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(updated 6-28-19)

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ZONING ORDINANCE
ORDINANCE NO. 32

This is an ordinance to establish zoning regulations for the Township of Clyde, 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 for conflicts with other ordinances or regulations; all according to the provisions of Michigan Act 184 of 1943, as amended, and its successor statute, being Michigan Act 110 of 2006, as it may from time to time be amended.

[amended 8-9-06]

THE TOWNSHIP OF CLYDE, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

ARTICLE 1

TITLE, PURPOSE, SCOPE, AND LEGAL BASIS

1.01 TITLE

This ordinance shall be known and may be cited as the “Clyde Township Zoning Ordinance.”

1.02 PURPOSE

- A. This ordinance is based upon the Clyde Township General Development Plan and is designed to:
1. Promote the public health, safety, morals, and general welfare.
 2. Encourage the use of land according to its character and adaptability and limit the improper use of land.
 3. Avoid the overcrowding of population.
 4. Provide adequate light and air.
 5. Lessen congestion on the public roads and streets.
 6. Reduce hazards to life and property.
 7. Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.
 8. Conserve the expenditure of funds for public improvements and services to obtain the most advantageous uses of land, resources, and properties.
- B. This ordinance is adopted giving reasonable consideration, among other things, to the character of each zoning district. In particular, the ordinance considers each zoning district’s peculiar suitability for particular uses, conservation of property values, natural resources, and the general and appropriate trend and character of land, building, and population development.

1.03 SCOPE AND INTERPRETATION

This ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with

existing provisions of other laws, ordinances, or regulations, except those repealed herein by specific reference. Neither will this ordinance interfere with private restrictions placed upon property by covenant, deed, nor other private agreement, or with restrictive covenants running with the land to which the township is a party. Where this ordinance imposes greater restrictions, limitations, or requirements than are imposed or required by other existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this ordinance will take precedence.

1.04 THE EFFECT OF ZONING

Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof will be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this ordinance.

1.05 LEGAL BASIS

This ordinance is enacted pursuant to Michigan Act 184 of 1943, as amended, and its successor statute, being Michigan Act 110 of 2006, as it may from time to time be amended.

[amended 8-9-06]

ARTICLE 2 DEFINITIONS

2.1 RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this ordinance:

- A. The particular will control the general.
- B. The headings which title an article, section, or subsections 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.
- C. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
- D. Unless the context clearly indicates to the contrary:
 - 1. Words used in the present tense will include the future tense.
 - 2. Words used in the singular number will include the plural number.
 - 3. Words used in the plural number will include the singular number.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them, and a natural person.
- G. The words “used” or “occupied,” as applied to any land or building, will be construed to include the words “intended,” “arranged,” or “designed to be used,” or “occupied.”
- H. Any word or term not defined herein will be considered defined by its common or standard definition.
- I. The following listed terms and words are defined for their use in this ordinance. These definitions will apply in the interpretation and enforcement of this ordinance unless otherwise specifically stated.

2.2 ACCESSORY USE OR STRUCTURE

A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal uses, building, or structure.

2.02(a) ADULT ENTERTAINMENT

Any establishment characterized by an emphasis on depicting or describing sexual or sexually related material, activities, or entertainment. Adult entertainment facilities may also be characterized as having material for viewing, sale, or rent, such as books, films, or slides; or live entertainment such as striptease or floor shows engaging showgirls or other similar descriptions or professions. Adult entertainment facilities are commonly known as adult book or video stores, adult motion picture theaters, adult novelty stores, striptease joints, topless bars, etc., where there is in any of the forms described above, or depictions of sexual activities involving less than completely covered human genitals, groin, buttocks, breasts, or crotch. A business is considered adult entertainment if 35 percent or more of its stock, shelf space, materials, services, or floor area is for the sale or display of, or is characterized by an emphasis on, the above-described matters.

2.02(b) ADULT FOSTER CARE (added September 4, 2020):

- A. Adult Foster Care Facility – a home or facility that provides foster care to adults. Subject to section 26a(1) of PA 218 of 1979 as amended, adult foster facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing home care.
- B. Adult Foster Care Family Home - a private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- C. Adult Foster Care Large Group Home - an adult foster care facility with the approved capacity to receive at least 3 but not more than 12 adults to provide with foster care.
- D. Adult Foster Care Small Group Home - an adult foster care facility with the approved capacity to receive at least 3 but not more than 12 adults to be provide with foster care.
- E. Adult Foster Care Private Residence - with the capacity to receive at least 1 but not more than 4 adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

2.02(c) AGRICULTURAL LABOR CAMP (added February 6, 2009)

A tract of land and all tents, vehicles, buildings, or other structures pertaining thereto, part of which is established, occupied, or used as living quarters for 5 or more migratory laborers engaged in agricultural activities, including related food processing.

2.02(d) AMBIENT SOUND LEVEL (added April 30, 2010)

The amount of background noise at a given location prior to the installation of exterior machinery. The Ambient Sound Level may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The Ambient Sound Level is measured on the dB(A) weighted scale as defined by the American National Standards Institute (ANSI)

2.02(e) ANEMOMETER (added April 30, 2010)

A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine 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 give location.

2.02(f) ANSI (American National Standards Institute) (added April 30, 2010)

2.02(g) ANIMAL (amended June 28, 2019)

- A. Large: A large animal is a domesticated animal including but, not limited to a horse, cow, goat, sheep, pig, llamas, emu or other similar animals.
- B. Fowl: animals including but, not limited to chicken, turkey, duck, goose other similar animals.

2.02(h) AUTOMOBILE REPAIR, MAJOR

Major automobile repair includes general repair, rebuilding, or reconditioning of engines or vehicles; collision service (including body repair and frame straightening); painting or upholstery; or vehicle steam cleaning and undercoating.

2.02(i) AUTOMOBILE REPAIR, MINOR

Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding 2 tons capacity; provided, however, there is excluded any repair or work included in the definition of “Automobile Repair, Major.”

2.3 BASEMENT

The basement is that part of a building, or part of a room, located wholly or partially below grade, but not including any part thereof not so located.

2.03(a) BED AND BREAKFAST

A residential building, other than a hotel or motel, also known as a boarding house or lodging house, where lodging is provided by a resident family in its home for compensation, mainly for transients.

2.03(b) BILLBOARDS AND SIGNS

- A. Billboard: Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed, or fabricated on such land.
- B. Business sign: Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- C. Real estate sign: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

- D. Identifying sign: Any structure on the same premises it identifies which serves only:
 - 1. To tell the name or use of any public or semipublic building or recreation space, club, lodge, church, or institution;
 - 2. To tell the name or address of an apartment house, hotel, or motels; or
 - 3. To inform the public as to the use of a parking lot.
- E. Name Plate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

2.03(c) BOAT DOCKAGE

A boat dockage includes any means to secure a water craft in or above the water, whether it is a pier, dock, mooring, shore station, slip, hoist, tether, or other means, despite the distance from the water’s edge.

2.03(d) BUILDING

A building is a structure which is constructed or erected having a roof supported by columns, walls, or other supports, which is used for housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

2.03(e) BUILDING HEIGHT

The vertical distance measured from preexisting grade to the highest point of the roof surface. On a slope, the grade will be measured from the lowest point of the structure. The highest point of mansard roofs or flat roofs is the deck. For gable, hip, and gambrel roofs, the highest point is the mean height between the eaves and ridge.

2.4 CHILD CARE CENTER *(Revised September 4, 2020)*

A. CHILD CARE CENTER

A facility, other than a private residence, receiving 1 or more children under 13 years of age for care periods of less than 24 hours a day, where parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

B. FAMILY CHILD CARE HOME

A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

C. GROUP CHILD CARE HOME

A private home, in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related by blood, marriage or adoption to a member of the family occupying the dwelling. A group day care home shall include a dwelling in which care is given

to more than six (6) unrelated minor children for more than four (4) weeks during a calendar year.

D. FOSTER FAMILY GROUP HOME

A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act 288 of 1939, MCL 710.21 to 710.70, or who are not hosted in the private home as provided in the Safe Families for Children Act, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

E. FOSTER FAMILY HOME

A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act 288 of 1939, MCL 710.21 to 710.70, or who are not hosted in the private home as provided in the Safe Families for Children Act, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

2.04(a) CLUSTERING

Grouping of dwelling units on those portions of a site best suited for development, leaving other areas open and free from development. Individual lots are smaller than otherwise would be allowed.

2.04(b) COMMERCIAL SOLAR ENERGY FACILITY (CSEF) (added June 28, 2019)

An energy facility, area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but not limited to, the use of one or more solar energy systems.

2.04(c) COMMUNICATIONS TOWERS and SMALL WIRELESS COMMUNICATION

(Revised September 4, 2020)

Communications towers are structures dedicated for mounting transmitting equipment and antennas that are necessary for providing a full range of wireless communications or mobile services to a community. Towers typically serve radio and television, fire and police, 911 operations, emergency rescue, and hospitals. *Self-supporting* and *guyed* are the two basic types of towers.

Small wireless tower is the operation of wireless communication devices or systems used to connect two fixed locations (e.g., building to building or tower to building) with a radio or other wireless link. Towers or antennas typically serve internet or similar for residences and businesses.

2.04(d) CORNER LOT

A corner lot is (1) at the intersection of two or more streets where the corner interior angle formed by the intersection of the streets is 135 degrees or less, or (2) a lot abutting upon a curved street or streets if tangents to the curve, at the two points where the lot lines meet the curve, forms an interior angle of 135 degrees or less.

2.5 DWELLING

A dwelling is any building or structure which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families. A dwelling includes tents, recreational vehicles, and campers, not in approved campgrounds, but does not include motels, hotels, tourist rooms, or cabins.

- A. Dwelling, single-family: A building containing not more than one dwelling unit designed for residential use.
- B. Dwelling, two-family: A building containing not more than two separate dwelling units designed for residential use.
- C. Dwelling, multiple-family: A building containing three or more dwelling units designed for residential use.

2.05(a) DWELLING UNIT

One room or suite of two or more rooms designed for use or occupancy by one family for living and sleeping purpose with kitchen facilities.

2.6 ESSENTIAL SERVICE

The erection, construction, alteration, or maintenance by governmental units, boards, or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems. Essential services include 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 which are reasonably necessary for the furnishing of adequate service by such municipal departments or commission or for the public health, safety, or general welfare.

2.06(a) EXPANSION OF LEGAL PRE-EXISTING NON-CONFORMING USES

Expansion of a use shall include but not be limited to:

- A. An increase in the cubic volume of any structure containing the use,
- B. An increase in the lot area covered by the use or any ancillary activity especially any increase in the area devoted to outdoor storage,
- C. An addition of equipment or machinery for any purpose or activity not previously existing and/or approved for the site,
- D. Any additional non-conforming use, except a use which is so minor in nature and/or so similar in nature to the existing use, as to have no effect upon surrounding properties. (added February 6, 2009)

2.7 FAMILY

- A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling, or

- B. A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, and shall also not include any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.

2.07(a) FARM MARKET (Added June 28, 2019)

A farm market is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market [measured as an average over a five-year timeframe] must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. The farm market may operate year-around or seasonally, and may include activities to attract customers and facilitate retail trade business transactions when allowed by applicable local, state, and federal regulations.

Farm markets must be located on property where zoning allows for agriculture and its related activities.

2.07(b) FLOOR AREA

The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use includes the basement, the basement floor area is included except that part thereof which contains heating and cooling equipment and other basic utilities.

2.07(c) FLOOR AREA, USABLE

Usable floor area of a building does not include the floor area of garages, porches, basement, or utility area.

2.8 GARAGES

Garages are accessory buildings used primarily for the storage of motor vehicles.

2.9 HOME OCCUPATION

A profession or occupation traditionally or customarily carried on in the home as a use clearly incidental and secondary to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade which conforms to the requirements in Sections 3.17 and 13.06.J of this ordinance. *[amended August 9, 2006]*

2.10 IMPROVEMENTS

Improvements are those features and actions associated with a project. Improvements include roadways, lighting, utilities, sidewalks, screening, and drainage necessary to protect natural resources, or the health, safety, and welfare of residents of future users or inhabitants of the

proposed project or project area.

2.10(a) IEC (added April 30, 2010)

International Electrotechnical Commission. The IEC is a global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

2.10(b) ISO International Organization for Standards (added April 30, 2010)

2.10(c) IMPROVED AREA (added June 28, 2019)

Area containing solar panels, electrical inverters, storage buildings and access roads.

2.10(d) INLAND LAKE

An inland lake is any lake lying wholly or partly within the township with a surface area greater than 20 acres.

2.10(e) INTENSIVE LIVESTOCK FEEDLOT

Intensive livestock feedlots include operations and facilities for the husbandry, raising, and keeping of cattle, sheep, pigs, hogs, chickens, turkeys, and other animals and fowl, for fattening and/or egg production in feed lots. Intensive livestock feedlots are “cage” operations, or similar high-density operations, otherwise than for the noncommercial consumption of the occupants or owners of the land so used.

2.11 JUNK

Waste, discarded or salvaged materials, including wrecked vehicles, used building materials, structural steel materials and equipment, and other worn, deteriorated, or obsolete manufactured goods.

2.11(a) JUNKYARD

Places where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including wrecked vehicles, used building materials, structural steel materials and equipment, and other worn, deteriorated, or obsolete manufactured goods.

2.12 KENNEL

Any land, building, or structure where five or more cats and/or dogs is boarded, housed, or bred.

2.13 LIVESTOCK

Farm animals such as cattle, horses, pigs, sheep, or other customary stock.

2.13(a) LOT

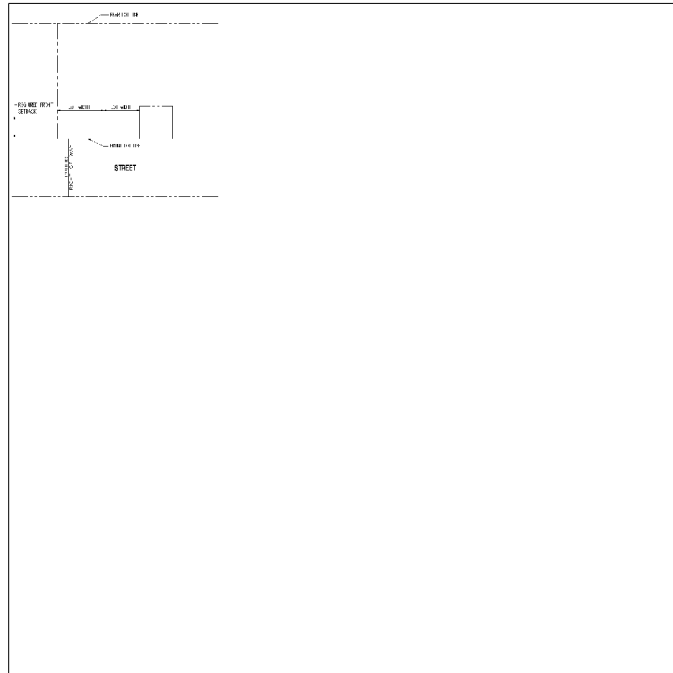
A lot is a piece or parcel of land. A lot may be occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, as required by this ordinance. Except in the R-1 and R-2 zoning districts, a lot must be exclusive of any adjoining street right-of-way and in all districts separated from other parcels by a legal description. For a site condominium subdivision, the term “lot” includes the portion of the condominium project designed and intended for separate ownership and use as described in the master deed such as the condominium unit. The word “lot” includes “plot” or “parcel.” (Amended 03-08-04)

2.13(b) LOT AREA

For lots in the R-3, R-4, C and I zoning districts, lot area cannot include any part of a public right-of-way or easement for aboveground improvements such as roads or streets. For lots in the R-1 and R-2 zoning districts, lot area may include areas devoted to public road right-of-way's or easements. (Amended 03-08-04)

2.13(c) LOT WIDTH

The horizontal distance between the side lot lines uninterrupted by other lots or rights-of-way, measured between the two points where the required front setback line intersects the side lot lines. In the R-1 and R-2 zoning districts on corner lots, the minimum lot width may include a road right-of-way on one street side. When a lot has more than one horizontal distance between side lot lines, only the greatest distance can be used to meet the lot width requirement. Under no circumstances will the minimum lot width be determined based on more than one horizontal distance. The minimum lot width will be established for each zoning district according to the schedule of district regulations. Lot width will be measured at the front setback line. (Amended 03-08-04)



2.14 MIGRANT HOUSING

Any sleeping, eating or cooking quarters for migratory labor, regardless of the number of migratory laborers occupying the same. (added February 6, 2009)

2.14(a) MIGRATORY LABORER

A person working, or available for work, who moves seasonally one or more times from one place to another from within or out of the state for the purpose of such employment or availability. (added February 6, 2009)

2.14(b) MOBILE HOME COMMISSION ACT

Michigan Act 96 of 1987, as amended.

2.14(c) MOBILE HOME LOT AND MOBILE HOME

A mobile home lot is a measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan. A mobile home lot is intended for the placement of a

mobile home for the exclusive use of the occupants of such mobile home.

That portion of a mobile home park reserved for the placement of a mobile home, appurtenant structures, or additions. A mobile home means a manufactured home meeting the requirements of the US Department of Housing and Urban Development (HUD).

2.14(d) MOBILE HOME PARK

A mobile home park is a parcel or tract of land under the control of a person upon which three or more mobile 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, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

2.14(e) MOTEL

A building or group of buildings containing sleeping or dwelling units designed for, or occupied by, automobile travelers. The motel building(s) may be detached or in connected rows, which may or may not be accessible from the outside by a garage or parking space. Motels include any building or building groups designated as motor lodges, transient cabins, or other facility intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

2.14(f) MOTOR HOME, CAMPER, FIFTH WHEEL, TRAVEL TRAILER

A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

2.14(g) MOTOR VEHICLE

A motor vehicle is any vehicle which is self-propelled.

2.15 N – reserved

2.16 ORDINARY HIGH WATER MARK

The line between upland and bottom land 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. On a lake which has a level established by law, it means the high established level.

2.17 PARCEL

See lot

2.17(a) PARKING LOT

A parking lot is an off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. A parking lot includes that area occupied by access drives within the actual parking area.

2.17(b) PARKING SPACE

See Article 14 Parking and Loading Spaces.

2.17(c) PERMITS

- A. Building permit - The written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.
- B. Zoning Permit - The written authority issued by the Zoning Administrator approving a proposed use, site plan or other activity determined to comply with this ordinance. The Zoning Permit may consist of the Zoning Administrator’s signature of approval on a building permit application that authorizes the Building Inspector to proceed with the building permit review.
(Amended 3-8-04)

2.17(d) PLANNING COMMISSION

The Clyde Township Planning Commission.(Revised 6-20-00)

2.17(e) PORCH AND DECK

Porches and decks are considered a part of the building or structure and may not be located within the required setback.

2.17(f) PRINCIPAL BUILDING

The principal building is a structure which contains the principal use.

2.17(g) PRINCIPAL USE

The principal use is the primary or predominant use of a lot. Only one principal use is allowed per residential parcel. The principal use may or may not be housed in a structure. A typical residential use such as a house will include a structure while a commercial use such as open air sales might not be enclosed by a structure.

2.17(h) PUBLIC AND INSTITUTIONAL USES

Uses that serve the public and are generally exempt from paying property taxes such as churches, schools, and government buildings.

2.17(i) PUBLIC UTILITY

Public utilities include the erection, construction, alteration, or maintenance by regulated public utilities of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems. Public utilities include pipes, conduits, wires, cables, signals, towers, poles, electrical substations, gas regulator stations, utility and metering stations, and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by such public utility for the public health, safety, or general welfare.

2.18 Q - reserved

2.19 REQUIRED SETBACK

The minimum distance from the property line or right-of-way to the point of the parcel where a building or structure may be located as required by the provisions of the district in which the parcel is located.

2.19(a) REQUIRED SETBACK AREA

The area between the property line or right-of-way to the point of the parcel where a building or structure may be located as required by the provisions of the district in which the parcel is located.

2.19(b) ROTOR (added April 30, 2010)

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

2.19(c) RIPARIAN PROPERTY

Riparian property is a parcel of land which includes therein a part of or is bounded by a natural watercourse in which property is in actual contact with such watercourses.

2.19(d) ROAD FRONTAGE

Road frontage is that part of the lot or parcel that adjoins the right-of-way or easement for which access requirements are met.

2.19(e) ROAD, PRIVATE

A private road is a privately owned and maintained right-of-way easement which affords traffic circulation and principal means of access to abutting property. Can also mean a private street.

2.19(f) ROADSIDE STAND (amended June 28, 2019)

A structure that is less than one hundred twenty (120) square feet in area, used for the display and sale of agricultural products, with no space for customers within the structure itself.

2.19(g) ROOF LINE

The roof line is the top ridge of the main roof of a building.

2.20 SCADA TOWER (added April 30, 2010)

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 (SCADA) system.

2.20(a) SETBACK LINE

A line measured from and being horizontal to the front, rear, and side lot lines that establish the minimum distance that a building or structure is allowed to be located from the lot line. The setback line also is called the “required setback line.” Steps may be located between the required setback line and the lot line. Porches and decks are considered part of the building or structure.

2.20(b) SHADOW FLICKER (added April 30, 2010)

Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window of a dwelling.

2.20(c) SHORELINE (added April 30, 2010)

That area along the waterfront where land and water meet, established at the ordinary high water mark along watercourses and on water bodies.

2.20(d) SHOPPING CENTERS

A development in a commercial zoning district under single ownership where more than one allowed use is intended.

2.20(e) SURVIVAL WIND SPEED (added April 30, 2010)

The maximum wind speed, as designated by the Wind Energy Conversion System manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to structural equipment or the loss of the ability to function normally.

2.20(f) STREET, PUBLIC

A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

2.20(g) STRUCTURAL ALTERATIONS

Structural alterations include any change in the supporting members of a building or structure such as bearing walls, columns, beams, or girders; any substantial change in the roof; or an addition to or diminution of a structure or building.

2.20(h) STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

2.21 TEMPORARY STRUCTURE

A structure constructed or erected, the use of which will be limited to a specific time. Upon expiration of the specified time, the temporary structure must be removed. A temporary structure may be required to have a permanent location on the ground or attachment to something having a permanent location on the ground to obtain a permit for occupancy.

2.21(a) TOWER HEIGHT (added April 30, 2010)

For a Horizontal Wind Turbine Rotors is the distance between the ground and the highest point of the Wind Energy Conversion System, 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 and for a Vertical Axis Wind Turbine as the distance between the ground and the highest point of the WECS.

2.21(b) TOWNSHIP

The township is Clyde Township, Allegan County, Michigan.

