

ZONING ORDINANCE 2002

GUN PLAIN CHARTER TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

June 6, 2002
Amended 6/05/03
Codified 8/04/15

Prepared with the assistance of:

McKenna Associates
151 S. Rose St., Suite 920
Kalamazoo, Michigan 49007
Phone: 616-382-4443
Fax: 616-382-4540

Table of Contents

GUN PLAIN CHARTER TOWNSHIP ZONING ORDINANCE

Table of Contents

ZONING ORDINANCE 14

 Preamble 14

 Enacting Clause 14

CHAPTER I TITLE, INTERPRETATIONS AND SCOPE 15

Section 1.00 Short Title 15

Section 1.01 Conflicting Regulations 15

Section 1.02 Scope 15

Section 1.03 Use Regulations 15

Section 1.04 Uses Not Otherwise Specified Within a Use District 15

Section 1.05 Land Required to Satisfy Regulations 15

Section 1.06 Public Utility Facilities 16

CHAPTER II ZONING DISTRICTS AND OFFICIAL ZONING MAP 17

Section 2.00 Establishment of Districts 17

Section 2.01 Creation of Zoning Districts 17

Section 2.02 Zoning Map 17

Section 2.03 Application of this Ordinance 17

Section 2.04 Interpretation of District Boundaries 18

Section 2.05 Permissive Zoning 18

Section 2.06 Uses Permitted as a Right 18

Section 2.07 Uses Permitted Under Special Approval 19

Section 2.08 Zoning of Vacated Areas 19

Section 2.09 Areas Not Included Within a District. 19

CHAPTER III ZONING TERMS AND DEFINITIONS 20

Section 3.01 Interpretation of Language 20

Section 3.02 Definition of Terms 21

CHAPTER IV AG AGRICULTURAL DISTRICT 65

Section 4.01 Description and Purpose 65

Section 4.02 Permitted Use Regulations 65

Section 4.03 Uses Permitted by Special Use Permit 66

Section 4.04 Development Standards 66

Table of Contents

CHAPTER V R-1 VERY LOW DENSITY RESIDENTIAL DISTRICT 70

Section 5.01 Description and Purpose 70

Section 5.02 Permitted Use Regulations 70

Section 5.03 Uses Permitted By Special Use Permit 70

Section 5.04 Development Standards 71

CHAPTER VI R-2 LOW DENSITY RESIDENTIAL DISTRICT 73

Section 6.01 Description and Purpose 73

Section 6.02 Permitted Uses 73

Section 6.03 Uses Permitted By Special Use Permit 74

Section 6.04 Development Standards 74

CHAPTER VII R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT77

Section 7.01 Description and Purpose 77

Section 7.02 Permitted Uses 77

Section 7.03 Uses Permitted By Special Use Permit 78

Section 7.04 Development Standards 78

CHAPTER VIII LR LAKE RESIDENTIAL DISTRICT 81

Section 8.01 Description and Purpose 81

Section 8.02 Permitted Use Regulations81

Section 8.03 Uses Permitted by Special Use Permit81

Section 8.04 Development Standards 82

CHAPTER IX R-4 MANUFACTURED HOUSING PARK DISTRICT 84

Section 9.01 Intent 84

Section 9.02 Permitted Principal Uses 85

Section 9.03 Permitted Accessory Uses 85

Section 9.04 Development Standards and Requirements 85

CHAPTER X C-1 NEIGHBORHOOD COMMERCIAL DISTRICT 94

Section 10.01 Description and Purpose 94

Section 10.02 Permitted Uses By Right 94

Section 10.03 Required Conditions 96

Section 10.04 Uses Permitted By Special Use Permit Approval 97

Section 10.05 Development Standards 97

Table of Contents

CHAPTER XI C-2 GENERAL BUSINESS DISTRICT 100

Section 11.01 Description and Purpose 100

Section 11.02 Principal Permitted Use Regulations100

Section 11.03 Uses Permitted by Special Use Permit Approval101

Section 11.04 Development Standards101

CHAPTER XII I-1 INDUSTRIAL DISTRICT 104

Section 12.01 Purpose and Intent 104

Section 12.02 Permitted Principal Uses 104

Section 12.03 Uses Permitted After Special Approval105

Section 12.04 Development Standards106

Section 12.05 Area, Height, Bulk and Placement Requirements107

Section 12.06 General Development Requirements107

CHAPTER XIII GREEN BELT OVERLAY DISTRICT109

Section 13.01 Purpose and Application 109

CHAPTER XIV PRIVATE ROAD STANDARDS113

Section 14.01 Intent 113

Section 14.02 Applicability 113

Section 14.03 Easement Maintenance Agreements 113

Section 14.04 Submittal Requirements and Review Procedures 114

Section 14.05 Design Standards 115

Section 14.06 Drainage 116

Section 14.07 Road Naming 117

Section 14.08 Addressing 117

Section 14.09 Construction Permits Prior to Installation 117

Section 14.10 Inspections 117

Section 14.11 Road Completion Required Prior to Permit Issuance 118

Section 14.12 Required Road Frontage on Private Roads 118

Section 14.13 Variances 118

Section 14.14 Planned Unit Developments 118

Section 14.15 Existing Nonconforming Private Roads and Access Easements 118

CHAPTER XV PLANNED UNIT DEVELOPMENTS 120

Section 15.01 Purpose and Intent 120

Section 15.02 General Requirements 121

Section 15.03 Minimum Development Requirements 121

Table of Contents

Section 15.04 Common Open Space Requirements 122

Section 15.05 Permitted Commercial Uses (R-3 District Only) 124

Section 15.06 Road Construction Standards 124

Section 15.07 Preliminary Conference 124

Section 15.08 Application 124

Section 15.09 Preliminary Development Plan 125

Section 15.10 Public Hearing By the Planning Commission 127

Section 15.11 Impact Assessment 127

Section 15.12 Final Development Plan 128

Section 15.13 Recommendation by Planning Commission 129

Section 15.14 Final Approval 129

Section 15.15 Application Fee 130

Section 15.16 Performance Guarantee 130

