations.

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Industrial (I) District		
Minimum lot size	2 acres	
Minimum lot width	200 feet	
Front yard setback*	Buildings—50 feet Pavement—25 feet	
Width to depth ratio	1:3	
Side yard setback	20 feet	Side or rear yards adjoining any lot in an agricultural, residential or commercial district shall be screened in accordance with the requirements of Section 3.33
Rear yard setback	75 feet	
Maximum height of all buildings	40 feet	
Maximum lot coverage	50 percent	

* Also see [Section 3.10](#)—Additional Setbacks for Structures Adjacent to Major Roads.

Sec. 13.04. - Required conditions for industrial uses.

Industrial uses shall be screened from agricultural, residential or commercial zones or uses (see [Section 3.33](#)).

Chapter 14 - FP, FLOODPLAIN OVERLAY DISTRICT

Sec. 14.01. - Description and intent.

This overlay district is intended to control the placement of buildings and structures and the use of land in areas subject to periodic inundation. It adds controls to the underlying zoning district but does not change the underlying zoning. The overlay district is located as designated on the Flood Insurance Rate Map (FIRM) as prepared by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP). As the density of the population in the Township increases and the rural area develops, the importance of preserving drainage basins and areas around drainage streams for their intended purpose becomes acutely obvious. When land is developed, the amount of water runoff is greatly increased from the replacement of open land covered in natural vegetation to land covered with roads and buildings. The intent of this overlay district is to preserve drainage basins in the Township and to prevent building in areas subject to flooding and upon land which exhibits unstable soil characteristics.

Sec. 14.02. - Purpose of the district.

The purpose of this overlay district is to attempt to protect the public health and safety from the dangers and damages caused by predictable flooding events having a one percent chance of occurring in any given year. All buildings and structures within this overlay district are subject to specific conditions of the State building code and to Michigan Public Act 451 of 1994, the Natural Resources and Environmental Protection Act, Part 31-Water Resources Protection, Part 301-Inland Lakes and Streams, Part 303-Wetlands Protection, and Part 325-Great Lakes Submerged lands, as well as Public Act 288 of 1967, Subdivision Control Act, as amended. Property owners are advised that, while they may be permitted to build within areas subject to flooding, there are severe insurance consequences for such activities and the Township, County, State and Federal rules and regulations only provide minimal standards designed to minimize damage during predictable events. It is the property owner's sole responsibility to obtain and maintain flood insurance. Disaster relief cannot cover what could have been insured.

Sec. 14.03. - District regulations.

Yard and lot requirements in the FP District shall be the same as set forth in the underlying zoning district.

Sec. 14.04. - State compliance.

No new construction in the FP District shall be permitted until the same has received approval from the pertinent State agency or official under the provisions of applicable State statutes listed above and all amendments thereto.

Chapter 15 - SPECIFIC USE REGULATIONS

Sec. 15.01. - Purpose.

Special uses are those uses of land which are not essentially incompatible with uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Uses that are permitted uses do not require individual review and discretion, but do require regulation and review by the Zoning Administrator. The purpose of this Chapter is to establish equitable procedures and criteria to be applied in the determination of requests to establish special uses and certain regulated uses by right (permitted uses). The criteria for decisions, and the requirements provided for, under the provisions of this Chapter shall be in addition to those required elsewhere in this Ordinance, which are applicable to the particular use under consideration.

Sec. 15.02. - Special use application and review.

An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- A. *Application.* An application shall be submitted through the Zoning Administrator. In the event the allowance of a desired use requires both a rezoning and special use approval, each request shall be considered independently, with the rezoning being addressed first. The Zoning Administrator will review the application for completeness, and then transmit it to the Planning Commission. An application for a special use permit shall be accompanied by the following documents and information:
 1. A special use application form supplied by the Zoning Administrator which has been completed in full by the applicant;
 2. A site plan, as specified in Chapter 17 and defined in Chapter 2;
 3. A statement with regard to compliance with the criteria required for approval in Sections 15.03 and 15.04, and other criteria imposed by this Ordinance affecting the special use under consideration; and

4. Payment of the fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing application.
- B. *Public hearing.* Upon receipt of an application for a special use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the special use application. A notice shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question. The notice shall be given not less than 15 days before the date the application will be considered, and it shall comply with the Zoning Act. The notice shall:
1. Describe the nature of the special use application;
 2. Indicate the property which is the subject of the special use application;
 3. State when and where the special use application will be considered; and
 4. Indicate when and where written comments will be received concerning the application.
- C. *Review and approval.* Following the public hearing, the Planning Commission shall review the application for a special use, the site plan and other materials submitted by the applicant, as well as all other information available to it through comments received at the public hearing, and information available from any other sources, including recommendations or reports from the Township Planner, Engineer, Fire Department, or other agencies or professionals. The Planning Commission shall make a determination on the special use application in accordance with the general standards for approval stated in this Section, and such standards contained in Section 15.03 which relate to the specific use under consideration, to either approve, approve with conditions or deny the request. The Planning Commission will incorporate, as part of its motion, the basis for the decision and any conditions which will be imposed. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
1. In addition to the standards established for specific special uses in Section 15.04, an application for a special use approval shall satisfy the following general review standards which are basic to all special uses:
 - a. The use is generally compatible with the intent of the Master Plan.
 - b. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 - c. The use is, or will be as a result of the special use permit, served adequately by public services and facilities, including, but not limited to roads, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sanitary sewer facilities must be available.
 - d. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 - e. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy and will be compatible with the rural nature of the Township.
 2. The general standards and requirements of this Section are basic to all special uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

Prior to approval of a special use application, the Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.
 3. With the approval of a special use, the Planning Commission may impose reasonable conditions which are necessary to ensure compliance with the standards for approval stated in this Chapter and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special use approval.

Sec. 15.03. - Specific use standards.

The specific and detailed requirements set forth in this Section relate to particular uses, and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

List of special uses:

- A. Adult foster care group homes
- B. Airports and landing fields and rotorcraft
- C. Assembly buildings
- D. Bed and breakfast establishments
- E. Campgrounds and recreational vehicle parks
- F. Churches
- G. Commercial kennels
- H. Contractor yards
- I. Country clubs and golf courses
- J. Day care centers
- K. Day care, group homes
- L. Drive-through establishments
- M. Dry cleaning and laundries
- N. Elderly housing
- O. Farm markets
- P. General retail of over 5,000 square feet
- Q. Hospitals, clinics, and convalescent homes
- R. Indoor commercial recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, and skating rinks
- S. Junkyards and salvage yards
- T. Libraries and museums
- U. Mini-storage warehouses
- V. Mortuaries and funeral homes
- W. Open air businesses, except automobile service and sales
- X. Open space developments
- Y. Petroleum or propane storage
- Z. Power generating plants
- AA. Private K-12 schools
- BB. Production or refining of petroleum products
- CC. Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds
- DD. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources
- EE. Riding stables and horse boarding
- FF. Sawmills
- GG. Sexually oriented businesses
- HH. Trade or industrial school
- II. Truck and freight terminals, with or without maintenance facilities

- JJ. Utility and public service buildings
- KK. Vehicle repair shops
- LL. Vehicle service stations and wash establishments
- MM. Veterinary hospitals, clinics, and kennels
- NN. Waste disposal facilities, including incinerators
- OO. Wastewater treatment facilities
- PP. Wind energy conversion systems (WECS)
- QQ. Wireless communication towers and buildings
- RR—TT. Reserved
- UU. Special events venue
 - A. *Adult foster care group homes.*
 1. The facility shall not be located closer than 1,500 feet to a group day care home, another adult foster care group home, a facility offering substance abuse treatment and rehabilitation services to seven or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections.
 2. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
 3. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
 4. One non-illuminated sign measuring no more than four square feet may be permitted if attached to the principal structure.
 - B. *Airports and landing fields and rotorcraft.*
 1. The minimum lot size shall be 20 acres.
 2. All structures directly associated with the use shall be set back a minimum of 100 feet from all property lines.
 3. The airport shall not be located within 500 feet of any school, church, or other public meeting places.
 - C. *Assembly buildings.*
 1. Minimum lot size shall be ten acres.
 2. The proposed site shall front upon and have direct access to a paved County primary road.
 3. Where the site abuts a residential zoning district, a buffer zone shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer.
 - D. *Bed and breakfast establishments.*
 1. The use shall only be established in a detached single-family dwelling.
 2. The establishment shall be inhabited by the owner or innkeeper.
 3. The establishment shall be directly serviced by public water and sanitary sewer services, or such private water and sanitary sewer systems approved by the Allegan County Health Department.
 4. The establishment shall be located on property with direct access to a public road.
 5. Parking shall be located to minimize negative impacts on adjacent properties. All parking areas shall be setback ten feet from any side or rear lot line and there shall be a six-foot-high fence between such parking area and any adjacent dwelling within 50 feet of the parking area.
 6. The number of guest rooms in the establishment shall not exceed nine. Guest rooms may be in an unattached building located on the same property and shall not have a kitchen or bar sink. In no case shall the total number of guest rooms exceed nine.

7. One sign shall be allowed for identification purposes. The sign shall not exceed 16 square feet in area, and may not exceed 6 feet in height. If illuminated, the illumination shall only be of an indirect nature; internally lighted signs are not permitted. The sign shall be set back at least one-half of the front yard setback area of the zoning district in which the use is located, and shall be located at least 15 feet from any side or rear lot line.
 8. Accessory retail or service uses, including but not limited to gift shops, art studios, wine tasting, antique shops, and other uses may be permitted provided the retail and services are only for guest[s].
 9. Meals may be served only to residents, employees, family members, and overnight guests.
 10. Exterior refuse containers beyond what might normally be expected for a single-family dwelling are prohibited.
 11. Any other Federal, State, County or local permit that may be required must be obtained and copies of the permits be submitted to the Zoning Administrator, including but not limited to, Health Department for kitchen, State license to operate the bed and breakfast.
- E. *Campgrounds and recreational vehicle parks.*
1. The minimum project size for a campground or recreational vehicle park shall be three acres. The project shall provide direct vehicular access to a public or private road.
 2. A minimum distance of 15 feet shall be provided between all recreational vehicles and tents within a project.
 3. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
 4. Each project containing more than 60 camping or recreational vehicle sites shall provide a masonry building containing showers and flush toilet facilities.
 5. No commercial enterprise shall be permitted to operate on the project, except that a convenience shopping facility may be provided within a project containing more than 60 camping or recreational vehicle sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of 1,000 square feet.
 6. Each project shall provide gravel or hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within 400 feet of the camping or recreational vehicle site it is intended to serve (except in the case of sites specifically designated only for tent camping).
 7. Each camping or recreational vehicle site shall contain a minimum of 1,500 square feet. Each site shall be set back from any right-of-way or property line at least 75 feet.
 8. Each recreational vehicle site shall have direct access to a gravel or hard-surfaced, dust-free roadway of at least 24 feet in width for two-way traffic and 12 feet in width for one-way traffic. Parking shall not be allowed on any roadway in the project. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any road.
 9. Any open drainage ways must have seeded banks sloped at least three feet of vertical run for each one foot of vertical rise and designed to properly drain all surface waters into the County drain system, subject to approval by the Allegan County Drain Commission.
 10. The project and use shall meet all applicable regulations of any relevant County or State agency, including but not limited to, the Allegan County Health Department, the Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality.
- F. *Churches.*
1. The proposed site shall abut and have direct access to a paved County road. All ingress and egress shall be to and from a paved County road.
 2. Parking shall not be permitted within any required yard.
 3. Outside activities shall not take place within 50 feet of any property line abutting a residential zoning district.
 4. A greenbelt shall be provided in accordance with Section 3.33, where, in the opinion of the Planning Commission,

screening is required to minimize visual, noise, or other effects from the proposed use or parking area.

G. *Commercial kennels.*

1. The minimum lot size shall be two acres for the first ten animals, plus one additional acre for each additional five animals.
2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of 100 feet from any adjoining property line.
3. A screened/landscaped area in compliance with Section 3.33 shall be provided between all buildings or areas in which the animals are kept or exercised and any adjacent residential use.
4. Animal waste shall be managed to prevent odors and other nuisances.
5. A kennel permit shall be obtained from the Allegan County Animal Control Department.

H. *Contractor yards.*

1. Principal and accessory buildings and structures shall not be located within 200 feet of any residential zoning district.
2. Any outside storage shall meet the special use requirements for outdoor storage, as specified in this Chapter.
3. Outdoor sales and display areas shall be limited to ten square feet for each linear foot of building frontage.
4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
5. No display area shall be located within the required front yard, or within 20 feet of any side or rear lot line.

I. *Country clubs and golf courses.*

1. The minimum lot size shall be 40 acres, unless the use is located within a residential PUD.
2. The site shall be so planned to provide all access directly onto or from a paved County road.
3. All structures shall be at least 100 feet from any lot line abutting a residential zoning district or at least 75 feet from any other lot line and all right-of-way lines.
4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
5. The off-street parking area shall be at least 50 feet from any lot line abutting a residential zoning district.
6. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted, subject to meeting parking requirements for such uses.
7. If required by the Planning Commission, a hydrologic impact assessment shall be provided describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on the resources, in particular impacts associated with water supply development, wastewater disposal, and stormwater management. The type of chemicals to be used on the property and the location and method of storage shall also be considered.

J. *Day care centers.*

1. The proposed site shall front upon a paved County road. All ingress and egress shall be from said road.
2. There shall be provided, equipped and maintained, on the premises, a minimum of 150 square feet of usable outdoor recreation area for each child for which the facility is licensed.
3. Playground equipment may only be located in the interior side or rear yard of the lot, and must have a four-foot fence around its border. The playground must be at least 50 feet from the lot line.
4. The main building shall be at least 50 feet from any lot line.
5. The required off-street parking shall meet the conditions outlined in Chapter 18, for elementary schools.
6. The off-street parking area shall be arranged so that client loading and unloading will not be in the path of vehicular

traffic.

7. The facility shall comply with all applicable State licensing requirements.

K. *Day care, group homes.*

1. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.

2. All playground equipment and areas for play and exercise shall be in the rear yard of the property. This area shall be at least 2,500 square feet in size.

3. Fencing at least four feet, and no more than six feet, in height shall be provided around all outdoor areas accessible to children.

4. The facility shall be in compliance with all applicable State licensing requirements.

5. The facility shall not be located closer than 1,500 feet to another licensed group day care home, an adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, a facility offering substance abuse treatment and rehabilitation services to seven or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections.

6. The facility shall not exceed 16 hours of operation during a 24-hour period.

7. One non-illuminated sign measuring no more than four square feet may be permitted if attached to the principal structure.

8. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.

L. *Drive-through establishments.*

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way, or a private right-of-way not dedicated exclusively to this operation. A minimum of four stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.

2. In addition to parking space requirements, at least one parking space shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

3. Access driveways shall be located no less than 100 feet from any intersection, measured from the nearest right-of-way line to the nearest edge of said access or from the nearest edge of any other driveway.

4. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

5. The proposed site shall front upon a paved County primary road. All ingress and egress shall be from said road.

6. The parking and maneuvering areas of the site shall be screened from the view of any abutting residential zoning district in accordance with the requirements of Section 3.33.

7. If the site abuts a residential zoning district, the Planning Commission may restrict the hours of operation of the drive-through.

M. *Dry cleaning and laundries.*

1. There are no specific requirements for dry cleaning establishments, other than the general review standards of Section 15.03.

N. *Elderly housing.*

1. Parking shall be provided at the rate of one space per unit. Should units revert to general occupancy, then two parking spaces per unit shall be provided.

2. Minimum lot size shall be one acre with a minimum of 2,400 square feet of lot area per dwelling unit (a maximum of

- 18.15 dwelling units per acre).
3. The number of dwelling units in an elderly housing project may exceed the 20 units per building by no more than 50 percent (ten units per building) if the facility is licensed by the State of Michigan for nursing care or as a home for the aged. If the facility is not licensed by the State of Michigan the number of units may exceed 20 units per building by no more than 25 percent (five units per building).
 4. All units in the building shall have a minimum of 450 square feet per unit.
 5. A covered drop-off and pick-up area shall be provided on-site in close proximity to the main entrance.
 6. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public or private road(s).
- O. *Farm markets.* Farm markets shall be subject to the Generally Accepted Agricultural and Management Practices (GAAMPs)—see definition for farm markets.
1. A single-family dwelling may be located on the property.
 2. The principal product(s) processed or sold on the premises shall be primarily produced in the agricultural operation.
 3. Farm market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
 4. No activity or structure shall be located within 50 feet of the public road right-of-way.
 5. The maximum floor area devoted to display and sales shall not exceed 3,000 square feet.
 6. Access to the use shall be located in accordance with County Road Commission requirements.
 7. Access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection, and shall be located a minimum of 50 feet from any property line.
 8. Farm markets shall be located no closer than 100 feet from any lot line which abuts a residential zoning district or dwelling unit.
 9. Suitable containers for rubbish shall be placed on the premises for public use.
 10. Storage structures shall be permitted.
 11. Hours of operation shall be limited between the hours of 7:00 a.m. and 10:00 p.m.
 12. One ground sign, not exceeding 20 square feet, and one wall sign, not exceeding 12 square feet, may be erected on the property. Such signs shall otherwise meet the requirements of Chapter 19 where applicable.
- P. *General retail of over 5,000 square feet.*
1. Such facilities shall be prohibited on lots nonconforming because of lot area or width.
 2. Such use shall be prohibited in buildings nonconforming because of setbacks or other dimensions.
 3. Stormwater management for the site shall include low-impact design elements that shall reduce the volume and velocity of stormwater discharge from the site.
 4. A traffic impact study may be required by the Planning Commission.
 5. Applicant shall show a demonstrated need for this size of business by way of market studies and shall quantify how the use is not already provided for within the South Haven market area.
- Q. *Hospitals, clinics and convalescent homes.*
1. The minimum lot area shall be five acres.
 2. The proposed site shall front upon a paved County road. The ingress and egress for all off-street parking facilities, deliveries, and emergency vehicles shall be directly from a paved County road.
 3. Minimum main and accessory building setbacks from all lot lines shall be 50 feet.
 4. Ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a building or by a sight-obscuring wall or fence of six feet in height.

5. No power plant, laundry, or loading area shall be located nearer than 300 feet to any adjacent residential zoning district.
 6. No more than 25 percent of the gross site area shall be occupied by buildings, excluding parking structures.
- R. *Indoor commercial recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, and skating rinks.*
1. The proposed site shall front upon a paved County primary road. All ingress and egress shall be from a paved County primary road.
 2. Any lot line abutting a residential zoning district shall provide a greenbelt in accordance with Section 3.33.
 3. The main and accessory buildings shall be located a minimum of 100 feet from any residential zoning district.
 4. Public access to the site shall be located at least 100 feet from any intersection, measured from the nearest right-of-way line to the nearest edge of said access, or from the nearest edge of any other driveway.
 5. All uses shall be conducted completely within a fully enclosed building.
- S. *Junkyards and salvage yards.*
1. Requests for a special use approval for establishment of a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage material to be received, the methods of separation or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary State, County, and local laws.
 2. The site shall abut and have suitable access to a paved County primary road to ensure safe, direct transport of salvage to and from the site.
 3. No portion of the storage area shall be located within 500 feet of any residential use or zoning district, or any church, school, park, or cemetery.
 4. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight feet in height, but no more than ten feet, and constructed of a durable, sturdy, consistent and aesthetically appropriate material. The fence shall be sufficiently opaque to ensure that none of the stored material is visible from outside the storage area.
 5. The fence or wall shall have a minimum of two non-transparent gates, providing an opening not to exceed 24 feet in width. Such gates shall provide access to the storage area for vehicles, but shall not allow direct view of the storage area from adjacent properties or roads.
 6. The fence or wall shall be of uniform appearance and continuously maintained in good condition and shall contain only approved signs.
 7. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
 8. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the MDR District.
 9. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 10. Stored materials shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage material be stored at a height exceeding the height of the storage area fence or wall.
 11. Piles of material shall be limited to encompassing not more than 300 square feet in area, and a 20-foot separation shall be required between each pile.
 12. All portions of the storage area shall be accessible to emergency vehicles.
 13. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage. No fluids removed from vehicles shall be

applied as a dust control method.

14. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
15. The property shall be no less than 20 acres in size.
16. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to the hours of 8:00 a.m. to 6:00 p.m. No burning of vehicles is permitted at any time.
17. The Planning Commission may impose other conditions that have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

T. *Libraries and museums.*

1. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
2. Unless greater setbacks are required by the zoning district in which the use is located, buildings and structures shall be set back at least 50 feet from the front and rear lot line.

U. *Mini-storage warehouses.*

1. The minimum lot area shall be two acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the MDR District.
3. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
4. No more than 80 percent of the site shall be covered with buildings or pavement.
5. A six-foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of a material approved by the Planning Commission, such as but not limited to, redwood, cinder block, or chain link with slats. The fence must be setback at least 20 feet from the road right-of-way, and five feet on the side and rear yard.
6. The use shall be fully screened from adjacent residential zoning districts, in accordance with the requirements of [Section 3.33](#).
7. No toxic, hazardous, or flammable materials may be stored in the storage units.

V. *Mortuaries and funeral homes.*

1. The minimum lot area shall be two acres with a minimum lot width of 220 feet.
2. A well designed, landscaped off-street vehicle assembly area shall be provided in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or related maneuvering space. No waiting lines of vehicles shall extend off-site or onto any public or private road.
3. A caretaker's residence may be provided within the main building, meeting the multiple-family dwelling unit size requirements of the MDR District.
4. The proposed site shall front upon a paved County primary road. All ingress and egress shall be from a paved County primary road.
5. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting road or from the nearest edge of any other driveway.