2.21(c) TOWNSHIP BOARD

The Clyde Township Board.

2.22 U – reserved

2.23 V - reserved

2.24 WATER CRAFT

Any boat, sailboat, hydrofoil, hovercrafts, jet skis, jet boat, or similar vessels.

2.24(a) WATERCOURSE (added April 30, 2010)

Any waterway including a river, stream, channel, creek, ditch, canal, conduit, culvert, drain, gully, ravine, or wash, in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area on adjacent tracts subject to inundation by reason of overflow of floodwater.

2.24(b) WATERFRONT

That portion of a lot or parcel which abuts or intersects with the ordinary high water mark of a lake whether such lot or parcel is owned by one or more persons, corporation, agency, a government unit or is commonly owned by several persons or combination of persons.

2.24(c) WATERFRONT LOT (added April 30, 2010)

Any lot, building site or parcel which abuts any body of water, including, but not limited to a lake, an inland lake, stream, river, or creek.

2.24(d) WETLAND, REGULATED (added April 30, 2010)

A wetland area that satisfies the size and location requirements to qualify as a wetland, according to the definition in Section 324.30301 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

2.24(e) WIND ENERGY SYSTEM (WES) (added April 30, 2010)

A structure which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and/or tower as well as related electrical equipment and supporting wires. This does not include wiring to connect the wind energy system to the electrical grid. A Wind Energy System consists of a combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical power generation; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a from suitable for driving a generator, alternator, or other electricity producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

2.24(f) WIND ENERGY SYSTEM, FARM (added April 30, 2010)

An “interconnected wind energy system”, consisting of two or more wind energy production structures with an energy production capacity in excess of 250 kilowatts.

2.24(g) WIND ENERGY SYSTEM, INTERCONNECTED (added April 30, 2010)

A WES which is electrically connected to the local electrical power utility and able to feedback power into the local electrical power utility grid.

2.24(h) WIND ENERGY SYSTEM, ON-SITE USE (added April 30, 2010)

A wind energy system intended to primarily serve the needs of the property owner. This type of WES does not exceed a generating capacity of 30 kilowatts.

2.24(i) WIND ENERGY SYSTEM, ON-SITE USE SMALL STRUCTURE MOUNTED

(added April 30, 2010)

A wind energy system intended to primarily serve the needs of the property owner attached to a structure's roof, walls, or other elevated surface. This type of WES does not exceed a generating capacity of 10 kilowatts.

2.24(j) WIND ENERGY SYSTEM, UTILITY GRID (added April 30, 2010)

A structure designed and built to provide electricity to the electric utility grid.

2.24(k) WIND SITE ASSESSMENT (added April 30, 2010)

An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

2.25 X - reserved

2.26 YARD

The yard is the open space surrounding the principal structure of a parcel unobstructed by any building or structure or portion thereof from the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be allowed in any yard subject to height limitations and requirements limiting obstruction or visibility. For irregular shaped lots, the zoning administrator will determine which part of the yard is front, side and rear.

2.26(a) YARD, FRONT

A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. For waterfront lots, the yard fronting on the street and the yard facing the water will both be considered front yards. For corner lots, both sides facing the street will be considered front yards.

2.26(b) YARD, REAR

A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

2.26(c) YARD, SIDE

The side yard is a yard between a main building and the side lot line, extending from the front yard to the rear yard.

2.27 ZONING ACT

Michigan Act 110 of 2006, as it may from time to time be amended. *[amended 8-9-06]*

2.27(a) ZONING ADMINISTRATOR

The Clyde Township Zoning Administrator.

ARTICLE 3

GENERAL PROVISIONS

3.1 ACCESS TO A STREET

All lots must abut on a street or road for an uninterrupted distance equal to or greater than the minimum lot width specified for the district in which it is located. For a lot abutting the end turnaround area of a cul-de-sac or an outside angle of a sharply curved road, the minimum road frontage will be 50 feet, provided the lot width at the required setback meets the minimum lot width requirements of the district in which it is located.

3.2 ACCESSORY STRUCTURES AND BUILDINGS

- A. Accessory structures and buildings are prohibited on any lot without a legal principal use or structure.
- B. Where accessory structures and buildings are attached to a main building, they are subject to and must conform to all regulations of this ordinance applicable to such main buildings.
- C. Accessory structures and buildings must comply in all respects with the requirements of this ordinance applicable to the allowed principal building.
- D. Detached accessory structures and buildings must not be located closer than 5 feet to the rear lot line. For waterfront lots, detached accessory structures and buildings must not be closer than 50 feet to the water's edge and not occupy more than 30 percent of the rear yard space. Pump houses may be located within 50 feet of the water's edge if they do not exceed 3 feet in height. Detached accessory structures and buildings cannot be closer to any side lot line than the principal building is allowed. (Amended 03-08-04)
- E. The distance between a detached accessory structure or building and any principal building cannot be less than 10 feet. Accessory structures and buildings are considered attached to a principal building when they are connected by a solidly covered breeze way, portico, colonnade, or similar architectural device.
- F. Mobile homes, semitrailer, or other similar containers will not be allowed for use as a storage and/or accessory structure or building.
- G. An accessory building and structure (except for a fence 15.01A6) may be constructed, erected, and placed in the required front yard of any waterfront lot providing it maintains a setback of 10 feet from the road right-of-way. On a waterfront lot, an accessory building or structure (except for a fence 15.01A6) shall not be erected or maintained in any required side or lakefront setback area. (amended 3-8-04) (amended June 28, 2019)

H. No accessory structure shall be used for dwelling purposes.

3.3 ACCESSORY USES

In any zoning district, accessory uses are allowed only when incidental to an allowed use located on the same lot. Accessory uses shall not involve the conduct of any business, trade, or industry, other than a home occupation in accordance with this ordinance.

3.4 ANIMALS AND FOWL (amended June 28, 2019)

A. Keeping of animals and fowl as an accessory use is permitted in all Zoning Districts and is subject to the Allegan County Animal Control Ordinance, as amended, and Site Selection GAAMPs, as amended. This does not apply to household pets such as dog, cat or similar animal.

B. Large animals are allowed on parcels of three (3) acres or larger at the rate of one (1) animal maximum up to five (5) acres. Large animals are allowed on parcels of five (5) acres or larger at a rate of two (2) animals and one (1) for each additional half (1/2) acre thereof. This section is not intended to conflict with GAAMPs or Right to Farm.

3.5 BASEMENT DWELLINGS

The use of any basement as a dwelling is prohibited. Any dwelling without a full floor above grade level will be considered a basement dwelling. No person, firm, or corporation will be allowed to construct or occupy, for any purposes whatsoever, a building that does not have at least one story above ground level.

3.6 COMMERCIAL VEHICLES

Storage of commercial vehicles exceeding a rated capacity of 2.5 tons is prohibited in all residential districts. Overnight parking of such vehicles may be allowed in residential districts upon issuance of a special land use permit. Permit may be denied if there is a dwelling within 100 feet.

3.7 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS

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

3.8 CORNER LOTS

Any yard that adjoins a street right-of-way on two intersecting streets must meet the front yard requirements on both streets of the district in which it is located.

3.9 DOUBLE FRONTAGE OR THROUGH LOTS

Any yard that adjoins a street right-of-way or lots having a frontage on two nonintersecting streets must meet the front yard requirements on both streets.

3.10 DRIVEWAYS

An approved driveway permit must be obtained from the state highway department or the county road commission and submitted to the zoning administrator before the issuance of a zoning permit

3.11 DWELLING REQUIREMENTS

Every dwelling shall:

- A. Have a minimum floor area of 1,000 square feet.
- B. Comply with the minimum requirements of this ordinance for the zone in which it is located.
- C. Have minimum width across any front, side, or rear elevation of 24 feet for its entire length in its original design without additions and excluding attached garages, carports or porches. (amended February 6, 2009)
- D. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction that are different from those imposed by the current local ordinance standards, such federal or state standard or regulation will apply.
- E. Foundations and Setup Installation (*amended July 27, 2007*)
 1. The perimeter of all dwellings must have a permanent perimeter foundation.
 2. When the dwelling is a mobile home or manufactured home such dwelling shall be installed:
 - a. Pursuant to the manufacturer's setup instructions and be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
 - b. Be installed with the wheels removed, if a dwelling is a mobile home as defined herein.
 - c. There will be no exposed towing mechanism, undercarriage, or chassis.
 - d. The perimeter of the mobile home will have a permanent perimeter foundation or footing similar to that used for onsite built housing.
- F. Connected to public or private sewer and water supply facilities approved by the county health department.
- G. Be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of at least 6 inches on all sides or,

alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

- H. Have at least two exterior doors with the second one being in either the rear or side of the dwelling and contain permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- I. The roof must have a pitch of at least 2.5 feet double pitch.
- J. The compatibility of design and appearance will be determined in the first instance by the zoning administrator upon review of the plans submitted for a particular dwelling. Determination of compatibility will be based upon the standards set forth in this section, as well as character, design, and appearance of one or more residential dwellings located outside mobile home parks throughout the township. The foregoing will not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- K. Contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a permanent foundation.
- L. Comply with all pertinent building and fire codes. For mobile homes, all construction and all plumbing, electrical apparatus, and insulation will be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as may be amended. Additionally, all dwellings will meet or exceed all applicable roof snow load and strength requirements.
- M. The foregoing standards will not apply to a mobile home in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance.

3.12 EARTH MOVING

Earth moving affecting areas greater than 2 acres, or any filling of land, affecting an area greater than 2 acres, will require review and approval of a site plan by the planning commission according to this ordinance. Site plan review will be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables. Once a site plan has been approved by the planning commission, the zoning administrator will issue an earth moving permit that will be valid for 12 months. Earth moving permits may be renewed by the zoning administrator for one additional 12-month period, providing all of the conditions of the approved site plan are met. In addition, topsoil or sand may be moved from one part of a lot to another if it is demonstrated that this

activity will not cause a sand blow, stagnant water pools, bogs, or any other type or kind of possible future injury to adjoining properties.
(amended May 9, 2007)

3.13 ESSENTIAL SERVICES

It will be lawful for public utilities, municipal departments, or commissions to erect, construct, alter, or maintain underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication supply or disposal systems, including poles and towers, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police equipment, and accessories in connection therewith including buildings, reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health, safety, and general welfare, in any zone, area, or use district of the township if the erection or construction of any or all above-grade construction consisting of necessary buildings and structures therefore will be within the public right-of-way.

3.14 FARM MARKET AND ROADSIDE STAND (added June 28, 2019)

1. Farm Markets must comply with GAAMPs for Farm Markets, as amended.
2. Minimal lot size for ancillary activities such as corn maze, hay rides, or other similar activities shall be five (5) acres.
3. No activity or structure shall be located within fifty (50) feet of the public right-of-way, side or rear lot line. A roadside stand may be located no less than five (5) feet of the road right-of-way or five (5) feet side lot line.
4. All parking shall be out of the road right-of-way.

3.15 GOVERNMENTAL COMPLIANCE WITH ZONING REGULATIONS

The provisions of this ordinance will be applicable to and enforceable against the township itself and all other governmental agencies and units, federal, state, or local.

3.16 HEALTH DEPARTMENT APPROVAL

No permit will be issued for the construction of a building or structure on a lot, which is not served by both public water and sewer facilities unless its water supply and/or sewage disposal facilities, comply with the rules and regulations governing waste and sewage disposal of Allegan County.

3.17 HEIGHT EXCEPTIONS

Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, roof top housing for mechanical appurtenances, parapet walls not exceeding four feet in height and communications towers which do not exceed 50 feet in height are exempt from height regulations in all zoning districts. These exemptions will be allowed as additions to existing buildings and structures provided the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

3.18 HOME OCCUPATION

- A. Subject to the exception set forth in subsection B below, a home occupation shall be allowable as a Special Land Use in the R-1, R-2, R-3 and R-4 zoning districts subject to the following conditions and limitations:
1. Only immediate members of the family residing on the premises can be engaged in such occupation.
 2. The home occupation shall be conducted entirely within the dwelling, permitted garage (attached or unattached) and/or accessory building. There shall be no outside display or storage in connection with the home occupation.
 3. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall not use an area exceeding 30% of the main floor area of the dwelling unit. Not more than 50% or 1,000 square feet, whichever is less, of the permitted garage or permitted accessory structure may be used in the conduct of the home occupation. The use of the garage or permitted accessory structure in the home occupation shall not result in the displacement and outside placement of equipment and materials (e.g. lawn mower, snow blower, garden equipment, recreation equipment, etc.) normally stored in said garage or permanent accessory building.
 4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat on the wall of the main building, or placed by the road, but not in the right-of-way.
 5. No equipment or process will be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family home. No equipment or process will be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

6. The home occupation shall not require any type of special construction beyond that customarily associated with a single-family dwelling.
 7. The home occupation shall not involve the storage or use of any materials for which there is a high risk of flammability.
 8. A home occupation receiving Special Land Use permit approval may not be materially changed in size or nature without receiving further Special Land Use approval from the Planning Commission.
- B. A home occupation that meets all of the criteria for a home occupation set forth in subsection A above, that is not conducted in whole or in part in a detached garage or accessory building, that does not occupy more than 25% of the main floor area of the dwelling, and that does not involve any physical presence at the residence by customers or business associates not residing in the dwelling shall be allowed as a permitted accessory use and shall not be deemed a home occupation requiring a Special Land Use permit. *[amended8-9-06]*

3.19 PUBLIC AND INSTITUTIONAL USES

Institutional or public uses, as a special land use, may be located in any district upon approval by the planning commission as provided in this ordinance.

3.20 LOT AREA OR SPACE REQUIRED

No lot or lots in common ownership and no court, parking area, or other space may be reduced to less than the minimum required under this ordinance. No lot or other area may be further reduced if already less than the minimum. No portion of an existing lot can be sold if the lot created does not meet the area and dimension requirements of the district in which it is located.

(3.20 deleted and replaced May 9, 2007)

3.21 MAN-MADE PONDS

Man-made ponds (not naturally occurring) may be located in the “R-1”, “R-2” and “R-3” zoning districts only provided they meet the following requirements:

- A. Before any excavation is started, property owners must submit a Zoning Permit application to the Zoning Administrator and pay the required fees.
- B. Application must include proof of ownership of property and a diagram drawn to scale showing the location of the pond and buildings and structures located on the property.
- C. Existing (at the time of adoption of this provision) ponds and their uses may continue.

- D. Any changes in the configuration or use of existing ponds may only be made in conformance with provisions of this Zoning Ordinance.
- E. Ponds may require inspection prior to construction and upon completion.
- F. All excavation and reclamation must be completed within one year of the date
- G. of issuance of the Zoning Permit. If the project has not been completed within the year the applicant must apply for an extension with the Zoning Administrator and pay the required fees.
- H. The minimum required setback for ponds will be fifty (50) feet from any property line and from any public or private road.
- I. Ponds must meet the requirements of the Soil Erosion and Sedimentation Control Agency.
- I. All ponds, whether they are seasonally permanent or permanent year-around ponds, which are less than twenty-four inches deep at their deepest point or have an area of 225 square feet or less, shall be excluded from these regulations. (*added May 9, 2007*)

3.22 ONSITE SEWAGE TREATMENT FACILITIES

If a proposed structure is not served by a public sewer, an approved septic system permit for the necessary onsite facilities must be obtained from the county health department.

Before the issuance of a zoning permit, the septic system permit must be submitted to the zoning administrator along with a diagram showing the location, dimensions, and size of the facility.

3.23 OUTDOOR GATHERINGS

If applicable, all outdoor gatherings will comply with the provisions of the township ordinance on outdoor gatherings.

3.24 PRINCIPAL STRUCTURE OR USE

In the R-1 and R-2 districts only one principal structure is allowed on a lot. In all zoning districts, only one principal use is allowed on a lot.

3.25 RECREATIONAL VEHICLES

No recreational vehicle shall be located on any lot where there is no principal building. Recreational vehicles are prohibited in any required front setback area. The use of travel trailers, campers, and motor homes as dwelling units is prohibited.

3.26 REQUIRED SETBACK

The required front setback will be measured from the right-of-way line, and required side and rear setbacks will be measured from the property line, to the point of the parcel where a building or structure may be located.

(3.25 deleted May 9, 2007, renumbered)

3.27 REQUIRED SETBACK AREA

Except as otherwise provided in this ordinance, structures may not be located within the required setback area. Steps may be located within the required front and rear setback area only. Porches and decks are considered a part of the building or structure and may not be located within the required setback area.

3.28 RESIDENTIAL SOLAR PANELS (added June 28, 2019)

The use of solar panels (or arrays thereof) for private use is permitted by right in all zoning districts provided the panels comply with the following requirements. Note: Must meet the building codes, as amended.

1. Ground-mounted solar panels:
 - a. Permitted as an accessory structure.
 - b. Can be located in a front yard, but not to exceed 25% of the width of the lot and shall be setback as required in the zoning district.
 - c. Shall not be closer than 10 feet to a side property line and 5 feet from a rear property line.
 - d. Shall not exceed 16 feet in height above the ground.
2. Roof Mounted solar panels:
 - a. Shall not exceed the maximum height allowed in the Zoning District.
 - b. May be constructed on any roof surface of an existing structure.

3.29 ROADS, PRIVATE

- A. Location permitted: Private roads are allowed in all districts in the township.
- B. Private road construction permit application and approval:
 1. The owner shall submit an application for a private road construction permit, with the application fee, to the planning commission. The application package will include a written description of the proposed development to be served, detailed site plans and construction plans as required in this ordinance, and a detailed description of how the costs of operation and maintenance will be apportioned and paid for by benefitting property owners.
 2. In reviewing the application, the planning commission will consider the impact of the proposed development on adjacent properties, whether the health, safety, and general welfare of persons or property using or affected by the private road will be adequately protected and whether the precedent set by allowing the private

road in the circumstances under consideration will adversely affect the long-term development policies of Clyde Township. An architect, engineer, or other person will be consulted if deemed necessary. If the planning commission approves the application, the building official will issue a private road construction permit to the owner upon payment of the required fee. No construction can begin on the private road or on adjacent properties that depend on the private road for access until the private road construction has been completed.

The owner will notify the township at least 72 hours before initiation of construction of the private road. During construction, the owner must allow the township to review construction progress for compliance with the approved site plan and construction drawings.

- C. Site plans and construction plans: A site plan and construction plan will be prepared, according to this ordinance, showing the proposed location, adjacent properties, proposed street grades, drainage, and proposed improvements, sealed and signed by a registered engineer or registered land surveyor and submitted to the planning commission as part of the private road construction permit application and approval.
- D. Final private road use permit: Upon completion of construction, the township will complete a final review of the private road improvement to check compliance with the approved site plan and construction plans. The owner will correct any deficiencies identified during either an interim or final review. The applicant's engineer will provide a signed statement to the township certifying that the road has been constructed according to approved plans. The final private road use permit may be issued to the owner upon final review and approval of the completed private road improvement by the Township Board. Zoning permits for construction on properties served by the private road will not be issued until the final private road use permit has been issued.
- E. Maintenance and repair: Maintenance, repair, and liability for private roads are the responsibility of property owners adjacent to the private road and not the responsibility or liability of the township. The developer will establish, by appropriate deed provisions, an association responsible for road maintenance and repair that has the authority to apportion and collect the cost of maintenance and repair from benefiting property owners.

F. Design standards for roads: Private roads must meet the following design standards:

1. All private roads will have a minimum 66-foot-wide right-of-way easement granted to the adjacent property owners.
2. The layout of private roads in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, street signs, horizontal curves, and curb openings at intersecting streets, etc., will conform to the Allegan County Road Commission standards for platted streets.
3. The construction of the roadway will conform to the Allegan County Road Commission standards for a local road 22 feet wide with a 7-inch gravel base (MDSH, 22A), 7-foot-wide grass shoulders, and other current county road commission requirements. Ditches will outlet into a cross culvert or drainage course.

In impervious soils (clay or other unsuitable material), a 12-inch sand subbase, graded parallel to the road surface (extending into the front ditch slope), will be constructed. The road surface must have continuous hard surfacing of paved concrete or bituminous.

4. Culverts will be placed at all-natural drainage courses or other waterways. Culvert sizes and grades will be determined using the Allegan County Road Commission storm runoff calculations formula. Materials for culverts will conform to their requirements.
5. All cul-de-sacs must end with turnarounds having a right-of-way radius of 50 feet and a paved turning radius of 20 feet.
6. All drainage must be approved by the Allegan County Drain Commission.

3.30 SATELLITE DISH AND ANTENNA

No satellite dish or other antenna will be located in a required front yard.

3.31 SWIMMING POOLS

Swimming pools may be installed in any district as an accessory use. All pools must meet the following conditions:

- A. Pools may be installed in the side or rear yards of a lot in residential districts. Motels and hotels may install pools in the front yard. All setback requirements must be met.

- B. A good quality fence not less than 4 feet in height will be required. The support posts thereof will be constructed in a permanent manner and in a way that lasts for the duration of such pool. Such posts shall be spaced at intervals of not more than 8 feet. The fence shall entirely enclose the pool.
- C. Every gate or other opening in the fence will be designed and maintained to prevent entry of persons except as authorized by the owner.
- D. The inlet of the water supply system will be above the overflow level of the pool and fitted with an antisiphon device.
- E. Such pool will be chemically treated sufficiently to maintain bacterial standards established by the provisions of the Department of Health relating to public swimming pools.

3.32 TEMPORARY STRUCTURES

- A. Upon application, the zoning administrator may issue a permit for a temporary construction office or yard for construction materials and/or equipment, which is both incidental and necessary to construction at the site where located. Each temporary structure permit will be valid for a period of not more than six months. A temporary structure permit may be renewed by the zoning administrator for one additional six-month period or less at the same location if such building or yard is still incidental and necessary to construction on the site where located.
- B. Upon application, the zoning administrator will issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each temporary structure permit will specify the location of the office and area and be valid for a period of not more than six calendar months. A temporary structure permit may be renewed by the zoning administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- C. The zoning administrator may issue a permit for temporary occupancy or use of a mobile home constructed to 1976 HUD specifications outside an approved and licensed mobile home park under the following situations:
 1. For use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm.
 2. For use as a temporary dwelling during the construction of a new permanent dwelling on the same parcel if a zoning permit has been issued for the permanent dwelling before the issuance of the temporary structure

permit for the mobile home.