Section 15.17 Construction Compliance 130

Section 15.18 Amendments and Revisions 130

Section 15.19 Expiration and Extension of Approval Period 131

Section 15.20 Appeals 131

CHAPTER XV SIGN REGULATIONS 132

Section 16.01 Purpose and Intent 132

Section 16.02 Definitions 132

Section 16.03 Computation of Sign Area 135

Section 16.04 Permit Required for Signs 136

Section 16.05 Sign Erector Requirements 137

Section 16.06 Certificate of Compliance 137

Section 16.07 General Sign Provisions 137

Section 16.08 Signs Exempt From Permit Requirements 139

Section 16.09 Signs Prohibited Throughout the Township 140

Section 16.10 District Regulations 141

Section 16.11 Construction and Maintenance Requirements 144

Section 16.12 Non-Conforming Signs 145

Section 16.13 US 131 Off Premise Signs (Billboards) Overlay District 148

**CHAPTER XVII SITE DEVELOPMENT STANDARDS APPLICABLE
TO SPECIFIC USES 149**

Section 17.01 Intent and Scope of Application 149

Section 17.02 Adult/Sexually Oriented Businesses 149

Section 17.03 Adult Care and Child Care Facilities 150

Section 17.04 Airports and Related Uses 151

Section 17.05 Asphalt, Transit Mix and Concrete Plants 152

Section 17.06 Automobile or Vehicle Dealers 154

Table of Contents

Section 17.07 Automobile Filling Stations, Automobile or Vehicle Service Stations,
Automobile Repair Garages155

Section 17.08 Automobile Wash or Vehicle Wash Establishment157

Section 17.09 Bed and Breakfast Facilities 157

Section 17.10 Cemeteries and Pet Cemeteries 158

Section 17.11 Churches and Religious Institutions 159

Section 17.12 Composting Centers 160

Section 17.13 Convalescent, Nursing, Rest Homes, and Orphanages and
Congregate Care Facilities161

Section 17.14 Driving Ranges 161

Section 17.15 Essential Public Services Structures, Storage Yards and Substations 162

Section 17.16 Fast-Food and Drive-through Restaurants 162

Section 17.17 Funeral Homes or Mortuaries 163

Section 17.18 Golf Courses and Country Clubs, and Par-3 Golf Courses 164

Section 17.19 Hospitals 165

Section 17.20 Junk Yards or Salvage Yards 165

Section 17.21 Kennels 166

Section 17.22 Large Scale Institutional Uses, Including Large Scale Churches 167

Section 17.23 Mini Warehouses 168

Section 17.24 Motels and Hotels 168

Section 17.25 Open Air Business, Commercial Outdoor Display, Sales or Storage 169

Section 17.26 Radio, Television and Other Communications Towers170

Section 17.27 Recreation Facilities171

Section 17.28 Road Stands 174

Section 17.29 Schools, Public/Private/Parochial 175

Section 17.30 Stables and Riding Arenas176

Section 17.31 Truck Stops 178

Section 17.32 Veterinary Clinics 179

Section 17.33 Model Homes and Model Manufactured Homes 180

Section 17.34 Home Occupations 180

Section 17.341Cottage Industries 183

Section 17.35 Wireless Communications Facilities 183

CHAPTER XVIII OFF-STREET PARKING AND LOADING REQUIREMENTS 188

Section 18.01 Intent 188

Section 18.02 General Requirements 188

Section 18.03 Table of Off-Street Parking Requirements 190

Section 18.04 Barrier Free Off-Street Parking Requirements 197

Section 18.05 Off-Street Waiting Area and Stacking Spaces for Drive-Thru Facilities 198

Section 18.06 Off-Street Parking Lot Layout, Construction, and Maintenance198

Section 18.07 Off-Street Loading Space Requirements 202

CHAPTER XIX GENERAL PROVISIONS 204

Table of Contents

Section 19.01	Administrative Provisions	204
Section 19.02	Accessory Structures and Uses	205
Section 19.03	Lawful Use of a Structure as a Dwelling Unit	207
Section 19.04	Residential Design Standards	207
Section 19.05	Temporary Buildings, Structures and Uses	210
Section 19.06	Uses Not Otherwise Included Within a District	211
Section 19.07	General Yard and Bulk Regulations	211
Section 19.08	Grading, Removal and Filling of Land	213
Section 19.09	Sand and Gravel Mining	214
Section 19.10	Use of Yard Spaces and Other Open Areas For Storage	229
Section 19.11	Landfills and Dumping	229
Section 19.12	Soil Erosion	230
Section 19.13	Flood Plain Regulations	230
Section 19.14	Reception Antenna Facilities	230
Section 19.15	Essential Services	232
Section 19.16	Water Supply and Wastewater Disposal	233
Section 19.17	Voting Place	233
Section 19.18	Animals/Pets	234
Section 19.19	Impact Assessment	234
Section 19.20	Condominium Development Standards	237
Section 19.21	Flag Pole Lot Standards	241
Section 19.22	Fences	241
Section 19.23	Wind Energy System (WES)	241
Section 19.24	Solar Panels	247
Section 19.25	Outdoor Furnances	248
CHAPTER XX SITE PLAN REVIEW PROCEDURES		252
Section 20.01	Purpose	252
Section 20.02	When a Site Plan and Review by the Planning Commission is Required	252
Section 20.03	Preliminary Site Plan Consideration/Pre-Application Meeting	253
Section 20.04	Application Process	254
Section 20.05	Criteria for Granting Site Plan Approval	258
Section 20.06	Review and Approval	261
Section 20.07	Issuance of Building Permit After Site Plan Approval	261
Section 20.08	Modification of an Approved Site Plan	262
Section 20.09	Conformity to Approved Site Plan Required	262
CHAPTER XXI LANDSCAPING REQUIREMENTS		263
Section 21.01	Intent	263
Section 21.02	Requirements and Timing of Landscaping	263