W. *Open air businesses, except automobile service and sales.*

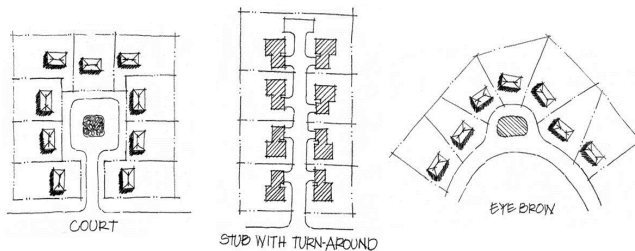
1. The minimum lot area shall be one acre and minimum lot width shall be 200 feet.
2. The proposed site shall front upon a paved County primary road. All ingress and egress shall be from a paved County primary road.
3. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting road or from the nearest edge of any other driveway.
4. The main building shall be at least 100 feet from any property line.

5. No display area shall be located within the required front yard, or within 20 feet of any side or rear lot line.
 6. The Planning Commission may require a six-foot fence or wall to be constructed along the rear and sides of the lot to keep trash, paper, and other debris from blowing off the premises.
 7. All open air businesses shall comply with all applicable County Health Department regulations regarding sanitation and general health conditions.
 8. The lot area used for parking shall be hard-surfaced. All display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water on-site.
 9. In the case of a plant nursery, the storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- X. *Open space developments.*
1. Minimum lot size shall be 40 acres.
 2. At least 50 percent of the land area shall be preserved in permanent open space.
 3. The proposed development shall meet the purpose of Open Space Preservation design objectives which is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering homes rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions.
 4. The Open Space Preservation (OSP) design shall provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the area as a whole.
 5. The OSP design shall foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.
 6. All dwelling units shall be single-family detached housing.
 7. The OSP design may include agricultural crops, golf courses, churches, stables, and private airports. In no case, however, shall a golf course be considered part of the required 50 percent open space. The list of allowed uses shall be outlined in the special use permit.
 8. The maximum base density and number of dwelling units permitted in the OSP development shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
 - a. The parallel plan shall contain enough detail to permit the Planning Commission to evaluate the feasibility of development for each lot.
 - b. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a main building, septic and well systems and required roads and driveways.
 - c. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
 - d. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, road layout, and other considerations the Planning Commission deems appropriate.
 9. The Planning Commission may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of an open space development. In no case shall the density bonus total more than 50 percent of the density determined by the parallel plan.

Preservation of wetlands	5%
10% additional open space provided	5%
20% additional common waterfront frontage provided	5%
Trails and play equipment provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%
Community wastewater disposal system	30%
Community water service system	25%

10. Design standards:

- a. Visual screening of dwellings from off-site road networks and open space preservation development boundaries shall be accomplished through the siting of dwellings, maximizing existing screens, and providing new natural screens or open space buffers where appropriate.
- b. A series of dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court, or stub roads are preferred. (See graphics below).



- c. Entryways to OSP developments shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
- d. Where adjoining areas are not subdivided, the arrangement of roads within the proposed open space community shall consider an extension to the boundary line of the project to make provision for the future projection of roads into adjoining areas.
- e. Road systems shall be designed to allow for open space views.

11. Development setback:

- a. Any building lot shall be located at least 200 feet from any public road.
- b. No native or natural vegetation shall be removed from the 200-foot setback, nor shall any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSP development.
- c. The Planning Commission may reduce this setback to not less than 100 feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development.
- d. The Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the OSP development from the adjacent road. This landscaping may

consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

12. Designated open space shall be set aside through an irrevocable conveyance, approved by the Township attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement, or land trusts. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Further use of open space for other than recreation, agriculture, conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Planning Commission approval, and shall not diminish compliance with the requirements of this Section.
 - a. The designated 'open space' shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
 - b. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
 - c. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
 - (1) Required setback areas.
 - (2) The area of any road right-of-way or private road easement.
 - (3) Surface water, detention or retention basins (unless designed to have the appearance of a natural wetland) in which case they may be counted for up to 50 percent of the required open space.
 - (4) Golf courses.
 - (5) Parking and loading areas, except those exclusively associated with a recreation facility or common open space area.
 - (6) Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Planning Commission.
13. On-site common open space shall be planned in locations visible and accessible to all in the development. The Planning Commission shall determine if the proposed open space is usable and functional. The common open space shall either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within and the following standards shall be met by the open space area:
 - a. Any significant natural features.
 - b. At least one-third of the required common open space shall be usable open space for the residents of the development.
 - c. Open space, except for where trails and bike paths are located, shall have minimum dimension of 100 feet by 100 feet.
 - d. Where an open space preservation development abuts a body of water, at least 50 percent of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.
 - e. A minimum 50 foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
 - f. Where adjacent land includes open space, public land or existing or planned paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between developments.
 - g. Open space areas shall be left in a natural state.

Y. *Petroleum or propane storage.*

1. Minimum lot size shall be five acres.
2. The lot shall be located so that at least one side abuts a primary paved road.
3. No storage shall take place closer than 200 feet from any property line, or 500 feet from any residential zoning district, or a greater distance if required by applicable State or Federal regulations.
4. The Planning Commission shall decide whether or not to approve any accessory buildings in connection with the special use approval.
5. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, Federal or State requirements may be imposed.
6. The site shall be designed to permit easy access by emergency vehicles.

Z. *Power generating plants.*

1. The proposed location for a power-generating plant shall be supported by abundant and readily available utilities located on or in close proximity to the proposed site, necessary for the operation of the power-generating plant and the transmission of the produced electricity.
2. The proposed commercial power-generating plant will not be of substantial detriment to adjacent property and the general character of the area will not be changed as a result of its operation. This shall be accomplished, in part, by meeting the following minimum criteria:
 - a. The proposed site shall be not less than 40 acres and shall allow for at least 75 percent of the property to be left as a buffer to surrounding property.
 - b. The proposed site shall abut and have direct access to a paved County primary road.
 - c. The proposed site shall possess adequate opportunity for substantial and suitable buffering to minimize any visual or other impacts onto adjacent property.
 - d. The height of any proposed chimneys or towers shall be sufficient to promote atmospheric reductions of emissions, realizing that any and all emissions must be maintained at levels approved by the Environmental Protection Agency. In addition, the chimneys should be located to minimize visual impacts to nearby properties.
 - e. Chimneys and towers associated with the power-generating plant shall be maintained at all times and shall be painted, covered or coated with a neutral colored material.
 - f. There shall be a minimum of a 50-foot wide vegetative, sight-obscuring buffer on a raised earth berm at least five feet high (slope of three to one—horizontal to vertical) around the power-generating plant. The Planning Commission may adjust this buffer as appropriate to meet the needs of a site, as long as it follows the intent of this Section. The buffer must screen adjacent uses from the noise, lights, and activities of the commercial power plant operation. Berms, trees, shrubs and other natural elements in combination that reflect the rural nature of the Township may be used to create a buffer screen. Any existing vegetation shall be retained and maintained whenever possible. Additional landscaping may also be required along the property edge adjoining residential uses and along road frontage.
 - g. The entrance driveway to the power-generating plant, including parking areas, shall be hard surfaced.
 - h. All buildings and structures shall be located at least 300 feet from any road rights-of-way and at least 300 feet from any adjacent property line. The Planning Commission may adjust this buffer as appropriate to meet the needs of a site, as long as it follows the intent of this Section.
 - i. The applicant must demonstrate that the proposed power-generating plant will not negatively affect the surrounding groundwater supply. The appropriate State or Federal agency must approve proposed discharges and pollutant loads into surface water and groundwater.
 - j. The power-generating plant must be a state-of-the-art facility designed to emit the least amount of pollutant per

unit of electricity produced and to use a minimal amount of water. The plant must be designed to run on cleaner fuels such as natural gas and may not use other dirtier fuels such as coal, tires, or oil. A facility with dual-fuel capability is acceptable, realizing that in an example of a gas-fired generation facility, an interruption in the supply of gas could threaten reliability, as could excessively high gas prices that would make the facility unprofitable to operate. In any case, all fuel sources shall be specified in the special use request and are subject to approval by the Planning Commission. Regardless, the fuel type utilized for a commercial electric power generator and transformer station must not emit sulfur dioxide or mercury. The appropriate State or Federal agency must approve all emissions generated by the facility.

- k. The power-generating plant must obtain and maintain all required permits and regulations required of all Federal and State regulatory agencies.
- l. The Planning Commission may require a performance bond or other guarantee, in accordance with Section 21.05, as deemed necessary, to ensure that the requirements of this Ordinance are fulfilled and which may also apply to the removal of the facility in the event of its destruction or abandonment.

AA. *Private K-12 schools.*

- 1. The site shall have a minimum lot width of 200 feet abutting a paved County primary road, and at least one means of ingress and egress shall be located on such road.
- 2. Playground equipment may only be located in the side or rear yard of the lot. The playground must be at least 100 feet from any side or rear lot line abutting a residential use or zoning district.
- 3. Athletic fields must be at least 200 feet from any property line abutting a residential zoning district.
- 4. Off-street parking shall be arranged so that the area for bus loading and unloading of students will not be in the path of vehicular traffic.
- 5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
- 6. The main school building shall be at least 100 feet from any lot line.
- 7. A greenbelt shall be provided in accordance with Section 3.33 where, in the opinion of the Planning Commission, screening is required to minimize visual, noise, or other effects from the proposed use or parking area.

BB. *Production or refining of petroleum products.*

- 1. The minimum lot size shall be five acres.
- 2. The lot shall be located so that at least one yard abuts a primary paved road.
- 3. No building or facility shall be placed closer than 200 feet from any property line, or 500 feet from any residential zoning district, or a greater distance if required by State or Federal regulations.
- 4. All accessory buildings and uses in connection with this special use are subject to site plan review by the Planning Commission.
- 5. Fencing, lighting security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, Federal or State requirements may be imposed. Security fencing height is hereby exempt from the fencing height restrictions of the Ordinance only if required by the Federal Office of Homeland Security or successor agency.
- 6. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures are contained on-site and will not cause contamination of any water source. To that end, a Pollution Prevention Plan shall be prepared for this facility and a copy filed with the Township.

CC. *Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds.*

- 1. Ancillary uses may be permitted if related to the main use.
- 2. The use shall be located on property with direct access to a County road.
- 3. Any outdoor athletic or play fields shall be set back a minimum of 200 feet from any residential use or zoning district.

4. Buildings for storage of equipment, or other similar buildings shall be located at least 50 feet from any lot line.
5. Lighting for athletic fields shall be oriented away from adjoining properties to minimize glare.
6. The Planning Commission may require suitable buffering from adjacent properties. Such buffers may include berms, evergreen plantings, fences, walls, or any combination thereof.

DD. *Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resource.* In recognition that certain valuable natural resources may exist in the Township which can only be used if extracted from the earth; and recognizing that mineral extraction, by its nature, can present very serious consequences that can be devastating to the environment, the value of property in the community, the health and safety of the people, and the general public welfare; earth removal, quarrying, gravel processing, mining and related mineral extraction businesses and uses are only permitted in the Township if the applicant can demonstrate that the value to the public generally of removal of the natural resources substantially outweighs the negative impact of the proposed use upon the public health, safety and welfare. In evaluating a request for approval of such a use in accordance with this Ordinance, the Planning Commission shall balance all the evidence and information submitted to it by the applicant and by others at or before the required public hearing. Prior to issuing a special use permit, the Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with in addition to any other requirements of this or other Township ordinance controlling such operations.

If a special use permit shall be granted by the Planning Commission, a final approval of the permit shall not be given until the following, and other necessary conditions, have been met and approved by the Planning Commission:

1. *Application.* An application for removal or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources must be submitted for Planning Commission review and shall include the following:
 - a. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed.
 - b. A written legal description of all of the lands proposed for the use.
 - c. Ten copies of the plan and all supporting documentation for mineral removal and reclamation shall be provided. The plan for mineral removal and reclamation will be drawn up and sealed by a registered professional engineer in the State of Michigan. The plan should include, in addition to materials required by Chapter 17:
 - (1) A north arrow, scale and date.
 - (2) Shading indication of the extent of land area on which mineral removal operations and activities will take place.
 - (3) The location, width and grade of all easements or rights-of-way on or abutting the lands.
 - (4) The location and nature of all structures on the lands.
 - (5) The location and direction of all water courses and flood control channels and wetlands which may be affected or are likely to be affected by the mineral removal operations.
 - (6) A map showing the access route between the subject lands and the nearest County primary road and a complete map of the proposed haul route.
 - (7) The maximum amount of topsoil, sand, gravel or other such materials which are to be removed, moved, deposited, or relocated from the whole site; and the total amount of material to be removed, moved, deposited or relocated per year, along with the purpose of such removal.
 - (8) Typical cross-sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands.
 - (9) All phases of mineral removal and reclamation, beginning site topography, ending site topography, after all reclamation at a minimum of two-foot intervals and its relationship to adjoining lands. A detailed reclamation landscape plan shall be included.
 - (10) Geological and engineering survey and data prepared by a geologist or civil engineer licensed by the State of

Michigan, indicating:

- (a) The level of water table throughout the planned mining area for which the permit is sought.
 - (b) An opinion as to each and every effect on the water table and private wells of property owners within the reasonable anticipated area of impact during and subsequent to the operation.
 - (c) Benchmarks as to water table.
 - (d) Quality of surface water, ground water and watershed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected.
 - (e) An opinion whether the exposure of subterranean waters or the impoundment of surface waters, where proposed, will establish a stable water level at the level or levels proposed as part of the operation, and that the same will not interfere with existing subterranean water or cause any harm or impairment to the general public.
 - (f) A detailed plan for the disposition by controlled flow or controlled drainage of any excess water into existing drains or water courses or drains or water courses to be established.
- d. Any measures which the applicant proposes to take to ensure public safety, the exclusion of children and other trespassers from the premises, and the lateral support of surrounding land and structure.
 - e. Road improvements or road maintenance in the Township which may be required shall be specified and how the applicant intends to reimburse the Allegan County Road Commission and the Township.
 - f. A cost reimbursement and escrow account estimated to assure the Township adequate resources for inspections, monitoring and enforcement, including reasonable fees for attorneys, engineers and/or other experts, to ensure compliance with this Ordinance shall be provided.
 - g. An end use plan for each mining site, which plan shall indicate a use or uses for the mining site when mining has been completed and the site has been restored. Each use indicated in the end use plan shall be compatible with the Master Plan.
 - h. Other permits are required as a pre-condition, including:
 - (1) A soil erosion and sedimentation control permit from the Allegan County Drain Commission.
 - (2) If applicable, a permit from the State of Michigan under Part 301 of the Natural Resources and Environmental Protection Act to create an inland lake.
 - (3) Any required National Pollution Discharge Elimination System (NPDES) permits.
 - (4) Any required Environmental Protection Agency (EPA) permits.
 - (5) Wetlands assessments (as determined by a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT)) as certified by the Society of Wetland Scientists or the Michigan Department of Environmental Quality.
 - (6) Any other permits required by law.
 - i. Business transfer or early closeout protections to the Township shall be required.
2. *General review standards.* When reviewing such an application, the Planning Commission shall consider the following general standards:
- a. The effect of such removal on adjoining property and on properties along the haul route in the Township and neighboring townships.
 - b. The consideration of adverse effect upon property values adjacent to the sand mine and properties along the haul route as a criterion in limiting permits under this Ordinance.
 - c. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
 - d. The potential for such removal to cause the creation of sand blows, stagnant water pools, swampy areas,

landslides, erosion, bogs, vibration, glare, noise, or any other type of injurious condition on the removal site or adjoining properties and haul route.

- e. The effect of such removal on the environment and the natural topography, and the potential contamination/destruction of any natural resource.
 - f. The potential damage to creeks, rivers, water bodies, and wetlands.
 - g. Potential traffic congestion, road damage and problems because of trucks or other vehicles utilized to haul and transport the materials removed.
 - h. Approval by an independent Michigan registered professional engineer is a precondition to site plan and permit approval.
 - i. Any other factor(s) which may bear on the public health, safety or general welfare in the particular situation.
3. *Nuisance abatement.* Each application for removal or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources shall also meet the following nuisance abatement requirements:
- a. The Planning Commission shall limit the allowable hours and days of operation. The amount and frequency of material removed per year shall also be limited.
 - b. No business or industrial buildings, structures or machinery of a permanent nature shall be erected, except where such building is a permitted use within the zoning district in which the extraction activity is located.
 - c. No mineral stockpiles, machinery storage, or parking of trucks, vehicles and equipment shall be located within 500 feet of a residential zoning district boundary or within 200 feet of any adjacent property. No processing equipment shall be located within 500 feet of any property line, right-of-way, or easement.
 - d. No cut or excavation shall take place within a minimum setback of 200 feet of any property line, right-of-way, or easement. Berms shall be set back a minimum of 25 feet from any property line, right-of-way or easement. Berms shall be set back a minimum of 25 feet from any cut or excavation. The Planning Commission may require greater setback distances for cuts or excavation, for machinery, storage, or parking of equipment, or limits of excavation where site is located within 200 feet of any residential or commercial zoning district. Operations and activities for the mining and removal of sand shall take place only in the area shown on the site plan.
 - e. All of the operation shall be fenced with a chain link or uniformly painted wood fence at least six feet in height and entrance to the mine shall be gated and locked. "No Trespassing" signs shall be posted at regularly spaced intervals, no more than 200 feet apart, along the fence.
 - f. Measures as determined by the Planning Commission shall be taken to minimize the nuisance of noise, blowing sand, dust, smoke, fume, glare, year around visual impact, and vibration to adjacent property owners, passersby, and the community. Such measures may include limitations upon the practices and methods of stockpiling excavated material upon the site. Such measures may also include, but not be limited to:
 - (1) Overall site landscaping including evergreen screening, berms, fencing (snow fence, silt screen, solid wood fence, etc.) and additional setbacks.
 - (2) Screening shall be provided on any side adjacent to a residential or agricultural zoning district or any road right-of-way.
 - (a) Acceptable screening methods are raised earth berms with perennial plantings, coniferous trees with sufficient rows and depth to provide 80 percent solid visual screening barrier at the time of planting, or natural topography.
 - (b) Coniferous trees shall have a minimum height above the root ball of six feet at the time of planting and any loss or die-out of plantings shall be promptly replanted.
 - (3) Trees, herbs, grasses and forbs within the setback area or which are part of buffer zones already existing on-site will not be removed and fugitive sand shall be kept out of these areas by whatever means necessary (snow fence, silt screen, etc.) to prevent die-out.

- (4) Fugitive sand shall be kept out of the areas of the existing trees, herbs, grasses, and forbs prior to the mining of whatever means necessary (snow fence, silt screen, etc.) to prevent die-out.
- g. Noise from operations shall be limited to 60 decibels at the property line as monitored using a sound pressure meter ANSI SI.4. Type 2 or better accuracy.
 - h. Silica levels, dust and dirt control shall be monitored using U.S. Environmental Protection Agency standards.
 - i. No mineral materials, whether natural or artificial, shall be brought to the site for processing, storage, or disposal.
 - j. On-site lighting shall be restricted.
 - k. The Planning Commission shall establish the frequency and routes for truck movement to and from the site in order to minimize the wear on public roads and to prevent hazards and damage to residents and properties in the community. All truck operations shall be directed away from residential roads and utilize County primary roads wherever possible.
 - l. Roads within the area of operation shall be provided with a dustless surface, graded, and maintained free of potholes and ruts. The mine access road shall be hard surfaced to County road standards for a minimum distance of 200 feet and minimum width of 24 feet from its intersection with any abutting perimeter road, with additional width and skirting at the entrance to minimize dust, mud and debris being carried onto the public road. The ingress and egress shall be properly maintained and kept clean in appearance.
 - m. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of the extraction if it is believed that such extraction may have an adverse impact on natural topography, drainage, wetlands, rivers, creeks, water bodies, floodplains, or other natural features.

4. *Administration and enforcement.*

- a. A special use permit approval shall be effective for a period of one year only, unless some other shorter term shall be stated in such permit. Upon re-application and performance review, the permit may be re-approved by the Planning Commission for an additional one year upon finding that all requirements of this Section and all conditions of the original approval have been complied with.
- b. Township employees are permitted to come upon the mine site premises at any reasonable time for the purpose of inspection, monitoring, or administering the Ordinance.
- c. Any change in the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity.
- d. Only that mining, moving, processing, loading, and transportation equipment which has been authorized specifically through the permit process of this Ordinance is permitted on a mining site or on the haul route. If a permittee wishes to add mining, moving, processing, loading, or transportation equipment after a permit has been issued pursuant to this Ordinance, the permittee shall notify the Zoning Administrator in writing at least 30 days prior to the planned placement of the equipment. The Zoning Administrator may authorize the placement of the equipment, or, if the Zoning Administrator believes the proposed equipment would result in a significant, material, and substantial change in the permitted mining operations, the Zoning Administrator shall refer the request to the Planning Commission for approval or disapproval. In the event the Zoning Administrator refers an equipment placement request to the Planning Commission, the permittee shall not install the proposed equipment unless the Planning Commission authorizes the installation.
- e. Quarterly and annual operation reports, including loading data, shall be required, prepared by an independent Michigan registered professional engineer and submitted to the Zoning Administrator and Planning Commission to verify compliance with the conditions of the special use permit. Reports shall state actual quarterly and annual removal of mined material; the number of vehicles that have left the site with loads of mineral material and

quantity of mineral material removed, expressed in cubic yards; the nature and results of mining operations and reclamation during the previous year; and the current status of operations on the site. Such a report shall also be prepared and submitted at the time of closure of all operations, and in the final report, all final grades on the site shall be shown, together with other information required by the reclamation provisions of a special use permit.

5. *Revocation.*

- a. A special use permit granted by the Planning Commission under this Section may be revoked if any of the following conditions exist.
 - (1) The permittee operates in any manner inconsistent with the statements in the application or any amendment thereto, or fails to comply with any special requirement which the Planning Commission may order set forth in the permit to protect the public health, safety and welfare in the special circumstances of the situation.
 - (2) If it shall at any time appear that any of the findings set forth in this Section could not be made if the matter were then before the Planning Commission for decision.
 - (3) The operation fails to provide accurate and timely operational reports.
- b. The permittee shall be given written notice, mailed or personally served, at least 15 days prior to the date of the Planning Commission meeting at which revocation is considered, and the opportunity to be heard in person or by counsel. Said notice shall specify the date, time and place of the meeting at which revocation will be considered and inform the permittee of the reason or reasons why revocation is under consideration and of the permittee's right to be heard either in person or by counsel. The notice shall be given as required by the Zoning Act for a special use application.
- c. Revocation of a permit shall not exempt the permittee from punishment for any violation of this Ordinance as hereinafter provided.
- d. The Township Supervisor may individually and immediately temporarily suspend, without notice, any permit issued hereunder if it appears in the Township Supervisor's opinion that a violation has occurred, and that immediate suspension is necessary to stop continued damage to the public welfare. A public hearing shall then be scheduled before the Planning Commission as soon as reasonably possible.