3. The temporary structure permit will not be issued unless the following requirements are met:
 - a. The mobile home trailer has a water system and septic tank system that meets the requirements of the Allegan County Health Department. A certificate from said department showing such compliance will be filed with the zoning administrator before any use or occupancy is made of a mobile home trailer.
 - b. The mobile home trailer must be placed on a cement slab or supported by cement piers or blocking to form a foundation for the trailer frame. The mobile home trailer frame will be anchored and blocked as approved by the building inspector.
 - c. The period allowed by the temporary structure permit will not exceed six months and may be renewed for the same unit or location for an additional six months.
4. The fee to be paid for the issuance of a temporary structure permit for a mobile home will be established by the township Board. If a permit is allowed to be renewed, an additional fee will be collected.
5. The temporary dwelling will be removed within 30 days of issuance of an occupancy permit for the permanent dwelling.
6. The zoning administrator will revoke the temporary structure permit if there is a violation of any of the requirements outlined in this section. If a permit is revoked, the unit must be vacated and removed from the property within 30 days, or it constitutes a violation of the ordinance and is subject to the penalties outlined in the Penalties article of this ordinance.
7. All yard and setback requirements must be met.
8. No additions will be allowed to temporary mobile homes.

3.33 TRAFFIC VISIBILITY ACROSS CORNERS

No fence, structure, or planting over 30 inches in height will be planted or erected on the street side of a line drawn between two points, each being 20 feet from the intersection of the rights-of-way of two intersecting streets.

3.34 USES REQUIRING MORE THAN FOUR PARKING SPACES

When more than four parking spaces are required by this ordinance for any principal use,

a change of use, or an enlargement of an existing use, the zoning administrator will not issue a zoning permit until a site plan has been reviewed and approved by the planning commission.

3.35 WATERFRONT AND WETLAND WATER QUALITY SETBACKS

(added April 10, 2010)

- A. **Setback from shoreline or edge of wetland.** All waterfront lots or lots containing wetlands shall maintain a minimum setback for any permanent structure (dwelling unit, other principal building or an accessory building) from the ordinary high water mark and/or delineated wetland boundary as follows, which may be in excess of the minimum requirements of this Ordinance. Any person proposing to erect, install, move, or enlarge a permanent structure on a waterfront lot or lot containing a wetland is required to satisfy these minimum standards unless a greater setback is otherwise required elsewhere in this Ordinance:
1. Fifty (50) feet from the ordinary high water mark of an inland lake, river, stream, creek, or other watercourse.
 2. Fifty (50) feet from the boundary or edge of a wetland, which is designated on the Township wetland map, as delineated on a professionally prepared survey completed by a certified professional submitted to Township and reviewed by Township staff, Michigan DEQ, and/or other professionals, as required.
 3. Any other areas or setbacks as prescribed by EGLE (as in Public Act 451 of 1994, as amended). The requirements in this provision are in compliance with Public Act 451 of 1994, as amended, the Natural Resources and Environmental Protection Act. Any development in these areas must also comply with the standards of this Act. If a greater setback or prohibition is required by the Natural Resources and Environmental Protection Act, another Act or standard of the State or County, or another part of this Ordinance, the greater setback or prohibition shall apply. Documentation of compliance with this Act and the requirements of the Michigan Department of Environmental Quality (EGLE) and similar State and County agencies may be required prior to the issuance of a building permit. Similarly, issuance of a building permit by the Township shall not be construed as establishing compliance with the provisions of the Natural Resources and Environmental Protection Act or the requirements of any State or County agency, and such action shall not create liability on the part of Clyde Township, any official or employee thereof, or the EGLE or other State or County agency for any damage to any structure that may result from locating near natural features.
 4. Exception for Steep Banks. Where there is a steep bank along a water course or lake, a permanent structure may be constructed according to the following schedule: Where the bank height, at the bluff, is (a) feet as measured in vertical feet from the high water mark, the structure may locate no closer than (b)

horizontal feet from the bluff or the high water mark, whichever is greater:

<u>Bank Height (a)</u>	<u>Setback from Bluff or High Water Mark (b)</u>
10	90
15	80
20	70
25	60

- B. **Natural vegetative strip.** Within the required setback from a watercourse or wetland, a natural vegetation strip shall be maintained in its natural vegetative state, except for the clearing of dead or invasive plants and for the exempted activities and areas listed below. This restriction will help maintain a root and vegetative barrier to keep soil particles and nutrients from entering the watercourses and wetlands, while also helping to minimize water runoff.
1. Within this strip, a space of no greater than twenty-five (25) feet in width may be selectively trimmed and pruned to allow for the placement of walkways, and /or for a view of the waterbody, with the approval of the Zoning Administrator. Any walkway constructed inside the strip shall be on the upland side and may be oriented perpendicular or parallel to the water line. A maximum of 15% of the total vegetative strip area may be cleared for this purpose. Because the intent of the native protective strip is water quality protection, porous materials such as wood chips or gravel shall be used for any trail construction.
 2. The Zoning Administrator may allow limited clearing of the vegetation over and above this purpose only when required for construction of a permitted building or structure elsewhere on the site, provided that the land cleared is returned to a vegetative state, which is approximately the same quality and extent as that which existed prior to clearing.
 3. Planting of native species in the required natural vegetative strip is encouraged, especially where exposed soils and steep slopes exist. A list of approved native species may be obtained from the Township. Invasive or destructive plant species (i.e. Eurasian milfoil, English ivy) shall not be permitted.
 4. Exemptions. The following activities and areas are not subject to the natural vegetative strip
 - a. All waterfront lots without a wetland present. If the lot contains wetlands, the natural vegetation strip applies to the wetland area.
 - b. Agricultural operations that are conducted in conformance with best management practices (BMPs) as defined and prescribed by the Michigan Right to Farm Act, Public Act 93 of 1981 as amended.
 - c. The cleaning out, straightening, widening, deepening, or extending,

consolidation, relocation, tiling, and connection of drains established under the provisions of the Michigan Drain Code, Public Act 40 of 1956, as amended.

C. Permitted accessory uses and construction within required waterfront and wetland setback.

1. Best management practices shall be employed so as to minimize disturbance of the natural terrain and vegetation during construction on waterfront lots. After construction, the lot, particularly within the wetland and waterfront setback area, should be restored to its prior conditions to the extent possible.
2. Accessory structures shall be subject to the policies and regulations of the EGLE and other State and County agencies as well as the other requirements of this Ordinance.
3. A copy of the appropriate State or County permit, if necessary, must be on file in the Township office, prior to any construction that changes the shape of the shoreline or is located in a waterfront or wetland setback area, such as a dock, seawall, or pilings.

D. More restrictive standards govern. Regulations imposed in areas identified as erosion control districts or flood hazard districts in this Zoning Ordinance shall govern if such restrictions or regulations impose a higher standard or requirement. Likewise, if other federal, state, county or local standards are more restrictive, the more restrictive regulation will govern.

3.36 WETLANDS

- A. Wetlands are identified in the township official wetland map and regulated by the provisions of the Clyde Township Wetlands Ordinance and Part B below.
- B. Any activity that may adversely affect a wetland is subject to review and permit approval by the Michigan Department of Environmental Quality (EGLE) pursuant to provisions of the Wetlands Protection, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.

3.37 SINGLE ON-SITE USE WIND ENERGY TOWERS (added April 30, 2010)

- A. The following shall apply only to a single Wind Energy Tower intended for on-site energy consumption within the property on which it is located. Water pumping and ornamental wind devices, which are not WES' shall be exempt from this Section so long as they do not exceed the height limitations and other provisions for permitted accessory structures of this ordinance.
- B. An On-Site Use Wind Energy System is intended to serve an individual property

only. Tower heights not exceeding 80 feet shall be a permitted use in all zoning classifications subject to the following regulations:

1. 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 an On-Site Use WES and the owner's property lines (and road right-of-way lines) shall be at least the height of the wind energy system structure including the blade in its vertical position. There shall be no structures within the setback zone of the tower.
 - a. A Small On-Site Use Structure Mounted Wind Energy System is exempt from this sub-section B2 so long as the structure upon which it is mounted is fully conforming as to setbacks and height.
 - b. A Small On-Site Use WES 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: On-Site Use WES including towers shall comply with all applicable state construction and electrical codes and building permit requirements. On-Site Use WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq). An interconnected On-Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.
4. Safety. An On-Site Use WES shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wire anchors, the wires shall be clearly visible up to at least a height of at least six feet above the guy wire anchors. 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 wind energy system employing a horizontal axis rotor. For Small On-Site Use Structure Mounted WES' the minimum blade tip clearance from any portion of a structure that is located within 25 feet of the Wind Energy System turbine blades shall be 10 feet.
5. Shadow Flicker. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures within 500 feet and show measures that shall be taken to eliminate or mitigate the problems.
6. Color. An On-Site Use WES shall be painted a non-obtrusive (i.e. white, beige

or gray) color that is non-reflective. No striping of color or advertisements shall be visible on the blades or tower.

7. Maintenance. An On-Site WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

C. On-Site Use WES over 80 feet in height are subject to a Special Land Use Permit.

3.38 ANEMOMETER – MET Tower (added April 30, 2010)

A. MET tower or anemometer may be permitted within all Zoning Classifications subject to the regulations and requirements of this section.

B. For purposes of this section a MET Tower or Anemometer is a meteorological tower used for the measurement of wind speed.

C. Application Requirements. An applicant for a MET Tower shall submit an application in accordance with the requirements of Section 3.36 of this Ordinance and shall also submit the following materials:

1. A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.
2. A description of the height of the MET tower and its design including cross section and elevation drawings and a diagram of how the tower will be anchored to the ground.
3. An explanation of the purpose of the tower, the type, height and number of wind energy conversion systems anticipated to be proposed for installation on the site or nearby.
4. A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
5. A description of the tower maintenance program.
6. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District
7. Security measures including emergency contact personnel.
8. A site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the ZA - Planning Commission depending

upon the size of the parcel. The site plan shall contain at a minimum the following information unless specifically waived by the ZA - Planning Commission.

- a. The date on which the site plan was prepared.
- b. A north arrow and legal description of the property.
- c. Property lines and dimensions of the parcel containing the tower, the height of the MET tower and its distance to all property lines.
- d. Any buildings or structures existing on the site, and the use of the parcel.
- e. The distance to the closest building on adjacent property.
- f. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower
- g. Guy wires, guy wire anchors and any other tower supporting structure or device.
- h. Type and height of fencing to be installed around the tower or an equipment building.
- i. Elevation drawings of any buildings designed to serve the tower.
- j. Access road; width and construction standards.
- k. Any lighting proposed to be located on the tower.

D. General Requirements. A MET tower shall comply with all of the following:

1. The tower shall be setback from all property lines a distance of not less than 1.1 times the height of the tower as measured from the base of the tower
2. All applicable state construction and electrical codes and local building permit requirements;
 - a. Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
3. The Michigan Airport Zoning Act (Public Act 23 of 1950);
4. The Michigan Tall Structures Act (Public Act 259 of 1959);

5. A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the ZA-Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period.
 6. In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the ZA - Planning Commission.
- E. Review. The zoning administrator shall review the proposed MET tower according to the standards of Section 3.36. If there will be more than one MET, the Planning Commission shall review the proposed towers. The Commission may impose reasonable conditions at its approval of a MET tower in accordance with Section 3.36 herein including but not limited to a requirement that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site and a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.

ARTICLE 4 MAPPED DISTRICTS

4.1 ZONE DISTRICTS

The Township of Clyde is hereby divided into the following zoning districts:

- A. R-1 Rural Residential District.
- B. R-2 Low Density Residential District.
- C. R-3 Medium Density Residential District.
- D. R-4 Lake Residential District.
- E. R-5 Manufactured Home Park District.
- F. C-1 Business District.
- G. C-2 Business District.
- H. I-1 Industrial District.
- I. PUD Planned Unit Development Overlay District.

4.2 ZONING MAP

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled “The Zoning Map of Clyde Township, Allegan County, Michigan,” which accompanies and is hereby made a part of this ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation will apply.

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys will be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines will be construed as following such lot lines.
- C. Boundaries indicated as approximately following township boundaries will be construed as following township boundaries.
- D. Boundaries indicated as approximately following shorelines, lakes, or stream beds will be construed as following such shorelines, lakes, or stream beds. In case of change in the location of shorelines, lakes, or stream beds, said boundaries will be construed as moving with the shoreline and lake or stream bed.

- E. Lines parallel to streets without indication of the depth from the street line will be construed as having a depth of 200 feet from the front lot line.
- F. Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey will be construed as following such property lines, section lines, or other lines of a government survey, as they exist, as of the effective date of this ordinance or applicable amendment thereto.

ARTICLE 5

R-1 RURAL RESIDENTIAL DISTRICT

5.1 INTENT AND PURPOSE

This zoning district is intended for large rural residential parcels and farming.

5.2 ALLOWED USES

Land, buildings, or structures in this zoning district may be used for the following purposes only:

- A. Essential services.
- B. Farms for both general and specialized farming, except intensive livestock feed lots, together with farm dwellings and buildings and other installations necessary to such farms.
- C. Family Day-Care Homes. *[amended 8-9-06]*
- D. Single-family dwellings.
- E. Churches and religious institutions. *[amended 8-9-06]*
- F. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right.

5.3 SPECIAL LAND USES

- A. Campgrounds.
- B. Child-Care Centers.
- C. Golf courses.
- D. Home occupations. (See Sections 3.17 and 13.06.J) *[amended 8-9-06]*
- E. Private and public schools, libraries, museums, parks, art galleries, and similar institutional uses, when owned and operated by a governmental agency or nonprofit organization.
- F. Intensive livestock feedlots.

- G. Kennels. (Revised 06-20-00)
- H. Overnight parking of commercial vehicles.
- I. Public utilities.
- J. Commercial Stables.
- K. Reserved (*amended June 28, 2019*)
- L. Group Day-Care Homes. [*amended 8-9-06*]
- M. Bed and breakfasts (*added May 9, 2007*)
- N. Communications Towers (*added June 27, 2008*)
- O. Agricultural Labor Camps and Migrant Housing (*added February 6, 2009*)
- P. Wind Energy Systems (*added October 12, 2011*)
- Q. Commercial Solar Energy Facility (*added June 28, 2019*)

5.4 HEIGHT REGULATIONS

No building or structure will exceed 35 feet in height.

5.5 AREA REGULATIONS

No building or structure nor any enlargement thereof will be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- A. Required front setback: There shall be a front setback of not less than 50 feet.
- B. Required side setback: For residential buildings and structures, there shall be a side setback of not less than 22 feet on each side.
- C. Required rear setback: There shall be a rear setback of not less than 50 feet.
- D. Lot area: The minimum lot area shall be 5 acres (217,800 square feet).
- E. Lot Width: The minimum lot width shall be 330 feet.

5.2 MINIMUM FLOOR AREA

Each dwelling unit, unless specified elsewhere, shall have a minimum of 1,000 square feet of usable floor area.

5.3 ANTI-FUNNELING REGULATIONS

- A. There shall be at least 100 feet of lake frontage as measured along the ordinary high water mark for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit utilizing or accessing the lake frontage.
- B. Any multiple-unit residential development that shares a common lake front area or frontage may not allow lake use or access to more than one single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 100 feet of lake frontage in such common lake front area, as measured along the ordinary high water mark line.
- C. Any single-family home, dwelling unit, cottage, condominium unit, or multiple unit residential development shall not have more than one dock for each 100 feet of lake frontage, as measured along the ordinary high water make. All such docks and dockages shall comply with all other applicable township ordinances.
- D. The above restrictions apply to all lots and parcels on or abutting any lake in the R-1 zoning district, despite whether access to the lake waters is by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.

ARTICLE 6
R-2 LOW DENSITY RESIDENTIAL DISTRICT

6.1 INTENT AND PURPOSE

This zoning district is intended for low density residential uses together with required recreational, religious, and educational facilities.

6.2 ALLOWED USES

Land, buildings, or structures in this zoning district may be used for the following purposes only:

- A. Essential services.
- B. Family Day-Care Homes. *[amended 8-9-06]*
- C. Single-family dwellings.
- D. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right.

6.3 SPECIAL LAND USES

- A. Child-care facilities.
- B. Churches.
- C. Home occupations. (See Sections 3.17 and 13.06.J). *[amended 8-9-06]*
- D. Noncommercial fraternal organizations, social clubs.
- E. Private and public schools, libraries, museums, parks, art galleries, and similar institutional uses, when owned and operated by a governmental agency or nonprofit organization.
- F. Public utility.
- G. Two-family dwellings.
- H. Group Day-Care Homes. *[amended 8-9-06]* Revised 06-20-00
- I. Bed and breakfasts *(added May 9, 2007)*

- J. Commercial Solar Energy Facility *(added June 28, 2019)*

6.4 HEIGHT REGULATIONS

No building or structure shall exceed 35 feet in height or 2-1/2 stories.

6.5 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected, except in conformance with the following yard, lot area, and building coverage requirements:

- A. Required front setback: There shall be a required front setback of not less than 50 feet.
- B. Required side setback: There shall be required side setbacks of not less than 20 feet on each side.
- C. Required rear setback: There shall be a rear setback of not less than 50 feet.
- D. Lot area: The minimum lot area shall be 2½ acres (108,900 square feet).
- E. Lot width: The minimum lot width shall be 200 feet.

6.6 MINIMUM FLOOR AREA

Each dwelling unit shall have a minimum usable floor area as follows:

- A. Single-family dwelling: 1,000 square feet.
- B. Two-family dwelling: 650 square feet per unit.

6.7 ANTI-FUNNELING REGULATIONS

- A. There shall be at least 100 feet of lake frontage as measured along the ordinary high water mark for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake frontage.
- B. Any multiple-unit residential development that shares a common lake front area or frontage may not allow lake use or access to more than one single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 100 feet of lake frontage in such common lake front area, as measured along the ordinary high water mark line.

- C. Any single-family home, dwelling unit, cottage, condominium unit, or multiple unit residential development shall not have more than one dock for each 100 feet of lake frontage, as measured along the ordinary high water mark. All such docks and dockages shall comply with all other applicable township ordinances.
- D. The above restrictions apply to all lots and parcels on or abutting any lake in the R-2 zoning district, despite whether access to the lake waters is by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.

ARTICLE 7
R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

7.1 INTENT AND PURPOSE

This zoning district is intended for medium density one- and two-family, low density multifamily, and other medium density residential related uses.

7.2 ALLOWED USES

Land, buildings, or structures in this zoning district may be used for the following purposes only:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Multifamily dwellings.
- D. Family Child Care Home, Group Child Care home *[amended 9/4/20]*
- E. Foster Family Home, Foster Family Group Home *[amended 9/4/20]*
- F. Adult Foster Care Family Home, Adult Foster Care Large Group Home, Adult Foster Care Private Residence *[amended 9/4/20]*
- G. Family Day-Care Homes. *[amended 8-9-06]*
- H. Nursing homes, senior citizen housing, and similar group housing.
- I. Essential services.
- J. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right.

7.3 SPECIAL LAND USES

- A. Child-Care Centers.

- B. Adult Foster Care Facility
- C. Home occupations. (See Sections 3.17 and 13.06.J). *[amended 8-9-06]*
- D. Public utilities.
- E. Private and public schools, libraries, museums, parks, art galleries and similar institutional uses, when owned and operated by a governmental agency or nonprofit organization.
- F. Reserved (added 9/4/2020)

7.4 HEIGHT REGULATIONS

No building or structure shall exceed 35 feet in height or 2-1/2 stories in height.

7.5 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements.

- A. Front setback: There shall be a front setback of not less than 30 feet.
- B. Side setback: There shall be a required side setback as follows:
 - 1. For single- and two-family dwellings, the required total side setback shall be not less than 20 feet. No side yard shall be less than 7 feet.
 - 2. For multifamily dwellings and all other allowed uses, each side setback shall be not less than 20 feet.
- C. Rear setback: There shall be a rear setback of not less than 30 feet.
- D. Lot area: The minimum lot area shall be 30,000 square feet, provided, however, that the minimum lot area for lots served with public water and sewer shall be 20,000 square feet.
- E. Lot width: The minimum lot width shall be not less than 100 feet.
- F. Maximum lot coverage: 35 percent for all structures.

7.6 MINIMUM FLOOR AREA

- A. Each dwelling unit shall have a minimum usable floor area as follows:

1. Single-family dwelling: 1,000 square feet.
 2. Two-family dwelling: 650 square feet per unit.
- B. Each multifamily dwelling shall have a minimum usable floor area as follows:
1. One-bedroom unit: 650 square feet per unit.
 2. Two-bedroom units: 750 square feet per unit. Three-bedroom units: 900 square feet per unit.
 3. Additional bedrooms: Additional bedrooms shall require an additional 100 square feet of usable floor area for each additional bedroom.

[removed C 1-28-17]

7.7 ANTI-FUNNELING REGULATIONS

- A. There shall be at least 100 feet of lake frontage as measured along the ordinary high-water mark for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake frontage.
- B. Any multiple-unit residential development that shares a common lake front area or frontage may not allow lake use or access to more than one single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit for each 100 feet of lake frontage in such common lake front area, as measured along the ordinary high water mark line.
- C. Any single-family home, dwelling unit, cottage, condominium unit, or multiple unit residential development shall not have more than one dock for each 100 feet of lake frontage, as measured along the ordinary high-water mark. All such docks and dockages shall comply with all other applicable township ordinances.
- D. The above restrictions apply to all lots and parcels on or abutting any lake in the R- 3 zoning district, despite whether access to the lake waters is by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.

ARTICLE 8

R-4 LAKE RESIDENTIAL DISTRICT

8.1 INTENT AND PURPOSE

The lake residential district is intended to ensure that the environmental and aesthetic quality of the surface water resources and wetlands of the township are protected from misuse and degradation. This zoning district is intended for residential uses directly bordering or close to lakes. These areas may have existing conditions including smaller lots than would otherwise be allowed. It is the intent of these provisions to prevent the perpetuation of small lot development in critical areas while allowing existing uses to continue. It is acknowledged that it is a proper public purpose to regulate the development of land and that the protection of this State's natural resources is paramount. It is further acknowledged that the prevention of overcrowding of the surface waters of inland lakes and streams is desirable to protect natural resources, including wetlands, wildlife habitats, and fish spawning areas; to avoid user conflict; to promote safe recreational use of inland lakes; and to protect the riparian rights of waterfront property owners and the values of their properties. It is further acknowledged that there is a common plan of development which predominates among existing waterfronts on inland lakes in the township and that it is desirable to promote the continuation of a similar plan with respect to future development of waterfront properties.

The surface water resources of Clyde Township are a valuable asset to the citizens of the township and the state. The purpose of this district is to provide specific regulations that shall:

- Further the maintenance of safe and healthful conditions.
- Prevent and control water pollution.
- Reduce hazards to persons and damage to property from flood conditions.
- Protect fish and other aquatic life.
- Provide for the wise utilization of water and related land resources.
- Control development to preserve the economic and natural environmental value of shore lands.