Table of Contents

Section 21.03 Special Provisions for Existing Sites 266

Section 21.04 Required Landscaping Along Public Rights-of-Ways 266

Section 21.05 Parking Lot Landscaping 268

Section 21.06 Waste Receptacle and Mechanical Equipment Screening 268

Section 21.07 General Layout and Design Standards 268

Section 21.08 Incentives to Preserve Existing Trees 269

Section 21.09 Walls and Buffer Strips Between Uses 269

Section 21.10 Waiver or Modification of Standards for Special Situations 271

CHAPTER XXII SPECIAL LAND USE PERMIT REVIEW PROCEDURES 272

Section 22.01 Special Land Use Review 272

Section 22.02 Performance Guarantees 275

CHAPTER XXIII LEGAL NONCONFORMING LOTS, USES, AND STRUCTURES . . 278

Section 23.01 Intent 278

Section 23.02 Conforming Uses of Land 279

Section 23.03 Nonconforming Use or Structure 279

Section 23.04 Nonconforming Lots 280

Section 23.05 Alterations, Repairs and Maintenance 280

Section 23.06 Township Removal of Nonconforming Uses and Structures 280

Section 23.07 Change in Tenancy or Ownership 281

Section 23.08 Encumbering Land Required to Satisfy Regulations 281

Section 23.09 Unlawful Nonconformities 281

Section 23.10 Recording of Nonconforming Uses and Structures 281

Section 23.11 Plans Already Filed 281

ARTICLE XXIV ZONING BOARD OF APPEALS 283

Section 24.01 Creation 283

Section 24.02 Intent 283

Section 24.03 Adoption of Rules and Procedures 283

Section 24.04 Jurisdiction of the Zoning Board of Appeals 283

Section 24.05 Application and Notices 285

Section 24.06 Disposition and Duration of Approval 287

Section 24.07 Meetings 288

Section 24.08 Fees 288

ARTICLE XXV ZONING ADMINISTRATION 290

Section 25.01 Responsibilities 290

Section 25.02 Township Board 290

Section 25.03 Township Planning Commission 291

Table of Contents

Section 25.04 Zoning Board of Appeals 292
Section 25.05 Zoning Enforcement Officials 292

ARTICLE XXVI AMENDMENTS, ENFORCEMENT AND PENALTIES 294

Section 26.01 Zoning Amendments 294
Section 26.02 Permits 298
Section 26.03 Filing Fees 299
Section 26.04 Violations and Penalties 299
Section 26.05 Records 301
Section 26.06 Notice of Public Hearing Publication and Delivery 301

ARTICLE XXVII SEVERABILITY, REPEAL, EFFECTIVE DATE, ADOPTION 306

Section 27.01 Severability 306
Section 27.02 Repeal 306
Section 27.03 Effective Date 306
Section 27.04 Adoption 306

CHAPTER XVIII ACCESS MANAGEMENT REGULATION 308

Section 28.01 Intent and Applicability 308
Section 28.02 One Access per Parcel 308
Section 28.03 Application Review, Approval and Coordination Process 309
Section 28.04 Driveway and Related Access Standards 312
Section 28.05 Non-Conforming Driveways 318
Section 28.06 Waivers 320

CHAPTER XXIX OPEN SPACE PRESERVATION PROJECTS 324

Section 29.01 Purpose and Applicability 324
Section 29.02 Qualifying Conditions 324
Section 29.03 Permitted Uses 324
Section 29.04 Preliminary Conference 325
Section 29.05 Application and Review Procedure; Review by the Planning Commission 325
Section 29.06 Development Requirements 327
Section 29.07 General Project Design Standards 328
Section 29.08 Amendments to an Approved Site Plan 331
Section 29.09 Definitions 332

Table of Contents

INDEX

A.
Accessory Buildings and Uses 205
Adult Care 150
Adult Oriented (Sexual) Business 149
Agricultural District, Permitted Uses 65
Airports 151
Amendments, Zoning 290
Animals and Pets 233
Appeals, Zoning Board of Appeals 283
Asphalt Plants 152
Automobile Dealers 154
Automobile Service Stations 155
Automobile Wash Establishments 157

B.
Bed and Breakfast Facilities 157

C.
C-1 Neighborhood Commercial District 94
C-2 General Business District 100
Cemeteries 158
Churches 159
Composting Centers 160
Condominium Development Standards 237
Convalescent and Nursing Facilities 161

D.
Definitions 20
Districts, Zoning 17
Driving Ranges 161

E.
Essential Services, Structures 162
Essential Services, Uses

F.
Fast Food Restaurants 162
Flag Pole Lot Standards 241
Food Plain Regulations 230
Funeral Homes 163
Fences 241

G.

Table of Contents

General Provisions 204
Golf Courses 164
Grading and Filling 213
Greenbelt Overlay District 109

H.
Height, Measurement 26
Home Occupations 180
Hospitals 165

I.
Industrial District 104
Impact Assessment 234

J.
Junk Yards 165

K.
Kennels 166

L.
LR - Lake Residential District 81
Landfills 229
Lawful Use of a Structure as a Dwelling 207
Legal Nonconforming Uses and Structures 278

M.
Manufactured Housing Park District 84
Mining Sand and Gravel 214
Mini Warehouses 168
Model Homes 180
Motels and Hotels 168

O.
Off-Street Parking and Loading 188
Open Air Businesses 169
Open Space Preservation Provision 120

P.
Planned Unit Development (PUD) 120
Private Road Standards 113

R.