6. *Reclamation of mined areas.*

- a. The Planning Commission shall require such bond as deemed necessary to ensure complete reclamation of mined properties, removal of all equipment, removal of internal roadways, and to ensure the viability of the end use, according to the land use plan requirements.
- b. As the natural resources are being removed, the property shall be restored by the replacement of a minimum of six inches of topsoil and all excavations shall be sloped to a gradient with not more than a 30 degree slope and the contour shall be caused to blend as nearly as possible with the natural surroundings. Berms shall have a maximum slope of 30 degrees, contoured and covered with a minimum of six inches of topsoil. The excavation area, berms, and reclamation areas shall be planted within 15 days of the cessation of a mining cell (as outlined on the site plan) with a suitable perennial ground cover sufficient to control erosion and shall be protected from loss. Any loss or die-out shall be promptly replanted with perennial plantings to assure continued stabilization for two years past the life of the project. On-site burying of existing vegetation is prohibited.
- c. The removal of all mining, moving, processing, loading and transportation equipment, above or below ground, or in, on, over or under water shall be completed within 30 days of termination of mining activities.

EE. *Riding stables and horse boarding.*

- 1. All lots shall have a minimum of three acres for the first horse with one additional acre per each additional horse, not applicable to young equines below weaning age or six months of age, whichever is greater.
- 2. Animal holding areas shall be a minimum of 75 feet from an exterior property line or the ordinary high water mark of surface water.

3. Fencing shall be a minimum of four feet in height and constructed of materials with the appropriate structural strength animals.
4. All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.
5. The keeping and maintenance of horses, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health, safety, comfort, and welfare of the general public.
6. Parking shall be provided at a minimum of one parking space per two animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas associated with commercial equine establishments shall not exceed 10,000 square feet in gross floor area on a minimum ten-acre site, except that an additional 1,500 square feet of floor area may be permitted for each additional full acre in lot area. No living quarters shall be located in any arena building or boarding stable.

FF. *Sawmills.*

1. Lot size shall be a minimum of five acres.
2. Equipment shall be a minimum of 100 feet from a residential use.

GG. *Sexually oriented businesses.*

1. *Purpose and intent.*

- a. The purpose and intent of these provisions is to regulate sexually oriented businesses and related activities to promote the health, safety, and welfare of patrons and employees of such businesses, and to promote the health, safety, and welfare of the citizens of the Township.
- b. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zoning district, thereby having a deleterious effect upon the adjacent areas. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a surrounding residential neighborhood.
- c. There is convincing documented evidence, consulted by the Township, of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they be adjacent.
- d. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
- e. These provisions are not intended to impose, nor shall they have the effect of imposing, a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are

protected by the First Amendment to the United States Constitution or by Article I, Section 5 of the Michigan Constitution of 1963.

- f. Additionally, it is not the intent of this Ordinance, nor shall it be the effect of this Ordinance, to restrict or deny access by adults to sexually oriented materials that are protected by said Federal and State constitutions.
- g. Further, it is not the intent of these provisions, nor shall it be their effect, to deny access of the distributors and exhibitors of sexually oriented entertainment to their target market.
- h. These regulations shall not be interpreted as intending to legitimize any activities that are prohibited by Federal or State law, or by any other Township ordinance.

2. *Definitions.* The following words and terms, as used in this Ordinance, shall have the meaning indicated in this Section:

a. *Adult bookstore, adult novelty store, or adult video store:*

- (1) A commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any one or more of the following:
 - (a) Books, magazines, periodicals, or other printed or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas.
 - (b) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- (2) A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraph (1) above and still be categorized as an adult bookstore, novelty store, or video store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if such materials occupy 20 percent or more of the floor area of visible inventory within the establishment or the establishment derives a significant or substantial portion of its revenues from such materials.

b. *Adult cabaret* means a nightclub, bar, restaurant, lounge, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity.
- (2) Live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
- (3) Films, motion pictures, videocassettes, slides, electronic, digital, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

c. *Adult motion picture theater* means a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

d. *Adult physical culture business* means any commercial establishment, club or business, by whatever name designated, which regularly offers or advertises or is equipped or arranged to provide massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. An adult physical culture business may include but is not limited to establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture business:

- (1) Businesses which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, a professional massage

therapist or any other similarly licensed medical professional.

- (2) Fitness and recreation centers.
 - (3) Electrolysis treatment by a licensed operator of electrolysis equipment.
 - (4) Continuing instruction in martial or performing arts, or in organized athletic activities.
 - (5) Hospitals, nursing homes, medical clinics or medical offices.
 - (6) Barbershops or beauty parlors and salons which offer massages to the scalp, the face, the neck, or the shoulders only.
 - (7) Adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas.
- e. *Nudity or state of nudity* means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include:
- (1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;
 - (2) Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, as amended, being MCL 752.362, or any similar successor statute; or
 - (3) Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MCL 722.673, or any similar successor statute.
- f. *Professional massage therapist* means an individual graduated from a school of massage licensed by the State of Michigan's Post-Secondary Proprietary School unit, having completed a minimum of 500 hours of formal training, and a member of the American Massage Therapy Association.
- g. *Sexually oriented business* means an adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial enterprise that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented business.
- h. *Specified anatomical areas* means any of the following:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttock or anus; or female breast immediately below the top of the areola.
 - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- i. *Specified sexual activities* means any of the following:
- (1) Human genitals in a state of sexual stimulation or arousal.
 - (2) Acts of human masturbation, sexual intercourse or sodomy.
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
3. *Sexually oriented business use requirements.*
- a. All sexually oriented businesses must be located within a zoning district of this Ordinance in which sexually oriented businesses are specifically listed as special uses and comply with all regulations in the Ordinance applicable to the use.
 - b. Any sexually oriented business shall not be located within a 1,000-foot radius of any other such use, measured in a straight line from the nearest lot line to the nearest lot line.
 - (1) The Township Board may grant a waiver of this requirement. Waivers of these provisions shall only be

granted after the Township Board makes all of the following findings:

- (a) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Subsection will be observed.
 - (b) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - (c) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - (d) That all applicable State laws and local ordinances will be observed.
- (2) As part of the granting of any waiver, the Township Board may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the sexually oriented business as may, in its judgment, be necessary for the protection of the public interest. Any evidence or guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- c. Notwithstanding the requirement of any other Ordinance, parking spaces shall be provided at the ratio of one space per person permitted by the maximum occupancy load established by Township, County, State, fire, health, or building codes.
 - d. No sexually oriented business shall be open for business prior to 10:00 a.m. or after 11:00 p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes.
 - e. No alcohol shall be served at any sexually oriented business.
 - f. No sexually oriented business shall permit any person under the age of 18 to be on the premises of the business either as an employee or customer. Signs shall be conspicuously posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height, that state: "Persons under the age of 18 years are not permitted to enter the premises."
 - g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
 - h. *Separation requirements.*
 - (1) No person shall operate or maintain or cause to be operated or maintained a sexually oriented business within 500 feet of any of the following:
 - (a) A church, synagogue, mosque, temple or other building used primarily for religious worship and related religious activities.
 - (b) A public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, public or private schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. For purposes of this Subsection, the term "school" shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
 - (c) Family day care homes or group day care homes.
 - (d) An entertainment use which has as its principal use children or family entertainment.
 - (e) Any other sexually oriented business.
 - (f) A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, wilderness area or other similar public land within the Township which is under the control, operation or management of the Township or County.

- (g) The boundary of a residential zoning district as defined in this Ordinance.
- (2) For purposes of the uses listed in Subsections (1)(a) through (1)(g), above, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the lot line occupied by the sexually oriented business to the nearest point of the lot line occupied by any of the uses listed in Subsections (1)(a) through (1)(g).
- i. No advertisement, display of product or entertainment on the premises, signs or other exhibits which depict, describe or relate to specified sexual activities or specified anatomical areas shall be displayed in window areas or any other area where they can be viewed by pedestrians and motorists on any road, sidewalk or other public place.
- j. Any sign or signs proposed for sexually oriented businesses must comply with the requirements of this Ordinance and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination that depict or appear to depict any specified sexual activities or specified anatomical areas.
- k. No building, premises, structure or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business.
- l. The interior of the premises of a sexually oriented business shall be configured in such a manner that there is an unobstructed view from the sales counter to every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this Subsection must be by direct line of sight from the manager's station.
- m. Restrooms may not contain video reproduction equipment.
- n. No viewing room may be occupied by more than one person at any time. No openings of any kind are permitted between viewing rooms or booths.
- o. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level. Required illumination shall be maintained at all times that any patron is present in the premises.
- p. The proposed site shall front upon and have direct access to a County primary road. All ingress and egress shall be from a County primary road.
- q. *Expansion.*
- (1) Sexually oriented businesses shall not be enlarged, increased or expanded in any manner without first applying for and receiving the approval of the Planning Commission as provided in this Ordinance.
- (2) Further, if a use subject to the control of this Subsection is discontinued or abandoned for a period of more than 30 days, the use may not be reestablished without applying for and receiving the approval of the Planning Commission as provided in this Ordinance.
- (3) For purposes of this Subsection, enlarging, increasing or expanding a sexually oriented business shall mean an increase in floor areas occupied by the establishment or business by more than 25 percent as the floor areas existed on the date the special use permit was granted.
4. *Prohibited activities related to nudity.* It shall be a violation of this Ordinance for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or engages in specified sexual activities.
5. *Regulations specifically applicable to adult physical culture businesses.* The requirements of this Section apply to every adult physical culture business and to every massage technician in the Township.
- a. No person shall give, or assist in the giving, of any massage to any person under the age of 18 years, unless the parent or guardian of such minor person has consented thereto in writing.
- b. Each operator shall erect and maintain, after obtaining the necessary permits, a recognizable and readable sign that will be posted adjacent to the main entrance identifying the premises as an adult physical culture business.

The signs may not use any strobe lights or other flashing lights to illuminate the front of the business. Each operator shall have posted, in a conspicuous location upon the premises where the massage operation is to be conducted, the operator's permit as issued by the Township.

- c. Each operator shall provide in each room where massages are given sufficient lighting and ventilation as required by the building code in effect in the Township.
- d. Every adult physical culture business shall from time to time and at least once a year be inspected by the County Health Department for the purpose of determining that the health provisions of the laws of the State of Michigan and ordinances of the Township are met.
- e. A minimum of one tub or shower, and one toilet and washbasin shall be provided for the patrons in every adult physical culture business. If male and female patrons are to be served simultaneously, and if steam rooms and saunas are provided, separate steam rooms or saunas shall be provided for male and female patrons. Hot and cold running water under pressure shall be provided to all washbasins, bathtubs, showers, and similar equipment. Each washbasin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. No common use of towels or linens shall be permitted and re-use is prohibited unless they have been first laundered.
- f. In addition to the washbasin provided for patrons, a minimum of one separate washbasin shall be provided in each adult physical culture business, which basin shall provide soap or detergent and hot running water at all times and shall be located within or as practical to the area devoted to the performing of massage services.
- g. In addition, there shall be provided at each washbasin, sanitary towels placed in permanently installed dispensers. If the washbasin for patrons is not in the toilet room but it is adjacent thereto, this washbasin shall meet the separate washbasin requirement if it is reasonably close to the area devoted to the performing of massages.
- h. No person shall operate an adult physical culture business, or administer a massage as herein defined in any adult physical culture business, between the hours of 11:00 p.m. and 7:00 a.m.
- i. No person licensed to do business as herein provided shall operate under any name or conduct business under any designation not specified in the person's permit.
- j. No person shall enter, be, or remain in any part of an adult physical culture business licensed under this Ordinance while in possession of, consuming, using, or under the influence of any alcoholic beverage or drug. The owner, operator, and manager shall be responsible for ensuring that no such person shall enter or remain upon the licensed premises.
- k. No building or part thereof used as an adult physical culture business shall be equipped with any electronic, mechanical, or artificial device used, or capable of being used for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by the business customers; nor shall any such equipment be used to record, videotape or monitor a person receiving a massage without that person's written consent.
- l. No adult physical culture business issued a permit under this Ordinance shall send massage technicians off the premises for the purposes of administering a massage, nor shall the adult physical culture business or any part thereof be used by any employee, operator, manager, or owner to receive or accept such requests for off-premises massages, except as permitted by this Ordinance.
- m. Every massage technician working in an adult physical culture business shall display the technician's license as required by this Ordinance in a conspicuous place within the adult physical culture business so that the same may be readily seen by persons entering the premises.
- n. No massage technician shall, while performing any massage or associated task, expose the technician's genitals, buttocks, or, in the case of a female, her breast(s) or make intentional contact or occasional and repetitive contact with the genitals or anus of another person.

- o. All massage technicians and all other persons working in adult physical culture business shall wear clean outer garments. These garments must be of a fully opaque material and provide complete covering of the genitals, genital area, buttocks and female breasts of such persons.
 - p. Each establishment shall provide to all patrons, clean, sanitary and opaque coverings capable of covering the patrons' specified anatomical areas, including the genital area and buttocks and female breasts. No common use of such coverings shall be permitted and re-use is prohibited unless coverings are adequately cleaned between uses.
 - q. No massage technician, while performing any massage or associated task, shall be present in any room with another person unless that person's genitals, genital area, buttocks and female breasts are fully covered.
 - r. Standard or portable massage tables with durable, washable plastic or other waterproof material as covering shall be used for massage. Foam pads more than four inches thick or with a width of more than four feet may not be used. Beds, mattresses, and waterbeds may not be used in the administration of a massage.
 - s. Record keeping.
 - (1) Every person operating an adult physical culture business and each person doing business as a massage technician shall keep a record of the date and hour of each treatment or service, name, address and birth date of the patron to be verified by legal identification, name of technician administering such service and description of the treatment or service rendered.
 - (2) These records shall be open to inspection by the Township or County charged with the responsibility of preventing the spread of communicable and contagious diseases and to officials charged with the enforcement of the provisions of this Ordinance.
 - (3) The information furnished or secured as a result of any of these records shall be used only to ensure and enforce compliance with this Ordinance and other applicable laws and shall otherwise remain confidential to the extent allowed by law. Officials charged with enforcement of this Ordinance shall periodically inspect these records to ensure compliance with this Section.
 - (4) The records required by this Subsection shall be maintained for a period of not less than one year.
 - t. No person holding an off-premises massage technician permit shall conduct a massage, whether or not for compensation, at any hotel, motel, or other commercial establishment except in the office of the customer. For purposes of this Subsection, a hotel room shall not be considered an office.
 - u. All massage establishments and employees thereof shall comply with the licensing requirements and provisions of Subsection 6, below.
6. *Licensing requirements.*
- a. Any person operating a sexually oriented business shall be required to obtain a valid sexually oriented business license issued by the Township pursuant to this Ordinance. This requirement is in addition to the requirement of possessing a valid business license from the Township. For purposes of licensing of the establishment and its employees, the requirements of this Section apply to any adult physical culture business in the same manner as a sexually oriented business.
 - b. Employees of a sexually oriented business shall be required to obtain a license from the Township as a sexually oriented business employee pursuant to this Ordinance prior to beginning employment.
 - c. An application for a license must be made on a form provided by the Township. All applicants must be qualified according to the provisions of this Ordinance.
 - d. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file with the Zoning Administrator a notarized, completed application made on a form prescribed and provided by the Township Clerk. An application shall be considered complete if it includes the following information:
 - (1) The full true name and any other names used in the preceding five years.

- (2) The current business address.
 - (3) Either a set of fingerprints suitable for conducting necessary background checks pursuant to this Ordinance, or the applicant's Social Security Number, to be used for the same purpose.
 - (4) If the application is for a sexually oriented business license, the name, business location, legal description, business mailing address and phone number of the proposed sexually oriented business.
 - (5) Written proof of age, in the form of either, a copy of a birth certificate and current photo, a current driver's license with picture, or other picture identification document issued by a governmental agency.
 - (6) If applicable, the issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, and whether any such license or permit has been denied, revoked, or suspended, and if so, the reason or reasons therefore.
 - (7) If the application is for a sexually oriented business license, the name and address of the statutory agent or other agent authorized to receive service of process.
 - (8) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- e. If the person who wishes to operate a sexually oriented business is an individual, the person shall sign the application for a license as applicant. If the person that wishes to operate a sexually oriented business is other than an individual (such as a corporation), each officer, director, general partner, or other person who will participate directly in decisions relating to management of the business shall sign the application for a license as the applicant. Each applicant must be qualified under this Ordinance, and each applicant shall be considered as a licensee if a license is granted.
- f. Any change in circumstance related to the information provided pursuant to Subsection d(1) through Subsection d(8), above, which would render the information originally submitted false or incomplete, shall be forwarded, in writing, by certified mail, return receipt requested, to the Zoning Administrator within ten working days of the change of circumstances.
- g. The information provided by an applicant in connection with the application for a license under this Ordinance shall be maintained by the Zoning Administrator on a confidential basis, and may be disclosed only to other governmental agencies in connection with a law enforcement or public safety function, or as may otherwise be required by law or a court order.
- h. Issuance of license.
- (1) Upon the filing of a completed application for a sexually oriented business license or a sexually oriented business employee license, the Zoning Administrator shall issue a temporary license to the applicant, unless the Zoning Administrator is aware of a reason that the application will be denied, which shall expire upon the final decision of the Zoning Administrator to deny or grant the license.
 - (2) Within 30 days after the receipt of a completed application, the Zoning Administrator shall either issue a license or issue a written notice of intent to deny a license to the applicant. The Zoning Administrator shall not approve the license if one or more of the following is found to be true:
 - (a) An applicant is less than 18 years of age.
 - (b) An applicant is delinquent in the payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.
 - (c) An applicant has failed to provide information as required by Subsection e, above, for issuance of the license.
 - (d) An applicant has been convicted of a specified criminal activity. The fact that a conviction is being

appealed shall have no effect under this Subsection. For the purpose of this Subsection, "conviction":

- (i) Means a conviction or a guilty plea.
 - (ii) Includes a conviction of any business entity for which the applicant had, at the time of the offense leading to the conviction for a specified criminal activity, a management responsibility or a controlling interest.
- (e) The license application fee required by this Ordinance has not been paid.
 - (f) An applicant has falsely answered a question or request for information on the application form.
 - (g) The proposed sexually oriented business is located in a zoning district other than one in which sexually oriented businesses are allowed to operate under this Ordinance, or has not received the required approval by the Planning Commission in accordance with the requirements of this Ordinance for sexually oriented businesses.
- i. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to that applicant, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. A sexually oriented business employee license shall contain a photograph of the licensee.
 - (1) The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
 - (2) A sexually oriented business employee shall keep the license on the employee's person or on the premises where the licensee is then working or performing, and shall produce such license for inspection upon request by the Zoning Administrator or other authorized Township or law enforcement official.
 - j. Inspection. For the purpose of ensuring compliance with this Ordinance, an applicant, operator or licensee shall permit the Zoning Administrator and any other authorized Township or law enforcement official to inspect, at any time the business is occupied or open for business, those portions of the premises of a sexually oriented business which patrons or customers are permitted to occupy.
 - k. Expiration of license.
 - (1) Each sexually oriented business license, including licenses for employees, shall expire one year from the date of issuance and may be renewed only by making application as provided in this Ordinance. An application for renewal shall be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.
 - (2) When the Township denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to the denial, the Township finds that the basis for denial of the renewal license has been corrected or abated, the applicant shall be granted a license if at least 90 days have elapsed since the date that the denial became final.
 - l. Suspension.
 - (1) The Township shall issue a written intent to suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:
 - (a) Violated or is not in compliance with any Section of this Ordinance, or any other applicable Township ordinance or Federal, State, or County law; or
 - (b) Refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance.
 - (2) An applicant that is ineligible for a license due to a suspension may qualify for a sexually oriented business license only when the time period required as a result of the suspension has elapsed.
 - m. Revocation.

- (1) The Zoning Administrator shall issue a written statement of intent to revoke a sexually oriented business license suspension in Subsection l, above, occurs and the license has been suspended within the preceding 12 months. Administrator shall issue a written statement of intent to revoke a sexually oriented business license if the Zoning Administrator determines that a licensee:
 - (a) Gave false or misleading information in the material submitted during the application process.
 - (b) Has knowingly allowed possession, use, or sale of controlled substances on the premises.
 - (c) Has knowingly allowed prostitution on the premises.
 - (d) Knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.
 - (e) Has knowingly allowed any specified sexual activities to occur in or on the licensed premises.
 - (2) The fact that a conviction is being appealed shall have no effect on the revocation of the license.
 - (3) When, after the notice and hearing procedure described in Subsection n, below, the Zoning Administrator revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation becomes effective, provided that, if the conditions of this Section are met, a provisional license will be granted. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, the applicant shall be granted a license if at least 90 days have elapsed since the date the revocation became effective.
- n. Hearing; license denial, suspension, revocation; appeal.
- (1) If the Zoning Administrator determines that facts exist for denial, suspension, or revocation of a license under this Ordinance, the Zoning Administrator shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend, or revoke the license, including the grounds therefore, by personal delivery, or by certified mail.
 - (2) The notification shall be directed to the most current business address on file with the Zoning Administrator.
 - (3) Within five working days of receipt of such notice, the respondent may provide to the Township Supervisor, in writing, a response that shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked. Within three days of the receipt of respondent's written response, the Township Supervisor shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.
 - (4) Within ten working days of the receipt of respondent's written response, the Township Board shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf.
 - (5) The Township Board shall issue a written opinion and decision within five business days of the hearing. If after the hearing, the Township Board finds that grounds as specified in this Ordinance exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five days after the Township Supervisor sends, by certified mail, written notice that the license has been denied, suspended, or revoked.
 - (6) Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.
 - (7) If the Township Board finds that no grounds exist for denial, suspension, or revocation of a license, then within five days after the hearing, the Township Supervisor shall withdraw the intent to deny, suspend, or revoke the license, and shall so notify the respondent in writing by certified mail of such action and shall contemporaneously issue the license.
 - (8) When a decision to deny, suspend, or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied, or whose license has been suspended or revoked,

shall have the right to appeal such action to a court of competent jurisdiction.