It is recognized that the surface water resources of the township are a shared resource of relatively fixed supply and, that public regulation will ensure reasonable usage by riparian property owners and the public.

Further, it is the intent of this article to comply with the provisions and requirements of the National Flood Insurance Program, in accord with the National Flood Insurance Act of 1968, and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency.

It is further recognized that reasonable regulations are needed for the development of single lots in subdivisions platted before 1967. Where such lots have less than 15,000 square feet of total area and/or are less than 100 feet wide, and where such lots have not come into common ownership with adjacent parcels, tracts or lots, then reasonable adjustments have been provided within the regulations. (added February 27, 2009)

8.2 ALLOWED USES

- A. Essential services.
- B. Single-family dwellings.
- C. Family Child Care Home, Group Child Care home. *(added 9-4-2020)*
- D. Foster Family Home, Foster Family Group Home. *(added 9-4-2020)*
- E. Adult Foster Care Family Home, Adult Foster Care Large Group Home, Adult Foster Care Private Residence. *(added 9-4-2020)*
- F. Family Day-Care Homes. *[amended 8-9-06]*
- G. Accessory buildings or structures and uses customarily incidental to any of the above uses permitted by right.

8.3 SPECIAL LAND USES

- A. Home occupations (See Sections 3.17 and 13.06. J) *[amended 8-9-06]*
- B. Private and public schools, libraries, museums, parks, art galleries, and similar institutional uses, when owned and operated by a governmental agency or nonprofit organization
- C. Public utilities
- D. Reserved *[amended 9-4-20]*
- E. An accessory building on a vacant lot (added February 27, 2009)

8.4 HEIGHT REGULATIONS

No principal building or structure shall exceed 35 feet in height. No accessory building shall exceed 25 feet in height. (amended February 27, 2009)

8.5 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

- A. Required front setback: There shall be a waterfront not less than 50 feet and a street front setback of not less than 30 feet.
- B. Required side setback: There shall be a total required setback of not less than 20 feet, however, no setback may be less than 7 feet. (Revised 03-21-2000)
- C. Required rear setback: There shall be a rear setback of not less than 25 feet.
- D. Lot area: The minimum lot area for all uses in this district, unless specified elsewhere, shall be 15,000 square feet. (amended February 27, 2009)
- E. Lot width: The minimum lot width for all uses in this district, unless specified elsewhere, shall be 100 feet. Waterfront lots must also have a minimum of 100 feet of shoreline. (amended February 27, 2009)

8.6 ACCESSORY BUILDINGS IN THE REQUIRED STREET FRONT YARD

An accessory building and structure (except for a fence 15.01A6) may be constructed, erected, and placed in the required front yard of any waterfront lot providing it maintains a setback of 10 feet from the road right-of-way. On a waterfront lot, an accessory building or structure (except for a fence 15.01A6) shall not be erected or maintained in any required side or lakefront setback area. (amended June 28, 2019)

8.7 MINIMUM FLOOR AREA

- A. Each dwelling unit, unless specified elsewhere, shall have a minimum of 1,000 square feet of usable floor area.
- B. The cumulative size of all accessory buildings shall not exceed the total square footage of the principal structure.
- C. The cumulative first floor area of all structures shall not exceed 35 percent of the total lot area. (amended February 27, 2009)

8.8 ANTI-FUNNELING REGULATIONS

- A. There shall be at least 100 feet of lake frontage as measured along the ordinary high water mark for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake frontage.
- B. Any multiple-unit residential development that shares a common lake front area or frontage may not allow lake use or access to more than one single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 100 feet of lake frontage in such common lake front area, as measured along the ordinary high water mark line. (revised 03-21-2000)
- C. No single-family home, dwelling unit, cottage, condominium unit, or multiple unit residential development shall have more than one dock for each 100 feet of lake frontage, as measured along the ordinary high water mark. All such docks and dockages shall comply with all other applicable township ordinances.
(amended February 27, 2009)
- D. The above restrictions apply to all lots and parcels on or abutting any lake in the R-4 zoning district, despite whether access to the lake waters is by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

8.9 CANAL AND CHANNEL CONSTRUCTION

The construction of any canal or channel or similar activity within the lake residential district must be done following State of Michigan rules and regulations.

ARTICLE 9
R-5 MOBILE HOME PARK DISTRICT

9.1 INTENT AND PURPOSE

The mobile home park district is intended to ensure that the residential character of the area and to provide adequate police and fire protection and public utilities. All mobile home parks shall comply with the requirements of Public Act 96 of 1987, as amended, and the following regulations.

9.2 ALLOWED USES

- A. Mobile Home Parks.

9.3 ACCESSORY STRUCTURES AND USES

Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right.

9.4 SPECIAL LAND USES

- A. Single family homes and duplexes on existing lots of record smaller than 15 acres.

9.5 HEIGHT REGULATIONS

No building or structure will exceed 35 feet in height.

9.6 AREA REGULATIONS

No improvement, building or structure nor any enlargement thereof shall be hereafter constructed or erected except in conformance with the following requirements:

All setbacks from exterior lot lines of Mobile Home Park Developments.

- A. Required front setback: There shall be a required front setback of not less than 50 feet from a road right of way..
- B. Required side and rear setback: There shall be required side and rear setbacks of not less than 10 feet. Lot area: The minimum lot area shall be 15 acres.
- C. Lot width: The minimum lot width shall be 200 feet.

9.7 SCREENING AND FENCING

- A. The developer of a mobile home park may completely or partially screen the park by installing fencing or natural growth along the entire property line, including the line abutting a public thoroughfare, except at access points.
- B. Individual mobile home site fencing, if permitted by the park, shall be not more than 3 feet high and shall have not less than two access gates which provide free access to all sides of the mobile home in the event of an emergency. The fencing shall be approved by the park before installation and completion.

9.8 LANDSCAPING

All mobile home park boundary lines shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each mobile home lot, except for those portions of the lot covered by the mobile home, structural additions, sheds, walks, concrete pads, or planting beds.

9.9 PERMIT REQUIREMENTS FOR MOBILE HOME PARK CONSTRUCTION OR ALTERATION

It shall be unlawful for any person or corporation to construct, alter or extend a mobile home park unless they first obtain valid permits from the State Department of Consumer and Industry Services.

9.10 LICENSE REQUIREMENTS FOR OPERATION OF A MOBILE HOME PARK

It shall be unlawful for any person or corporation to operate a mobile home park in the township without a valid license issued by the State Department of Consumer and Industry Services.

9.11 INSPECTIONS

The State has sole authority for periodic inspections of mobile home parks. A law enforcement officer representing the township may inspect a mobile home park if he has reason to believe that a person has violated or is about to violate applicable state laws, construction codes, or rules promulgated pursuant to state laws governing mobile home parks.

ARTICLE 10 C-1 BUSINESS DISTRICT

10.1 INTENT AND PURPOSE

Land, buildings, or structures in this zoning district may be used for the following purposes only: financial, insurance, and real estate offices; retailing of goods; and the provision of neighborhood needs, conveniences, and services. When any of these types of enterprises are allowed, they are to be regulated in a way that will protect abutting residential districts as required. All uses must meet the requirements for site plan review as provided in the Site Plan Review article of this ordinance.

10.2 ALLOWED USES

For land and/or buildings the allowed uses for the C-1 zone are select businesses generally in the categories of retail trade, finance, insurance, real estate, and services.

- A. Office buildings for any of the following occupations:
 - 1. Executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the zoning enforcement officer.
 - 2. Medical and dental offices and clinics.
- B. Banks, credit unions, savings and loan associations, and other similar uses, including those with drive-through facilities.
- C. Personal service establishments conducting services on premises, including barber and beauty shops, laundry & cleaning services, fitness centers, travel agencies, and other similar uses.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurants, exclusive of drive-through facilities.
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- H. Accessory buildings, structures and uses customarily incidental to any of the above uses permitted by right.
- I. Essential services.

10.3 ACCESSORY STRUCTURES AND USES

Accessory structures may not be located closer than 5 feet to any lot line. The cumulative size of all accessory buildings shall not exceed twice the total square footage of the principal structure. Accessory structures and buildings shall not be erected in the front yard.

10.4 PROHIBITED USES

- A. Outdoor display and storage. Except vehicles.
- B. Adult entertainment.

10.5 SPECIAL LAND USES

A. The following uses shall be allowed as special land uses only as provided in the special land use article of this ordinance:

1. Automotive services and rentals, except repair (see outdoor sales).
2. Auto and home supply stores (see outdoor sales).
3. Billboards as a principle use.
4. Camps and recreational vehicle parks.
5. Commercial sports and miscellaneous amusement, recreation services, including bowling centers.
6. Communications towers.
7. Contractor yards (see salvage yard and overnight commercial vehicles)
8. Dance studios, schools, and halls (see public and institutional).
9. Exterminator services (see gas stations).
10. Fuel dealers (see gas stations).
11. Gasoline service stations and automobile repair shops.
12. Hardware stores (see outdoor storage).
13. Hospitals (see public and institutional).

14. Lodge hall, private clubs, veterans' clubs (see fraternal organizations).
15. Lumber and other building materials (see outdoor storage).
16. Mobile home and recreational vehicle dealers (see outdoor storage).
17. New and used car, boat and motorcycle dealers (see outdoor storage).
18. Nursing and personal care facilities (see public and institutional).
19. Public utilities.
20. Retail nurseries and garden stores (see outdoor storage).
21. Shopping center: structure housing more than one retail/service type uses or tenants.
22. Taxidermist.
23. Warehousing and storage structures (see outdoor storage).
24. Wholesale sales (See screening and outdoor storage).

10.6 HEIGHT REGULATIONS

No building or structure shall exceed 35 feet in height.

10.7 AREA REGULATIONS

- A. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:
 1. Required front setback: There shall be a front setback of not less than 50 feet. Where the individual setbacks on the same side of a street between two intersecting streets have already been established by 50 percent or more of the existing properties, the average established setback will determine the required front setback.
 2. Required side setback:
 - a. Where a lot in a C-1 zoning district abuts a residential zoning district, that side setback shall be not less than 50 feet.

- b. No side setback shall be required when directly abutting other commercial uses or land included in a C-1 zoning district.
 - c. Where the side yard of a lot abuts the side of a lot in the industrial zone, there shall be a side setback of not less than 10 feet.
(Amended 3-8-04)
3. Required rear setback:
- a. Where a lot in a C-1 zoning district abuts a Residential zoning district there shall be a rear setback of not less than 50 feet.
 - b. In all other cases, there shall be a rear setback of not less than 10 feet.
4. Screening: Side yards and rear yards adjoining any lot in a residential zoning district shall be screened according to the Landscaping requirements of this ordinance.
5. Lot area: The minimum lot area shall be 15,000 square feet; provided, however, that all sewage disposal systems must be approved by the Allegan County Health Department.
6. Lot width: The minimum lot width shall be 100 feet.
7. Solid waste storage areas: Must be screened by a solid 6-foot-high fence. Storage area may not be closer than 40 feet to any lot line or right-of-way.

ARTICLE 11

C-2 BUSINESS DISTRICT

11.1 INTENT AND PURPOSE

Land, buildings, or structures in this zoning district may be used for the following uses only: retailing and services typically associated with the traveling public and not customarily associated with neighborhood conveniences. When any of these types of enterprises are allowed, they are to be regulated in a way that will respect the quietude of abutting residential districts.

11.2 ALLOWED USES

- A. For land and/or buildings, the allowed uses for the C-2 zone are as follows:
1. All uses allowed in the C-1 Zone.
 2. Essential services.
 3. Outdoor display and storage.
 4. Eating and drinking places.
 5. Fraternal organizations and social clubs.

11.3 ACCESSORY USES

- A. The following accessory structures are allowed in the C-2 zoning district:
1. Storage buildings: Accessory structures may not be located closer than 5 feet to any lot line. The cumulative size of all accessory buildings shall not exceed twice the total square footage of the principal structure. Accessory structures and buildings shall not be erected in the front yard.

11.4 SPECIAL LAND USES

- A. All allowed uses in the C-1 zone.
- B. Adult entertainment.
- C. Liquor stores.
- D. Public Utilities

11.5 HEIGHT REGULATIONS

No building or structure shall exceed 35 feet in height.

11.6 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

- A. Required front setback: There shall be a front setback of not less than 50 feet. Where the individual setbacks on the same side of a street between two intersecting streets have already been established by 50 percent or more of the existing properties, the average established setback will determine the required front setback.
- B. Required side setback:
1. Where the side of a lot in a C-2 zoning district abuts upon the side of a lot in any residential zoning district, that side setback shall be not less than 50 feet.
 2. No side setback shall be required when directly abutting other commercial uses or land included in a C-2 zoning district.
 3. Where the side yard of a lot abuts the side of a lot in the Industrial Zone, there shall be a side setback of not less than 10 feet.
(amended 3-8-04)
- C. Required rear setback:
1. Where the rear of a lot in a C-1 zoning district abuts upon a lot in any residential zoning district, there shall be a rear setback of not less than 25 feet.
 2. In all other cases, there shall be a rear setback of not less than 10 feet.
- D. Screening:
- Side yards and rear yards adjoining any lot in a residential zoning district shall be screened according to the landscaping requirements of this ordinance.

F. Lot area:

The minimum lot area shall be 15,000 square feet; provided, however, that all private sewage disposal systems must be approved by the Allegan County Health Department.

G. Lot width: The minimum lot width shall be 100 feet.

ARTICLE 11A

I-INDUSTRIAL DISTRICT

11A.01 INTENT AND PURPOSE

Land, buildings or structures in this district may be use for the following uses only: compounding, assembling, or treatment of articles or materials, this district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.

11A.02 ALLOWED USES

For land and/or building, the permitted uses and height and area requirements of the I Zone are as follows:

- A. The 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.
- B. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stone, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
- C. Auto repair shops.
- D. Bottling plants and dairies.
- E. Contractor yards.
- F. Machine shop.
- G. Sign painting and servicing shops.
- H. Warehouses and storage.
- I. Radio and TV towers.
- J. Billboards.

11A.03 SPECIAL USE

A. Wholesale sales

The above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.

1. Ingress and egress to the lot and the proposed buildings and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required with particular attention to the items in subparagraph (1) above and the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood;
3. Refuse and service areas with particular reference to the items in subparagraphs (1) and (2) above;
4. Utilities with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions, and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties;
7. Required yards and other open spaces; and
8. General compatibility with adjacent properties and surrounding neighborhood.

B. Any other industrial uses when authorized by the Planning Commission. In considering such authorization the Planning Commission shall make written findings certifying that satisfactory provision and arrangement has been made concerning the following where applicable.

11A.04 HEIGHT REGULATIONS

Three (3) stories or forty-five (45) feet, whichever is lesser.

11A.05 AREA REGULATIONS

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

- A. *Front yard*-There shall be a front setback of not less than fifty (50) feet.
- B. *Side yards*-
 - 1. Where the side yard of a lot abuts the side of a lot in the Industrial zone, there shall be a side yard of not less than ten (10) feet.
 - 2. In all other cases, there shall be a side yard of not less than (50) feet.
- C. *Rear yard*-There shall be a rear yard of not less than fifty (50) feet.
- D. *Lot area and width*-The minimum lot area shall be fifteen thousand (15,000) square feet and the minimum lot width shall be one hundred (100) feet.

ARTICLE 12
“PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

12.1 INTENT AND PURPOSE

The provisions of this article are intended to provide flexibility and creativity in the site planning and development process and to provide requirements and standards for the submission, review, and approval of applications for planned unit developments (PUDs). The purposes and objectives of these PUD regulations include the following:

- A. To accomplish the intent, purposes, and objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To allow flexibility in the regulation of land development.
- C. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage provision of useful open space and more desirable living and shopping environments by preserving the natural character of open fields, stands of trees, wetland and surface water features, flood plains, hills, and similar natural assets.
- F. To provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township and to encourage the development of recreational facilities and neighborhood commercial facilities in a generally central location within reasonable distance of all living units.
- G. To ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

12.2 ALLOWED USES

- A. Land uses, buildings, and structures may be allowed in the PUD district as in the underlying zoning district. Land uses may be allowed within a PUD pursuant to an approved site plan and according to all other applicable requirements of this article.
- B. PUDs in residential districts with a minimum size of 20 acres may allocate up to 10 percent of the land area for use for commercial retail and service uses primarily serving the residents of the PUD and adjacent areas. Such commercial uses will be encouraged to locate at major intersections rather than on local residential streets. Appropriate screening between commercial and residential uses may be required.

12.3 MINIMUM REQUIREMENTS

- A. Except as otherwise expressly provided, the area, depth, frontage, setback, height, and other bulk and placement regulations for allowed uses in a PUD will not be less than the minimum standards for the regulations applicable in the district in which it is located.
- B. All other uses allowed within the PUD district will meet, as a minimum, the regulations that would otherwise be applicable to the use as provided by the “Schedule of District Regulations.” If the use is allowed in more than one district or is subject to more than one set of regulations, the most restrictive regulations applicable to that use will constitute the minimum standards for purposes of the PUD in question.
- C. Parking requirements for the PUD will be equal to the sum of the parking requirements for all uses proposed for the PUD as provided in this ordinance.

12.4 MODIFICATION OF MINIMUM REQUIREMENTS

- A. The planning commission may determine that a better or more appropriate project design can be achieved, consistent with the purposes and objectives of this article, by not applying the otherwise applicable minimum requirements provided by this ordinance based on the application of site planning criteria and the characteristics of the project area. Occasionally, adherence to minimum requirements is not required to ensure the health, safety, and welfare of those using the development or adjacent property or to achieve the purposes and objectives of this ordinance; then the planning commission may authorize less restrictive minimum requirements to be integrated into the approved PUD site plan for the project in question.

- B. The overall site density for a PUD project for which any of the minimum requirements have been modified shall not exceed the density that would otherwise be allowed by the density limitations applicable under this article without any modification of the minimum requirements.

12.5 CLUSTERING

- A. The purpose of allowing residential clustering is to provide savings in sewer, water, facilities, land resources, and energy use through the concentration of dwellings, construction, and physical impact to specific areas of a tract. Cluster development allows variation in lot size, shape, and orientation without an increase in overall site density.
- B. Clustering may be allowed by the planning commission for PUD developments approved pursuant to this article. The decision of the planning commission about whether or not to allow clustering for a particular project will be guided by the following standards:
 - 1. Individual lots, buildings, streets, and parking areas will be designed and situated to minimize alteration of the natural features and topography.
 - 2. Individual lots and buildings will be arranged and situated to relate to surrounding properties to provide improved views from the buildings.
 - 3. Individual lots, buildings, streets, and parking areas will be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site and to lessen the area devoted to motor vehicles.
 - 4. Diversity, originality, lot layout, and individual building design will be encouraged to achieve a more compatible relationship between development and the land.
 - 5. Cluster open space intended for recreational or public use will be easily accessible to pedestrians. Open space intended for scenic value will be visible from most units or buildings.
- C. Front, side, and rear setback requirements and lot areas that are otherwise required by this ordinance will not apply in a cluster development except for perimeter lots. Variations from these required dimensions will be shown on the PUD site plan and must be approved by the planning commission.

- D. The number of dwelling units (and other allowed nonresidential uses) allowed in a cluster development will not exceed the density that would be allowed by applying the following procedure:
1. Determine the gross site area of the PUD.
 2. Subtract all wetland areas as defined in Act 203 of 1979.
 3. Subtract all areas to be used for street right-of-way purposes.
 4. Divide the remaining net area available by the applicable lot size requirements for the underlying zoning district.

12.6 APPLICATION PROCEDURES

- A. Applications for PUD approval shall be submitted as provided by this section.
- B. An application for PUD approval will require submission of a site plan as required by the site plan review article of this ordinance. To the extent not otherwise provided pursuant to the requirements of the site plan review article of this ordinance, the site plan for the PUD will also contain the following information:
1. The square footage or acreage allocated to each proposed allowed use.
 2. The locations of all structures including proposed setbacks, typical layout, and elevation for each type of use.
 3. Density calculations, number and types of residential units, and floor area per habitable space.
 4. A description of all proposed allowed nonresidential uses, if any.
 5. A landscape plan showing all woodlands, vegetation, and other natural features to be preserved or added, topography, and similar features.
 6. The location and area of each development phase of a multi phased development.
- C. An application for PUD approval shall also require submission of a fully completed PUD application form. The PUD application form shall require the applicant to provide information regarding the proposed PUD in sufficient detail for the planning

commission to determine compliance with this article and with other applicable laws or regulations, including, at a minimum, information regarding the following characteristics of the proposed PUD development:

1. The scope and nature of the proposed PUD and the objectives and purposes to be served by the PUD.
 2. Compliance with all applicable requirements under local, state, or federal laws.
 3. The development and construction schedule indicating the approximate date for commencement of construction, the stages or phases in which the project will be built, and the expected starting and completion date of each stage.
 4. The identification and description of the organization or individual that will own and maintain all land areas within the PUD, including common open space.
 5. Compliance with the township's Master Plan.
 6. The impact of the PUD on public utilities, facilities, or services on surrounding properties and on the natural environment.
 7. The status of ownership or control of the PUD so that there is a single person or entity having responsibility for completing the PUD in conformance with an approved site plan.
- D. If the site of a proposed PUD has not previously been re-zoned as a PUD district, the applicant must also apply for the necessary re-zoning as a part of the application for PUD approval.
- E. The required PUD application materials will be filed with the zoning administrator, who will transmit the materials and the petition for re-zoning to the planning commission. The application must be filed at least 30 days before the planning commission hearing at which it is first to be considered. Each application will be accompanied by the payment of a fee according to the schedule of fees adopted by the township Board. No part of this fee will be refundable. No transmittals will be made unless the required fees have been paid in full.

12.7 PLANNING COMMISSION REVIEW OF PUD SITE PLANS AND REQUESTS FOR PUD OVERLAY ZONING

- A. Following receipt of a completed PUD application, the planning commission will schedule a public hearing on the request for PUD approval, including a review of

the PUD site plan and consideration of the petition for PUD re-zoning. Notice of the public hearing will be given in the same manner as required by this ordinance for public hearings on special land uses.

- B. At the public hearing or within a reasonable time following the public hearing, the planning commission will take the following actions:
 - 1. The planning commission will approve, approve with conditions, or deny the request to approve the PUD site plan. The planning commission will prepare a report stating its conclusions on the request to approve the site plan, the basis for its decision, and any conditions relating to an affirmative decision.
 - 2. The planning commission will also review and make a recommendation to the township board on the proposed re-zoning of the property to a PUD district according to the standards for approval for re-zoning requests as provided by this ordinance.
 - 3. The planning commission's report and recommendation to the township board, as required above, will include its determination about whether the PUD project as described by the site plan meets the standards provided herein.