Table of Contents

R- I Very Low Density Residential District. 70
R-2 Low Density Residential District 73
R-3 Medium Density Residential 77
R-4 Manufactured Housing Park District. 84
Radio and Television Towers 170
Reception Antenna Facilities 230
Recreation Facilities 171
Residential Design Standards. 207
Roadside Stands 174

S.
Sand and Gravel Mining 214
Schools 175
Signs. 132
Site Development Standards 149
Soil Erosion Permits 230
Stables 176

T.
Temporary Building and Uses 210
Truck Stops 178

U.
Uses not otherwise included in Districts 211
Use of Yard Space and Open Areas. 229

V.
Veterinary Clinics 179
Voting. 233

W.
Water Supply and Wastewater Disposal 233
Wireless Communication Facilities 183

Y.
Yard Requirements 211

Table of Contents

Z.
Zoning Administration 290
Zoning Amendments 294
Zoning Board of Appeals.....292
Zoning Enforcement 292
Zoning Map..... 17

**THE CHARTER TOWNSHIP OF GUN PLAIN
ZONING ORDINANCE
ORDINANCE NO. ____**

PREAMBLE

An ordinance enacted under Act 184, of the State of Michigan Public Acts of 1943, to provide for the establishment in Gun Plain Charter Township those areas lying outside of incorporated cities and villages, districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which district regulations shall be established for the light and ventilation of those buildings, and within which districts or zones, the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for the establishment of a Board of Appeals; to provide for amendments, supplements, or changes hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this act.

ENACTING CLAUSE

The legislative body of the Charter Township of Gun Plain, Allegan County, Michigan may regulate and restrict the use of land and structures; to meet the needs of the Township's residents for natural resources, places of residence, recreation, industry, trade, service, and other use of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide the Township into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts, regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

The land development regulations and districts authorized by this Ordinance shall be made in accordance with a Gun Plain Charter Township Master Land Use Plan designed to promote and accomplish the objectives of this Ordinance. The Charter Township of Gun Plain ordains:

CHAPTER I

TITLE, INTERPRETATIONS AND SCOPE

SECTION 1.00 SHORT TITLE

This Ordinance shall be known and may be cited as the "Gun Plain Charter Township Zoning Ordinance." Within the following text it may be referred to as the "Ordinance".

SECTION 1.01 CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SECTION 1.02 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no land use commenced or continued within the unincorporated parts of the township, contrary to the spirit of this Ordinance, except for the provisions of essential services, agricultural buildings exempt from Public Act 230 of 1972, as amended (State Construction Code Act, Section 2A), or as specifically authorized by this Ordinance. Special Permit Uses are granted by the Township Planning Commission only upon finding that specified conditions are met in accordance with Chapter 22 of this Ordinance.

SECTION 1.03 USE REGULATIONS

Except as otherwise provided herein, regulations governing land and building use is hereby established in each district specified in Chapter 4 of this Ordinance. Uses permitted in each district after special use approval shall be permitted only in accordance with the Special Approval standards and procedures of this Ordinance as established in Chapter 22.

SECTION 1.04 USES NOT OTHERWISE SPECIFIED WITHIN A USE DISTRICT

Uses which have not been specifically mentioned within any use district may be processed under the Special Use Permit procedure, in accordance with Chapter 22, upon determination by the Township Planning Commission that such use is similar in nature and intent to those uses identified within the district. Such uses and related structures shall be subject to the area, height, bulk, and placement requirements for the district in which it is proposed.

SECTION 1.05 LAND REQUIRED TO SATISFY REGULATIONS

No portion of a lot used in or necessary for compliance with the provisions of this Ordinance shall through sale or otherwise be reduced beyond said minimums or again be used to satisfy the zoning requirements of another lot.

SECTION 1.06 PUBLIC UTILITY FACILITIES

When operating requirements necessitate the locating of public utility facilities and uses (without storage yards) within a district in order to serve the immediate vicinity, such facilities shall be permitted in all zoning districts, subject to Special Use Approval by the Planning Commission in accordance with Chapter 22 of this Ordinance, review and approval of a submitted site plan, and a finding by the Planning Commission that the use is compatible to the surrounding area.

CHAPTER II

ZONING DISTRICTS AND OFFICIAL ZONING MAP

SECTION 2.0 ESTABLISHMENT OF DISTRICTS

Those portions of the Charter Township of Gun Plain, Allegan County, Michigan, lying outside the incorporated limits of the City of Plainwell, are hereby divided into zoning districts, as named and described in the following Chapters. The boundaries of these zoning districts are established as shown on the Gun Plain Charter Township Zoning Map as established in Section 2.02 of this Ordinance.

SECTION 2.01 CREATION OF ZONING DISTRICTS

For the purpose of this Ordinance, those portions of Gun Plain Charter Township, Allegan County, Michigan shall be divided into the following zoning districts, which shall be known by the names and symbols here shown.

- AG Agricultural/Open Space District
- R-1 Very Low Density Residential District
- R-2 Low Density Single Family Residential District
- R-3 Medium Density Residential District
- R-4 Manufactured Housing Residential District
- LR Lake Residential District
- C-1 Neighborhood Commercial District
- C-2 General Business District
- I-1 Industrial District
- GD Greenbelt District

SECTION 2.02 ZONING MAP

The boundaries of the Gun Plain Charter Township zoning districts are shown on a map adopted by the Gun Plain Charter Township Board of Trustees. The map shall be entitled "The Zoning Map of Gun Plain Charter Township" and shall bear the date adopted or amended. It shall be the duty of the Township Supervisor and Township Clerk to authenticate such records by placing their official signatures thereon. Such map, with all accompanying explanatory matter, is hereby made a part of this Ordinance and shall be, as such, a part of this Ordinance as if the matters and information set forth thereon were all fully described herein.

SECTION 2.03 APPLICATION OF THIS ORDINANCE

Except as otherwise provided in this Ordinance, erection of buildings and uses of land shall conform to the specific provisions for the zoning districts involved. No land shall be developed, redeveloped, use commenced, expanded or continued within the Township except as specifically, or by necessary implication, as authorized by this Ordinance.

Lawful nonconforming structures and uses existing at the time of passage of this Ordinance are specifically governed by Chapter 23, and generally governed by this Ordinance.

SECTION 2.04 INTERPRETATION OF DISTRICT BOUNDARIES

- A. Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets or alleys, or such lines extended, and the limits of Gun Plain Charter Township.

Where a district boundary line as shown on the Zoning Map, divides a lot which was in a single ownership of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the most restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot.