(9) Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the Township's enforcement of the denial, suspension, or revocation, the Zoning Administrator shall immediately issue the aggrieved party a provisional license. The provisional license shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee, as the case may be, and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain, or otherwise enjoin the Township's enforcement.

o. Transfer of license. A licensee shall not transfer a license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

HH. *Trade or industrial school.*

1. Minimum lot size shall be five acres.
2. The proposed site shall front upon and have direct access to a paved County primary road.

II. *Truck and freight terminals, with or without maintenance facilities.*

1. Shall be located on and have direct access to a County primary road leading to an interstate highway interchange. Such location shall be within 1,000 feet of an interchange.
2. The minimum lot size shall be five acres.
3. No building or parking facility shall be placed closer than 200 feet from any property line, or 300 feet from any residential zoning district.
4. Such facility may include a restaurant.
5. Areas for over-night parking of semi-tractors shall be buffered and screened from all adjacent properties to prevent diesel fumes and engine sounds from disturbing persons living, working, frequenting or otherwise using adjacent properties.

JJ. *Utility and public service buildings.*

1. Such facilities shall meet the general review standards of Section 15.02.C.1.

KK. *Vehicle repair shops.*

1. The proposed site shall front upon and have direct access to a paved County primary road.
2. All buildings, structures, and equipment, including canopies, shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear lot line abutting a residential zoning district.
3. All equipment and activities associated with vehicle repair operations, except incidental uses such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by a solid fence or wall, not less than six feet in height. Such fence shall be continuously maintained in good condition. This area shall be paved with asphalt or concrete, and shall be no larger than 1,000 square feet.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated, screened, and approved storage areas as outlined in Subsection 4 above.
6. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting road or from the nearest edge of any other driveway.
7. All areas of the site accessible to vehicles shall be paved. All paved areas shall be graded and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.
8. All areas of the site not paved or occupied by buildings or structures shall be landscaped.
9. Any gasoline pumps shall be located at least 40 feet from any lot line, and shall be arranged so that vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, public or private road,

or public or private right-of-way.

10. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.
11. When adjoining a residential zoning district, parking and storage areas shall be fenced and screened from the view of any abutting residential zoning district in accordance with the requirements of Section 3.33.
12. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If the use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.

LL. *Vehicle service stations and wash establishments.*

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in any required yard.
3. Sufficient space shall be provided to accommodate all vehicles queuing on the property, so no vehicles are required to wait on an adjoining public or private road to enter the site. For automatic washes, the stacking space shall be equivalent to five times the wash capacity or 15 spaces, whichever is greater. Wash capacity shall be determined by dividing the length of the mechanical wash/dry machinery by 25 feet. For manual wash facilities, each stall shall have at least two stacking spaces at the entrance and one at the exit.
4. The proposed site shall front upon and have direct access to a paved County primary road. All ingress and egress shall be from such a road.
5. All buildings, structures, and equipment shall be located at least 50 feet from any right-of-way line, and at least 100 feet from any side or rear lot line abutting a residential zoning district.

MM. *Veterinary hospitals, clinics, and kennels.*

1. The minimum lot area shall be one acre for the first four animals and an additional one-third acre for each animal over the first four. However, there shall be no limit on the number of animals on sites of more than three acres. Animals counted toward this total shall include the total capacity for overnight boarding or keeping.
2. Buildings wherein animals are kept, dog runs, and exercise areas shall not be located nearer than 75 feet to any adjacent occupied dwelling or any adjacent building used by the public and shall be set back at least 100 feet from any residential zoning district boundary. Runs and exercise areas shall not be located in any front yard or required rear or side yard setback area.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed building.

NN. *Waste disposal facilities, including incinerators.*

1. All such uses shall conform to the requirements of the Allegan County Solid Waste Plan.

OO. *Wastewater treatment facilities.*

1. Minimum lot size shall be ten acres.
2. The proposed site shall front upon and have direct access to a paved County primary road.

PP. *Wind energy conversion systems (WECS).*

1. *Purpose and intent.* The purpose of this Subsection is to establish standards and procedures by which the installation and operation of wind energy conversion systems shall be governed within the Township.
The intent of this Subsection is to protect the Township from excessive costs while providing protection for the general health and safety. To that end, all expenses borne by the Township, including the hiring of an independent third party wind expert to represent the Township from the beginning of the project to the end of the project, shall be paid for by the developer.
2. *Applicability.* Wind farms, interconnected wind energy conversion systems, commercial wind energy conversion systems, and wind energy conversion system testing facilities may be allowed as special uses within the AG, Agricultural District, subject to the regulations and requirements of this Subsection. Exempt from this Subsection

shall be anemometers governed by Section 3.34; single property, on-site use, wind energy conversion systems governed by Section 3.35.

3. *Site plan drawing.* All applications for a WECS special use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information:
 - a. Lot lines and dimensions.
 - b. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
 - c. Locations and height of all adjacent buildings, structures, and above ground utilities located within 2,000 feet of the lot lines of the lot housing the WECS. The boundaries shall include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
 - d. Existing and proposed setbacks of all buildings and structures located on the lot or lots in question.
 - e. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures and buildings within 2,000 feet of all lot lines. For wind farms in which numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and adjacent to any lot lines.
 - f. Access road to the WECS with detail on dimensions, composition, and maintenance.
 - g. Planned security measures to prevent unauthorized trespass and access to the WECS.
 - h. WECS maintenance programs. Provide a description of the maintenance program used to maintain the WECS, including removal when determined to be abandoned.
 - i. Additional detail as required by this Subsection.
4. *Compliance with applicable building code.* A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the building code as enforced by the Township; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
5. *Compliance with applicable electrical code.* WECS electrical equipment and connections shall be designed and installed in adherence to the electrical code as enforced by the Township. A copy of manufacturer's installation instruction shall be provided.
6. *Design standards.*
 - a. *Height.* A permit from the Michigan Aeronautics Commission and any other governmental agency with authority is required for any WECS with a height of 200 feet or more. The permitted maximum height of a WECS shall be 500 feet.
 - b. *Setbacks.*
 - (1) Except as provided in Subsection (3) below, towers included in a WECS shall be setback at least one and one-tenth times their height from any lot line.
 - (2) No part of a WECS (including guy wire anchors) shall be located within or above any required front, side or rear yard setback for the zoning district, except where adjacent property owners have recorded with the Allegan County Register of Deeds an agreement to share a structure or to allow such structure on or near an adjacent interior (side or rear) lot line.
 - (3) Where adjacent property owners have recorded with the Allegan County Register of Deeds an agreement to share a structure or to allow such structure on or near an adjacent interior (shared side or rear) lot line, WECS towers may be set on or near an adjacent shared side or rear interior lot line, but only as allowed by the recorded agreement.

- (4) A WECS shall not be located within 30 feet of an above ground utility line, nor within one and one-tenth times the height of the WECS from any dwelling existing at the time of application.
 - (5) A WECS shall be setback one and one-tenth times its height from roads or access easements needed for public safety.
 - (6) The base of any WECS tower shall be setback 2,000 feet from any non-participating lot line. A "participating lot line" is defined as any lot line of a lot which includes a dwelling unit whose owners have participated in the establishment of the WECS either by receiving payment from the owner/operator of the WECS or by signing and recording a waiver holding the WECS operator/owner and the Township harmless for any nuisance caused by the operation of the WECS.
- c. *Rotor clearance.* Blade-arcs created by the WECS shall have a minimum of 30 feet of clearance over any structure, land or tree.
 - d. *Rotor safety.* Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).
 - e. *Tower access.* To prevent unauthorized climbing, all WECS towers must comply with one of the following provisions:
 - (1) Tower climbing apparatus shall not be located within 12 feet of the ground.
 - (2) A locked anti-climb device shall be installed on the tower.
 - (3) Tower capable of being climbed shall be enclosed by a locked, protective fence at least six feet high.
 - f. *Signs.* Each WECS shall have one sign, not to exceed two square feet in area posted at the base of the tower. The sign shall contain the following information:
 - (1) Warning high voltage.
 - (2) Manufacturer's name.
 - (3) Emergency phone number.
 - (4) Emergency shutdown procedures.
 - g. *Paint and lighting.* WECS towers shall be painted if required by and in accordance with United States Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K and shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by State or Federal regulations.
 - h. *Electromagnetic interference.* Every WECS shall be designed and constructed so as not to cause radio and television interference.
 - i. *Noise emissions.* At the owner/operator's expense, the Township will hire an independent third party wind expert to represent the Township from the beginning of the project through completion and continue on retainer to conduct sound testing as requested by the Township Board and at least annually.
 - (1) *Audible noise standard:* From 6:00 a.m. until 10:00 p.m., for wind speeds from cut-in to rated-power of the wind energy conversion system, the dB(A) scale equivalent noise level due to the WECS at the nearest non-participating lot line shall not exceed 40 dB(A) and 60 dB(C) or the background sound level plus five dB(A), whichever is greater. The background sound level shall be measured using an L90 scale.

From 10:00 p.m. until 6:00 a.m., the dB(A) scale equivalent noise level due to the WECS at the nearest non-participating lot line shall not exceed 35 dB(A) and 55 dB(C) or the background sound level plus five dB(A), whichever is greater. The background sound shall be measured using an L90 scale. Estimates of noise levels shall be provided by applicant for normal operating conditions.
 - (2) *Complaint investigation and resolution:* The Zoning Administrator shall maintain a WECS complaint log. The Township Board shall review this log at least once per year and may require additional sound studies to be

prepared by an acoustic engineer approved by the Township Board.

- (3) *Sound measurement, analysis and applicable sound control engineering standards:* Measurement, modeling and analysis shall conform to the most current version of ANSI S12.18, International Electrotechnical Commission (IEC) 61400 and International Organization for Standardization (ISO) 9613. Background sound level measurements and post-construction sound level measurements made after installation of the WECS shall be done by a third party who is a qualified professional, and shall be done according to the procedures in the most current version of ANSI S12.18. All sound levels shall be measured with a certified Type I or Type II sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a sound meter. Meters shall be calibrated on-site before and after any measurement period.
- (4) *Complaint resolution:* Where a complaint is verified by the qualified professional third party, the owner/operator of the WECS shall be liable for the cost of the investigation.
- (5) *Inspection escrow:* The owner/operator of a WECS will fund in advance an escrow account, to be managed by the Township, to cover the cost of professional third-party investigation.
- j. *Utility company interconnection (interconnected WECS):* No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the electrical code as enforced by the Township.
- k. *Avian impact:* An applicant for a WECS shall comply with the applicable sections of the Federal Endangered Species Act and the State Endangered Species Protection Law. At the preliminary site plan stage, an applicant shall contact the East Lansing or most applicable field office of the United States Fish & Wildlife Services, and the Plainwell or most applicable field office of the Michigan Department of Natural Resources, for written comment on whether an avian impact analysis report should be provided. If a report is required or recommended by the Federal or State agency, then the site plan shall include documents and drawings showing mitigation measures to minimize potential impacts on avian wildlife as identified in the avian impact analysis.
- l. *Shadow flicker:* A shadow flicker analysis shall be done by an independent third party professional, paid for by the WECS applicant, to identify locations that may be affected during sunrise and sunset over the course of a year. The site plan shall show measures that shall be taken to eliminate or mitigate any problems.
The operation of any WECS during the half hour both before and after sunrise and sunset shall be prohibited when the shadow flicker analysis shows that there may be flicker affect from the WECS on any dwelling (except for a dwelling located on the lot where the WECS is located, or on any participating property) during the time of the year when the dwelling would be affected.
- m. *Performance guarantee:*
 - (1) The applicant shall include a description of the routes to be used by construction and delivery vehicles and of any road improvements in the Township that will be necessary to accommodate construction vehicles, equipment, or other deliveries. The applicant shall provide the Township with a performance guarantee, in an amount and a form acceptable to the Township, which guarantees the repair of damage to public and private roads and utilities caused by the construction of the WECS.
 - (2) The owner/operator will fund an escrow account in advance, to be managed by the Township, to cover repairs to roads and utilities caused by the project.
7. *Ornamental wind devices.* Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section.
8. *Inspection.* The Township reserves the right upon issuing any WECS special use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner/operator shall take expeditious action to correct the situation.
9. *Abandonment/decommissioning.*

- a. The Township shall require a performance guarantee to ensure the removal in the event of a WECS abandonment. If dismantled and removed from the property at the expense of the owner/operator.
- b. If the owner/operator fails to complete decommissioning in compliance with this Section the Township may perform the required decommissioning. The actual costs, plus a late payment penalty of one percent per month from the date of completion of decommissioning, incurred by the Township in its performance of any decommissioning pursuant to this Section shall be charged by invoice to the owner of the property on which such work is performed. Where the full amount due the Township is not paid within 60 days after completion of the decommissioning, the Township Treasurer may cause to be recorded a lien on the lot, which shall remain in full force and effect until the amount due in principle and penalty, plus court costs, if any, is fully paid.

QQ. *Wireless communication towers and buildings.*

Note to Zoning Administrator: If the application is not administratively complete the Zoning Administrator shall notify the applicant of all deficiencies within 14 business days of the receipt of the application. If the administrator fails to notify the applicant as required, the application shall be considered administratively complete and the Planning Commission is barred from requesting further information per Public Act 346 of 2012, Section 3514(4) and (5) (MCL 125.3514 as amended). Once the application is administratively complete, the Planning Commission and the Township Board have 60 days to approve or deny the application. If the Planning Commission and Township Board fail to act within 60 days after the application is administratively complete the application is automatically approved.

1. *Co-location.*

- a. The construction and use of a new wireless communication tower shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
- b. The applicant shall submit to the Township an inventory of all towers, antennas, or sites approved for towers or antennas within the jurisdiction of the Township, or within one mile of the border of the Township. The inventory shall also include the following information on each tower, antenna, or site approved for towers or antennas:
 - (1) Information about the location.
 - (2) Height of each tower.
 - (3) Design of each tower.
- c. Antennas for wireless telecommunication services shall instead be required to locate on any existing or approved tower or other appropriate structure within a one mile radius of the proposed tower unless one or more of the following conditions exists:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved tower or other structure, as documented by a qualified and registered professional engineer, and the existing or approved tower or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (2) The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or other structure as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved towers and other structures within a one mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 - (4) Other reasons make it infeasible to locate the planned equipment upon an existing tower or other structure.
- d. Any proposed wireless communications tower shall be designed structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept

equipment mounted at varying heights. The applicant shall submit a statement in writing agreeing to permit future users to collocate on the tower.

- e. The applicant shall submit a notarized statement by a registered design professional as to whether the proposed tower as constructed will accommodate co-location of additional antennas for future users.
- f. The collocation of additional wireless communication equipment including cabinets, equipment buildings and antennas to an existing wireless communications structure is a permitted use and not subject to site plan review by the Planning Commission so long as the following conditions are met:

The proposed collocation shall not do any of the following:

- (1) Increase the overall support structure height by more than 20 feet or ten percent of the original height.
- (2) Increase the width of the support structure more than the minimum necessary to permit collocation.
- (3) Increase the area of the existing equipment compound to more than 2,500 square feet.

2. *Tower design, appearance and construction.*

- a. Wireless communications towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other State or Federal authorities.
- b. Wireless communications towers shall not be illuminated unless required by other State or Federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
- c. The Planning Commission may require the structures or equipment on the ground to be screened with landscaping, berms, walls, fences, or a combination of these elements.
- d. All new wireless communications towers must meet all State or Federal requirements and comply with applicable building codes enforced in the Township.

3. *Setbacks.* Any part of the wireless communications tower or related equipment placed on the ground shall comply with the following setbacks, unless reduced by the Planning Commission when the intent of this Ordinance would be better served by the reduction:

- a. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.
- b. Guy wires and accessory buildings must satisfy the minimum setback requirements for main buildings for the zoning district in which they are located.
- c. These provisions shall not apply to antennas located on buildings, towers, or other structures in existence at the time of the adoption of this Ordinance.

4. *Separation of towers.* The following separation distances shall apply to all wireless communications towers and antennas, unless reduced by the Planning Commission when the intent of this Ordinance would be better served by the reduction. Separation distances shall be measured from the base of the tower to the lot line of the off-site uses or designated areas as specified in the following table.

Off-Site Use/Designated Area	Separation Distance
Single-family detached or two-family dwelling units	The greater of 200 feet or twice the height of the tower
Approved, but not constructed, residential subdivisions or site condominium projects	

Vacant land in a residential zoning district	The greater of 100 feet or the height of the tower
Multiple-family dwellings	
Nonresidential zoning districts	Same as for main building setbacks

5. *Separation between proposed and existing towers.* The following separation distances shall apply to all proposed wireless communications towers and any preexisting wireless communications towers, as measured along a straight line between the base of the proposed and the preexisting towers.

EXISTING		PROPOSED			
		Lattice	Guyed	Monopole	
				> 75 feet	< 75 feet
Lattice		5,000 feet	5,000 feet	1,500 feet	1,500 feet
Guyed					
Monopole	> 75 feet	1,500 feet			750 feet
	< 75 feet	750 feet			

6. *Buildings or other equipment storage.*

- a. For antennas mounted on structures or rooftops, the equipment cabinet or structure used in association with antennas shall comply with the following:
 - (1) The cabinet or structure, if located on the rooftop, shall not contain more than 100 square feet of gross floor area, or be more than eight feet in height, or occupy more than five percent of the roof area.
 - (2) Equipment storage buildings or cabinets shall comply with the applicable building code.
- b. For antennas mounted on utility poles or light poles, the equipment cabinet or structure used in association with antennas shall be no greater than eight feet in height or 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential zoning districts which abut or are directly across the road from the structure or cabinet by a solid fence eight feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- c. For antennas located on towers, the related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than eight feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
- d. Modification of building size requirements. Where co-location will be achieved, the Planning Commission may waive or modify the requirements of Section 15.03.QQ.6.

7. Abandoned or unused wireless communications towers and any associated structures or equipment shall be removed, months of the cessation of operations, unless a time extension is granted by the Planning Commission. One three-month extension shall be permitted if the Planning Commission finds that the owner or former operator of the facility is taking active steps to remove the tower.

RR. Reserved.

SS. Reserved.

TT. Reserved.

UU. *Special events venue.*

1. The use shall be owner-operated, and the owner shall live in a single-family dwelling located on the same lot during the operation of the special events venue.
2. A special events venue shall be located on a lot of five acres or greater.
3. The use shall be licensed and inspected by the Allegan County Health Department and comply with all applicable laws and regulations regarding food service.
4. Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
5. The maximum capacity of the venue shall not exceed that established by South Haven Area Emergency Services (SHAES) or its successor, or applicable building codes, whichever is less.
6. Amplified music must comply with Township ordinance limitations, unless a condition of the special use is to prohibit amplified music.
7. No activity or structure pertaining to the special events venue may be located within 50 feet of the public road right-of-way.
8. No activity or structure pertaining to the special events venue may be located closer than 50 feet from any dwelling unit on another lot.
9. Suitable containers for rubbish shall be placed on the lot for public use and shall be properly disposed of on a regular basis to avoid overflowing and a foul odor.
10. Suitable restroom facilities shall be provided on the lot as approved by the Allegan County Health Department.
11. Parking shall be available on the same lot and in accordance with Chapter 18.
12. Access to the lot and the venue on the lot shall be constructed and located in accordance with Allegan County Road Commission requirements.

(Ord. No. 0416-2-18, § 5, 4-16-2018; Ord. No. 101920-1, § 1, 10-19-2020)

Sec. 15.04. - Administration of special uses.

- A. No special use application which has been denied shall be resubmitted for a period of one year from the date of disapproval. The Planning Commission may choose to hear the request prior to the one-year period if new and significant facts or conditions are presented which could alter its decision.
- B. An approved special use shall be under construction within one year of such approval, except as noted below:
 1. The Zoning Administrator may authorize one extension of the one-year time period, for up to an additional 12 months, provided the applicant requests the extension prior to the expiration date of the special use approval.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 3. If neither of the above provisions are fulfilled or the six-month extension has expired prior to construction, the special use approval shall be null and void.
 4. The Planning Commission shall have the authority to revoke any special use approval after it has been shown that the

holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable Sections of this Ordinance, or conditions of the special use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

5. For a manufactured housing community, construction shall begin within one year of the final approval by the Mobile Home Commission or any successor State agency.

Chapter 16 - PLANNED UNIT DEVELOPMENT

Sec. 16.01. - Description and intent.

- A. This Section prescribes the intent of this Chapter and the ideal situation that can be created through a PUD. The intent should not be confused with the items required to qualify for PUD consideration, as those are stated in Section 16.02, Eligibility Criteria. The intent of this Chapter is to permit coordinated development on larger sites in order to achieve most or all of the following:
 1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of structures constructed; and to provide the needed flexibility to allow development that is compatible with the character and design of existing neighborhoods.
 2. Provide greater protection of the natural features in comparison to the impacts associated with a conventional development.
 3. Provide the opportunity to mix compatible uses or residential types so as to serve all residents of the Township, regardless of age or income.
 4. To provide common open space for residents of the development and the general public.
 5. Protect and preserve natural resources, such as Lake Michigan, the Black River, and natural features, including but not limited to: soils, topography, wetlands, woodlands, steep slopes, dunes, natural habitat, streams, rivers, and lake views.
 6. Promote efficient provision of public services, utilities, and transportation facilities.
 7. Provide convenient vehicular and non-motorized access throughout the development that is capable of connecting to off-site systems and minimize adverse traffic impacts.
 8. Encourage development of convenient recreational facilities as an integral part of residential developments, especially those that provide for access and enjoyment by the general public.
 9. Encourage development that is consistent with the goals stated within the Master Plan.
 10. Create better living, working, and local shopping environments that are appropriately located.
- B. A property owner shall not be entitled to Planned Unit Development approval. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township after considering the intent of this Chapter, assures a superior quality of development with benefits to the Township. If this improved quality is not determined by the Township to be present after the Township has reviewed the development and the intent of this Chapter, the site shall not qualify for the modifications allowable under this Chapter.