- C. A PUD site plan will not be approved by the planning commission unless the commission finds that the PUD project, as proposed, will meet each of the following conditions and requirements as applicable to the project in question:
 - 1. The proposed development conforms to the intent and to all applicable requirements and standards of this article and complies with all other applicable local, state, or federal laws and regulations.
 - 2. The proposed development conforms to the township's Master Plan.
 - 3. The overall density of the PUD does not exceed that which would be allowed under the applicable minimum density limitations for single-family dwelling units, two-family dwelling units, multiple-family dwelling units, and any allowed nonresidential uses as applied to the actual number of each of those types of units and uses included within the PUD.
 - 4. The project is designed to enhance environmental features, such as the preservation of trees, flood plains, and natural areas, and promotes proper site landscaping.
 - 5. The proposed development will be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal; or the

persons or agencies responsible for the proposed development can provide, in a manner acceptable to the planning commission, any such facilities and services.

6. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open and recreational area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
7. The applicant has made provision, satisfactory to the planning commission, to assure that open space areas and rights-of way shown on the site plan for use by the public or by residents of the development will be or have been irrevocably committed for that purpose. The applicant has also made provision, satisfactory to the planning commission, for the financing of any improvement shown on the plan for open space area and common use areas that are to be included within the development; and maintenance of such improvements is assured by a means satisfactory to the planning commission.
8. The location of the proposed uses, the layout of the site, and its relation to streets giving access to it is such that traffic to, from, and within the site and assembly of persons in connection therewith will not be hazardous or inconvenient to the project or the surrounding area. In applying this standard, the planning commission will consider, among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area. Where open parking areas or roadways are to be located immediately adjacent to any peripheral boundary, a separation or buffer of a type sufficient to ensure the privacy of the adjacent property will be provided.
9. The mix of housing unit types and densities and the mix of residential and nonresidential uses, if any, is acceptable as to convenience, privacy, compatibility, and similar measures.
10. Noise, odors, light, or other external effect from any source whatsoever connected with the proposed use will not adversely affect adjacent and neighboring lands or uses.
11. Streets follow the topography, are properly spaced, and are located and aligned according to the intended function of each street. The property has adequate access to public streets. The plans provide for logical extensions of public streets and provide suitable street connections to adjacent parcels, where applicable.

12. Adequate access for fire and other emergency vehicles will be provided on the site.
 13. Pedestrian circulation is provided for within the site, as appropriate, and interconnects all residential areas, community areas, and commercial and other services, where applicable. The pedestrian system provides a logical extension of the pedestrian ways from outside the site and provides pedestrian connections to the edges of the site, where appropriate.
 14. If a project is proposed for construction in phases, the planning and designing are such that, upon completion, each phase can stand on its own concerning the presence of services, facilities, and open space and will contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
- D. Reasonable conditions may be required by the planning commission, in conjunction with the approval of a PUD site plan, to ensure that public services and facilities affected by a proposed land use or activity could accommodate increased services and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent uses of land; and promoting the use of land in a social and economically desirable manner. Conditions imposed will be designed to protect natural resources and the public health, safety, and welfare of individuals in the project; those immediately adjacent; and the community, as a whole. The conditions will be necessary to meet the intent and purpose of this article and will be related to the objective of ensuring compliance with the standards of this article. All conditions imposed will be made a part of the record of the approved PUD site plan.

12.8 TOWNSHIP BOARD REVIEW OF REQUEST FOR RE-ZONING

- A. The township board will be provided with a copy of the planning commission's report regarding its decision of approval, approval with conditions, or denial of the PUD site plan along with a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the PUD request.
- B. The township board will also be provided with the planning commission's recommendation on the proposed re-zoning of the PUD site. After receipt of the recommendation of the planning commission on the proposed re-zoning, the township Board may hold a public hearing to consider the re-zoning request. Notice of the public hearing, if held, will be given in the same manner as required by this ordinance.
- C. In making its determination on the proposed PUD re-zoning, the township Board may consider the planning commission's report and recommendation regarding

approval or denial of the PUD site plan, but the township board will not engage in a substantive review of the details of a site plan that has not been approved by the planning commission.

- D. The township board will approve or deny the petition to re-zone the site, subject to the site plan, as approved by the planning commission, or will refer the petition to the planning commission for further review.
- E. No construction will commence, and no zoning or building permits will be issued for all or any phase of a PUD, until a site plan has been approved by the planning commission and the property has been re-zoned by the township Board as provided by this article.

12.9 EFFECT OF APPROVAL OF SITE PLAN BY PLANNING COMMISSION

The PUD site plan, as approved by the planning commission, including all approved maps and accompanying written materials and any conditions of approval, will be binding upon the applicant and owners of record and upon their heirs, successors, and assigns with respect to all future development of the property. No construction of buildings or structures or any other site improvements or changes will be made except in strict compliance with the approved site plan.

12.10 AMENDMENT OF SITE PLAN

An approved PUD site plan will not be varied or modified in any respect without an amendment approved by the planning commission. An application for a proposed amendment to a PUD site plan will be reviewed and approved, approved with conditions, or denied by the planning commission pursuant to the procedures prescribed by this article for original submittal and review of the site plan.

12.11 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the planning commission at the time of approval of a site plan.

12.12 ENFORCEMENT

A site plan approved by the planning commission concerning a PUD shall have the full force and effect of the zoning ordinance. Subsequent actions relating to the use or activity authorized will be consistent with the site plan as approved. Any violations of an approved site plan will be grounds for the township to order that all construction be stopped and to

order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantees of removal of the violation is provided to the township. In addition, a violation of any approved site plan or failure to comply with any requirements of this section, including conditions of approval, will be considered a violation of this ordinance.

ARTICLE 12A

OPEN SPACE PRESERVATION

In order to comply with Section 506 of the Michigan Zoning Enabling Act being Act 110 of 2006, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:
[amended 8-9-06]

12A.01 ELIGIBILITY

- A. In “R-1”, “R-2”, “R-3” and, with respect to lands served by a public sewer system, “R-4” zoning districts in the Township, a land owner may choose to apply for a land division(s), plat or site condominium under the below described Open Space Preservation option. Provided that no more than the same number of dwelling units allowed on the entire land area of the tract, under existing Township 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 land owner must: Sign and record either a conservation easement, plat dedication, restrictive covenant or other legal document that runs with the land and is agreeable to the Township Board, whereby the land owner shall agree to reserve at least 50% of the developable land area in a perpetual undeveloped state. Developable property shall not include areas under road or utility easements; wetlands as defined by the Clyde Township Wetland Ordinance; areas within the 100 year flood plain of a river, stream or county drain; areas under the normal high water mark of any lake. As used in this section the term “Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area; children’s play area, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.

12A.02 MINIMUM LOT REQUIREMENTS

- A. **MINIMUM LOT WIDTH AND DEPTH** – the minimum lot width and depth shall be equal to the minimum lot width required for the zoning district by this Ordinance.

- B. MINIMUM LOT AREA** – may not be less than half the required area of lots in the zoning district in which the property is located. Proof of buildability may require septic and well permits from the Allegan County Health Department.
- C. ACCESS** – all lots created under this section must have at least the required minimum width along a county road right-of-way or along an approved private road. Any division which, under other provisions of this ordinance, would require the creation of a private road in order to obtain the required road frontage may not be created with direct access to a county road or State highway but must front upon an approved private road as provided for in this ordinance.

12A.03

APPLICATION

- A. PLATS** – Applicant shall inform the Township Clerk in writing at the time of application for the preliminary plat if the landowner chooses to exercise the Open Space Preservation option.
- B. SITE CONDOMINIUMS** – Applicant shall indicate on the Zoning application form when submitting the preliminary site plan to the Zoning Administrator if the owner chooses to exercise the Open Space Preservation option.
- C. EXEMPT DIVISIONS UNDER THE STATE LAND DIVISION ACT** – Applicant shall indicate on the Land Division Application form if the owner chooses to exercise the Open Space Preservation Option, when submitting the application to the Zoning Administrator.

ARTICLE 13 SPECIAL LAND USES

13.1 INTENT AND PURPOSE

- A. Special land uses are those uses of land that are not essentially incompatible with the uses allowed in a zoning district but that possess characteristics or location related qualities that require individual review and discretion to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria to be met before the special land uses are approved.

13.2 APPLICATION PROCEDURES

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

- A. Applications for a special land use will be submitted through the zoning administrator to the planning commission. Each application will be accompanied by the payment of a fee according to the schedule of fees adopted by the township board to cover the costs of processing the application. No part of this fee will be refundable.
- B. An application for a special land use will be accompanied by the following documents and information:
 - 1. A special land use application form completed in full by the applicant and submitted to the zoning administrator.
 - 2. A site plan as required in the site plan review article of this ordinance.
- C. Upon receipt of an application for a special land use, a public hearing on the application will be scheduled. Notice of the public hearing shall be given in accordance with applicable statutory requirements. *[amended 8-9-06]*
- D. The planning commission shall hold a public hearing to receive public comment on the request. The planning commission, based upon its review of the application for a special land use, comments received at the public hearing, and other material submitted in relation to the request, shall make a determination on the special land use application. Such determination will be according to the criteria for approval and such other standards contained in this ordinance that relate to the special land use under consideration.

- E. The decision of the planning commission on a special land use will be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the special land use under consideration. Such statement will specify the basis for the decision of the planning commission and any conditions imposed. No alterations may be made to an approved special land use permit without the approval of the planning commission.

13.3 BASIS OF DETERMINATION

Before the approval of a special land use application, the planning commission will ensure that the standards specified in this section, plus applicable standards established elsewhere in this ordinance are satisfied.

- A. The planning commission will review the particular circumstances of the special land use request under consideration as to the following general standards and approve a special land use only upon a finding, by a preponderance of the evidence, of compliance with each of the following standards and applicable standards established elsewhere in this ordinance:
 - 1. The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
 - 2. The special land use will not impair the essential character of the surrounding area.
 - 3. The special land use will not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the general health, safety, and welfare.
 - 4. The special land use will not place demands on public services and facilities in excess of current capacities.
 - 5. The special land use is in general agreement with the township's Master Plan.
- B. The planning commission may impose conditions with the approval of a special land use that is necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this ordinance. Such conditions will be considered a part of the special land use permit and be enforced by the zoning administrator.
- C. In considering such authorization, the planning commission shall consider the following standards:

1. The size, character, and nature of the proposed building to be constructed on the lot.
2. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
3. The effect of the proposed use on light and air circulation of adjoining properties.
4. The effect of increased density of the intended use on the surrounding neighborhood.
5. Available parking for the intended use.

13.4 APPEAL

The planning commission's decisions on the special land use application may not be appealed to the zoning board of appeals.

13.5 SURETY

The planning commission may require reasonable surety arrangement to be posted by the applicant at appropriate stages of development to ensure that the development will be executed according to the approved special land use permit.

13.6 REQUIREMENTS AND STANDARDS

A. Adult Entertainment Businesses:

The need for special regulation of certain business uses that, by their very nature, are deemed to have unique characteristics and effects on surrounding properties, is recognized as a legitimate objective. Special regulation is needed to ensure these uses are not concentrated in any one area, thus, preventing adverse effects upon the surrounding neighborhood, such as blight and urban deterioration, negative effects on economic development potential, social disorder and crime, negative effects on community standards for aesthetics, the reduction of property values, and the subsequent negative impact on the community tax base. The primary objective is to prevent a concentration of these uses by establishing spacing standards and, thus, ensuring disbursement of these uses throughout the community.

1. Adult entertainment businesses shall not be approved if there is, already in existence, one or more adult entertainment businesses within 1,500 feet of

the boundaries of the site of the proposed business.

2. Adult entertainment businesses shall not be approved if the proposed location is within 1,000 feet of any residence; 1,500 feet of any licensed day-care facility, adult foster care home, senior citizens center, park, or church; or 2,650 feet from any K-12 school.
3. The planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations as may be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
4. The Planning Commission shall hold a public hearing on an application for an adult entertainment business special land use permit and make a decision thereon within 30 days after a properly completed application is filed with the Township.

B. Accessory Building on a Vacant Lot (added February 27, 2009)

Garages intended for automobiles, boats or other personal belongings (i.e. ATV's, motorcycles, lawn mower) when located within 200 feet of another lot, in common ownership, occupied by a single-family dwelling.

1. Such garage shall be setback at least 5 feet from any side or rear lot line, 20 feet from any street right-of-way line.
2. Such garage shall not exceed 20% of the lot area nor shall such garage exceed the floor area of the first floor of the dwelling on the related lot occupied by a single-family dwelling.
3. Both lots shall be in common ownership.
4. The Special Use may only be granted if the owner records a signed agreement, agreeable to the Township, not to sell the lots separately.
5. Such garages shall not be used for dwelling or commercial purposes.

C. Agricultural Labor Camps and Migrant Housing (added February 6, 2009)

1. The parcel on which an Agricultural Labor Camp or Migrant Housing is located shall be not less than 50 acres in size.
2. Agricultural Labor Camps and Migrant Housing shall not be permitted within a plat, subdivision or site condominium.

3. Agricultural Labor Camps and Migrant Housing shall be located at least two hundred (200) feet from the right of way of any public street and at least two hundred feet (200) from any property line.
4. Migrant housing may be occupied for no more than six (6) months during the calendar year.
5. At least one (1) occupant of each individual dwelling unit/sleeping quarters shall be paid as a migratory laborer on the property on which the camp is located. In no event shall migrant housing be utilized as a temporary dwelling; camp or vacation home for permanent residents or guests of the property owner.
6. Agricultural Labor Camps shall be annually licensed by the Department of Public Health in accordance Section 124 of Act No. 368 of 1978, as amended, being 333.12421 et seq. of the Michigan Compiled Laws. The parcel owner shall submit a copy of the current license to the Township Zoning Administrator by no later than May 1 of each year.
7. Housing for all migratory laborers shall be constructed and maintained in accordance with the Michigan Agricultural Labor Camp provisions of the Public Health Code as contained in Section 124 of PA 368 of 1978, as amended, being MCL 333.12401-333.12434 et seq. as amended.
8. Agricultural Labor Camps shall be constructed and maintained in compliance with the provisions of the Michigan Department of Agriculture's Environmental Stewardship Division Agricultural Labor Camp Rules as amended being Sections 325.3601-325.3699 of the Michigan Administrative Code.
9. Structures contained within Agricultural Labor Camps and Migrant Housing shall be not more than 20 feet in height and shall be constructed in a single story only.
10. Agricultural Labor Camps and Migrant Housing that are not occupied by migrant laborers during three (3) consecutive growing seasons shall be removed by the parcel owner or camp operator and the special use permit for the same surrendered within six (6) months of the close of the second season following the three (3) consecutive seasons of non-use."

D. Bed and Breakfasts:

5. Such uses shall only be established in single-family dwellings.
6. One parking space per room to be rented shall be provided on the site besides the parking required for a single-family dwelling. Parking will be

arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

7. Kitchen facilities are allowed, as approved by the appropriate county, and state agencies.
8. Physical modifications to the structure may be allowed including, but not limited to, the provision of barrier-free access to meet building code requirements,
9. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling will be prohibited.
10. Only one sign will be allowed for identification purposes, with approval of the planning commission. Such signs shall be non-illuminated and unanimated and not exceed 12 square feet in area.
11. The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the homeowner, who shall live on the premises while the operation is active.
12. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including, but not limited to, gift shops, antique shops, restaurants, and bakeries.
13. Meals may be served only to residents, employees, family members, and overnight guests.
14. The effect of the bed and breakfasts on the surrounding neighborhood and adjacent properties.

E. Campgrounds and Recreational Vehicle (RV) Parks:

Campgrounds and RV parks shall be allowed subject to the following procedures and conditions:

1. The total area of the campground shall be at least 20 acres.
2. There shall be a required setback of not less than 50 feet along all property lines. No campsite or any structure shall be located in this required setback.
3. There shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines and may be within the 50-foot setback as required in this ordinance. Such greenbelt will contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least

three rows of deciduous and/or evergreen shrubs spaced not more than eight feet apart that grow to an ultimate height of 12 feet.

4. There shall be recreational areas at a ratio of at least 20 percent of the gross area of the campground. These recreational areas may be located within the 50 foot required setback but not within the 20-foot greenbelt.
5. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.
6. No structure shall exceed 25 feet in height.
7. The grounds of the campground shall be sloping to drain properly and to satisfactorily meet the approval of local engineering standards.
8. Each site will be arranged satisfactorily and safely to accommodate a travel trailer, camper, or other similar camping apparatus.
9. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required setback but not within the greenbelt.
10. There shall be allowed a facility for the retail sale of groceries, sundries, and other similar commodities provided this facility is centrally located and have hours of operation coincidental with hours of operation of the campground.
11. There shall be no sales or display of camping vehicles.
12. There shall be located, within the campground, approved sanitary dumping facilities.
13. All requirements, as regulated by Act 368, P.A. 1978, as amended, shall be complied with.
14. The planning commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the community and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner but, in so doing, complying with other applicable provisions of this ordinance.

F. Child-care centers:

In considering authorization of child-care centers, the planning commission shall

consider the following standards:

1. All entrance ways and outdoor play areas shall be designed and located to maximize safety of the children.
2. All outdoor play areas shall be enclosed by a fence at least 6 feet in height for safety purposes as approved by the planning commission.
3. The proposed location of the child-care centers and the proximity of the child-care centers to adjoining properties.
4. The size, nature, and character of the building and/or structure to be utilized for the Child-care centers.
5. The time or season during which the child-care centers will operate.
6. The parking facilities provided for the child-care centers.
7. Any traffic congestion or hazards which would result from the child-care centers; and
8. The effect of the child-care centers on adjoining properties and the surrounding neighborhood.
9. Must have current state operating license.

G. Commercial Recreation (outdoor):

Notwithstanding any other provisions in this ordinance, in considering authorization, the planning commission shall consider the following standards:

1. Except for provisions in this section, all activities shall be set back a minimum of 50 feet from any lot line in a residential district, except as required below.
2. The planning commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.
3. The proximity of the intended use to adjoining properties specifically including 100-foot setbacks to occupied dwellings.
4. The size, nature, and character of the proposed use. Uses with more than 50 parking spaces must have a setback of 200 feet. Hunting and shooting facilities must have setbacks of 500 feet.

5. Potential traffic congestion which might be occasioned by the intended use.
6. The effect of proposed use on adjoining properties and the surrounding neighborhood.
7. The compatibility of the proposed use with the surrounding neighborhood.

H. Communications Towers and Small Communication Tower: *(amended 9-4-2020)*

1. A Communication tower is permitted as a special land use in the R-1, R-2, C-1, C-2, and I zoning districts and are subject to the application and approval procedures for Special Land Uses in Article 13 of this Ordinance.
2. The parcel size shall be sufficient to allow for a fall zone equal to the height of the tower in all directions from any adjacent property line or public road and the tower must be placed on the property to allow for a fall zone equal to the height of the tower from any adjacent property line or public road.
3. All towers and antennas shall be located so that they do not interfere with reception in nearby areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
4. Co-location on existing towers and other structures shall be permitted after administrative review and approval by the Zoning Administrator. Additional antennas and small equipment buildings (under 600 square feet) may be added without site plan review by the Planning Commission.
5. All new communication towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
6. For communication towers and antennas over 199 feet the applicant shall submit approval from the Federal Aviation Administration (FAA).
7. The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a certified professional engineer and that the proposed installation is in compliance with all the applicable codes.
8. New communication towers shall have the structural capacity to support at least two (2) additional co-locators along with equipment.
9. Communications towers shall be enclosed by a security fence not less than six (6) feet in height. The tower structure itself shall be equipped with appropriate anti-climbing devices.

10. If, subsequent to the approval of a communication tower, a residential dwelling meeting all lot setbacks is constructed in the tower fall zone, the tower shall not be considered a lawful non-conforming use.
11. Abandonment of Unused Towers or Portions of Towers - Abandoned or unused towers or portions of towers and associated facilities shall be removed within 180 days of the cessation of the operations at the site unless a time extension is approved by the Planning Commission upon a showing of good cause. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the removal of the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities shall be removed by the Township. A removal bond shall be provided in the amount of five thousand dollars (\$5,000.00) to ensure that the tower will be removed within one-hundred and-eighty (180) days from the time of the cessation of operations.
12. Towers or Antennas on Township Property. Antennas or towers located on property owned, leased, or otherwise controlled by the Township of Clyde shall be allowed as a permitted use in all zoning classifications provided a license or lease authorizing such antenna or tower has been approved by the Township Board.
13. Small communication towers over 100 feet but not less than 150 feet shall be subject to number 1-12 with exception:
 - a. of number 1, permitted as special use in all zoning districts.
 - b. of number 9 security fencing. The tower shall have either anti-climb device or a security fence.
 - c. The Planning Commission may waive the requirement of
14. the removal bond if the applicant provides a notary-certified letter of who will remove and that the tower and equipment will be removed within the 180 days of abandonment. In the event that the tower is not removed, the tower and equipment shall be removed by the Township at the person responsible expense.

I. Golf courses:

Notwithstanding any other provisions in this ordinance, in considering authorization, the planning commission shall consider the following standards:

- a. All activities shall be set back a minimum of 50 feet from any lot line in a residential district, except as described below.

- b. The planning commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.
- c. The proximity of the intended use to adjoining properties specifically including 100-foot setbacks to occupied dwellings.
- d. The size, nature, and character of the proposed use. Uses with more than 50 parking spaces must have a setback of 200 feet.
- e. Potential traffic congestion which might be occasioned by the intended use.
- f. The effect of proposed use on adjoining properties and the surrounding neighborhood.
- g. The compatibility of the proposed use with the surrounding neighborhood.
- h. The minimum lot size shall be 20 acres.
- i. The golf course must meet the requirements of the township wetlands ordinance.

J. Reserved (amended 9-4-2020):

K. Home occupations:

In considering home occupations the planning commission shall consider the following standards:

- a. The nature of the home occupation.
- b. The effect of the home occupation on the surrounding neighborhood.
- c. The environmental effects of the home occupation.
- d. The nature of the surrounding neighborhood.
- e. Potential traffic congestion because of the home occupation.
- f. Provision for parking for traffic or clientele which may result from the operation of the home occupation.
- g. Must meet the additional conditions for home occupations set forth in Section 3.17. *[amended 8-9-06]*

L. Intensive livestock feedlots:

- a. All structures and confined lots designed to house or contain livestock shall be set back at least 500 feet from any existing family residence except that of the

confined feeding operator.