- B. Where due to the scale, lack of detail or illegibility of the Zoning Map of this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, said lines shall be interpreted upon written request, or upon its own motion, by the Zoning Board of Appeals, after recommendation by the Planning Commission.
- C. Where a district boundary line follows a shoreline, such boundary shall be construed to be the shoreline. In the event of a change in the shoreline, the boundary line shall be construed to move with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be structured to follow such center lines.
- D. Boundaries indicated as approximately following platted lot lines, property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or as applicable amended thereto shall be construed as following such lines.
- E. Lines parallel to street without indication of the depth from the street line shall be construed as having a depth of three hundred thirty (330) feet from the front lot line.

SECTION 2.05 PERMISSIVE ZONING

Land uses are permitted specifically in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted. No land contained within any zoning district within Gun Plain Charter

Township shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Chapter 23, Nonconforming Uses and Structures.

SECTION 2.06 USES PERMITTED AS A RIGHT

Permitted uses, as identified in Chapters covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, landscaping, district intent, permit, certificate and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated herein.

SECTION 2.07 USES PERMITTED UNDER SPECIAL APPROVAL

The uses identified as special approval uses in Chapter 22 covering each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service, utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Chapter 22 regarding procedure and requirements for special approval uses, shall apply to these uses.

SECTION 2.08 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it is attached.

SECTION 2.09 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a district on the Zoning Map, such land shall be so designated in the AG Zoning District until officially acted upon and designated by the Township Board as provided for in this Ordinance.

CHAPTER III

ZONING TERMS AND DEFINITIONS

SECTION 3.01 INTERPRETATION OF LANGUAGE

For the purpose of this Ordinance, the following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for" "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either . . . or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 3.02 DEFINITIONS

For the purpose of this Ordinance the terms and words herein are defined as follows:

ACCESSORY USE, BUILDING OR STRUCTURE: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

ADJACENT: See LOT, ADJACENT.

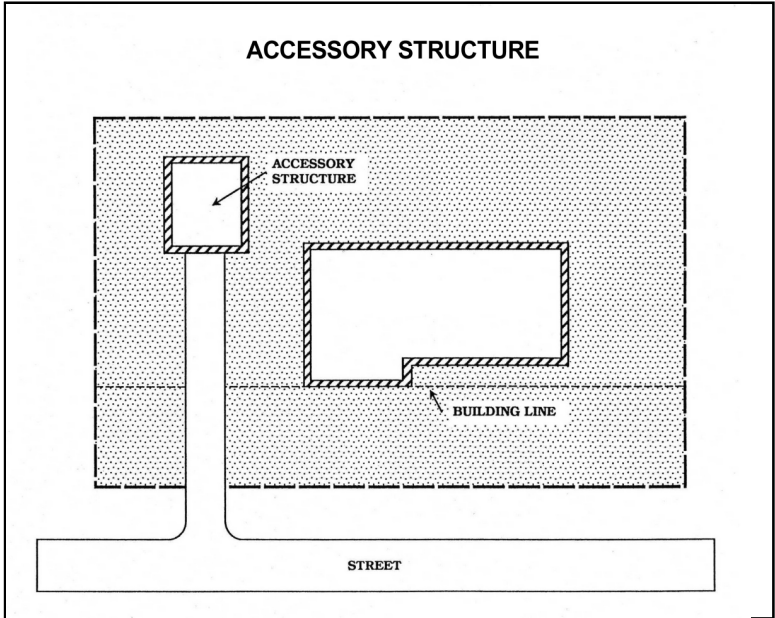
ADULT DAY CARE FACILITY: A facility which provides daytime care for any part of a day but less than twenty-four (24) hour care for functionally impaired persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client’s home. Such facilities are not licensed, however those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

ADULT USE: Any commercial or recreational establishment which at all times excludes minors by virtue of age, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios, and eating and drinking places with sexually-oriented entertainment. Also see Chapter 17, Development Standards.

AGRICULTURAL USE: A use of any land or building used for a purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl or other crops and animal husbandry.

ALLEY: A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as wall, partitions, stairways, columns, beams, girders; any change in the width or number of exits; any substantial changes in the roof or exterior walls; any change in the location of a building; any change in the number of off-street parking or loading area



or means of egress and ingress to the site; or any change which may be referred to herein as "altered" or "reconstructed" or "change of use".

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

ANIMAL FEEDING OPERATION, CONCENTRATED (CAFO): A lot or building or combination of contiguous lots and buildings intended for the confined feeding, breeding, raising, or holding of at least one-thousand (1,000) animal units and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetative cover cannot be maintained within the enclosure during the months of May, June, July, and August. Open lots used for the feeding and rearing of poultry (poultry ranges), shall be considered animal feed lots, but pastures shall not be considered animal feedlots.

ANIMAL HOSPITAL: See CLINIC, VETERINARY.

ANIMAL UNIT: As defined by the Michigan Right-To-Farm Act, the equivalent of one (1) slaughter or feeder cattle, based on comparative effluent impacts or any combination of which equaling or exceeding one-thousand (1,000) animal units shall be defined as a concentrated animal feeding operation (CAFO)

ANIMAL WASTE AREA: A holding area, underground container, above-ground tank, or lagoon used or intended to be used for the storage or treatment of animal manure and other waste products associated with a concentrated animal feeding operation (CAFO).

ANIMAL, WILD OR EXOTIC: Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to the following: alligator and crocodile (family), deer (family), opossum (family); badger, wild dog or wolf (family); primate excluding human (family); bear, racoon, ferret, skunk, wild cat (family); lemur, spider (poisonous); coyote; lizard; snake and other reptile (poisonous); weasel (family); wild boar or wild swine (family); and marten.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital, signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

APARTMENT: See MULTIPLE FAMILY DWELLING.

APPEAL: An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

ARCADE: Any establishment which provided on its premises four or more machines which upon the insertion of a coin or slug may be operated for use as a game, contest, or amusement of any description, not including musical devices.

ARCHITECTURAL FEATURES: Architectural features of a building including cornices, eaves, gutters, sills, lintels, bay windows, chimneys and decorative ornaments.

AREA, GROSS SITE: the total area of a planned unit development site including flood plains and water bodies.