Sec. 16.02. - Eligibility criteria.

To be eligible for Planned Unit Development approval, the applicant must demonstrate that both A and E below will be met.

- A. *Open space*. At least 30 percent of the gross site area shall consist of common open space for passive or active recreational use. The area of land within the required Lake Michigan setback, as required in the district regulations

section of the pertinent zoning district, must be maintained as common open space. Noncontiguous open space is not permitted, except where needed to protect significant natural features or to provide pockets of meaningful public spaces.

- B. *Demonstrated benefit.* While the Township encourages the provision of as many of the following benefits as possible, at least one of the following must be demonstrated in order for a development to qualify as a PUD:
 1. Preservation of significant natural or historic features (this benefit is not intended to permit development of a largely open, undeveloped parcel);
 2. Preservation of open space;
 3. Provide a complementary mixture of uses or a variety of housing types that present a design that is unique and innovative, or that provide a desired development type not otherwise prevalent in the community; or
 4. Redevelopment of a nonconforming site where creative design can address unique site constraints.
- C. *Control of property, unified agreement.* Multiple land owners involved in a proposed Planned Unit Development shall provide a signed agreement among all involved parties, which is approved by the Township's attorney that indicates their unified approach to the PUD concept.
- D. *Previously granted variances, null and void.* PUD approval shall supersede any previously granted variances obtained for the property, which shall become null and void.
- E. *Public services.* All PUDs shall be served by adequate public services, including water and sanitary sewer service provided by the South Haven Township and Casco Township Water and Sewage Treatment Authority, roads, police services and fire service.

Sec. 16.03. - Permitted uses.

- A. Any use permitted by right or special approval in any of the property's underlying zoning districts may be permitted within a PUD.
- B. Neighborhood commercial uses may be permitted in residential districts as part of a PUD, provided the following standards are met.
 1. Neighborhood commercial uses shall not encompass more than 15 percent of the site area. Each 1,000 square feet of commercial gross floor area shall be considered the equivalent of one residential unit.
 2. Any PUD containing neighborhood commercial uses shall be accessible by a paved County road or paved private road meeting County road standards.
 3. The mix of uses provided in any PUD shall be compatible with existing uses in the vicinity, and shall compliment the established local character. Any of the permitted or special uses allowed in the Neighborhood Commercial District may be considered within a PUD. Drive through uses and vehicle service stations are expressly prohibited, unless allowed in the underlying zoning.
 4. Neighborhood commercial uses are subject to the greenbelt requirements of Section 3.33, Greenbelts, Buffers and Landscaping.
 5. Neighborhood commercial uses proposed within residential districts shall be located to minimize potential impacts on nearby residential uses. Where possible, neighborhood commercial uses should be located at least 100 feet from any residential use or district on the same side of the street. If residential uses are located within 100 feet on the opposite side of the street, the buffer requirements of Section 3.33, Greenbelts, Buffers and Landscaping, shall also apply.
 6. Where feasible and appropriate for traffic safety purposes, driveway access to neighborhood commercial uses should be provided via side streets or internal road systems. Direct access from County roads should be avoided if possible. Needed road improvements, including center turn lanes or bypass lanes, shall be provided as deemed appropriate by the Township or Allegan County Road Commission.
- C. *Attached single-family residential uses.* The number of units permitted in the density calculations may be developed as

attached single-family buildings, provided the total number of units does not exceed the allowable density according to Section 16.08.A, Allowable Residential Density, and the following conditions are met.

1. Attached units may be considered when an additional public benefit, such as increased open space, public views or other amenities are provided above what is required.
2. The intensity and amount of permitted attached buildings shall be proportionate to the public benefit provided. Except for senior housing developments, no building shall contain more than four dwelling units.
3. The building is designed to provide individual ground-floor entrances to each unit. No common hallways, such as those provided for motels or apartments, will be allowed.
4. Provision of senior housing shall constitute a public benefit, and may be developed into higher density multiple-family buildings if approved by the Planning Commission and Township Board. In considering the appropriate form of residential development, the type of senior housing provided (i.e. assisted living, nursing care, age targeted residential, etc.) and the public benefits provided shall be considered.

Sec. 16.04. - Preliminary PUD approval process.

A. Pre-application meeting.

1. An applicant desiring to submit an application for a Planned Unit Development may attend a pre-application meeting with the Planning Commission.
2. The purpose of the pre-application meeting is to determine general compliance with PUD requirements, identify any significant issues before the applicant prepares more detailed plans, and comment on the feasibility of moving forward with the proposed project.

B. Application. The applicant shall prepare and submit to the Township a request for rezoning along with information listed in Section 16.05, Preliminary PUD Submittal Requirements. Materials shall be submitted at least 45 days prior to the meeting at which the Planning Commission can first review the request.

C. Planning Commission public hearing. The Planning Commission shall review the PUD rezoning request, the PUD site plan, and conduct a public hearing in accordance with the requirements of Section 21.07.B and the Zoning Act.

D. Planning Commission recommendation. The Planning Commission shall review all required documents, public hearing comments, technical reviews from Township staff, comments from consultants and applicable review agencies, and compliance with the standards and requirements of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request.

E. The recommendation to the Township Board shall be based on the following standards, documents and analysis.

1. The PUD shall satisfy the intent of Section 16.01, Description and Intent, and Section 16.02, Eligibility Criteria. If the application does not meet these requirements, the Planning Commission shall recommend denial of the application.
2. The PUD shall satisfy the site plan review criteria of Section 17.07, Review Standards.
3. All planned unit developments shall meet the standards of Section 16.03, Permitted Uses, Section 16.05, Preliminary PUD Submittal Requirements, and Section 16.08, Development Standards.
4. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. The applicant shall demonstrate that the proposed lot dimensions and building and yard requirements shall result in a higher quality of development than would be possible using conventional zoning standards.
5. Architecture should provide coordinated and visually appealing styles, building forms, and building relationships.
6. The proposed uses and densities shall not exceed the Township's ability to provide adequate public services, including public facilities, and utility capacities.
7. When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the

necessary components to ensure protection of natural resources and the health, safety, and welfare of users of the open space and the residents of the surrounding area.

8. Where adjoining areas are not subdivided, the arrangement of roads within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of roads into adjoining areas. If adjoining areas are subdivided or developed, roads within a proposed PUD should be arranged to connect to existing roads to allow the flow of traffic between developments to the extent deemed appropriate by the Township.
 9. To encourage a true integration of mixed uses and improved efficiency in land use, the overlap in parking requirements may be permitted between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips.
 10. The Planning Commission may recommend and the Township Board may require the development provide such amenities as play areas and school bus turn-outs.
 11. The conclusions of the Natural Features Analysis and impacts shown in the Developed Features Analysis shall be considered.
 12. The Development Agreement shall be reviewed and considered.
 13. The Township attorney's comments on the proposed PUD shall be considered.
 14. The design guidelines prepared for the subject project shall be considered.
- F. Township Board decision. Following receipt of the Planning Commission's recommendation, the preliminary PUD application shall be considered by the Township Board. The Township Board shall conduct a public hearing in accordance with the requirements of Section 21.07.B, Ordinance Amendments. Following the public hearing, the Township Board shall take one of the following actions on the request.
1. If the application is determined to be insufficient, does not fully respond to Planning Commission issues, or more information is required, the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the PUD plan, or direct the Township staff or consultants to conduct additional analysis which shall be submitted through the Planning Commission. The application shall not be removed from the table until the conditions causing its tabling have been satisfied.
 2. If the Township Board, during its review process, believes there is new information that might modify the recommendation of the Planning Commission, the application shall be returned to the Planning Commission with the new information for its reconsideration. The Planning Commission shall provide a recommendation within 30 days, or such longer time as is established by the Township Board, after the Township Board has determined it would like further review. No additional public hearings are required, unless otherwise provided by the Zoning Act.
 3. Approval or approval with conditions.
 - a. Upon determination that a PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Township Board shall approve the preliminary PUD site plan.
 - b. The Township Board may impose reasonable conditions with the approval of a PUD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PUD site plan to the Planning Commission that demonstrates compliance with the conditions.
 - c. Approval of the preliminary PUD plan shall constitute approval of the rezoning and the Zoning Map shall be changed to indicate the zoning of the property as a PUD District. Final approval shall only occur after all site plan and development agreement requirements are met. Further no building or zoning compliance permits shall be issued for any part of a PUD project before final approval is granted.
 - d. Approvals shall include a letter of credit or similar guarantee in order to ensure the completion of the project.
 - e. Approval of the preliminary PUD site plan shall be valid for a period of two years. Application for Final PUD site plan for the first phase of an approved preliminary PUD site plan must be submitted within one year from the date of approval. The date of PUD preliminary plan approval is considered to be the date that an amended site plan,

showing any changes required as a condition of approval, is submitted and approved by the Township. The amended site plan shall be submitted by any deadline established by the Township. Application for final PUD site plan for any subsequent phases must be submitted by deadlines established by the Township Board.

4. Denial. Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance or other applicable ordinances or laws, or requires extensive revision in order to comply with the standards and regulations, the Township Board shall deny the application and forward its rationale to the Planning Commission. Resubmittal of a denied application shall be considered a new application.

Sec. 16.05. - Preliminary PUD submittal requirements.

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided.

- A. *Proof of ownership.* Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, and copies of any easements and other encumbrances that affect the property.
- B. *Written documentation.* Written documentation that the proposal meets the standards of Section 16.01, Description and Intent and 16.02, Eligibility Criteria. The application shall clearly state how each requirement is being met by the proposal.
- C. *Application form and fees.* A completed application form as required by the Township and applicable application/review fee. A separate escrow deposit shall be required for administrative charges to review the PUD submittal.
- D. *Preliminary PUD site plan.* Ten copies of a site plan meeting the requirements of Section 17.03.A, Site Plan Submittal.
- E. *Natural features analysis.* A separate plan sheet shall be submitted indicating locations of significant natural, historical, and architectural features, including but not limited to slopes, drainage patterns, viewsheds, unstable soil conditions, waterfront character, surface and groundwater resources, vegetation, and any other features within a minimum 100 feet of the site, depending on the scope of the project.
- F. *Developed features analysis.* A separate sheet indicating how the proposed Preliminary Site Plan will affect the above natural, historical, and architectural features, the extent of any proposed mitigation, and any impacts on neighboring properties.
- G. *PUD development agreement.* A draft of the written development agreement specifying the terms and understanding of the PUD development including:
 1. A survey of the acreage comprising the proposed PUD.
 2. Anticipated conditions upon which the PUD approval may be based and a description of all waivers from Township regulations which have been requested, approved, and shown on the plan.
 3. The proposed type, such as a subdivision or site condominium, of future development parcels within the PUD.
 4. The arrangement of ownership of land and the legally-binding means selected to protect any areas designated as common areas or open space.
 5. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the Township may require conveyances or other documents to be placed in escrow to accomplish this.
 6. Provisions to provide for the financing of all improvements shown on the plan such as roads and utilities. These provisions must indicate when these improvements will be constructed or provided, and in the case of a phased PUD, financing for each phase shall be detailed separately. Additional financing may be required by the Township Board to ensure adequate facilities and financing to install them are provided in case later phases of development

are not completed. This may require the installation of temporary cul-de-sacs, provision of escrow monies for final asphalt, or other improvements deemed necessary for each phase to stand alone if future phases are not realized; the Township may require conveyance or other documents to be placed in escrow to accomplish this.

7. Assurances by a means satisfactory to the Township Board that the cost of maintaining all streets, utilities, and common open spaces has been secured; the Township may require conveyances or other documents to be placed in escrow to accomplish this.
 8. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands in kind; the Township may require conveyance or other documents to be placed in escrow to accomplish this.
 9. Any other concerns, and appropriate follow-up, raised by the Planning Commission or Township Board regarding the construction and maintenance of the PUD.
 10. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
 11. A map showing the timing of all phases and projected dates of the completion of improvements that will be dedicated to the public, such as roads, utilities, and park areas. The developer shall be required to submit a bond and timeline, or other financial assurance in a form acceptable to the Township, in an amount sufficient to complete any future public improvements in the event they are not completed by the developer within the timeframe specified.
 12. A response to any comments or conditions forwarded by the Township attorney.
- H. *Phased plan.* If a multi-phased PUD is proposed, identification of the areas included in each phase must be provided along with the associated timing. For residential uses, the number, type, and density of proposed housing units within each phase shall be identified.
- I. *Additional information.* The Planning Commission or Township Board may request additional graphics or written materials as needed to assist in their review such as, but not limited to; aerial photography; market studies; and research of potential impact on public primary and secondary schools and utilities.

Sec. 16.06. - Final PUD approval process.

- A. Application. The applicant shall prepare and submit to the Township a request for Final PUD approval and ten copies of a Final PUD site plan meeting the requirements of Section 17.03.B, Final Site Plan Review. The applicant shall also submit all information required in Section 16.05, Preliminary PUD Submittal Requirements. A copy of the Development Agreement, meeting the conditions of preliminary PUD approval, shall also be submitted for review and approval. Materials shall be submitted at least 45 days prior to the meeting at which the Planning Commission can first review the request.
- B. Planning Commission recommendation. The Planning Commission shall review the Final PUD site plan in consideration of technical reviews from Township staff, comments from consultants and applicable review agencies, and compliance with the standards and requirements of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request.
- C. For the Township's review of final site plans, the following standards and requirements shall apply.
 1. All standards of Section 16.08, Development Standards, must be met.
 2. Final site plans shall be substantially similar to the approved PUD preliminary plan.
 3. Each final site plan, whether submitted by phase or in total, shall meet the standards of this Chapter and generally be similar to the approved PUD preliminary plan regarding layout, density, open space, and land use. If engineering of the site causes the layout of the project to change significantly, the applicant must present a revised PUD preliminary plan for approval in accordance with Section 16.05, Preliminary PUD Submittal Requirements.
 4. Each final site plan submission shall include a revised phasing map illustrating completed portions of the project, and the site or phase in relation to surrounding developed land and the overall PUD.

5. Any amendment to the development agreement referenced in Section 16.07, Final PUD Submittal Requirements, which is required by the developer shall be submitted for review by the Township attorney and shall be subject to the approval of the Township Board. The Township Board may ask the Planning Commission to provide comment regarding relevant planning topics.
- D. If final site plans for at least the first phase of the project are not submitted and approved within a two-year period from final PUD approval then the right to develop under the approved PUD preliminary site plan shall terminate and a new application shall then be filed and processed for a PUD.
- E. Township Board decision. The Township Board shall review the Final PUD submission and either approve, deny, or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator and Township consultants, if appropriate.

Sec. 16.07. - Final PUD submittal requirements.

The Final PUD application shall include all of the following information:

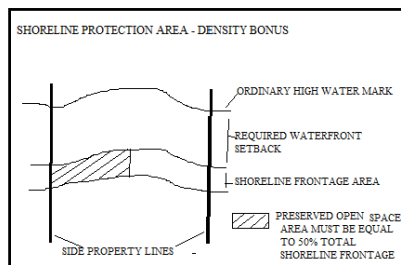
- A. All information required in Chapter 16, Planned Unit Development and Chapter 17, Site Plan Review.
- B. Additional information. The Planning Commission or Township Board may request additional graphics or written materials as needed to assist in the review, such as but not limited to: aerial photography; market studies; research of potential impact on public primary and secondary schools and utilities; traffic impact studies; historic, or natural features inventories; drainage studies; parallel plans; preliminary architectural sketches; and estimated construction costs.
- C. PUD development agreement. A final written PUD development agreement shall be submitted meeting all the terms, understandings, and conditions of the preliminary PUD approval.
- D. PUD design guidelines. A written copy of the final PUD design guidelines proposed for the development. Such document shall include provisions for vehicular and pedestrian circulation, building design and architecture, landscaping, open space, lighting, and signage.

Sec. 16.08. - Development standards.

- A. *Allowable residential density.* The number of residential dwelling units permitted shall be determined based on the potential yield of the site, as it could be developed under conventional zoning regulations. It is the Township's intent, however, to encourage clustering of buildings and uses to maximize the efficient use of infrastructure. This Section seeks to provide incentives to encourage protection of natural features by allowing additional density elsewhere. This Section is not intended to permit development of a largely undeveloped parcel, as discussed below.
 1. *Base density.* The base density and number of dwelling units permitted in the PUD shall be determined by the Township through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
 - a. The parallel plan shall contain enough detail to permit the Planning Commission to evaluate the feasibility of developing each lot.
 - b. All buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements, to accommodate principal buildings, and to include required roads and driveways.
 - c. All required setbacks, easements and rights-of-way, and areas of wetlands, water bodies, and other unbuildable areas shall not be included within building envelopes, but may be included in the lot area calculations.
 - d. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, road layout, and other considerations the Planning Commission deems

appropriate.

- e. The Township planning consultant shall review the parallel plan to ensure it meets Ordinance requirements before it is reviewed by the Planning Commission. The applicant may choose to have the parallel plan prepared by the Township planning consultant.
2. *Density bonuses.* The Planning Commission may recommend a density bonus up to 30 percent of the base density, upon demonstration that the development will provide two or more of the elements or amenities listed below. The extent of any density bonuses shall relate to the extent of the demonstrated benefit, giving higher consideration to the provision of the primary benefits, as listed below.
 - a. *Automatic density bonus.* Provision of at least ten percent affordable or senior housing shall constitute grounds for additional density, as determined by the Planning Commission and Township Board. The amount of bonus granted shall be based on the form and type of senior housing provided.
 - b. *Primary priority Township benefits.* The Planning Commission may give a bonus consideration to developments that provide two or more of the following:
 - (1) Provision of public access to Lake Michigan.
 - (2) Provision of open space for the general public.
 - (3) Inclusion of public pedestrian pathways and non-motorized elements that interconnect to adjacent properties and pathways.
 - (4) Inclusion of ten percent additional open space above the minimum required.
 - (5) Preservation of 50 percent of the shoreline frontage areas as common open space.



- (6) Preservation of significant natural features, such as steep slopes, site topography, wetlands, woodlands, important wildlife habitat, dunes, streams, and natural vegetative buffers. These shall be identified on the Natural Features Analysis, as required in Section 16.05.E, Preliminary PUD Submittal Requirements.
 - (7) Inclusion of low-impact design stormwater systems, parking areas, and green buildings. Design elements such as rain gardens, pervious pavement products, or grass pavers, and LEED certifications shall contribute to low impact design.
 - (8) Provision of or financial contributions to off-site improvements needed to offset potential impacts, such as increased traffic, utility use, or need for additional services.
 - (9) Providing open views of the water, without sacrificing the natural environment.
- c. *Secondary priority Township benefits.* While still significant, the following amenities may be considered as grounds for density bonuses for developments that provide two or more of the following:
 - (1) Provision of alternative energy sources.
 - (2) Preservation of active agricultural lands.
 - (3) Donation of valuable recreation land to the Township or other public entity for enjoyment by the general public.
- B. *Dimensional standards.* To encourage flexibility and creativity consistent with the intent of the PUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate lot dimensions and building and yard requirements under the following:

1. *Base zoning regulations.* Unless modified by the Planning Commission and Township Board, according to the PUD standard Ordinance requirements for the underlying zoning district shall remain in full force.
 2. *Regulatory flexibility.* To encourage flexibility and creativity, the Planning Commission and Township Board may grant specific departures from the requirements of the Ordinance as a part of the approval process. Yard, lot width, and bulk standards may be modified, provided that such modifications result in preservation of open space, enhanced buffering from adjacent land uses, screening along major roadways, preservation of natural features, a more efficient use of land, higher quality building and site design, or improved compatibility with adjacent land uses.
 3. *Approval of waivers.* Any regulatory waivers shall be approved through a finding by the Planning Commission and Township Board that the modification shall result in a higher quality of development than would be possible using conventional zoning standards. The granting or denial of regulatory waivers is not subject to the variance or appeal jurisdiction of the Zoning Board of Appeals.
 4. *Table of waivers.* A table shall be provided on the site plan which specifically details all modifications from the established zoning district's lot area, height and setback regulations, off-street parking regulations, general provisions, or other Ordinance provisions which would otherwise be applicable to the uses and development proposed in the absence of this Chapter. This specification should include Ordinance provisions, from which waivers are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which waivers are sought. Only those waivers consistent with the intent of this Ordinance and the Master Plan shall be considered.
- C. *Driveway access and circulation.*
1. Access shall be limited to one major entrance along any collector or arterial road, excluding any entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least 500 feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.
 2. Main access points shall be spaced from existing signalized intersections to ensure proper spacing and efficient flow of traffic in case the main access point is signalized in the future.
 3. The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives shall provide circulation between uses.
 4. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.
- D. *Neighborhood commercial building design standards.*
1. Building facades shall utilize high quality architecture and landscaping that create an integrated, pedestrian-oriented environment. Where appropriate, neighborhood commercial areas shall be designed using traditional architecture that encourages pedestrian activity.
 2. Durable building materials which provide an attractive, quality appearance must be utilized.
 3. Buildings shall be constructed of quality materials that are characteristic of Michigan such as earth-toned brick, wood, native stone, or other high-quality products approved by the Township.
 4. Buildings shall possess architectural variety, but enhance the overall cohesive community character. The scale and proportion of existing structures in the area should be considered. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.
- E. *Open space requirements.* All PUDs, in addition to the above requirements, shall meet the following requirements for open space.
1. Designated open space shall be set aside through an irrevocable conveyance, approved by the Township attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement, land trusts. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Further use of

- open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, and shall not diminish compliance with the requirements of this Chapter.
2. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
 3. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
 4. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
 5. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
 - a. Area included within the boundaries of a lot or a site condominium unit.
 - b. Residential yards or required setback areas for any use.
 - c. The area of any public road right-of-way or private road easement.
 - d. Surface water in detention or retention basins (unless designed to have the appearance of a natural wetland, in which case they may be counted for up to 50 percent of the required open space).
 - e. Parking and loading areas.
 - f. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Township Board.
 6. On-site common open space shall be planned in locations visible and accessible to all in the development. The Planning Commission shall determine if the proposed open space is usable and functional. The common open space shall either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
 - a. Any significant natural features.
 - b. At least one-third of the required common open space shall be usable open space for residents of the development.
 - c. Open space, except for where trails and bike paths are located, shall have minimum dimension of 100 feet by 100 feet.
 - d. The required Lake Michigan setback, as required in the district regulations in the underlying zoning district, may be used in open space calculations, as long as it is part of the common open space for the PUD.
 - e. A minimum 50-foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
 - f. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space, public land or existing or planned bike paths. Trails between adjoining open space development, public land or existing or planned bike paths shall be constructed to allow future interconnection between developments.
 7. Allowable use(s) of the dedicated open space shall be indicated in the conservation easement or other legal instrument and shall prohibit the following unless prior approval is obtained from the Township Planning Commission:
 - a. Dumping or storing of any material or refuse.
 - b. Activity that may cause risk of soil loss.
 - c. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation.
 - d. Cutting, filling or removal of vegetation from wetland areas.
 - e. Use of pesticides, herbicides, or fertilizers either within or adjacent to (within 100 feet of) water bodies and wetlands,

unless required by the Michigan Department of Environmental Quality to manage nuisance species.