- b. All structures of confined lots designed to house or contain livestock shall be set back at least 1,000 feet from any existing church, business, school, recreational area or any public buildings; and 1,300 feet from R-2, R-3, and R-4 zoned residential areas or any area that has a recorded residential plat or site condominium.
- c. All such structures shall be set back at least 50 feet from the road right-of- way.
- d. If the waste handling facility of an operation is an open earthen pit, the minimum setback distance of structure and lots should be increased to: 1,000 feet from any existing family residences (except that of the feedlot operator); 1,500 feet from any church, business, school, recreation area, public buildings; 2,000 feet from a residential zone or recorded plat; and 50 feet from the road right-of-way.
- e. The owner of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the following provisions:
 - i. All manure from confinement manure storage pits or holding areas, when removed, shall be incorporated, knifed in, or disposed of in a reasonable manner, taking into account the season of the year and wind direction. Each feedlot shall have sufficient area to allow proper incorporation of disposed manure.
 - ii. No animal manure shall be disposed of within the right-of-way of any public road or street.
 - iii. All vehicles used to transport animal manure on township, county, state and interstate highways or through municipalities shall be leak proof.
- f. No feedlot shall be located within a floodplain.
- g. Agricultural products such as, but not limited to, grain, bedding plants, and livestock that are not raised on the owner's or operator's property are prohibited from being transported to the feedlot site for commercial processing and/or shipping.

M. Kennels:

In considering kennels, the planning commission shall consider the following standards:

- a. Such use shall be in conformance with the character of the adjacent neighborhood.
- b. Requirements for setback, lot size, side setback, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent

neighborhood and to protect adjacent properties.

- c. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings.
- d. The size, nature, and character of the proposed use.
- e. Potential traffic congestion which might be occasioned by the intended use.
- f. Parking facilities to be provided for the proposed use.
- g. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

N. Liquor stores (establishments with a liquor license):

In considering liquor stores, the planning commission shall consider the following standards:

- a. The nature of the business.
- b. The effect of the business on the surrounding neighborhood.
- c. The nature of the surrounding neighborhood.
- d. Potential traffic congestion because of the business.
- e. Provision for parking for traffic or clientele which may result from the operation of the business.

O. Fraternal organizations:

- a. Lot size of 5-acres.
- b. Not within 1,000 feet of a church or a school.

P. Outdoor sales:

- a. No merchandise shall be located in the road right-of-way or within 5 feet of any adjacent lot line.
- b. All structures shall be set back a minimum of 30 feet from any lot line in a residential district.
- c. The planning commission may require a fence, wall, or planted material to screen

the use from adjacent residential districts.

- d. No outdoor storage overnight of vehicles needing repair.

Q. Overnight parking of commercial vehicles:

Overnight parking of commercial vehicles over 1-1/2 ton rated capacity is allowed providing:

- a. There is adequate area so that the vehicle does not constitute a visual impediment to street traffic.
- b. Parked vehicles must be at least 100 feet from adjacent dwellings.
- c. The special land use permit shall be revoked if the township noise ordinance is violated more than two times.

R. Public and institutional uses:

In considering public and institutional uses such as private and public schools, libraries, museums, art galleries, and similar institutional uses when owned and operated by a governmental agency or nonprofit organization the planning commission shall consider the following standards:

- a. The size, character, and nature of the public and institutional use or building.
- b. The proximity of the public and institutional uses to adjoining properties.
- c. The off-street parking that is to be provided for the public and institutional use.
- d. The potential traffic congestion and hazards that will be caused by the public and institutional use.
- e. The degree with which the public and institutional uses harmonize, blend with, and enhance adjoining properties and the surrounding neighborhood.
- f. The effect of the public and institutional uses on adjoining properties and the surrounding neighborhood.
- g. The use shall meet the setback, lot size, side setback, parking, screening, and other conditions required by the district in which it is located.

S. Mining and quarrying operations: removal of sand, earth, clay, gravel or similar materials. *(amended May 9, 2007)*

a. The regulations contained within this Section shall apply to all commercial operations relating to the removal of sand, earth, clay, gravel, peat or similar natural material, and shall include any and all mining or commercial excavation operations or any quarrying or gravel processing operations.

b. Location:

(a) All such operations shall be located on a primary road, as defined by the County of Allegan, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations. 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 to prevent hazards and damage to residents and properties in the community. Any roads within the Township damaged by the mining operation must be repaired. A statement must be submitted specifying how the applicant intends to reimburse Allegan County Road Commission and the Township.

(amended June 28, 2019)

- (b) Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation business shall be permitted closer than 200 feet from interior boundary lines of property, unless commercial mining or excavation is being conducted on the adjoining property and further providing that all setback provisions contained in this Ordinance are complied with as applied to other properties. In addition, no such excavation business shall be permitted closer than 400 feet of any properties used for residential purposes or within 400 feet of any neighboring properties in an R-2,R-3,R-4,R-5 zoning district.
- (d) The permanent processing plant and its accessory structure shall not be located closer than 250 feet from the interior boundary lines and public rights-of-way or less than 500 feet from any neighboring properties in an R-2 R-3R-4or R-5zoning district, and shall where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stockpiling or loading and transportation equipment.
- (e) No such excavation businesses shall be located within 100 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Department of Environmental Quality, or such other State agency having jurisdiction thereof. No such mining operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby water course.

c. Site Barriers and Fencing:

- (a) Site barriers shall be provided along all setback lines of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

- (i) Earth berms constructed to a height of ten (10) feet above the mean elevation of the center line of the adjacent public highway or ten (10) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess on one vertical to three (3) feet horizontal and shall be planted with grass and trees.
 - (ii) Plantings of evergreen trees not more than ten (10) feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of the property, which shall be at least two year old transplants at the time of planting and which grow to not less than ten (10) feet in height and sufficiently spaced to provide effective site barriers when ten (10) feet in height. Trees which die must be replaced.
 - (iii) Earth berms planted with grass and evergreen trees or shrubbery as specified in (ii) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least ten (10) feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
- (b) The ten (10) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six (6) feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate site barrier
- d. Nuisance Abatement: Air pollution, noise, and vibrations shall be minimized and their effect upon adjacent properties by the utilization of adequate sound-proofed equipment and the buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. Interior and adjoining roads used in the operation shall have their surface treated to minimize any such conditions.
- e. Time Limits: Excavations and mining operations shall be conducted between the hours of 7:00 a.m. and 6:30 p.m., Monday through Saturday, but shall be prohibited on legal holidays. No operations may be conducted on Sundays or at other times. The Planning Commission may establish a termination date for the mining or excavating of any area due to its proximity or visibility from land in an

R-2R-3 R-4 or R-5 zoning district or property used for residential purposes.

- f. Fencing: Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible.
- g. Liability Insurance: All applicants shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 for each person injured or damage to more than one person or more than one person=s property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.
- h. Reclamation of Mined Areas:
 - (a) Reclamation or rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of such reclamation/rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
 - (b) The following standards shall control reclamation/rehabilitation:
 - (i) All excavations shall be either to a water producing depth of not less than three (3) feet below the average summer level of water in the excavation , or shall be graded or backfilled with non-toxic, non-flammable, and non-combustible solids.

- (ii) Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - (iii) Surface that is not permanently submerged shall be graded and backfilled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
 - (iv) The banks of all excavations shall be sloped to the waterline in a water producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three feet horizontal. Water producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
 - (v) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired, which said improvements shall be completed within two years of termination of mining or excavation operations. When used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - (vi) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 - (vii) Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.
- (c) Financial guarantee shall be furnished the Township insuring the proper rehabilitation and reclamation of mined

and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre, proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this Ordinance in the applicant's filed plan. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one vertical up to three foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Planning Commission. Such financial guarantee may be in the form of cash, certified check, an irrevocable bank letter of credit, or corporate bond of a licensed insurance company.

i. Submission of Operational and Reclamation Plans:

- (a) The applicant shall submit to the Planning Commission operational and reclamation plans disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - (i) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets , and whether or not the same are on all-weather roads, additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
 - (ii) The number of acres and the location of the same proposed to be operated upon within the following 12 month period after commencement of operations.
 - (iii) Type of mining or processing proposed to be conducted and the nature of the equipment to be used.

- (iv) Location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- (v) A map or plan disclosing the existing and the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bonafide nature of the reclamation/rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
- (vi) Such other information as may be reasonably required by the Planning Commission to determine whether the application satisfies the Ordinance standards for approval.

j. Decision:

- (a) Following public hearing, the Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
 - (i) The character of the area in question and its peculiar suitability, if any, for particular uses.
 - (ii) Conservation of property values, as well as natural resources and the general appropriate trend and character of development in the subject area.
 - (iii) The scarcity and value of the minerals sought to be mined and the public interest therein as compared with the effect upon the adjacent community of the proposed operations.
- (b) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property

owners. It may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be authorized to renew or extend the permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. The revocation or failure to renew or extend the permit shall not release the applicant from the duty of rehabilitation or reclamation of said mines or disturbed areas.

- k. Waiver: The Planning Commission shall have authority to waive one or more of the requirements in this section if the Planning Commission determines, in its sole reasonable discretion, that, on the small scale of the proposed operation and/or the secluded based nature of the surrounding area, strict compliance with the requirement is not necessary to assure satisfaction of the standards for special use land use approval set forth in Sections 13.03 and 13.06 R 10 of the Ordinance.

T. Roadside stands:

Roadside stands when authorized as a special land use by the planning commission. In considering such authorization, the planning commission will consider the following standards:

- a. The proposed location of the roadside stand.
- b. The size, nature, and character of the building and/or structure to be utilized for the roadside stand.
- c. The type and kind of produce and goods to be sold at the roadside stand.
- d. The proximity of the roadside stand to adjoining properties.
- e. The time or season during which the roadside stand will operate.
- f. The parking facilities provided for the roadside stand.
- g. Any traffic congestion or hazards which would result from the roadside stand.

- h. The effect of the roadside stand on adjoining properties and the surrounding neighborhood.
 - i. No merchandise shall be located in the road right-of-way or within 5 feet of any adjacent lot line.
 - ii. All structures shall be set back a minimum of 30 feet from any lot.
 - iii. The planning commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

U. Salvage yards:

- a. Minimum lot size shall be 40 acres.
- b. All salvage materials must be screened from outside view by a solid fence or wall.
- c. All uses shall be established and maintained following all applicable state and county laws.
- d. All storage areas shall be set back at least 75 feet from any street right-of-way or property line and 500 feet from any residential district. Such setbacks shall be landscaped to minimize the appearance and impact of the operation, The spacing and type of plant materials shall be approved by the planning commission.
- e. No open burning will be allowed.
- f. All processes involving the use of equipment for cutting, compressing, or packaging will be conducted within a completely enclosed building.
- g. All performance standards will be met.
- h. Salvage activities shall be conducted within an area enclosed on all sides by a solid, noncombustible fence or wall at least 6 feet in height; provided, further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and, provided further, that all business will be conducted so that no noise, smoke, dust, vibration, or any other similar nuisance shall exist to affect adjoining residential properties adversely.
- i. Ingress and egress to the lot and the proposed buildings and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

- j. Off-street parking and loading areas where required, with particular attention to the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood.
- k. In considering such authorization, the planning commission shall make written findings certifying that satisfactory provision and arrangement has been made concerning the following (where applicable):
 - i. Refuse and service areas.
 - ii. Utilities, with reference to locations, availability, and compatibility.
 - iii. Screening and buffering, with reference to type, dimensions, and character.
 - iv. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties.
 - v. Required setbacks and other open spaces.
 - vi. General compatibility with adjacent properties and the surrounding neighborhood.

V. Shopping centers:

- a. Minimum lot size of 5 acres.
- b. Must be screened from abutting residentially zoned or developed properties.

W. Commercial Solar Energy Facility (added June 28, 2019)

To facilitate the construction, installation, and operation of Solar Energy Facilities (a.k.a. Solar Farms) in Clyde Township in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands, this Section’s purpose is to protect and enhance the economic viability and financial interests of residents, farms and business owners of Clyde Township. This ordinance is not intended to abridge safety, health or environmental requirements contained in applicable codes, standards or ordinance and shall comply with all state and federal laws.

A. Requirements for All Panels

- 1. The panel array shall be fitted with an automatic shut off or breaker switch to isolate the panels in case of fire.
- 2. All panels shall have tempered, non-reflective surfaces.

3. All panels shall be adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
4. The installation of any solar panel shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

B. A Site Plan in accordance with Article 17 and the following:

1. A six (6) foot high perimeter *solid* fence shall be designed to restrict access to the solar energy facility. If a wire fence is used, vegetation shall be planted along all sides.
2. All improved areas shall be at least 60 feet from any public road and 25 feet from a fence line.
3. All solar energy facility structures shall be at least 100 feet from any building on an adjacent property measured from the building wall to the nearest portion of any solar energy structure.
4. Any structure associated with the solar energy facility shall be located at least 50 feet from the property line of any residence or residential zoning district.
5. All solar energy facilities located adjacent to a residential zoning district or residential parcel of less than 10 acres shall have a minimum landscape buffer of 10 feet in width. The buffer shall consist of evergreen trees or bushes planted no more than 8 feet apart and at least 4 feet tall at the time of planting. The planted buffer may be waived if a solid opaque fence or wall is substituted.
6. The vegetation shall utilize good husbandry techniques with respect to, including but not limited to, proper pruning. Dead or diseased vegetation shall be removed and must be replaced at the next appropriate planting time.
7. The application shall provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
8. The mounting height of the panels as well as the total height of the panels (in an elevated or tilted position) shall be provided. Max height is 16 feet. The Planning Commission may waive the height of the panels based on surrounding land uses, topography, existing vegetation, or other similar factors.

C. Security

1. CSEF shall be fenced completely with a continuous barrier extending from the surface of the ground to a uniform height of not less than (6) feet from the ground.

D. Supplemental Regulations

1. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator. The manufactures or installers

identification and appropriate warning signs shall be posted on or near the panels in a clearly visible manner.

2. On-site power lines between solar panels and inverters shall be placed underground.
3. Materials used shall blend with the natural setting and existing environment.
4. Outside battery use or storage of batteries must comply with all local, state and federal requirements.
5. The design or construction shall not produce light emissions, either direct or indirect (reflective), that would interfere with neighboring residents.
6. A copy of the application to the utility company that the electricity will be purchased from shall be provided to the Township.
7. An agreement between the property owner and facility owner or operator confirming the operator has permission to apply for all necessary approval to and construction permits to operate.
8. A description of the proposed technology to include type of solar panel and system, fixed mounted versus solar tracking, number of panels, and angles of orientation.

E. Bond

The Planning Commission may require a security bond from the operator and/or owner of the CSEF sufficient to cover 125% of the estimated cost of removal and restoration prior to construction or installation of panels.

F. Abandonment and Decommissioning Plan

1. Abandonment

- a. A facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the operator provides evidence to the Zoning Administrator of the intent to maintain or reinstate the operation.
- b. It is the responsibility of the operator to remove all equipment and facilities and restore the site to its condition prior to development.
- c. Upon determination of abandonment, the Zoning Administrator shall notify the operator they must remove the panels and facilities and restore the site to its condition prior to development within (1) one year of the date of notice.
- d. If the operator fails to comply, the Township shall initiate judicial proceedings or take any other steps legally authorized against the operator to recover the costs required to remove the panels and facilities and restore the site to pre-development condition.

2. Decommissioning

A decommissioning plan signed by the party responsible for decommissioning and the land owner addressing the following shall be submitted prior to the issuance of the development permit.

- a. Defined conditions upon which decommissioning will be initiated (end of lease, no power production for 12 months, abandonment, etc).
- b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
- c. Restoration of property to condition prior to development.
- d. The timeframe for completion
- e. Agreement with landowner regarding decommissioning
- f. Party responsible for decommissioning
- g. Plans for updating the decommission plan.

X. Commercial stables:

- 1. For commercial breeding, rearing, and boarding of horses, mules, and similar domestic animals, the minimum lot size shall be 5 acres.
- 2. An accessory building used as a stable shall not be located nearer than 50 feet to any property line and not nearer than 100 feet to any dwelling.
- 3. Animals will be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than 30 feet to any dwelling on adjacent premises.
- 4. The facility will be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- 5. Appropriate off-street parking, as identified in the parking and loading article of this ordinance shall be provided.

Y. Taxidermist:

- 1. 1,000 feet from similar use.
- 2. Waste disposal to meet health standards and not within 200-feet of adjacent dwelling

Z. Reserved: (amended 9/4/2020)

AA. Vehicle repair:

- 1. Minimum lot size shall be 20,000 square feet to provide adequate space for vehicle storage.
- 2. All activities and storage related to this use shall be set back a minimum of 50 feet from all side and rear lot lines.

3. All tires, parts, and bodies must be kept within a fully enclosed building or fenced on all sides with a screening fence that is 6 feet in height.
4. No outdoor storage or use shall be allowed within the required front yard.
5. Landscaping, buffering, walls, and/or fences satisfying the standards of Article 15 of this Ordinance may be required by the Planning Commission to minimize any adverse impact upon adjoining property.

BB. Wind Energy Systems (WES) (added April 30, 2010)

1. On-Site Use Wind Energy Systems with tower height(s) of 80 feet or more and all Interconnected Wind Energy Systems shall be considered a Special Use allowed in all zoning districts where such structures are allowed subject to the requirements of this Article.
2. Wind Energy System Farm. Two or more Interconnect WES structures of any height on a single parcel (or adjacent parcels in common ownership) intended for commercial production of electricity. Wind Energy System Farms shall be allowed in the R-1 zoning district only (industrial?), and subject to the requirements of this Article.
3. Site Plan. The site plan shall show:
 - a. The location of overhead electrical transmission or distribution lines, whether utilized or not;
 - b. The location of the Wind Energy Conversion System (WECS) with its specific dimensions including the entire area through which the rotors may pass;
 - c. The location of any guy wires or other support devices;
 - d. The location of all occupied dwellings and structures within three hundred (300) feet of the WES.
4. Manufacturer Information. Each site plan submission shall be accompanied by a complete set of the manufacturer's instructions which shall at a minimum include:
 - a. A standard foundation and anchor design;
 - b. A detailed parts list;
 - c. Clearly written instructions for assembly, installation, checkout, operation, and maintenance of the WES on site;
 - d. A list of warning documents to be provided as required herein;
 - e. Grounding and lighting procedures which follow the National Electrical Code, Article 250 – Grounding, and Article 280 – Lightning Arresters;
 - f. Underwriters label where appropriate
5. Site Requirements:

- a. Property Setbacks. The distance between a WES and the owner's property lines (and road right-of-way lines) shall be at least 1 ½ times the height of the WES structure including the blade in its vertical position.
- b. Utility Setbacks. No WES shall be erected so that any portion of the tower or turbine is closer to utility lines than the total height of the tower and rotor combined.
- c. Construction Codes, Towers, and Interconnection Standards. WES including towers shall comply with all applicable state construction and electrical codes and building permit requirements. WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An Interconnected WES shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.
- d. Safety. A Wind Energy System shall have: Automatic Braking - automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. Guywire Anchors: If a tower is supported by guy wire anchors, the wires shall be clearly visible at a height of
 - e. at least six feet above the guy wire anchors. Ground Clearance – For both horizontal and vertical axis turbines, the WES rotor shall be located on the tower or support such that the minimum vertical blade clearance above ground within 50 feet of the base of the structure shall be twenty (20) feet.
- f. Electromagnetic Interference. The entire WES including turbines, alternators, generators, and interconnected systems shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which could cause interference with radio and television broadcasting and/or reception. The entire WES shall also comply with Federal Communication Commission Rules and in particular with 47 CFR, Part 15, Subparts A and F and Part 18, Subparts A, D, and H.
- g. Height, WES. The maximum allowable height, of a wind turbine shall be measured from grade to the height of the blade in the vertical position or the highest point the height shall be limited to
 - h. 500 feet, unless otherwise prohibited or exempted by state or federal statutes or regulations. The maximum allowable height for any specific site shall be further regulated by the requirements of the Federal Aviation Administration, the Michigan Aeronautics Division, Michigan Department of Transportation and the Michigan Aeronautics Commission.
- i. Noise. Each WES turbine shall not produce vibrations humanly perceptible beyond the property line. In addition, copy of a noise modeling analysis report and the site plan shall show locations of

equipment identified as a potential source of noise. Such potential sources of noise shall be placed, based on the analysis, so that the entire WES shall not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the WES, sound pressure level measurements shall be done by a third-party qualified professional according to procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government prior to commencement of commercial operation. Audible noise or the sound pressure level from the operation of the WES Farm shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, measured at the property line. The applicant shall provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the WES Farm to demonstrate compliance with this standard.

- j. Avian Impact Analysis. The applicant shall submit an avian study to assess the potential impact of a proposed WES Farm upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant shall identify any plans for post-construction monitoring or studies. The analysis shall also include an explanation of potential impacts and a proposed mitigation plan to address those impacts. The Planning Commission may request a third-party analysis at the applicant's expense.
- k. Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder at a minimum height of twelve (12) feet.
- l. Shadow Flicker. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures within 500 feet and show measures that shall be taken to eliminate or mitigate the problems.
- m. Color. WES shall be painted a non-obtrusive (i.e. white, beige or gray) color that is non-reflective. No striping of color or advertisements shall be visible on the blades or tower.
- n. Maintenance. WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

6. Interconnected WES:

In the case of a WES proposed to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The applicant shall comply with all requirements of the servicing utility if the WES is to be interfaced with the utility grid. The utility shall install appropriate electric metering and the applicant shall be required to install a disconnecting device adjacent to the electric meter(s).

7. Decommissioning:

The applicant shall submit a plan describing the intended disposition of the WES at the end of its useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance security or equivalent financial instrument shall be posted in an amount determined by the Township Board (to be utilized in the event the decommissioning plan must be enforced with respect to tower removal, site restoration, etc.).

CC. Adult Foster Care Facility (*added 9-04-2020*)

1. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
2. Appropriate screening shall be provided to limit noise reaching adjacent properties.
3. Outdoor storage of trash or rubbish shall be screened.
4. As a condition of Special Use approval, at all times maintain all valid state and local licenses.
5. All exterior lighting shall be downward facing.
6. Off street parking shall be in accordance with Article 14.
7. One sign is allowed for identification purposes. Signs shall not be illuminated and not exceed 12 square feet in area.