AUTOMOBILE: Unless specifically indicated otherwise, "automobile" shall mean any vehicle including cars, trucks, vans, motorcycles, and the like.

AUTOMOBILE FUELING STATION: A place used for the retail sale and dispensing of fuel or lubricants, either full or self service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

AUTOMOBILE REPAIR: Major or minor repair of automobiles defined as follows:

- A. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- B. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

AUTOMOBILE REPAIR GARAGE: A premise primarily used for general automobile repair wholly within enclosed buildings, including engine or transmission building; rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair, overall vehicle painting or rust proofing; and other related activities.

AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water coolants and other operating commodities for motor vehicles or which may include retail sale of tires, batteries, and similar accessories and the making of minor repairs to vehicles or parts thereof totally enclosed within a building and that do not normally require storing such vehicles on the premises overnight. Automotive Service Station shall not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, high-volume of motor vehicle washing or sales of new or used cars, trucks, motorcycles or other land vehicles.

AUTOMOBILE WASH ESTABLISHMENT: An activity or building, or portion thereof, the primary purpose of which is that of washing motor vehicles, either with self-service mechanisms or with the use of an automated conveyor system.

BANK: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange.

BAR, COCKTAIL LOUNGE, OR NIGHT CLUB: An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customer, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and similar mechanical amusement devices.

BASEMENT: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling.

BED-N-BREAKFAST INN: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation by the owners and residents therein, said facilities may include meal service and shall extend for not more than fourteen (14) consecutive days.

BEDROOM: Any private room in a dwelling unit suitable for regular use for sleeping purposes. Bedrooms include rooms designated on development floor plans as dens, studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom but which in the judgement of the Township Planning Commission would normally be usable for sleeping purposes shall be considered a bedroom.

BERM: See LANDSCAPING.

BIKEWAY: Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Township or other agency with right-of-way jurisdiction, as applicable.

BILLBOARD (OFF PREMISE SIGN): Any non-accessory advertising sign, device, design, words, letters, number or trademark which makes anything known to the general public and may be the principal use of the lot or parcel on which it is located.

BLOCK: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

BOARD OF APPEALS: The Gun Plain Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 184 of 1943, as amended.

BOARDING HOUSE: A building, other than a hotel, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

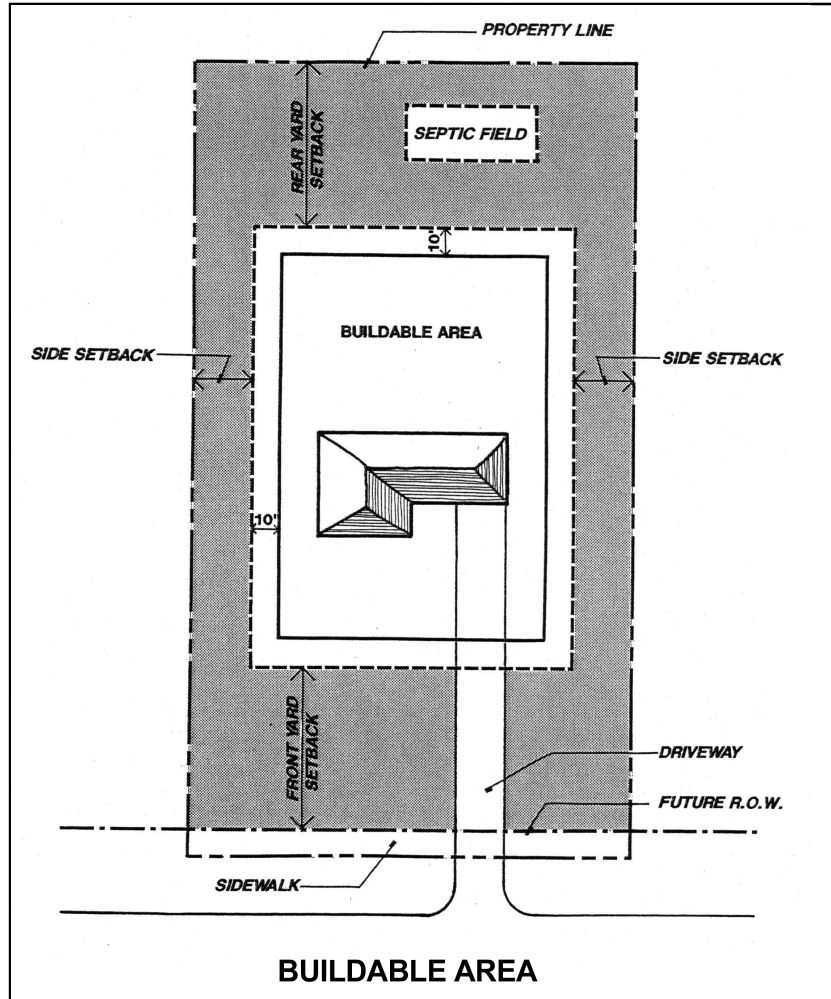
BOAT: Boats, floats, rafts, and the attached normal equipment to transport the same on highways.

BREW PUB: A restaurant or tavern (as defined in this Ordinance), licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises, the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 426.31c.

BUFFER ZONE: A strip of land often required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

BUILDABLE AREA: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall include tents, awnings, and carports; and also semi-trailers, vehicles, mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs,