- f. Inclusion of a requirement that the dedicated open space shall be maintained by parties who have an ownership interest in the open space.
8. Requirements for maintenance of the open space shall be provided through the Development Agreement and creation of a homeowner's association with bylaws or, in the case of a condominium, a condominium association. In the event that the open space is not adequately maintained, or is determined by the Zoning Administrator to be a public nuisance, the costs for maintenance shall be assessed upon the owners of the open space.

Sec. 16.09. - Extensions.

The two-year period for preliminary PUD approval may be extended for up to one additional year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval and granted by the Township Board, provided that the reasons for the delay are beyond the general control of the applicant.

Sec. 16.10. - Revisions to approved PUD plans.

- A. Approval of the preliminary PUD plan and final site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or landowner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.
- B. Within 14 days of receipt of a request to amend the site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- C. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the proposed design or provisions of the Development Agreement referenced in Section 16.07, Final PUD Submittal Requirements; would not reduce the area devoted to open space, would not make any change to a portion of the PUD that is a benefit to the Township; and upon finding that all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Planning Commission and Township Board of the approval in writing within 30 days of the Zoning Administrator's decision; a failure by both to take action shall be deemed confirmation of the Zoning Administrator's decision. If the Zoning Administrator's decision is rejected by either the Planning Commission or the Township Board, the PUD amendment shall be subject to review as a new proposed PUD application.
- D. The Zoning Administrator shall consider the following when determining a change to be minor:
 1. For residential buildings, the square footage of dwellings may be reduced or increased by ten percent of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend outside a designated building envelop, or into any required open space or required setback.
 2. Gross floor area of nonresidential buildings may be decreased or increased by up to ten percent or 2,000 square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
 3. Floor plans may be changed if consistent with the character of the use.
 4. Relocation of a building by up to five feet is allowed, if consistent with required setbacks, open space and other requirements.
 5. Height of buildings may be lowered.
 6. Designated woodlands or areas not to be disturbed may be increased.
 7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site.

8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate, may be approved.
 9. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, may be approved.
 10. Grade change of up to one foot, after review by the Township engineer, may be approved.
 11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan, may be approved.
 12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design, may be approved.
 13. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback, may be approved.
 14. Changes required or requested by the Township, County or State for safety reasons, may be approved.
- E. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are inconsistent with the approved preliminary PUD plan, a revised preliminary PUD site plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the preliminary PUD plan shall be considered major and require resubmission of a new preliminary PUD Plan.

Sec. 16.11. - Deviations.

- A. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with Section 16.10, Revisions to Approved PUD Plans.
- B. Should the Planning Commission determine that the deviations from the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the deviation shall be required and shall be subject to review by the Township Board, which shall determine whether or not to approve the submittal as a new preliminary PUD plan.
- C. Any deviation from the approved PUD site plan, except as authorized in this Section, shall be considered a violation of this Ordinance. Further, any such deviation shall invalidate the PUD approval.

Sec. 16.12. - Performance guarantees.

The Township Board shall require a performance guarantee in accordance with Section 21.05, Performance Guarantees, to ensure compliance with the approved planned unit development, including but not limited to infrastructure, landscaping, open space areas, natural feature protection, and any conditions imposed for approval.

Sec. 16.13. - Reversion of PUD zoning.

In the event meaningful site excavation or construction does not begin within the applicable time limits, or if conditions of the PUD are not met, then the Township Board may declare the PUD approval invalid and zoning of the property shall revert to its original zoning classification. Reversion of the PUD zoning shall be made according to the regular rezoning process as required in Section 21.07, Ordinance Amendments. Administration and publication costs for this purpose may be subtracted from any remaining escrow or permit fees submitted to the Township in association with the PUD application.

Sec. 16.14. - Appeals.

Decisions of the Planning Commission and the Township Board granting or denying a proposal for a PUD are not subject to appeal to the Zoning Board Appeals.

Chapter 17 - SITE PLAN REVIEW

Sec. 17.01. - Purpose.

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Township in order that the applicant may realize planned objectives in the use of land, as described in the Master Plan, and within the regulations of this Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent roads and highways, and on the existing and future uses and the environment in the general vicinity.

Sec. 17.02. - Applicability.

In accordance with the provisions of this Chapter, the Planning Commission shall approve a site plan for the proposed development prior to the issuance of any permits for the creation of a use or the erection of a building in the districts and conditions cited below. The site plan packet shall include any associated documentation and narrative required to assist the reviewers with their task.

- A. All permitted uses within any of the following zoning districts:
 - 1. MHC, Manufactured Housing Community District;
 - 2. C-1, Neighborhood Commercial District;
 - 3. C-2, General Commercial District;
 - 4. I, Industrial District.
- B. All special uses in any zoning district.
- C. Multi-family developments.
- D. Any residential development other than that exempted below.
- E. Construction for any commercial or industrial building addition, except as exempted in Subsection J below.
- F. Site condominiums in any zoning district.
- G. Planned unit developments in any zoning district.
- H. Private roads, the extension of existing private roads, and the creation of additional lots accessed by an existing private road.
- I. Essential services.
- J. The following shall be exempt from site plan review, except that the Zoning Administrator shall review a plan to ensure compliance with this Ordinance:
 - 1. Single-family detached and two-family dwellings when permitted by right on a lot on which there exists no other building or use.
 - 2. Farms.
 - 3. Roadside stands with less than 200 square feet of sales area.
 - 4. Building addition(s) to any existing commercial or industrial building, provided that the addition has an enclosed floor area less than ten percent of the existing floor area or 1,000 square feet whichever is less, and provided that there is an approved site plan on file for the property. If the Zoning Administrator determines that the addition results in a change in the property that may require changes in layout of parking, driveways, or other facilities on the site, the Zoning Administrator may require the applicant to submit an amendment to the site plan for Planning Commission review.
 - 5. State licensed residential family care facilities and family day care homes.
 - 6. Home occupations.
 - 7. Accessory buildings.

Sec. 17.03. - Site plan submittal.

A. *Optional preliminary site plan review.*

1. Eight copies of a preliminary site plan may be submitted by the applicant for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
2. Preliminary site plans for manufactured housing community: In accordance with Section 11 of Michigan Public Act 96 of 1987, as amended (MCL 125.2311), a person who desires to develop a manufactured housing community shall only be required to submit a preliminary site plan to the Planning Commission. The preliminary site plan shall not include detailed construction plans. It shall include the location, layout, general design, and a general description of the project. The preliminary site plan must not conflict with the Master Plan; municipal water supply, sanitary sewage service, and drainage; and, local and State fire requirements. In addition, the preliminary site plan must have County Drain Commissioner approval of outlet drainage. Manufactured housing communities are exempt from final site plan review by the Township.
3. Preliminary site plan submittal shall include the information listed below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed one inch equals 100 feet.
 - a. A narrative of the project which includes pertinent information that may help the Planning Commission in its deliberations including but not limited to:
 - (1) The overall objectives of the development;
 - (2) Dwelling unit densities by type, if applicable;
 - (3) Project feasibility;
 - (4) Progression of development including pertinent timelines and specifics regarding phasing.
 - b. Preliminary site plan sketch requirements:
 - (1) A general location sketch showing properties and roads within one-half mile of the site.
 - (2) Legal description and parcel number of the subject property.
 - (3) Name and address of the property owner and the petitioner if different.
 - (4) Size (in acres) of the subject property and approximate number of acres to be allocated to each proposed use plus the gross areas of proposed buildings and paving.
 - (5) General location of existing and proposed stormwater infrastructure and other public utilities.
 - (6) Existing and proposed drives and fire lanes.
 - (7) General location of significant topographic features.
4. Additional information. The Planning Commission, prior to granting final approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. This material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, traffic study, soil tests and other pertinent information.
5. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

B. *Final site plan review.*

1. If submission of a preliminary site plan is not desired by the applicant, ten copies of a final site plan prepared by a professional competent in these matters may be submitted for review without first receiving a review of a preliminary

plan. Final site plans shall be at a scale not less than one inch equals 20 feet for property under three acres and at least one inch equals 100 feet for those three acres or more.

2. A narrative of the project which includes pertinent information that may help the Planning Commission in its deliberations including but not limited to:
 - a. The overall objective of the development.
 - b. If applicable, dwelling unit densities by type.
 - c. Project feasibility.
 - d. Progression of development including projected timelines and phasing.
 3. In addition to the project narrative, master deed, easement descriptions and other required documentation must be submitted with the final site plan application which includes information regarding maintenance of the development including but not limited to private roads, common open space, and stormwater control.
 4. Applications for final site plan reviews shall include the information as listed below, unless deemed unnecessary by the Zoning Administrator or by the Planning Commission after preliminary review. If there was a preliminary site plan then the final site plan shall also show any changes from the preliminary site plan properly marked.
 5. All developments requiring site plan review shall be reviewed and approved for drainage by the Allegan County Drain Commissioner and shall be designed in accordance with the Drain Commissioner's "Development Standards for Stormwater Management Systems". All developments where there are multiple owners, such as but not limited to, plats, condominiums, and commercial developments with multiple principle buildings must have a 433 agreement with the Allegan County Drain Commissioner.
- C. *Final site plan requirements.* Applications for final site plan reviews shall include the information as listed below, unless deemed unnecessary by the Zoning Administrator.
1. An inset location sketch showing at a minimum, properties, roads, and use of land within one-half mile of the site.
 2. Legal description and parcel number of the subject property.
 3. The date, north arrow and scale.
 4. Name and address of the property owner or petitioner.
 5. Name and address of the person or firm who drafted the plan and the date the plan was prepared and any subsequent revision dates.
 6. Seal, name, and address of the professional individual responsible for preparation of the final site plan.
 7. Property lines and required setback lines shown.
 8. Size (in acres) of the subject property and number of acres allotted to each proposed use and gross area in building, structure, parking, public roads and drives, and open space.
 9. Dimensions of all existing and proposed structures on the subject property, and building setbacks on each building site including dwelling unit densities by type, if applicable.
 10. Specific location of existing and proposed stormwater facilities including stormwater calculations.
 11. Detailed design for all utilities, including any proposed connections to public or private community sanitary sewer or water supply systems.
 12. Dimensions and radii of all existing and proposed drives, cross sections of roadways, acceleration/deceleration lanes.
 13. Recreation areas, common use areas, floodplain areas, and areas to be conveyed for public use purpose.
 14. Existing zoning and use of all properties abutting the subject property.
 15. Design and location of sidewalks and trails.
 16. Specific location and design of exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas.

17. Development agreement (as required).
18. Easement descriptions and dedications.
19. Approved road names.
20. Detailed landscape design, including method of protecting existing vegetation, species listing and sizes for new landscaping materials and profile of proposed buffer strips, screening, berm and fence design, as appropriate. Timing of landscaping must also be provided.
21. Any signs not attached to the building(s).
22. Site grading plan.
23. Location of all solid waste disposal facilities, including recycling, and screening.
24. Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.
25. Detailed inventory of significant natural features, and other natural characteristics, including but not limited to open space, wetlands, landmark trees, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15 percent, and similar natural assets or hazards.
26. Detailed means of protecting natural features during construction.
27. Written reviews and approvals by the Allegan County Road Commission engineer, Allegan County Drain Commissioner and South Haven Area Emergency Services fire inspector.
28. Where required, a 433 Agreement with the Allegan County Drain Commissioner.
29. Any changes to the originally submitted narrative.

Sec. 17.04. - Plat requirements.

In those instances in which Act 288, Michigan Public Acts of 1967, as amended, the Land Division Act, is involved, the owner shall, after site plan approval, submit the preliminary and final plats to the Township in conformance with the Land Division Act, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved site plan.

Sec. 17.05. - Administrative fees.

- A. Any site plan application shall be accompanied by a non-refundable fee in accordance with the schedule of fees established by the Township Board.
- B. Such fee shall be for the purpose of payment of the administrative costs and services expended by the Township in the implementation of this Chapter and the processing of the application. Such fee may also be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. No part of such fee shall be refundable to the applicant.

Sec. 17.06. - Changes in the approved site plan.

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include only the following:
 1. Change in any building size, up to five percent in gross floor area.
 2. Movement of buildings or other structure by no more than ten feet.
 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

4. Changes in building materials to a comparable or higher quality.
 5. Changes in floor plans which do not alter the character of the use.
 6. Changes required or requested by the Township, the County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment, and shall be reviewed in the same manner as the original application, including payment of an application fee. The previously approved site plan shall be provided to the Planning Commission for comparative purposes. Proposed changes shall be noted on the site plan or in narrative form.

Sec. 17.07. - Review standards.

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements, and are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site.
- B. The site shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.
- C. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- D. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress and egress points, and within the site. Drives, roads and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress and egress points. Shared drives with adjacent uses are encouraged if practical. The arrangement of vehicular and pedestrian connections to existing or planned roads in the area shall provide a safe and efficient circulation system for traffic within the Township.
- E. All roads and driveways shall be developed in accordance with Township ordinances, the County Road Commission, or Michigan Department of Transportation specifications, as appropriate. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks shall be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles. The Planning Commission shall require trails or sidewalks within developments and along the frontage of all public roads adjacent to a development. For frontage trails, the Planning Commission may permit a dedicated, recorded easement for future trail development if immediate trail development is not warranted.
- F. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access. To this end the Township shall refer all site plans for review and comment by the Township Fire Department.
- G. Off-street parking and loading areas shall be provided where required, with particular attention to internal circulation, vehicle conflicts and effects of noise and glare on adjoining properties and properties in the proposed development.
- H. Unless a Planned Unit Development, all dimensional requirements of the zoning district(s) shall be met.
- I. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another, and from surrounding public and private property.
- J. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved, insofar as

practical, in their natural state to provide areas for natural habitat, preserve drainage patterns, and to maintain the natural characteristics of the land.

- K. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater on-site, as deemed necessary by the Allegan County Drain Commissioner or designee, using sound engineering practices. In accordance with the Michigan Drain Code of 1956, the drainage of any proposed plat/site condominium shall be contained within either an established or new drainage district or districts. The Township requires a Section 433 agreement for any multiple property development or alteration of an existing multiple property development affecting more than one acre of land.

Section 433 of the Drain Code provides for enlargement of existing drains and districts and the creation of new drains and districts where none currently exist. A formal agreement is required between the proprietor and the Drain Commissioner or Drainage Board. Owners of adjoining properties who will be included in the assessment district for maintenance of the drain must be parties to the agreement. The property of any adjoining landowner who refuses to sign cannot be included in the assessment district for assessment purposes. However, surface and subsurface runoff from the adjoining property must be accommodated by the stormwater collection system and outlet. An "Agreement to Establish a County Drain" will be used to establish a drainage district per Section 280.433(5) of the Drain Code of 1956. An "Agreement for the Extension of a County Drain and County Drainage District" will be used to add lands or storm drainage systems to an existing 433 District Agreement. The developer/land owner must contact the office of the Drain Commissioner to determine which agreement will be necessary. This document will be prepared by the developer or the developer's agent and submitted to the Allegan County Drain Commissioner's Office for review and approval. The approval of the County Drain Commissioner is required prior to final site plan approval by the Township.

- L. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention or retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not restrict vehicular or pedestrian traffic, or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- M. Slopes of over 15 percent are protected and maintained in a natural state.
- N. As appropriate, pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improved traffic operations and views. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters, or streetscape elements to separate principal buildings from the parking lots.
- O. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within the site and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- P. Exterior lighting shall be arranged so that it is deflected away from adjacent properties, and does not interfere with the vision of motorists along adjacent roads. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the character of the Township.
- Q. The compatibility of any signs and their proposed lighting, if any, relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties, shall be considered.
- R. All loading and unloading areas, outside storage areas, and areas for the storage of trash which are visible from residential zoning districts or public roads, shall be screened by a vertical screen consisting of opaque structural or plant materials no less than six feet in height.
- S. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before

site plan approval or an occupancy permit is granted.

T. The general purposes and spirit of this Ordinance and the goals and policies of the Master Plan shall be maintained.

Sec. 17.08. - Conditions of approval.

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator may make periodic inspections of developments for which site plans have been approved. For all projects subject to site plan review, where Drain Commissioner approval has been required, upon completions of any and all changes required by the Drain Commissioner, the developer shall submit to the Zoning Administrator documentation that all requirements of the Drain Commissioner have been completed, inspected and accepted by the Drain Commissioner. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

Chapter 18 - PARKING AND LOADING SPACES

Sec. 18.01. - Scope.

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of buildings erected, altered, or extended after the effective date of this Ordinance, shall be provided as outlined in this Chapter. Such space shall be maintained and shall not be encroached upon so long as said building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

Sec. 18.02. - Location of parking.

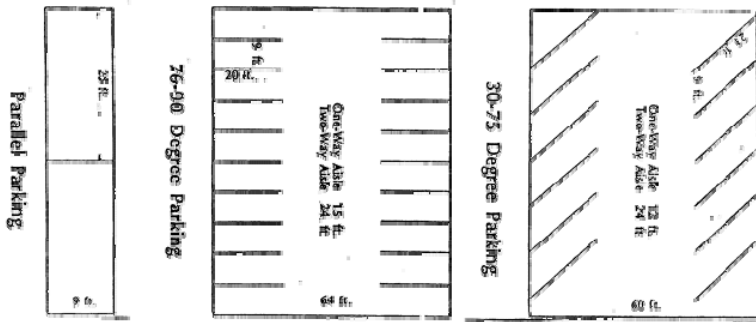
The off-street parking required by this Chapter shall be provided in accordance with the following requirements.

- A. *Single and two-family dwellings.* The off-street parking facilities required for single and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. *Multiple-family dwellings.* The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined elsewhere in this Chapter. In no event shall any uncovered parking space for any multiple-family dwelling be located nearer than ten feet to any main building.
- C. *Manufactured housing communities.* The off-street parking required may be located on each manufactured home site or in parking lots conveniently located throughout the development and readily accessible to each site. Parking spaces must meet the minimum area requirements as outlined in this Chapter.
- D. *Other land uses.* The off-street parking required may be located on each site or in parking lots within 300 feet of and readily accessible to each site.

- E. *Joint use of facilities.* Provision of common parking facilities for several uses in the same vicinity is encouraged. Where busier alternate schedules the Planning Commission may permit reduced total parking provided a deferred parking area is reflected on the approved site plan.

Sec. 18.03. - Parking lot requirements.

- A. All parking facilities, access driveways, and business and industrial parking areas shall be constructed of a durable and dust-free surface. Such facilities shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a certificate of occupancy being issued, unless a performance guarantee has been submitted in accordance with the procedures of Section 21.05.
- B. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way, and the edge of the roadway surface shall be hard surfaced with a pavement having an asphalt or concrete binder, if the roadway is also hard surfaced with a pavement having an asphalt or concrete binder.
- C. Illumination for all parking lots in commercial and industrial districts, nonresidential uses, and multiple-family developments shall meet the following standards:
1. All lighting shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
 2. Light poles used to illuminate parking lots or storage areas shall be limited to 25 feet in height.
 3. Lights used for canopies, for uses such as vehicle service stations, drive-in establishments and other similar uses shall be completely recessed in the canopy structure and shall not extend lower than the underside surface of the canopy.
 4. Lighting of parking areas, buildings, or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
 5. The source of illumination in all parking lots abutting a residential district or use shall not be higher than 25 feet above the parking lot surface.
 6. No parking lot shall be illuminated by means of lighting attached to buildings or other structures that permit light to be directed horizontally.
- D. When a nonresidential parking lot is situated on a parcel which adjoins, or is directly across a roadway from a residential zoning district, the parking lot shall be set back 25 feet, excluding any drives, from the property line or right-of-way line, unless a greater setback is required by any other provision of this Ordinance. Such yard shall contain a greenbelt, as specified in Section 3.33, abutting the parking lot and designed to effectively screen the parking from neighboring residential zoning districts and uses.
- E. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.
- F. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines, or over a sidewalk. Such devices shall be securely anchored into the parking lot to ensure that they remain stationary.
- G. Plans for the layout of off-street parking facilities shall be in accordance with the parking space dimensions of this Ordinance. The minimum parking space dimensions for a layout not provided for in the regulations shall be ten feet in width, 20 feet in length, and 200 square feet in area.



Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width ¹	Parking Space Length ²	Total Width Two Tiers of Spaces Plus Maneuvering Lane	
					One-Way	Two-Way
Parallel parking	18 feet	12 feet	9 feet	25 feet	30 feet	36 feet
30-75 degree angle	24 feet	12 feet	9 feet	21 feet	48 feet	60 feet
76-90 degree angle	24 feet	15 feet	9 feet	20 feet	55 feet	64 feet

¹ Measured perpendicular to the longitudinal space centerline.