ARTICLE 14
PARKING AND LOADING SPACES

14.1 GENERAL

- A. Whenever possible, reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, depressed center islands with curb cuts, and using pervious materials in the spillover parking areas where possible. Whenever possible, encourage shared parking between compatible uses. (added April 30, 2010)

Use	Minimum Parking Spaces Required
1. Dwellings	2 for each dwelling unit.
2. Lodging, rooming, and boarding	2 for each three guest rooms or each six beds for guests, whichever amount is greater.
3. Private clubs and lodges	1 for each 5 active members and 1 for each employee with a minimum of 1 for each 100 square feet of floor area.
4. Hospitals, institutions, and clinics	2 for each patient bed.
5. Sanitariums, convalescent, or nursing homes	1 for each 2 beds.
6. Homes for senior citizens	1 for each 3 beds.
7. Hotels	1 for each 2 guest rooms.
8. Motels and tourist homes	1 for each sleeping room.
9. Theaters, auditoriums, stadiums	1 for each 4 seats.
10. Bowling alleys	8 for each double lane.

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| 11. | Private, elementary, and junior high schools | 2 for each three employees normally engaged in or about the buildings and grounds, plus 1 for each 8 auditorium seats. |
| 12. | Senior high schools and institutions of higher learning | 2 for each 3 employees normally engaged in or about the buildings and grounds, and 1 additional for each 4 students enrolled in the institution. |
| 13. | Churches | 1 for each 4 seats in the main worship area. |
| 14. | Community center | 1 for each 100 square feet of assembly floor area. |
| 15. | Libraries, museums, and post offices | 1 for each 100 square feet of floor area. |
| 16. | Professional offices and buildings | 1 for each 200 square feet of floor area. |
| 17. | Restaurants, grills, dining rooms, dairy bars, soda fountains | 1 for each 2 seats. |
| 18. | Medical doctors' office or dental clinic | 4 for each doctor, plus 1 for each employee. |
| 19. | Banks, business offices, and public buildings not specifically mentioned elsewhere | 1 for each 150 square feet of floor area. |
| 20. | Mortuaries or funeral homes | 1 for each 50 square feet of floor area used for services. |
| 21. | Taverns and bars | 2 for each 3 seats, but no less than 40 spaces in any event. |
| 22. | Drive-in establishments | 8 for each 125 square feet of ground floor area. |
| 23. | Use groupings: | |

- a. Retail stores, supermarkets, department stores, personal service shops - general business

1 for each 100 square feet of floor area in the basement and on the first floor used for retail sales, 1 for each 400 square feet of floor area on the second floor used for retail sales, 1 for each 600 square feet of floor area on the third floor used for retail sales, and 1 for each 800 square feet of floor area on any additional floors used for retail sales. b. Business offices and/or research laboratories and/or similar uses

1 for each employee on the maximum shift or peak employment period.

- c. Other uses not specifically mentioned

For mixed uses in the same building, the parking for each use specified shall be provided, and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools allowed herein.

- d. Mixed uses in the same building

For buildings that are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned and to which said use is similar in terms of parking demand shall apply.

14.2 COLLECTIVE PARKING (added April 30, 2010)

- B. The collective provision of off-street parking for two or more structures or uses may be permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.
- C. The total of such off-street parking facilities for joint or collective use may be reduced by the Planning Commission in accordance with the following rules and standards:
 - 1. Uses for which the collective off-street parking facilities are to serve shall either operate during different hours of the day or night,

or shall have peak hour parking demands that do not coincide.

2. Not more than fifty (50) percent of the off-street parking facilities required for churches, bowling alleys, dance halls and establishment for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.
3. A legally sufficient written agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Planning Commission and Township Attorney, and filed with and made part of the application for a building permit.

3. 14.3 LOCATION OF FACILITIES

Off-street parking facilities shall be located as hereafter specified. When a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

- D. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
- E. For commercial and all nonresidential buildings and uses in Commercial zoning districts, required parking shall be provided within 300 feet.

4. 14.4 SIZE OF PARKING SPACE

Each off-street parking space shall be a minimum 10 feet in width and 20 feet in length.

5. 14.5 REQUIREMENTS FOR PARKING AREAS

Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained according to the following requirements:

- F. Parking lots exceeding five thousand (5,000) square feet (including all parking spaces, lanes, drives and other areas devoted to vehicular use) shall be landscaped with at least one landscape island. For each additional five thousand (5,000) square feet (or each additional twenty (20) spaces, whichever is greater) an additional landscape island shall be required. Landscape islands shall be at least one hundred eighty (180) square feet in

size, with a minimum width of ten (10') feet. Landscape islands shall be landscaped with one shade canopy tree and three (3) shrubs for every eight (8) parking spaces. (added April 30, 2010)

- G. The parking lot and its driveway shall be:
 - 1. Designed to provide adequate drainage.
 - 2. Surfaced with concrete or asphalt pavement, except that specialized farming and roadside stands, when located on gravel roads, may have gravel surface parking areas and drives.
 - 3. Maintained in good condition, free of dust, trash, and debris.
- H. Surfaced with concrete, asphalt or pervious pavement, except that specialized farming and roadside stands, when located on gravel roads, may have gravel surface parking areas and drives. (added April 30, 2010)
- D. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- E. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.
- F. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- G. No part of any public or private parking area despite the number of spaces provided shall be closer than 10 feet to the street right-of-way.
- H. The Zoning Administrator may allow the substitution of bump-outs or other landscaping elements in lieu of landscape islands, as long as the square footage, width, and landscaping requirements are still met. (added April 30, 2010)
- I. Where plant material exists on a site prior to its development, such landscape material may be used if approved as meeting requirements of this part. (added April 30, 2010)
- J. Use depressed center islands with curb cuts, and pervious materials in the spillover parking areas where possible. (added April 30, 2010)

14.6 OFF-STREET LOADING SPACES

For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other similar uses required the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition:

- I. An area or means adequate for maneuvering and ingress and egress for delivery vehicles.
- J. Off-street loading spaces in relation to floor areas as follows:
 - 1. Up to 20,000 square feet: one space.
 - 2. 20,000 or more, but less than 50,000 square feet: two spaces.
 - 3. One additional space for each additional 50,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in length, and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any residential zoning district.

ARTICLE 15
LANDSCAPING, BUFFERING, WALLS, AND FENCES

15.1 WALLS AND FENCES

Walls and fences shall be allowed, subject to the following conditions:

A. All districts:

1. All fences shall be erected with fenceposts and supports on the interior side except to fence farm animals and livestock, in which case posts and supports may be on the exterior side, but within the property line.
2. Under no circumstances shall a fence be constructed of used or discarded materials including, but not limited, to barrels, pallets, tree trunks, trash, tires, junk, or other similar items.
3. Fences may be located on the property line but may not extend into any right-of-way or onto adjacent property.
4. Fence heights shall be measured from the surface of the ground immediately below the location of the fence. A fence shall not be erected upon a berm.
5. Fences for swimming pools shall be required according to this ordinance.
6. Fences located within 50 feet of the normal high water mark of a lake or stream shall not exceed 4 feet in height.
7. All fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
8. Retaining walls are exempt from these fence provisions.

B. Residential districts:

1. Fences not greater than 6 feet in height are allowed in side or rear yards and in front yard areas which are farther from the street than the required front set back line.

2. Fences not more than 4 feet in height are allowed in the required street front yard.
3. Fences in the R-2, R-3, or R-4 residential districts shall not contain barbed wire, razor wire, spikes, or electric current.

C. Commercial districts:

1. A chain-link, protective fence not greater than 6 feet in height is allowed in all yards.
2. Fences in C-1 districts shall not contain barbed wire, razor wire, or electric current.

ARTICLE 16

SIGNS

16.1 SIGN STANDARDS FOR ALL DISTRICTS

- A. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal, or device. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign.
- B. All signs authorized by this section shall be maintained in good condition and repair.
- C. No billboard or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a sign permit.
- D. All signs may be illuminated providing the light source is not visible from any adjacent parcel.

16.2 EXEMPTED SIGNS

The signs and devices listed in this section are exempted from the restrictions and requirements of this ordinance and may be used without issuance of a sign permit or approval when not violating any law or safety standard or any other portion of this ordinance. The following signs are exempt from the provisions of this ordinance with respect to obtaining a sign permit, heights, area, and location, unless otherwise specified herein:

- A. Road, street, and highway signs erected by the State of Michigan, County of Allegan, or the township.
- B. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
- C. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed 4 square feet in area and is limited to traffic control functions only.
- D. Historic signs designating sites recognized by the state historical commission as centennial farms and historic landmarks.
- E. Placards posted to control or prohibit hunting within the township.

- F. Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50 percent or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.
- G. One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one- and two-family dwellings, provided such signs do not exceed one per project and 32 square feet in area. Construction signs must be removed upon issuance of an occupancy permit.
- H. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
- I. Memorial signs or tablets which are either:
 - 1. Cut into the face of a masonry surface.
 - 2. Constructed of bronze or other incombustible material when located flat on the face of a building.
- J. Signs erected by an official governmental body or agency and deemed necessary for the protection of the public health, safety, welfare, and morals.
- K. Signs not visible from any public way or from any point off the lot on which they are located.
- L. Official flags of governments when displayed in a manner approved by the government represented.
- M. Holiday decorations and seasonal greetings.
- N. Signs required by law to be displayed.
- O. Signs not exceeding 1 square foot in area, and having thereon no letter or symbol exceeding 2 inches in any dimension.

16.3 PROHIBITED SIGNS

The signs and devices listed in this section shall not be allowed, erected, or maintained in any district.

- A. Signs that incorporate in any manner any flashing or moving lights.
- B. String lights used in connection with commercial premises for commercial purposes.

- C. Any sign which has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.
- D. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health due to inadequate maintenance, dilapidation, or abandonment, or is not kept in good repair; or could cause electrical shocks to persons likely to come in contact with it.
- E. Any sign which, due to its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.
- F. Any sign that obstructs the ingress to or egress from a required door, window, fire escape, or other required exitway.
- G. Signs which use words such as “STOP,” “LOOK,” “DANGER,” or any other words, phrases, symbols, or characters, in a way that interferes with, misleads, or confuses traffic.
- H. Any sign unlawfully installed, erected, or maintained.
- I. Any sign now or hereafter existing which no longer advertises a bona-fide business conducted or products sold.
- J. Any sign which is not accessory to the principle use being conducted on the property on which the sign is located.

16.4 TEMPORARY SIGNS

The signs and devices listed in this section shall be allowed on a temporary basis and shall require a sign permit.

- A. Community or special event sign advertising a public entertainment or event if specially approved by the township and only for locations designated by the township, during and for 14 days before and 7 days after the event.
- B. Special decorative displays or signs used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes when authorized by the township board. In considering such authorization, the township board shall consider the following standards:

1. The size, character, and nature of the display or sign.
 2. The duration or period during which the display or sign will be utilized.
 3. The purpose(s) for which the sign display is to be erected.
 4. The arrangements made for the removal of the sign or display after the termination of its usefulness.
 5. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
 6. Whether or not the sign or display will constitute a traffic hazard.
 7. The effect of the sign or display on the surrounding neighborhood.
- C. Portable signs: Portable sign permits are issued by the zoning administrator and limited to 120 days in any calendar year.

16.5 DISTRICT REQUIREMENTS FOR SIGNS

Signs and devices shall be allowed in designated zoning districts subject to the following regulations and requirements.

- A. Residential districts: Signs, except those at churches or schools, shall have a maximum total surface area of 12 square feet per premises. Signs at churches or schools may have a maximum area of 32 square feet per premises.
1. Signs shall be mounted flat on the principal structure or on a permanent wall or fence.
 2. Signs shall indicate only the name and title of the occupant and may include the address.
 3. Signs, if illuminated, shall be lighted by a “white light” only. The source of light shall not be visible from any street or any adjoining property.
 4. Signs shall be allowed anywhere on the premises except in or extending over or required side setbacks and shall have a maximum height of 15 feet.
 5. Signs may include the name and title of the occupant and, for rental units, may indicate status of occupancy.

- B. Commercial districts: Wall-mounted signs will have a maximum total surface area not to exceed 25 percent of the area of the face of the wall upon which the sign or signs are attached, but not to exceed 200 square feet of sign area per wall. Freestanding signs shall not exceed a total of 70 square feet of sign area on one side of a double-sided sign.
1. Freestanding signs shall be allowed anywhere on the property on which the principal use is located providing the sign is within 100 feet from said principal use structure. No sign shall extend above the maximum height of the structure nor more than 20 feet above the average grade level at the base of the sign.
 2. Signs with illumination shall be allowed providing the source of light is not visible from any street or any adjoining property.
 3. The combined total of all signs shall have a maximum total surface area of 500 square feet per premises.

ARTICLE 17

SITE PLAN REVIEW

17.1 INTENT AND PURPOSE

The intent of this section is to provide for consultation and cooperation between the applicant and the township planning commission so that the applicant may accomplish their objectives in the utilization of his or her land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

17.2 SES REQUIRING SITE PLAN APPROVAL

- A. A zoning permit will not be issued for any of the following until a site plan has been reviewed and approved by the planning commission:
1. Principal uses requiring more than four parking spaces.
 2. A change of use.
 3. Multifamily dwellings.
 4. Mobile home parks, preliminary only as specified by the Mobile Home Commission Act.
 5. All land uses permitted as a special land use under the zoning ordinance.
 6. Subdivisions and site condominiums.
 7. PUDs.
- B. Land Clearing: No person shall undertake activities such grading, clearing, cutting, and filling, excavating or tree removal in preparations for a use or structure which require a site plan review and approval until the proposed use or structure is authorized by a land use permit or preliminary plat approval. (added April 30, 2010)

17.3 APPLICATION PROCEDURES

An application for site plan review, plus 12 copies of the completed preliminary or final site plan, shall be submitted 30 days before the next scheduled planning commission meeting through the zoning administrator who will review the application and plans for

completeness, then transmit the application and plans to the planning commission.

17.4 PRELIMINARY PLAN REVIEW

Preliminary sketches of proposed site and development plans must be submitted for review to the planning commission before final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the planning commission to better inform the applicant of the acceptability of his or her proposed plans before incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans will include the following as deemed necessary by the zoning administrator:

- C. Names, addresses, and telephone number of the property owner, the person or firm who prepared the plans and the applicant if other than the owner of the property.
- D. Scale, north arrow, and date of preparation.
- E. Legal description of the property.
- F. Small-scale location sketch showing location of properties and relationship of subject property to the area within ½ mile.
- G. A generalized site plan showing existing and proposed arrangement of:
 - 1. Streets.
 - 2. Lots.
 - 3. Access points.
 - 4. Other motorized and pedestrian transportation facilities such as frontage roads, bus stops, internal circulation, intended direction of flow, parking areas, and loading areas.
 - 5. Buffer strips screening.
 - 6. Natural characteristics, including but not limited to: open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets. (added April 30, 2010)
 - 7. Signs: Location and lighting.
 - 8. Existing and proposed structures and building dimensions.

9. Adjacent property land uses and zoning.
 10. Dimensions, square footage, and acreage of the property.
 11. Notation of all federal, state and local permits needed.
(added April 30, 2010)
- H. A written narrative describing:
1. The overall objectives of the proposed development.
 2. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 3. Dwelling unit densities by type.
 4. Proposed method of providing sewer and water service, and other public and private utilities.
 5. Proposed method of providing storm drainage.
 6. Proposed method of re-vegetating open excavated areas, both preexisting and newly created, to a stable condition.
 7. Engineering cost estimate of all proposed improvements.

Besides the above, said applicant shall submit a fee according to the fee schedule established by the township board to cover the normal and specially incurred expenses of the planning commission. The required fee will be paid upon submission of the preliminary site plan.

17.5 PLANNING COMMISSION REVIEW OF PRELIMINARY SITE PLAN

The planning commission will review the preliminary site plan and make recommendations to the applicant at the regular planning commission meeting based on the purposes, objectives, and requirements in this ordinance, and specifically, the following considerations when applicable:

- I. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency.
- J. Off-street parking and loading areas where required, with particular attention to

noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.

- K. Sewer, water and storm drainage with reference to locations, availability, and compatibility. To the maximum extent feasible, storm water shall be recharged rather than piped to surface water. Low impact development techniques should be utilized to manage rainfall at the source using decentralized micro-scale controls. Guidance on low impact development techniques can be found in the Michigan State Manual called Impact Development Manual for Michigan: A Design Guide for Implementers and Reviewers, SEMCOG 2008. (added April 30, 2010)
- L. Screening and buffering with reference to type, dimensions, and character.
- M. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- N. Required setbacks.
- O. General compatibility with adjacent properties.
- P. The general purpose and spirit of this ordinance and the General Development Plan of the township.
- Q. Engineering cost estimate of all proposed improvements.

Following their review and consideration, the planning commission will authorize the applicant to proceed with final site plan preparation according to the application procedures above.

17.6 FINAL SITE PLAN REVIEW

Twelve copies of the final site plan shall include the following information and such items as may be requested by the planning commission from its review of the preliminary site plan:

- A. All information required for preliminary site plan review.
- B. Site plans must be at a scale not to exceed 1 inch equals 100 feet for parcels greater than 5 acres, and a scale not to exceed 1 inch equals 50 feet for parcels less than 5 acres. The following items shall be shown on the map:
 - 1. Date the site plan was prepared.
 - 2. Name and address of the preparer.

3. Existing manmade features.
 4. Contours sufficient to determine runoff with a maximum 2 foot intervals for projects of less than 5 acres, and 5-foot intervals for projects greater than 5 acres.
 5. Dimensions of setbacks, locations, heights, and size of buildings and structures.
 6. Street rights-of-ways, indicating proposed access routes, internal circulation, and a relationship to existing rights-of-ways.
 7. Proposed grading.
 8. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 9. Location and type of fences, landscaping, buffer strips, and screening.
 10. Location and type of signs and onsite lighting.
 11. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of this ordinance.
 12. Easements, if any.
 13. Dimensions and number of proposed lots.
- C. All plans and drawings shall be scaled by a registered engineer, landscape architect, architect, or land surveyor; however, a site plan for any development of less than 2 acres of land area or less than 4,000 square feet of floor area may be exempted from this requirement provided that the Planning Commission, by a majority vote, determines that, due to the small scale or minor impact of the proposed project, no public interest would be served by requiring scaled plans.
(amended February 6, 2009)

17.7 PLANNING COMMISSION REVIEW OF FINAL SITE PLAN

The planning commission shall review the final site plan and either approve, deny, or approve with conditions, the final site plan based on the purposes, objectives, and requirements of this ordinance.

- A. In its review of applications, the planning commission is empowered to request review and comment from the Allegan County Drain Commissioner, road

commission, health department, or other agencies or professionals to assist in its determination associated with a project for which site plan approval is sought. This assistance is intended to insure satisfactory completion of the proposed improvements for the activity or project.

- B. Standards for Granting Site Plan Approval. Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed below: (added April 30, 2010)
1. Arrangement of Structures: Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties.
 2. Natural Features: Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or assist with the infiltration of storm water.
 3. Topography: The proposed development preserves the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required and reducing the potential for soil erosion or sedimentation.
 4. Landscaping: Landscaping, including trees, shrubs and other vegetative material, is provided to maintain, improve, and/or restore the aesthetic quality of the site.
 5. Vehicular and Pedestrian Traffic: Site plans shall fully conform to the driveway and traffic standards of the Michigan Department of Transportation and the Allegan County Road Commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured. For all uses other than one- and two-family dwellings, shared access between properties is required unless the applicant can provide evidence that the shared access is not feasible or reasonable.
 6. Public Safety: Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of both the Township and the County.

7. Drainage: Site plans shall fully conform to the Allegan County Drain Commission standards and evidence of such shall be provided. Further the storm water system shall be designed to protect public health and the environment from flooding, siltation, and pollutants by utilizing decentralized Low Impact Development methodologies such as pervious pavements, bio-retention cells, rain gardens, infiltration trenches, rainwater collection cisterns and other design methods that maximize the use of landscaped areas for storm water control and promote the re-use of runoff.
8. Erosion: Site plans shall fully conform to the Allegan County Soil Erosion and Sedimentation Control Ordinance and evidence of such shall be provided.
9. Hazardous Waste Management: Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
10. Public Health: Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the Allegan County Health Department.
11. Statutory Compliance: Site plans shall fully conform with all applicable State and Federal statutes.
12. Agricultural Buffer Strip: Prior to the commencement of construction of any residence or residential structure or accessory building where such property abuts, adjoins, or is adjacent to existing agricultural operations, a buffer strip shall be established. The buffer strip shall be an adequate width depending on the site plan and the site characteristics; shall be completed within six (6) months from the date of final inspection; shall thereafter be maintained with permanent native plant materials indigenous to this area; shall be at least four (4) feet in height if evergreens, ten (10) feet in height if deciduous and shall be supplemented with interspaced shrubbery at least two (2) feet in height so a sight screening effect can be expected within three (3) years.

- C. Further, the planning commission is empowered to require a security deposit, certified check, irrevocable bank letter of credit, or surety bond covering the estimated costs of improvements associated with a project for which site plan approval is sought. The security deposit, certified check, irrevocable bank letter of credit, or surety bonds shall be deposited with the Clerk of the township to ensure faithful completion of the improvements and shall be deposited at the time of the issuance of the permit authorizing the activity or project. The security

deposit must be received before the approval of the final site plan.

- D. In this ordinance, “improvements” means those features and actions associated with projects which are considered necessary by the planning commission to protect natural resources, or the health, safety, and welfare of residents of the township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. “Improvements” does not include the entire project which is the subject of zoning approval.
- E. If the improvements for which a security was deposited with the clerk of the township shall not be completed as indicated in the approved site plan, said security shall be forfeited. The township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the zoning administrator. The amount of the aforementioned performance guarantee shall be used by the township to return the property to a safe and healthy condition. The balance, if any, will be returned to the applicant.
- F. Each development shall be under construction within one year after the date of final approval by the planning commission. If said applicant does not fulfill this provision, the Commission may grant a 60-day extension provided the applicant presents reasonable evidence to the effect that said development has had problems but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or a 60-day extension has expired without construction underway, the site development plan shall be null and void.
- G. The planning commission will review and approve, disapprove or approve with modification all site plans. Upon approval of said plans, the Chairman of the planning commission will sign three copies thereof. One signed copy will be made a part of the Commission's files and one signed copy will be forwarded to the building inspector for issuance of a building permit. The third copy will be returned to the applicant.