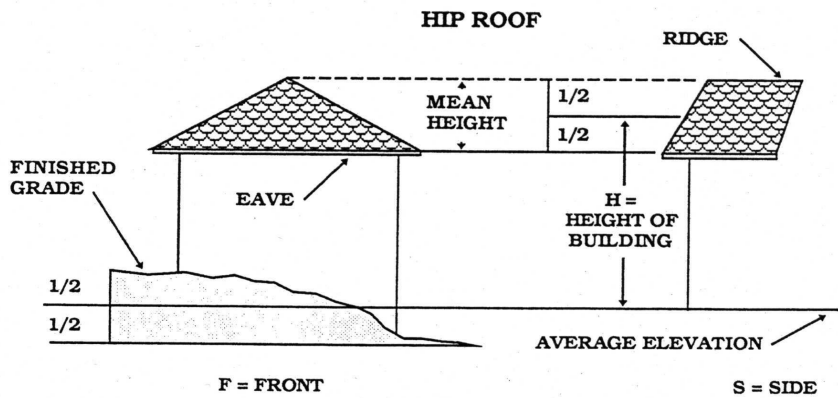
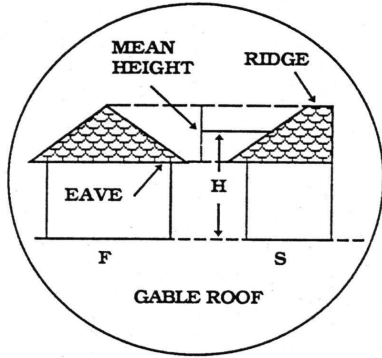
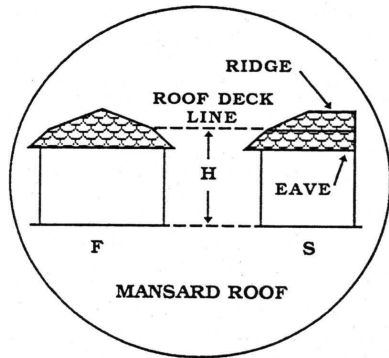
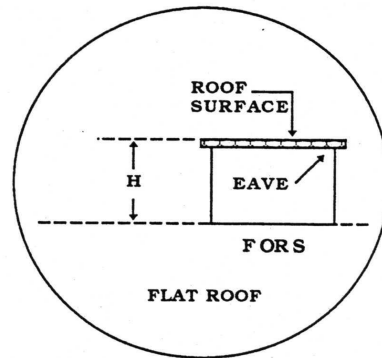
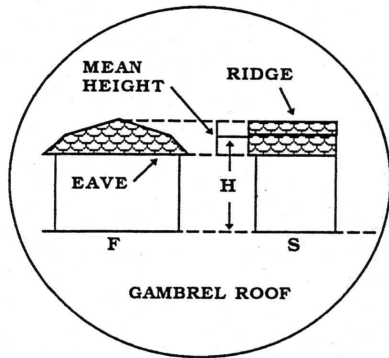
fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

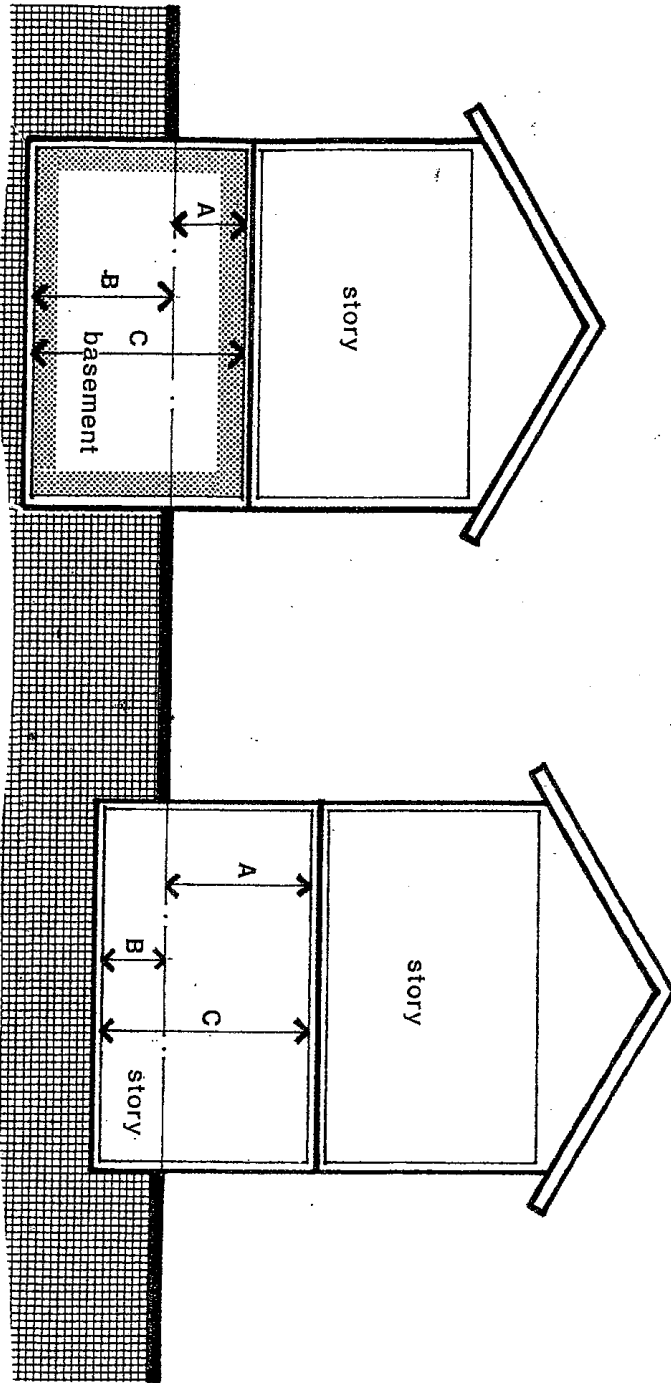
BUILDING, ACCESSORY: See ACCESSORY USE, BUILDING, OR STRUCTURE.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and exterior walls having only window and normal entrance or exit doors.

BUILDING HEIGHT: The vertical distance measured from the mean average ground level at the front building line to the highest point of the roof surface in the case of a flat roof; to the deck line of mansard roofs; to the mean height level between the eaves and ridge of gable, studio hip and gambrel roofs; and 75 percent of the height of an "A" frame. Chimneys, spires, antenna, and similar projections other than signs shall not be included in calculating building height.

BUILDING HEIGHT





'A' less than 'B'
'C' is basement

'A' greater than 'B'
'C' is story

Basement and Story

BUILDING INSPECTOR: The building inspector as authorized by Gun Plain Charter Township.

BUILDING LINE: A line parallel to the lot line that separates all parts of a building from the open spaces adjacent thereto on the same lot. For the purposes of this Ordinance, a minimum building line is the same as a required setback line.