² Measured along the longitudinal space centerline.

Sec. 18.04. - Parking lot plans.

- A. Plans for the development of any parking lot must be submitted and approved, in conformance with the site plan review requirements of Chapter 17.
- B. The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance. Such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot, and before a certificate of occupancy is issued.

Sec. 18.05. - Off-street parking requirements.

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one parking space.

USE	MINIMUM PARKING SPACE PER UNIT OF MEASUREMENT UFA = Usable floor area GFA = Gross floor area
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Residential	
Senior housing, assisted living, nursing homes	One for each four beds
Multiple-family dwellings	Two for each dwelling unit
Senior independent living	One for each dwelling unit
Single-family dwellings	Two for each dwelling unit
Two-family dwellings	Two for each dwelling unit
Institutional	
Churches, theaters, assembly areas, auditoriums, gymnasiums	One space for each three seats or each six feet of pew/bench length or one space for each three persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Day care center	One space per each four persons, based on licensed capacity; plus six off-street queuing spaces
Group day care homes and group foster care homes	One space for each four clients, for which the facility is licensed
Hospitals	Two spaces per bed
Libraries and museums	One space per 400 square feet of UFA
Schools: elementary and middle	One and one-half spaces per classroom, plus amount required above for auditorium or gymnasium seating
Schools: secondary, trade, industrial, and institutions of higher learning	One space for each eight students based on maximum occupancy load established by local, State, or fire code; plus one space for each classroom; plus amount required above for auditorium or gymnasium seating
Commercial	
Animal hospitals and kennels	One space per 400 square feet GFA
Beauty/barber shop	Three spaces for each chair
Bowling alleys	Four spaces for each bowling lane plus required spaces for each accessory use

Funeral homes and mortuary establishments	One space for each 50 square feet UFA
Furniture, appliance and household goods retail sales	One space for each 800 square feet UFA
Hotels and motels	One space for each guest room, plus required spaces for any accessory uses
Nurseries and open air businesses	One space for each 200 square feet of indoor UFA plus one space for each 1,000 square feet of outdoor display area
Personal service establishments not otherwise specified	One space for each 300 square feet UFA
Restaurants and other establishments (without drive-through facilities) serving food or beverages on the premises	One space for each 100 square feet GFA or one space for each three persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One space for each 75 square feet of GFA or one space for each one and one-half persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One space for each 200 square feet UFA
Vehicle wash establishments (self service)	One space, plus two spaces for each stall, in addition to the stall itself
Vehicle wash establishments (automatic)	Three spaces per 1,000 square feet of GFA; plus stacking space, as required for special use approval
Vehicle service stations	One space for each service stall; plus two spaces for each pump island; plus requirement for retail, restaurant, car wash or other accessory uses
Video rental stores	One space for each 100 square feet UFA
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One space for each 150 square feet UFA; plus three spaces for each non-drive-through automatic teller machine; plus stacking space as required for special use approval
Medical and dental offices and clinics	One space for each 75 square feet of waiting room area; plus three spaces for each examining room, dental chair, or similar use area

Offices not otherwise specified	One space for each 300 square feet UFA
Industrial	
Manufacturing, processing, and research establishments and industrial uses not otherwise specified	One space for each 750 square feet GFA; plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One space for each 2,000 square feet GFA; plus those spaces required for offices located on the premises

Sec. 18.06. - Off-street loading requirements.

- A. On the same lot with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained: 1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and 2) off-street loading spaces in relation to floor areas as follows:
 1. Up to 20,000 square feet = one space required.
 2. Twenty thousand square feet or more, but less than 50,000 square feet = two spaces required.
 3. One additional space for each additional 50,000 square feet or fraction thereof.
- B. Loading spaces shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- C. All loading spaces shall be at least ten feet by 50 feet, or a minimum of 500 square feet in area. A minimum 14-foot clearance height shall be provided.
- D. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless surface.

Sec. 18.07. - Deferred parking.

If an applicant demonstrates that the required amount of parking spaces is excessive, the Planning Commission may defer construction of a portion of the required parking spaces for nonresidential uses if the following conditions are met:

- A. Areas shown for deferred parking shall be shown on a site plan and shall be sufficiently large to permit the construction of the total number of parking spaces required by this Chapter. Such areas shall not be used for any other purpose required by this Ordinance and shall be kept open. Deferred parking areas shall however be landscaped and appropriately maintained until they are converted to parking.
- B. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or the Zoning Administrator based on parking needs. Parking spaces shall be added in accordance with the approved site plan; further approval of the site plan shall not be required.
- C. Deferral of a portion of the otherwise required parking area shall not eliminate the need for the owner to comply with all other requirements of this Ordinance.

Sec. 18.08. - Maximum parking limitations.

To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent greater than the minimum parking space requirements, as determined by Section 18.06, except as may be approved by the Planning Commission pursuant to a parking need study submitted by the applicant.

Chapter 19 - SIGN REQUIREMENTS

Sec. 19.01. - Description and purpose.

The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of the Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. It is further determined that to allow signs of excessive number and size in the Township would unduly distract pedestrians and motorists, create a traffic hazard, and reduce the effectiveness of signs needed to direct the public. These regulations are intended to provide reasonable identification of businesses and other uses within the community, but are not intended to serve as a means of advertising.

Sec. 19.02. - Definitions.

For the purposes of the provisions of this Chapter related to signs, the following words and phrases are defined as follows:

Billboard means any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment that is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed, or fabricated on such land.

Business center means any two or more businesses which meet one of the following:

1. Are located on a single parcel of property.
2. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings.
3. Are under one common ownership or management and have a common arrangement for the maintenance of their common grounds.
4. Share a common parking area.
5. Otherwise present the appearance of a single, contiguous business area.

Business center sign means a freestanding or ground sign identifying the name of a business center or one or more individual businesses within the center.

Construction sign means a sign identifying the owners, contractors, architects, and engineers of a building(s) or development project under construction.

Directional sign means a sign which gives directions, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs.

Freestanding sign means a sign not attached to a building or wall and which is supported by one or more poles or braces with a minimum ground clearance of eight feet.

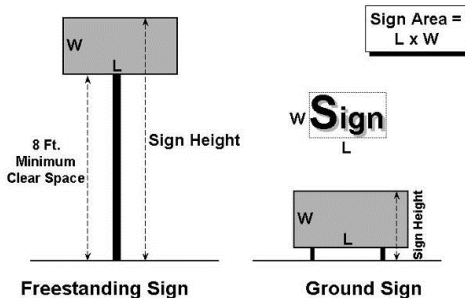
Governmental sign means a sign erected or required to be erected by the Township, County, or by the State or Federal government.

Ground sign means a sign, the bottom of which is no more than 24 inches from the ground, which rests directly on the ground, or is supported by short poles or a base, and is not attached to a building or wall.

Political sign means a sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.

Real estate sign means a sign advertising the real estate upon which the sign is located as being available for sale, rent, or lease.

Sign means a device, structure, fixture, or placard using graphics, symbols and written copy designed specifically for the purpose of identifying an establishment, product, service, commodity, or activity, or displaying or depicting other information.



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Sign area means the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character.

Subdivision identification sign means a sign identifying or otherwise stating the name of a platted subdivision, site condominium development, apartment complex, manufactured housing community, or other residential development.

Temporary sign means a display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales and decorative displays for holidays, or public demonstrations.

Wall sign means a sign painted or attached directly to and parallel to the exterior wall of a building, extending not greater than 12 inches from the exterior face of the wall to which it is attached.

Sec. 19.03. - Signs prohibited.

The following types of signs are expressly prohibited:

- A. Any sign that has flashing, or blinking lights, excluding time and temperature signs and barber pole signs, which are permitted.
- B. Signs imitating or resembling official traffic or governmental signs or signals.
- C. Any sign not expressly permitted by this Ordinance.
- D. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of business advertisement or attraction) hung to draw attention to a business or its merchandise on display.
- E. No business vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting a public or private road.

Sec. 19.04. - Signs exempted.

The following signs shall be exempt from the provisions of this Chapter.

- A. Governmental signs.
- B. Signs for essential services.
- C. Historical markers.
- D. Memorial signs or tablets.

- E. Political signs, except that such signs shall be removed within the time stated in Section 19.05.
- F. Signs with an address and name of the owner or occupant, of not more than one square foot in area, attached to a mailbox, light fixture, or exterior wall.
- G. Temporary yard and garage sale signs of four square feet in size or less, located on the property on which the sale is conducted, during the time the sale is conducted.
- H. Window signs provided the total area of all signs within one foot of the window shall not obscure more than 50 percent of the window area.
- I. Flags or insignia of any nation, State, local government, community organization, or educational institution.

Sec. 19.05. - Sign regulations applicable to all districts.

- A. It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any lands in the Township except in accordance with the provisions of this Ordinance.
- B. All signs shall be stationary, securely anchored or fastened to the ground or structure and shall be designed and constructed to withstand a 90-mile-per-hour ground wind load.
- C. Signs shall pertain only to the business or activity conducted on the premises, except for political signs, community special event signs, and billboards.
- D. Real estate signs shall not exceed four square feet in sign area and be removed within 30 days after completion of the sale or lease of the property.
- E. Political signs shall not exceed four square feet in sign area and be removed within five days after the election or referendum to which the sign refers.
- F. No sign shall be placed in, or extend into, or obstruct clear vision in any public right-of-way.
- G. The leading edge of the sign shall be a minimum of two feet from the road right-of-way.
- H. Construction signs are permitted subject to the following restrictions:
 - 1. One construction sign may be erected on the site where work is scheduled to begin.
 - 2. Construction signs shall not be larger than 32 square feet in sign area and shall not exceed eight feet in height.
 - 3. Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
 - 4. Construction signs shall be removed within 15 days after the issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
- I. Community special event signs shall not exceed 16 square feet in sign area and may be permitted for a period not to exceed 30 days for any single event. No more than five such signs shall be permitted for any single event and such signs shall be removed within two days of the end of the event.
- J. On-site directional signs shall not exceed four square feet in sign area per sign, shall not be higher than three feet, and shall not be located closer than five feet to any right-of-way line. No more than two directional signs per road frontage are permitted for any property or use.
- K. Off-site directional signs of up to 16 square feet in sign area provided they:
 - 1. Are not located in the road right-of-way;
 - 2. They do not block clear vision;
 - 3. They are consolidated with other signs at the off site location to prevent clutter of the landscape.
- L. No wall sign shall project above the roof line.
- M. Temporary signs are permitted subject to the following restrictions:
 - 1. A temporary sign shall only be displayed upon receipt of a permit issued by the Zoning Administrator.

2. No temporary sign shall be displayed on any one lot or parcel for more than 30 consecutive days for any one permit period more than two permits shall be issued for any lot or parcel during any calendar year.
 3. Upon expiration of the permit, the sign shall be removed by the permit holder.
 4. No temporary sign shall exceed 32 square feet in sign area.
 5. No temporary sign shall be closer than five feet from any right-of-way or property line.
 6. All temporary signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area.
- N. Pole signs shall have a clear space of at least eight feet between the grade and the bottom of the sign to permit an unobstructed view for motorists and pedestrians.

Sec. 19.06. - Nonconforming signs.

- A. Every permanent sign in existence at the time of adoption of this Ordinance which does not conform to the height, size, area, or location requirements of this Chapter is deemed to be nonconforming.
- B. Nonconforming signs may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.
- C. A nonconforming sign may be diminished in size or dimension, or the copy on the sign may be amended or changed, without adversely affecting the status of the sign as a nonconforming sign.
- D. Notwithstanding any other provision of this Ordinance, any nonconforming sign in existence in any residential zoning district at the date of enactment of this Ordinance shall, at the expiration of two years from such date, become a prohibited and unlawful use and shall be discontinued.

Sec. 19.07. - Signs in agricultural and residential districts.

In addition to the requirements in Section 19.05, the following signs are permitted in agricultural and residential zoning districts:

AG, RR, LR, LDR, MDR, Districts	
Subdivision identification sign	
Number	One non-illuminated sign per entrance road of the subdivision development, not exceeding two such signs per development
Size	Not to exceed 32 square feet in sign area
Location	To be set back a minimum of 15 feet from any right-of-way or property line
Height	Maximum of six feet
Sign for nonresidential use in residential zoning district	
Number	One non-illuminated ground sign and one wall sign per lot or parcel
Size	The ground sign may not exceed 32 square feet in sign area and the wall sign may be ten percent of the commercial portion of the wall area, not exceeding 50 square feet in sign area
Location	Ground sign to be set back a minimum of 15 feet from any right-of-way or property line

Height	Ground sign to be a maximum of six feet
Wall sign for home occupation	
Number	One per lot or parcel
Size	Maximum four square feet in sign area
Location	Must be on-premises
Sign indicating sale of produce grown on the premises or providing agricultural information	
Number	One non-illuminated sign per parcel
Size	Not to exceed 32 square feet in sign area
Location	Minimum setback of 15 feet from any right-of-way or property line
Height	Maximum of four feet

Sec. 19.08. - Signs in commercial and industrial districts.

In addition to the requirements in [Section 19.05](#), the following signs are permitted in commercial zoning districts:

C-1, C-2 Districts	
Ground sign or freestanding sign	
Number	One per road frontage, but not more than two signs total, provided that lots with two road frontages shall have a minimum width at each right-of-way line of at least 50 feet in order to have a second sign. No freestanding or ground sign shall be permitted for individual businesses within a business center.
Size	Maximum of 48 square feet in sign area for ground signs or 60 square feet for freestanding signs
Location	Minimum setback equal to half the required setback distance for the zoning district
Height	Maximum of six feet for ground signs or 25 feet for freestanding signs
Wall sign	

Number	One per business, provided any business with frontage on more than one road may have one sign per road frontage of at least 50 feet in width. No more than one sign shall be permitted per wall face.
Size	Maximum ten percent of the commercial portion of the wall area to which it is affixed, not to exceed a maximum of 100 square feet in sign area
Location	Mounted flat against the wall facing the road
Business center sign	
Number	One per road frontage, but not more than two signs, provided that lots with two road frontages shall have a minimum width at each right-of-way line of at least 75 feet in order to have a second sign. No freestanding or ground sign shall be permitted for individual businesses within a business center.
Size	Maximum 60 square feet for ground signs or 80 square feet in sign area for freestanding signs
Location	Minimum setback equal to half the required setback distance for the zoning district
Height	Maximum of six feet for ground signs or 25 feet for freestanding signs
Billboard (within the C-2 District only)	
Number	One per parcel
Size	Maximum 400 square feet provided the vertical dimension shall not exceed 12 feet and the horizontal dimension shall not exceed 42 feet
Location	Minimum setback equal to the required setback distance for the zoning district and a minimum separation from any other billboard of 1,000 feet
Height	Maximum of 40 feet

In addition to the requirements in [Section 19.05](#), the following signs are permitted in the Industrial District:

I, Industrial District	
Ground sign (no freestanding signs are permitted)	
Number	One per lot or parcel
Size	Maximum of 48 square feet in sign area

Location	Minimum setback 15 feet from any right-of-way or property line
Height	Maximum of six feet
Wall Sign	
Number	One per road frontage
Size	Maximum of ten percent of wall area to which the sign is affixed, not exceeding 100 square feet in sign area
Location	Mounted flat against wall facing road.
Billboard	
Number	One per parcel
Size	Maximum of 400 square feet in sign area provided the vertical dimension shall not exceed 12 feet and the horizontal dimension shall not exceed 42 feet
Location	Minimum setback equal to the required setback distance for the zoning district and a minimum separation from any other billboard of 1,000 feet
Height	Maximum of 40 feet

Sec. 19.09. - Signs for PUDs.

Sign requirements for planned unit developments may be modified by the Planning Commission where such modification is consistent with the intent and purpose of this Chapter and the objectives of the PUD Chapter.

Chapter 20 - ZONING BOARD OF APPEALS

Sec. 20.01. - Authorization.

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established the Zoning Board of Appeals (ZBA).

Sec. 20.02. - Membership and terms of office.

A. The ZBA shall consist of five members.

1. The first member of the ZBA shall be a member of the Planning Commission. The second member may be a member of the Township Board and the additional members shall be selected from the electors residing in the Township.

2. All members shall be appointed by the Township Board. No additional members shall be elected officers of the Township or employees of the Township Board, except that the Board of Appeals may appoint an employee of the Township Board to act as Recording Secretary of the Board. The members selected from among the electors of the Township shall each serve a term of years staggered in such a way that the term of at least one member expires each year.
 3. The Planning Commission and Township Board representatives, who shall not be the same member, shall only serve on the ZBA while holding office on those respective bodies.
 4. The total amount allowed such Zoning Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall be a reasonable sum which shall be provided monthly in advance by the Township Board.
 5. A member of the Zoning Board of Appeals shall be disqualified from a vote in which the member has a conflict of interest and shall refrain from being involved in any ZBA discussion regarding the case, other than as a member of the public. Failure of a member to accept disqualification from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- B. The Township Board may appoint up to two alternate members with the same qualifications as regular members for the same terms as the regular members.
1. An alternate may be called to serve as a regular member:
 - a. In the absence of a regular member if the regular member is absent from or will be unable to attend one meeting for a period of more than 30 consecutive days.
 - b. For the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 2. The alternate member shall serve in the case until a final decision is made, and shall have the same voting rights as a regular member.

Sec. 20.03. - Officers.

The ZBA shall elect from its membership a Chairman, Vice Chairman and Executive Secretary.

Sec. 20.04. - Rules of procedure.

The ZBA shall adopt rules of procedure. These rules shall be available for public inspection at the office of the Township Clerk.

- A. Meetings of the ZBA shall be held at such times as the ZBA may determine. There shall be a fixed place of meeting and all hearings shall be open to the public.
- B. The presence of three members shall constitute a quorum. The ZBA shall act by motion or resolution. The concurring vote of three members of said ZBA shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variances from the requirements of this Ordinance.
- C. The ZBA shall keep minutes of its proceedings, showing the action of the ZBA, the reasons on which it bases its action, and the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official action, all of which shall be filed promptly in the office of the ZBA and shall be a public record.
- D. A copy of each resolution adopted by the ZBA shall be submitted to the Clerk of the Township and to the Secretary of the Planning Commission.

Sec. 20.05. - Duties and powers.

The ZBA shall have the following specified duties and powers:

- A. Appeals. The ZBA shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administrative enforcement of this Ordinance. Such request for appeal shall be filed within 21 days of the action or decision being appealed.
- B. Interpretation. The ZBA shall have the power to:
 - 1. Hear and decide upon requests for the interpretation of the provisions of this Ordinance.
 - 2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator.
- C. Variances. The ZBA shall only have the power to authorize specific dimensional variances from the requirements of this Ordinance. The granting of use variances is strictly prohibited.
- D. The ZBA may only hear dimensional variance requests regarding signs and shall not have the authority to approve any sign type which is not permitted within a zoning district.
- E. The ZBA shall not have authority to hear any appeal from decisions relating to planned unit developments or special uses.

Sec. 20.06. - Applications and hearings.

- A. An application to the ZBA shall consist of:
 - 1. A completed application form, provided by the Township.
 - 2. A fee as established by the Township Board, paid to the Township Clerk at the time of filing.
 - 3. A scaled drawing with sufficient detail to indicate the nature and necessity of the request.
 - 4. All other information necessary to facilitate a decision including but not limited to a narrative regarding the request, including addressing the standards of Section 20.08.
 - 5. Any studies conducted regarding the site or any other pertinent information that may help the ZBA in their deliberations.
 - 6. The ZBA may request additional detail on the drawing or other information which it deems necessary to make a decision on the application.
 - 7. An appeal from any ruling of the Zoning Administrator or other administrative officer administering any portion of this Ordinance may be taken by any person or any governmental department affected or aggrieved thereby and filed within 21 days of such ruling. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
 - 8. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, after notice of appeal shall have been filed, that by reason of fact stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the ZBA or by the Circuit Court on application, after notice to the Zoning Administrator.
- B. Upon receipt of a complete application the Secretary of the ZBA shall immediately place the application or appeal upon the calendar for hearing and cause public notices stating the time, place and subject of the hearing to be served in accordance with the Zoning Act.
 - 1. Notices shall be served either personally or by mail to the owners and occupants of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.
 - 2. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In case of a single structure containing more than four dwelling units or other

distinct spatial areas owned or leased by different individuals, the partnerships, businesses or organizations, notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. The notices shall be sent at least 15 days prior to the date of the scheduled hearing.
 4. The Secretary of the ZBA shall file an affidavit of service by mail or personal service with the ZBA prior to the hearing. Each party may appear at the hearing in person or by agent or attorney.
- C. The ZBA may recess the hearings from time to time, and no further notice shall be required.

Sec. 20.07. - Decisions.

- A. The ZBA shall return a decision upon each case within a reasonable time after the scheduled hearing has been held. The reasoning supporting its decision shall be documented by stating on the record the grounds or findings to support it.
- B. The ZBA may reverse or affirm, wholly or partly, or may modify the 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 office or body from whom the appeal was taken and may issue or direct the issuance of a permit.
- C. In granting any variance, the ZBA may prescribe appropriate and reasonable conditions and safeguards, which shall be in conformity with all of the following requirements:
 1. The condition or safeguard must be designed to protect natural resources; the health, safety, and welfare and the social and economic wellbeing of those who will use the land or activity under consideration; residents and landowners immediately adjacent to the proposed activity; and the community as a whole.
 2. The condition or safeguard must be related to the valid exercise of the police power and to the purposes that are affected by the proposed activity.
 3. The condition or safeguard must be necessary to meet the intent and purposes of this Ordinance; be related to the standards established in this Ordinance for the activity under consideration; and be necessary to ensure compliance with those standards.
- D. A copy of the ZBA's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator, who shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the ZBA.
- E. Any decision of the ZBA shall not become final until after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. However, if the ZBA shall find the immediate effect of the order is necessary for the preservation of property or personal rights, health, safety, and welfare, immediate effect shall so be certified on the record.
- F. The decision of the ZBA shall be final; however, any person having an interest affected by any decision shall have the right of appeal to the circuit court.
- G. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by the decision has been started within one year after the decision was made and is being carried forward with reasonable speed to completion or occupancy of land, premises, or buildings.
- H. No application which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the ZBA.