17.8 SITE CHANGE (added May 9, 2007)

Except as otherwise set forth herein, any structure, use or field change added subsequent to the initial site plan approval must be approved by the Planning Commission. The following minor changes to an approved final site plan may be authorized by the Zoning Administrator without Planning Commission review:

- a. Increases or decreases of residential or non-residential floor areas by ten (10) percent or less.

- b. Relocation of any surface or subsurface structure or improvement by less than twenty (20) feet from its planned location.
- c. Increases or decreases in planned elevations of finished grades or changes in the area or materials of paved areas, which affect less than five hundred (500) square feet or five (5) percent of the total lot area, whichever is less.
- d. Increases or decreases or changes in type, height or length of walks, fencing, berms, or screened plantings.
- e. Additions or deletions of permitted accessory uses to the principal uses permitted by the approved site plan.
- f. Changes in the location of essential public utilities and services from those approved on the site plan in order to accommodate their installation.
- g. Increases in off-street parking areas or loading/unloading areas in commercial and industrial zoning districts.

ARTICLE 18
NONCONFORMING USES, LOTS, OR STRUCTURES
(entire Article amended February 6, 2009)

18.1 INTENT AND PURPOSE

- A. Nonconforming Uses:
It is the intent of this Article to allow nonconforming uses of lots, and buildings in the Township to continue, but to limit expansion of nonconforming uses so as to protect the rights of adjacent property owners and occupants.
- B. Nonconforming Lots:
It is the further intent of this Article to allow the use of nonconforming lots until such time as these lots come into common ownership with adjacent lots.
- C. Nonconforming Buildings:
Buildings that are nonconforming may continue but shall only be expanded if in full compliance with the regulations of this Ordinance.
- D. Structures and Buildings within Flood Hazard Areas:
All structural changes or repairs to buildings and structures located within any Flood Hazard Area shall be in full compliance with the state building code and environmental protection regulations, as well as, federal flood insurance and disaster relief policies.

18.2 NONCONFORMING USES

Except where specifically provided to the contrary, and subject to the provisions of this article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance, then, on the effective date of such amendment, may be continued although such use does not conform with the provisions of this ordinance or any amendment thereto.

- A. A nonconforming use shall not be:
 - 1. Changed to any other nonconforming use, unless the change makes the use less nonconforming.
 - 2. Re-established after discontinuance, vacancy, lack of operation, or otherwise for a period of one (1) year.
 - 3. Re-established after it has been changed to a conforming use.

- B. A nonconforming structure occupied by a nonconforming use shall not be structurally changed unless the change makes the structure less nonconforming. Except as provided in Article 13 Special Uses. See also Section 18.05.

18.3 NONCONFORMING LOTS

- A. **Common Ownership of Nonconforming Lots.**
Where two or more nonconforming lots are adjacent to each other and in common ownership, such lots will be combined so that the lot or lots created by this combination comply or come closer to compliance with the minimum requirements of this ordinance.
- B. **Creation of Nonconforming Lots Prohibited.**
No lot or lots in common ownership and no court, parking area, or other space shall be reduced to less than the minimum required under this ordinance. No lot or other area shall be further reduced if already less than the minimum required in this ordinance. No portion of an existing lot of record or tract shall be sold if the newly created lot does not meet the area and dimension requirements of the district in which it is located.
- C. **Use of Nonconforming Lots Allowed.**
If a lot which is platted or a parcel otherwise of record as of the effective date of this ordinance, does not comply with the area and/or width requirements of its zoning district, then such lot may be used for a use allowed in the zoning district in which it is located provided that:
 - 1. The property owner (current or past) has not owned concurrently any adjacent parcel, lot or other property since the minimum lot dimension requirements for that zoning district in which the lot is located have been in effect.
 - 2. There is complete compliance with all setback requirements for the zoning district in which the lot is located.
 - 3. No permit shall be issued for the construction of a building or structure in which there will be drinking water and/or sanitary facilities if such water supply and/or sewage disposal facilities do not comply with the rules and regulations governing such facilities of the Allegan County Health Department and/or the state of Michigan.

18.4 NONCONFORMING BUILDINGS OR STRUCTURES

- A. Generally:
Except where specifically provided to the contrary and subject to the provisions of this article, a building or structure which is existing and lawful on the effective date of this ordinance, or, in the case of an amendment of this ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this ordinance or any amendment thereto.
- B. Reference 18.05 and 18.06:
A nonconforming structure occupied by a nonconforming use shall not be structurally changed except in conformance with 18.05 and/or 18.06 below.
- C. Expansion of a Conforming Use Structure:
1. Except for structures located within a Flood Hazard Area or encroaching upon a public right-of-way, structures that are nonconforming by reason of required setbacks but are conforming as to use shall be allowed to expand so long as any expansion is fully conforming at every structural level and if the existing structure, is a dwelling, it shall be in compliance with Section 3.11 Dwelling Requirements, sub-sections C and I.
 2. Any proposed expansion or addition to an existing dwelling that is nonconforming to Section 3.11 Dwelling Requirements, sub-sections C and I, shall be prohibited. Excludes decks that are open and not supported by the dwelling.
 3. The portion of such structure that is nonconforming as to setback shall not be expanded or added to at any structural level.
- D. Reconstruction of a Conforming Use Structure:
1. Except in Flood Hazard Areas or within a public right-of-way, such structures may be partially reconstructed, up to no more than 75% of the value of the existing structure, on the same footprint and so long as there is no increase in the useable floor area or footprint of the non-conforming portion of the structure.
 2. Where a nonconforming single family dwelling occupied by a conforming use is destroyed by accident, act of a public enemy, or act of God (except in a Flood Hazard Area or within a public right-of-way) such structure may be completely restored on the same footprint and useable floor area so long as there is no increase in the useable floor area, except that any dwelling not in compliance with Section 3.11 Dwelling Requirements, shall only be replaced by a structure that meets the minimum requirements of Section 3.11.

3.

18.5 RESTORATION, REPAIR AND STRUCTURAL CHANGES OF BUILDINGS OR STRUCTURES CONTAINING A NONCONFORMING USE.

- A. Minor Repair: Repair or replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed in or on a nonconforming structure or portion of a structure containing a nonconforming use provided:
1. During any consecutive 12-month period, the extent of repair or replacement shall not exceed 10 percent of the current replacement cost of the nonconforming structure.
 2. Cubic volume of the structure shall not be increased.
- B. Major Repair: Except as provided in 18.06, where there is any nonconforming structure containing a nonconforming use, and repair or replacement of bearing walls, foundation or roof is needed then such repair or replacement shall only take place under the following conditions:
1. If the nonconforming structure or portion of the structure containing a nonconforming use is declared by the Township Building Official to be physically unsafe or unlawful due to physical condition, such structures shall not be reconstructed or rebuilt except in conformity with the current regulations of the district in which it is located.
 2. A building damaged by fire, collapse, or an act of God (except a flood) to such an extent that the cost of repair exceeds 75 percent of the assessed value of the structure at the time the damage occurred, may be repaired or reconstructed on the same foot-print so long as there is no increase in the useable floor area. If the structure to be reconstructed or repaired is proposed to be altered in any way from the original then all such work shall be in full compliance with the provisions of the zoning district in which it is located, Section 3.11 Dwelling Requirements, and the state construction code requirements for new construction.
 3. A building damaged by wear and tear, deterioration, and depreciation to the extent that the cost of rehabilitation exceeds 75 percent of the assessed value of the structure existing at the time when the repairs or rehabilitation is proposed to be made shall be repaired or rehabilitated according to the provisions of this ordinance and the state construction code requirements for new construction.
 4. A building permit shall be obtained for the reconstruction of a building. The assessed value of the structure, prior to the start of construction (or prior to the damage to be repaired), shall be determined by the Township

Assessor using state guidelines for such estimate. The cost of reconstruction shall be determined by the building official using either standard construction cost factors or a comparison of bids or both.

18.6 EXPANSION OF LEGAL PRE-EXISTING NONCONFORMING COMMERCIAL USES

Expansion of a legal pre-existing nonconforming commercial use may be allowed as a special land use provided all lot size provisions in the C-1 Business District can be met and that the requirements and standards of Article 13 Special Uses are satisfied.

18.7 BUILDINGS OR STRUCTURES LOCATED WITHIN A FLOOD HAZARD AREA

For all buildings and structures located within a Flood Hazard Area, any repair, reconstruction or improvement of such structure, the cost of which equals or exceeds 50% of the assessed value of the structure either, (1) before the improvement or repair started, or (2) if the structure is damaged and is being restored, before the damage occurred, shall comply with the following standards:

- A. All new construction, replacement, or improvement of residential structures shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood level.
- B. All new construction, replacement or improvement of non-residential structures shall have either:
 - 1. The lowest floor, including basement, elevated to at least one (1) foot above the base flood level; or
 - 2. Be constructed such that below the base flood level, together with utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and the structural components having the capability of resisting hydrostatic and hydrodynamic loads and effective buoyancy in full compliance with the state building code.

For the purpose of this section “improvement” shall be when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with existing state health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

ARTICLE 19

BOARD OF APPEALS

19.1 CREATION AND FEES

There is hereby created under the Township Rural Zoning Act (1943 PA 184, as amended) and its successor statute, the Michigan Zoning Enabling Act (2006 PA 110, as it may from time to time be amended) a township zoning board of appeals referred to in the Clyde Township Zoning Ordinance as the “board of appeals.” Such board will consist of three members, who will be appointed by the township board as provided by statute.

[amended 8-9-06; 11-28-14]

19.2 ALTERNATE MEMBERS

The township board may appoint not more than two alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called by the chairman of the zoning board of appeals or his or her designee to serve as a regular member of the zoning board of appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one or more meetings. An alternate member may also be called by the chairman of the zoning board of appeals or his or her designee to serve as a member to decide a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed will serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals. *[amended 8-9-06]*

19.3 JURISDICTION AND POWERS

The board of appeals will have all powers and jurisdiction granted by the zoning act, all powers and jurisdiction prescribed in other articles of the ordinance, and the following specific powers and jurisdiction:

- A. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision, or determination made by the zoning administrator. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as they think ought to be done, and to that end it:
 - 1. Will have all the powers of the zoning administrator.
 - 2. May issue or direct the issuance of a permit.

- B. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this ordinance, including interpretation of the zoning map.
- C. The board of appeals shall have the power to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance where there are practical difficulties in the way of carrying out the strict letter of this ordinance so that the spirit of the ordinance shall be observed, public health and safety secured, and substantial justice done. In making this determination, the zoning board of appeals shall find that **ALL** of the following standards are met:
1. That the variance will not permit the establishment within a zoning district of any use which is not permitted by right within the district.
 2. That compliance with the strict letter of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with the zoning ordinance unnecessarily burdensome.
 3. That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area, or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 4. That the hardship asserted by the property owner by way of justification for a variance is due to unique circumstances of the property. The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue, and not the personal circumstances, as provided under Michigan law, of the applicant and/or other occupants or users of the property. *[amended 1-28-17]*
 5. That the hardship asserted by way of justification for the variance is not self-created.
 6. That, in granting a variance, the zoning board of appeals is insuring that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.
- [entire subsection amended 8-9-06]*

19.4 HEARING OPEN TO PUBLIC *[section added 8-9-06]*

The board of appeals shall make no determination in any case until after a public hearing conducted by the board of appeals has been held. Notice of the public hearing shall be given in accordance with applicable statutory requirements. At the hearing, a party may appear in person or by agent or attorney.

19.5 ADOPTION OF RULES OF PROCEDURE

The board of appeals will fix rules and regulations governing its procedures sitting as the board of appeals. Said rules and regulations will be available to the public and will be in conformance with the terms of this ordinance and the zoning act.

[re-numbered and amended 8-9-06]

19.6 CONDITIONS *[re-numbered and amended 8-9-06]*

- A. In granting a variance, the board of appeals may impose and attach such conditions as are otherwise allowed under the Michigan Zoning Enabling Act (2006 PA 110, as it may from time to time be amended).
- B. The decision of the ZBA shall be final. However, a person having an interest affected by the decision of the ZBA may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Enabling Act. The court may affirm, reverse, or modify the decision of the ZBA, or may remand the decision to the ZBA for further hearings or action. *[amended 1-28-17]*
- C. No variance granted by the ZBA shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of the variance from the ZBA. The ZBA may grant an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant. *[amended 1-28-17]*

19.7 RE-SUBMISSION *[added new 1-28-17]*

No variance request which has been decided by the ZBA shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the ZBA finds that at least one (1) of the following conditions exists:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

**ARTICLE 20:
ADMINISTRATION AND ENFORCEMENT**

20.1 ZONING ADMINISTRATOR

The provisions of this ordinance will be administered and enforced by the zoning administrator.

- A. Except as otherwise provided, the zoning administrator will administer and enforce this ordinance.
- B. The zoning administrator will be designated by the township board for such term and subject to such conditions and at such rate of compensation as the township Board determine.

20.2 ZONING PERMIT REQUIRED

- A. No person shall commence or proceed with the excavation or removal of soil, mineral or aggregate, or to commence with the filling in of ditches, drains or wetlands without first obtaining a zoning permit from the zoning administrator.
- B. No person shall commence or proceed with the excavation for foundation, erection, construction, reconstruction, conversion, structural alteration, enlargement, extension, razing, or moving of any building or structure, without first obtaining a zoning permit from the zoning administrator.
- C. The zoning administrator shall not issue a zoning permit for the construction, alteration, or remodeling of any structure or removal of soil, mineral or aggregate until an application has been submitted showing that the proposed activity complies with all of the provisions of this ordinance.
- D. A zoning permit will be issued when the planning commission, zoning administrator, board of appeals and/or township board have granted all approvals required under the terms of this ordinance and the proposed activity is determined by the zoning administrator to be in full compliance with the terms of this ordinance. Any property owners, developer, or applicant proposing any potential use or change of use of any lands within the township requiring a building permit shall first obtain a zoning permit. Allowed uses not requiring review or approval by the above responsible parties will also require a zoning permit. No building permit will be issued

nor any construction activities initiated without the zoning administrator having issued and the applicant receiving a zoning permit.

- E. Board of appeals approval: When the terms and provisions of this ordinance require authorization by the zoning board of appeals of a variance and such authorization is given, the application shall be marked approved by the board of appeals and a copy forwarded to the zoning administrator.
- F. Expiration of zoning permit: A zoning permit for a residential building for which all construction work has not been completed within one year from The date of its issuance will expire automatically. A zoning permit for any other building or structure for which all construction work has not been completed within two years from the date of issuance will expire automatically. A zoning permit expiring automatically pursuant to this subsection may, upon application, be renewable once for additional terms of one and two years, respectively (one year for single family dwelling, two years for any other building or structure). (20.02 amended May 9, 2007)

20.3 CANCELLATION OF ZONING PERMITS

The zoning administrator will have the power to revoke and cancel any zoning permit if there is failure or neglect to comply with all of the terms and provisions of this ordinance or if there were any false statements or misrepresentations in the application for the zoning permit. Notice of such cancellation and revocation will be securely posted on the construction, such posting to be considered as service upon and notice to the zoning permit holder of the cancellation and revocation of the zoning permit.

20.4 FEES

For each permit issued, a fee, to be established by the Clyde Township Board, will be paid to the zoning administrator, who will remit the same to the township treasurer. The payment of such fees is a condition precedent to the validity of the permit.

20.5 CERTIFICATION OF COMPLIANCE

No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered will be used in whole or in part until the owner thereof shall have been issued a certificate by the zoning administrator affirming that such building or structure

conforms with all respects to the provisions of this ordinance. Such certificates will be issued after the work is complete and final inspection has been made.

20.6 OCCUPANCY PERMIT - CERTIFICATE OF OCCUPANCY

No land, structure, or altered structure will be used or occupied until a certificate of occupancy is obtained from the building inspector. The building inspector will not issue a certificate of occupancy unless the proposed use is in compliance with the approved plans and specifications and is in accordance with any other relevant information submitted by the applicant to obtain required building and zoning permits. A record of all such certificates will be kept by the building inspector and a copy of all such certificates provided to the township clerk.

ARTICLE 21 PENALTIES

21.01 PENALTIES (amended 10-30-15)

- A. Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.294 and as otherwise provided by law.
- B. Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$ 75.00	\$ 500.00
-2 nd Offense	\$ 150.00	\$ 500.00
-3 rd Offense	\$ 325.00	\$ 500.00
-4 th or More Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Clyde Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- D. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.”

ARTICLE 22: ORDINANCE AMENDMENT

22.1 INITIATION OF AMENDMENTS

Amendments to this Ordinance may be initiated by the Township Board, by the Planning Commission or by any interested person or persons by petition to the Township Board.

22.2 AMENDMENT PETITION PROCEDURE

All petitions for amendment to this ordinance shall be in writing, signed, and filed in triplicate with the township clerk for presentation to the township board. Such petitions will include the following:

- A. The petitioner's name, address, and interest in the petition and the name, address, and interest of every person having a legal or equitable interest in any land which is to be re-zoned.
- B. The nature and effect of the proposed amendment.
- C. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be re-zoned.
- D. The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
- E. The changed or changing conditions in the area or in the township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- F. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

22.3 AMENDMENT PROCEDURE

After initiation, amendments to this ordinance shall be considered as provided in the zoning act.

22.4 ZONING AMENDMENT FEES

The Clyde Township Board is authorized to establish by resolution fees for application for amendments to the Clyde Township Zoning Ordinance to accompany any such application to assist in defraying the cost to the township of such proceedings. Such fees may be altered by resolution of the township board and in the discretion of such board.

ARTICLE 23 MISCELLANEOUS PROVISIONS

23.1 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the planning commission, township board, or board of appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this ordinance.

23.2 SEVERABILITY

This ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

23.3 REPEAL

All other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this ordinance are repealed as of the effective date of this ordinance.


23.4 EFFECTIVE DATE

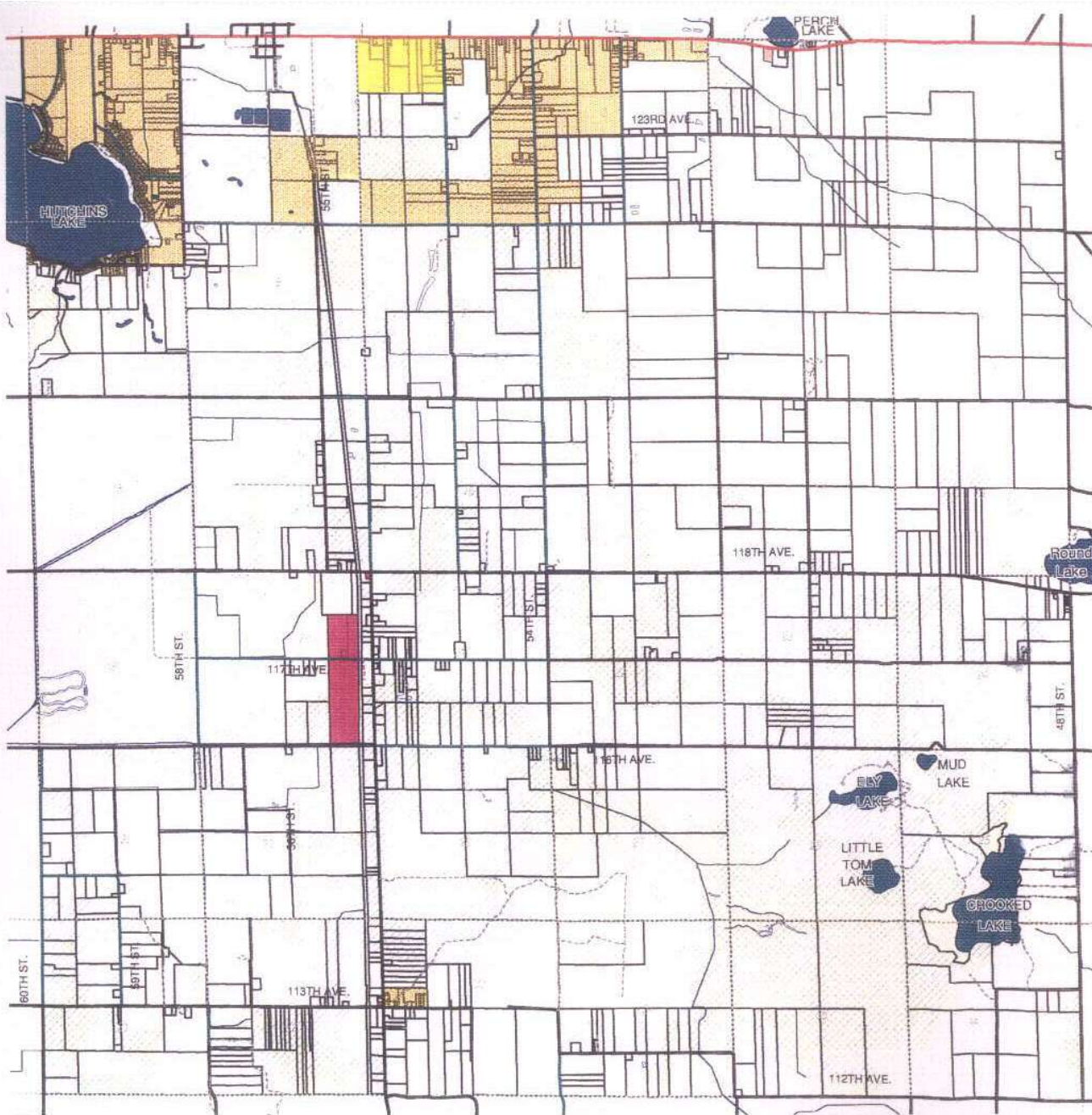
This ordinance shall take effect eight days following publication after adoption by the township board.

Zoning Map

Clyde Township
Allegan County, Michigan

Zoning Districts

-  C1-BUSINESS DISTRICT
-  C2-BUSINESS DISTRICT
-  I-INDUSTRIAL
-  R1-RURAL RESIDENTIAL
-  R2-LOW DENSITY RESIDENTIAL
-  R3-MEDIUM DENSITY RESIDENTIAL
-  R4-LAKE RESIDENTIAL
-  R5-MOBILE HOME PARK DISTRICT
-  PUD-PLANNED UNIT DEVELOPMENT



Basemap Legend

Source: Allegan County GIS Department

- | | | | |
|---|---|--|---|
|  Expressway |  County Local Road |  Section Boundary |  Drain |
|  State Highway |  County Line Unimproved |  Township, City and County Boundaries |  36 Section Number |
|  County Primary Road |  Road / City Minor Roads |  Lake |  Hydrant Scale |
|  County Primary Unimproved |  Trails & Unimproved Roads / City Major Road |  River |  API Wellhead |



Scale 1 : 42,000
One Inch = 3500 Feet