Sec. 20.08. - Review standards for variances.

- A. A dimensional variance may be allowed by the ZBA only in cases where the ZBA finds that ALL of the following conditions are met:
 1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.

2. The variance is being granted with a full understanding of the property history.
 3. Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or in the district in which the subject property is located.
 4. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.
 5. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include any of the following:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance.
 - b. Exceptional topographic conditions.
 - c. By reason of the use or development of the property immediately adjoining the property in question.
 - d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
 6. That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
 7. That the variance is not necessitated as a result of any action or inaction of the applicant.
 8. The variance, if granted, would be the minimum departure necessary to afford relief.
- B. In addition to the above outlined standards for a dimensional variance, the Zoning Board of Appeals shall consider the following when deliberating upon a nonconforming lot in a platted subdivision case (see also Section 3.28):
1. There is no practical possibility of obtaining more land.
 2. The proposed use cannot reasonably be located on the lot such that the minimum requirements are met.

Chapter 21 - ADMINISTRATION AND ENFORCEMENT

Sec. 21.01. - Repeal of prior ordinance.

All Zoning Ordinances previously adopted by the Township, and all amendments thereto, are hereby repealed. The repeal of prior Zoning Ordinances and their amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Sec. 21.02. - Interpretation.

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance. Further, it is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with any private restrictions placed upon property by covenant, deed, or other private agreement. However, where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, upon the height of buildings and structures, upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public

health, safety, and welfare.

Sec. 21.03. - Remedies and enforcement.

- A. A violation of this Ordinance is a civil infraction, for which the fine shall be in accordance with the Township Municipal Civil Infractions Ordinance. In addition to said fines, the responsible party is subject to all other costs, damages, and expenses provided by law.
- B. Notwithstanding the provisions of this Section, offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

Sec. 21.04. - Public nuisance, per se.

Any building or structure which is moved, erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance, and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se. The nuisance may be abated by order of any court of competent jurisdiction.

Sec. 21.05. - Performance guarantees.

- A. To ensure compliance with the Ordinance and any conditions imposed as part of approval of a site plan, special use, planned unit development, or variance the Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a performance guarantee in the form of a cashier's check, cash, irrevocable letter of credit or surety bond acceptable to the Township in an amount equal to the estimated cost of improvements. Such improvements may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Prior to the issuance of a Zoning Compliance Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies; not to exceed a total amount equal to 125 percent of the project cost.
- C. The performance guarantee shall be deposited with the Township Clerk. If said improvements are not completed, the security shall be forfeited, either in whole or in part.
- D. The Zoning Administrator, upon the written request of the depositor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
- E. When all of the required improvements have been completed, the depositor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the depositor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- F. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Sec. 21.06. - Zoning Compliance Permits and survey requirements.

- A. Fees for permits issued under this Ordinance shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that applicants put sufficient funds in escrow to cover, and otherwise be responsible to pay, the costs incurred by the Township in processing the permit applications, including but not limited to

costs the Township incurs by having its attorney, engineer, planner, or other professional review the applications.

- B. A Zoning Compliance Permit, issued by the Zoning Administrator, is required before any development, construction, improvement, or change in the use of land.
- C. An application for a Zoning Compliance Permit shall be signed by the owner of the land, or the owner's duly authorized agent and be accompanied by an approved, final site plan, where required under other provisions of this Ordinance, or a drawing, that provides the following information:
1. Scale, date and north point.
 2. Location, shape and dimensions of the lot.
 3. Legal description, tax parcel number and address of the lot.
 4. Location, outline and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
 5. A clear description of existing and intended uses of all structures.
 6. Additional information as required by the Zoning Administrator for purposes of determining compliance with this Ordinance.
- D. A Zoning Compliance Permit shall be signed and issued by the Zoning Administrator.
1. The application and all supporting documentation shall be considered a part of the permit.
 2. Any alteration, false statement, change or other variation between the application and its supporting documents, and the use, construction, work, development, alteration, addition, or improvement authorized by the permit, shall render the permit null and void.
 3. Any change, variation or alteration of the application and supporting documents, shall require re-submission to the Zoning Administrator and the re-issuance of a new Zoning Compliance Permit.
- E. A Zoning Compliance Permit may be revoked or modified by the Zoning Administrator if any one of the following findings are made:
1. That the Zoning Compliance Permit was obtained by misrepresentation or fraud;
 2. That one or more of the conditions of the Zoning Compliance Permit have not been met;
 3. That the permitted use is found to be in violation of any statute, ordinance, law, or regulation.
- F. All fees due under this Ordinance, or under other ordinances or policies of the Township for municipal services and development of the work, must be paid in full prior to the issuance of the Zoning Compliance Permit, unless exception is made by the Township to waive or delay the payment of the fees. The applicant shall furnish to the Zoning Administrator, upon request, a title insurance policy or other acceptable evidence of ownership.
- G. The Zoning Administrator is authorized to prepare and furnish to the public, from time to time forms for application for a Zoning Compliance Permit.
- H. The Zoning Administrator is authorized to affix to the face of any Zoning Compliance Permit any condition authorized by the Ordinance or under any discretionary permit issued under this Ordinance, or under other ordinances or promulgated policies of the Township, pertaining to the use, work or occupancy of the land and premises. Failure to comply in all respects with a Zoning Compliance Permit and all applicable provisions of this Ordinance shall constitute a violation of this Ordinance and shall subject the violator to penalties for a civil infraction for each day of violation; injunctive relief; or revocation of the Zoning Compliance Permit, in accordance with law.
- I. Boundary surveys.
1. In all zoning districts, when a setback variance has been granted by the Zoning Board of Appeals, the Zoning Administrator may require a survey to verify the location of lot lines and structures.
 2. Where a survey is required under this Section, the surveyor shall certify the boundary survey, showing that all new construction and structures are set as originally proposed in the application for a Zoning Compliance Permit, and the

owner shall deliver said certified survey to the Zoning Administrator within ten days after the footing or final location of the structure is set. Failure to comply with this Section shall render the Zoning Compliance Permit null and void.

Sec. 21.07. - Ordinance amendments.

- A. Amendments. The Township Board may, from time to time by ordinance, amend, supplement or change the boundaries of districts, designation of districts, or regulations herein established, in accordance with the State law.
- B. Notice. Upon receipt of an application for a rezoning, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the application. A notice shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery as required by the Zoning Act. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall:
 1. Describe the nature of the request.
 2. Indicate the property which is the subject of the request (with a street address if possible).
 3. State when and where the application will be considered.
 4. Indicate when and where written comments will be received concerning the application.
- C. Information required. Any petition for amendment of this Ordinance should include a complete description of any property proposed for rezoning, and an explanation of reasons for the request. Where an amendment to the text of this Ordinance is requested, the applicant should include the proposed new language, and reasons to support the change.
- D. The following guidelines shall be used by the Planning Commission, and may be used by the Township Board in consideration of amendments to the Zoning Ordinance:
 1. Text amendment:
 - a. The proposed text amendment would clarify the intent of the Ordinance.
 - b. The proposed text amendment would correct an error in the Ordinance.
 - c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
 - d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
 - e. In the event the amendment will add a use to a zoning district, that use shall be fully consistent with the character of the range of uses provided for within the zoning district.
 - f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent zoning districts.
 - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
 - h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
 - i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

Sec. 21.08. - Rights and remedies.

The rights and remedies provided herein are cumulative, and in addition to other remedies provided by law.

Sec. 21.09. - Conditional rezoning.

- A. The Township Board recognizes that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could

be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act.

B. In addition to the requirements of Section 21.07 above, an applicant requesting a change in zoning district boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.

C. The following definitions shall apply to this Section:

Rezoning offer means conditions proposed by the applicant and approved by the Township Board processed as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development or use of the property approved with a Zoning Agreement.

Zoning agreement means a written agreement offered by the applicant and approved and executed by the applicant and the Township Board and recorded with the Allegan County Register of Deeds, incorporating the rezoning offer along with any requirements necessary to implement the rezoning offer. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the rezoning offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 17 or other approvals that may be required by this Ordinance.

D. Eligibility.

1. An applicant for rezoning may submit a proposed rezoning offer and a proposed zoning agreement with an application for rezoning.

E. Zoning agreement.

1. The zoning agreement shall set forth the rezoning offer and shall include those terms necessary to implement the agreement. In addition, the zoning agreement shall include the following acknowledgments and understandings that:
 - a. The zoning agreement and the rezoning offer were proposed voluntarily by the applicant, and that the Township relied upon the agreement and may not grant the rezoning without the rezoning offer and terms spelled out in the zoning agreement.
 - b. The zoning agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
 - c. The property shall not be developed or used in manner that is not consistent with the zoning agreement.
 - d. The approval and the zoning agreement shall be binding upon the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
2. If a rezoning with a zoning agreement becomes void in accordance with the Zoning Act, the property shall automatically revert to the original zoning as it was prior to the approval of the zoning agreement, or, if necessary, the property shall be rezoned to its original zoning through the normal rezoning process.
3. Each of the requirements and conditions in the zoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning, taking into consideration the changed zoning district classification and the specific use(s), activities, or conditions authorized
4. Any uses proposed as part of a zoning agreement that would otherwise require approval of a special use permit or site plan shall still require that approval, notwithstanding the zoning agreement approval, prior to establishment of or commencement of the development or the use.

F. Procedure for application, review and approval.

1. An application for rezoning shall be the same as outlined in Section 21.07. In addition to the required materials listed, a

zoning agreement in a recordable format acceptable to the Township attorney shall be submitted, along with any plans necessary to illustrate the rezoning offer.

2. The application may be amended by the applicant during the process of consideration, provided that any amended or additional rezoning offers are entered voluntarily by the applicant.
3. The zoning agreement shall be reviewed by the Township attorney prior to the required Planning Commission public hearing. The Township attorney shall confirm that the zoning agreement conforms to the requirements of this Section and the Zoning Act, and shall confirm that the zoning agreement is an a form acceptable for recording with the Allegan County Register of Deeds.

G. Approval.

1. If the rezoning and zoning agreement are approved by the Township Board, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a zoning agreement (e.g., "LR-a"). The Township Clerk shall maintain a listing of all properties subject to zoning agreements and shall provide copies of the zoning agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the zoning agreement shall apply, and the rezoning offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The approved zoning agreement shall be recorded with the Allegan County Register of Deeds by the applicant with proof of recording provided to the Township.

H. Continuation.

1. Provided that all development or use of the property in question is in compliance with the zoning agreement, a use or development authorized under the zoning agreement may continue indefinitely, provided that all terms of the rezoning offer and the zoning agreement continue to be adhered to.
2. Failure to comply with the zoning agreement at any time after approval may constitute a breach of the zoning agreement, and further use of the property may be subject to legal remedies available to the Township.
3. If development of the property or the conditions of the zoning agreement are not satisfied within two years of the effective date of the final approval by the Township Board, except as provided for in Subsection I below, then the land shall automatically revert to its former zoning classification (or if necessary, the property shall be rezoned to its original zoning through the normal rezoning process).

I. Amendment.

1. During the initial two-year period, or during any extension granted by the Township Board as permitted above, the Township Board shall not add to or alter the rezoning offer in the zoning agreement.
2. The zoning agreement may be amended after the expiration of the initial two-year period and any extensions, in the same manner as was prescribed for the original rezoning and zoning agreement.

DISPOSITION TABLE

This table gives the location within this Code of those sections of the 2014 Code, as supplemented or updated through August 1, 2016, which are included herein. For the location of ordinances adopted subsequent thereto, see the Code Comparative Table immediately following this Disposition Table.

VERSION/ APPROVAL DATE	REASON FOR CHANGE	SECTION CHANGED
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1.0	10- 9-2006	Approved by Township Board	
1.0	11-15-2006	Effective Date	
	12- 6-2006	Topographic errors corrected	
2.0	<u>1</u> - 7-2008	<ul style="list-style-type: none"> •Definition of "density" added •Definition of (plant) "nursery" added and definition of "open air business" and "temporary use" modified •Added definition of "parallel plan" 	<u>2.05, 2.15—2.17, 2.20</u>
		<ul style="list-style-type: none"> •Clarification that buffer begins at right-of-way line 	3.33.E New <u>3.34</u>
		<ul style="list-style-type: none"> •Temporary use language added 	4.07, <u>5.03, 6.03</u>
		<ul style="list-style-type: none"> •Lake Michigan setback for non-HREA clarified 	4.08, <u>5.02, 6.02</u>
		<ul style="list-style-type: none"> •Nurseries added as a SU in the agricultural and rural residential zones 	<u>8.03, 9.03</u>
		<ul style="list-style-type: none"> •Added averaging language for Lake Michigan setbacks 	15.02.B
		<ul style="list-style-type: none"> •Changed notice requirements to be compliant with state law 	16.03.D
		<ul style="list-style-type: none"> •Provide a basis for determining PUD density through a parallel plan 	16.05.C
		<ul style="list-style-type: none"> •Change "Façade buildings" to "Building facades" 	16.08.D, F
		<ul style="list-style-type: none"> •Correction to cross-reference 	16.09.B

		•Correction to cross-reference	16.15
		•Clarified use of variances for individual lots of a PUD	17.02.J
		•Add requirements for additions of under 10,000 sq. ft. get minor site plan review by ZA	<u>17.03</u> , 17.06.C
		•Informational requirements for site plan review clarified	18.05.C
		•Add "nursery" to parking requirements	21.05.A
		•Clarify uses of performance guarantees •Change notice requirements to comply with changes in state law •Fixed typographical errors	<u>21.07</u>
	9-15-2008	Change definition of "front lot line" to make the front yard of waterfront lots the OHM	2.13.A
		Specify that the front lot line of waterfront lots the OHM	3.09.B
		Fix typos	<u>3.07</u>
		Permit accessory structures in a waterfront setback provided it is behind the required front setback	3.07.D
		Change typo in definition of site plan	<u>2.19</u>
		Change typo	3.07.G
		Delete prohibition of accessory structures in waterfront setback	3.07.D
		Change reference of floor area to "building footprint"	3.07.H

		Delete in its entirety - reference to max of 2 accessory buildings	3.07.I
		<ul style="list-style-type: none"> •Eliminate reference to Northshore Drive with respect to additional setbacks •Change point of measurement from road centerline to road right-of-way •Reduce front yard setback from 100 feet to 50 feet 	<u>3.10</u>
		<p>Add new section clarifying all parcels must have frontage on a public or private road</p> <ul style="list-style-type: none"> •Change subsequent lettering to continue sequential order 	3.11.A
		Change threshold for keeping livestock	3.15.C
		Allow private roads to serve open space developments fronting on Blue Star Highway in the RR district	3.26.A
		<ul style="list-style-type: none"> •Eliminate reference to Northshore Drive with respect to front setbacks •Reduce all front setbacks from 100 feet from centerline to 50 feet from right-of-way •Split Lakeshore Residential district into two districts: LR-A & LR-B districts 	4.07
		Eliminate entire Chapter 7 and replace with Chapters 7-A, LR-A and 7-B, LR-B	Chapter 7, New 7-A & New 7-B
		Permit a larger area for home-based businesses	15.04R.6
		Require site plan review for private road extensions	17.02.H
		Mandate trails and/or sidewalks be part of all new developments	17.07.E

	10-20-2008	Eliminate requirements that the County Road that provides access to public parks or recreation sites be paved	15.04.D
	4-20-2009	Revise 16.01.A, 16.02.A & B, <u>16.08</u> , <u>16.09</u> , <u>16.10</u> , <u>16.11</u> , <u>16.12</u> , <u>16.13</u> and <u>16.14</u> New <u>16.03</u> , <u>16.04</u> , <u>16.05</u> , <u>16.06</u> Add definitions <u>2.07</u> for "Frontage" and "Frontage, Shoreline"	<u>Chapter 16</u>
3.0	5-17-2012	•Revised Lake Michigan setback regulations	7.03.A, 7.03.B, <u>8.03</u>
		•Delete reference to Lake Michigan setbacks	<u>9.03</u>
3.1	<u>6</u> - 5-2013	•Amended site plan review to include requirements for 433 agreements with Drain Commissioner	<u>17.03</u>
3.2	7- 1-2013	•Amended Wind Energy Conversion Systems text and requirement and added definitions	<u>15.03</u>
3.3	5-19-2014	•Amend definition for Accessory Use •Amend definition for Average Grade	<u>2.02</u>
		•Amend definition for Farm Market •Amend definition for Frontage, Shoreline	<u>2.07</u>
		•Delete definition for Grade, Average	<u>2.08</u>
		•Add definition for Incompatible Use	<u>2.10</u>
		•Amend definition for Setback or Setback Area	<u>2.19</u>

		<ul style="list-style-type: none"> •Move "residential supportive uses..." from the zoning district tables to Section 2.02 Accessory Use 	<u>3.07</u>
		<ul style="list-style-type: none"> •Move Cottage industry from Special Uses 	<u>3.35</u>
		<ul style="list-style-type: none"> •Move Home-based businesses from Special Uses 	<u>3.36</u>
		<ul style="list-style-type: none"> •Add new <u>Section 3.37</u> Open Space Preservation 	<u>3.37</u>
		<ul style="list-style-type: none"> •Delete tables 	4.07, 4.08
		<ul style="list-style-type: none"> •Delete reference to Tables 4.07 & 4.08 	<u>5.03, 6.03, 7.03.A, 7.03.B, 8.03, 9.03, 11.03, 12.03, 13.03</u>
		<ul style="list-style-type: none"> •Change Adult Foster Care, family homes; Bed and Breakfast; Commercial Kennels; Cottage Industries; Home-based businesses; Riding Stables; and Sawmills to "P" permitted uses with references to conditions in either <u>Art. 3</u> or 15 Add Adult Foster Care, group homes as SU Delete Nursery, and Residential supportive uses 	<u>5.02</u>
		<ul style="list-style-type: none"> •Change Bed and Breakfast; Cottage Industries; Home-based Businesses; to "P" permitted uses Remove "primarily as a wholesale operation" from Greenhouse and nursery Delete Nursery; Residential supportive services; and Wind Energy Systems 	<u>6.02</u>
		<ul style="list-style-type: none"> •Delete Residential supportive services; and •Add Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soils or minerals 	<u>7.02.A, 7.02.B, 8.02, 9.02, 14.01, 14.02, 14.05</u>

		<ul style="list-style-type: none"> •Correct reference to FEMA and NFIP •Delete table •Correct reference to state law 	<u>Chapter 15</u>
		<ul style="list-style-type: none"> •Change title to 'Specific Use Regulations' and amend text to require conditions listed when the use is a permitted use with Zoning Administrator review 	<u>15.02</u>
		<ul style="list-style-type: none"> •Change title to 'Special Use Application Process'And revise C. deleting table and simplifying the process, moved enforcement to <u>15.04</u> •Change title to 'Specific Use Standards'; moved Cottage Industries and Home-based Businesses to <u>Article 3</u>; added Production or Refining of Petroleum Products and Truck Terminals with conditions to list and re-lettered the list Revised the Farm Market conditions and added conditions for General Retail of over 5,000 sq. ft. 	<u>15.03</u>
		<ul style="list-style-type: none"> •Change J.4. to read 10% of existing floor area or 1,000 sq ft. 	<u>17.02</u>
		<ul style="list-style-type: none"> •Completely revised to simplify preliminary site plan application form to conform to state requirements; move administrative section to new <u>17.05</u> 	17.03.A
		<ul style="list-style-type: none"> •Revise to include material previously required for preliminary site plans and include requirements for County Drain agreements where applicable 	17.03.B
		<ul style="list-style-type: none"> •Include requirement for Section 433 agreement 	17.07.K

		•Rename to "Conditional Rezoning" in C.; delete part of 2	<u>21.09</u>
	<u>8- 1-2016</u>	•Restate Swimming pool section to allow different barrier requirements	3.16.D
		•Allow expansion of non-conforming buildings and uses with conditions	3.28.G, H
		•Allow fences to be 7 feet high to be compatible with building code	3.32.B, E

CODE COMPARATIVE TABLE

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Legislation	Date	Section	Section this Code
<u>O21918-2</u>	1-24-2018	1	<u>2.05</u>
		2	<u>2.13</u>
		3	<u>2.15</u>
		4	<u>2.16</u>
		5	<u>2.18</u>
		6	<u>2.19</u>
		7 Added	<u>3.39</u>
		8	<u>5.02</u>
		9	<u>6.02</u>

		10	<u>7A.02</u>
		11	<u>7B.02</u>
		12	<u>8.02</u>
		13	<u>9.02</u>
		14	<u>11.02</u>
		15	<u>12.02</u>
		16	<u>13.02</u>
<u>O416-2-18</u>	4-16-2018	1	<u>2.17</u>
		2	<u>2.19</u>
		3 Added	<u>3.40</u>
		4	<u>5.02</u>
		5 Added	15.03.UU
<u>O31819-1</u>	3-18-2019	1 Added	<u>3.42</u>
<u>O31819-2</u>	3-18-2019	1 Added	3.28.B.4
		2	<u>5.03</u>
		3	<u>6.03</u>
		4	<u>7A.03</u>
		5	<u>7B.03</u>
		6	<u>8.03</u>
		7	<u>9.03</u>
		8	<u>11.03</u>

		9	<u>12.03</u>
<u>O31819-3</u>	3-18-2019	1	3.16.D
		2	<u>3.28</u>
		3	3.32.B, E
<u>O102119-2</u>	10-21-2019	1 Added	<u>3.41</u>
<u>101920-1</u>	10-19-2020	1	<u>2.08</u>
		2	<u>15.03</u> D.
<u>111620</u>	11-16-2020	1	<u>3.17</u> (title), A., A.3.—5.
		Added	<u>3.17</u> C.
		2	<u>3.32</u> C.
		Added	<u>3.32</u> G.
<u>1182021-1</u>	1-18-2021	1	<u>2.14</u>
		2	<u>5.02</u>
		3 Added	<u>3.28</u> B.5.
		4	<u>3.39</u> A.4.
		5 Added	<u>3.43</u>