BUILDING PERMIT: A permit issued by the Building Inspector or Building Official as required by the Building Code regulations.

BUILDING, PRINCIPAL: A building or group of buildings in which is conducted the main or principal use of the lot on which the building is situated. (See " ACCESSORY USE, BUILDING, OR STRUCTURE".)

BUILDING, TEMPORARY: A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on construction site.

BUMPER BLOCKS: Concrete or cement cast units located at one end of each parking space, designed to protect buildings, walls, fences, sidewalks or landscaping from damage by vehicles.

CAMPER, PICK-UP: A recreational unit designed to be mounted on a pick-up or truck chassis, with sufficient equipment to render it suitable for use as temporary lodging for travel, recreational, and vacation uses.

CANOPY TREE: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to shade to adjacent ground areas and to enhance aesthetics.

CARETAKER LIVING QUARTERS: An independent residential dwelling unit designed for and occupied by one or two persons, of which at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

CERTIFICATE OF OCCUPANCY: A certificate issued by the building inspector, after final inspections, indicating his or her opinion that all the provisions of this Ordinance are being complied with and met. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

CEMETERY: Land used for the burial of the dead including columbariums, crematories, and mausoleums.

CHILD CARE CENTER: An establishment where three (3) or more children, not related by bonds of consanguinity or fostership to the family residing on the same premises, are cared for in return for remuneration. Such child care centers need not have a resident family on the premises. A child care

center may also sometimes be referred to as a NURSERY, DAY NURSERY, DAY CARE CENTER, or NURSERY SCHOOL.

CHURCH OR SYNAGOGUES: Any structure wherein persons regularly assemble for religious activity including customary ancillary or accessory uses and activities.

CLINIC, VETERINARY: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building or external enclosures for large animals.

CLINIC, MEDICAL: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

CLUB, HEALTH: Any establishment providing physical culture or health services, including health clubs, racquetball or tennis clubs, reducing salons, or tanning salons.

CLUB OR LODGE, PRIVATE: A non-profit association of persons who are bonafide members paying dues which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this Ordinance.

CLUSTER HOUSING: A group of buildings and especially dwellings built close together to form relatively compact units on a sizeable tract in order to preserve open spaces and environmentally sensitive areas larger than the individual yards for common recreation or agricultural use.

COLLECTOR STREET: See STREET, COLLECTOR.

COMMERCIAL CENTER, PLANNED: A business development under single ownership consisting of two (2) or more retail or service outlets characterized by common architecture, a pedestrian and vehicle circulation system, and off-street parking.

COMMERCIAL, VEHICLE: A truck or motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of 9 feet. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

COMMISSION: The Planning Commission of Gun Plain Charter Township.

COMPREHENSIVE PLAN: See MASTER PLAN.

CONDITIONAL USE: A use which is subject to conditional special approval by the Township Planning Commission. A conditional use may be granted only when there is a specific provision in this Ordinance. A conditional use is not considered to be a nonconforming use and is distinct from a Special Land Use. See SPECIAL LAND USE.

CONDOMINIUM: A system of separate ownership of individual units and/or multiple unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

Condominium Act: State of Michigan Public Act 59 of 1978, as amended.

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with The Charter Township of Gun Plain Code of Ordinances.

Condominium, Conversion: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

Condominium , Convertible Area: A unit or portion of the common elements of the condominium project referred in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, Expandable: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, General Common Element: The common elements other than the limited common elements intended for the common use of all of the co-owners.

Condominium, Limited Common Element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Condominium Subdivision Plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Public Act 59 of 1978, as amended.

Condominium Unit, Site (i.e., Site Condominium Lot): The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio.

CONDOMINIUM UNIT: The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, time-share unit, or any other type of use.

CONVALESCENT HOME: See NURSING HOME.

CO-OP (COOPERATIVE) HOUSING: A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

CORNER LOT: See LOT, CORNER.

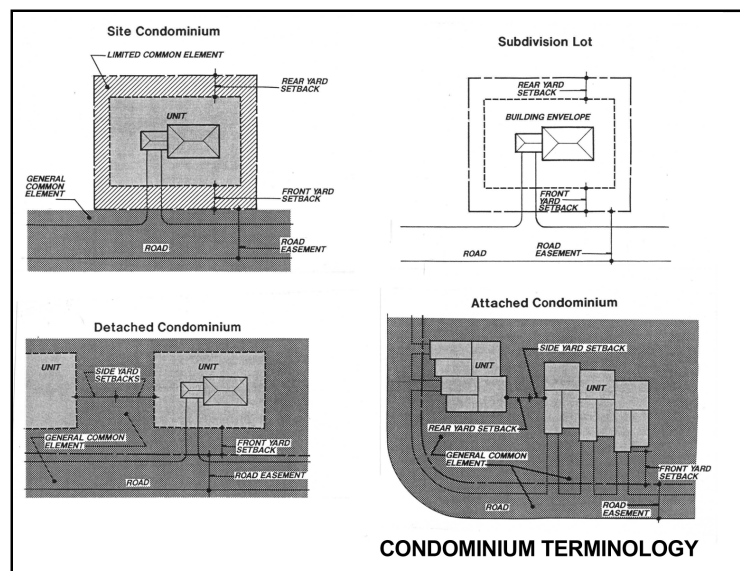
CUL-DE-SAC: See STREET, CUL-DE-SAC.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

DAY CARE CENTER: See CHILD CARE CENTER.

DECK: An open, horizontal platform attached to any side of the principal residential structure and that is used for outdoor leisure or recreational activities. The platform shall not be enclosed by a roof or walls or other screened or framed enclosure.

DENSITY: The number of dwelling units situated on or to be developed



per net or gross acre of land.

DETENTION FACILITY: A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

DEVELOPMENT: The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DEVELOPMENT PLAN: A scaled drawing which shows the existing conditions, the location and dimensions of improvements upon a parcel of land, including but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, and drainage facilities, environmental features, and other elements required herein as applicable to the proposed development to ensure compliance with this Ordinance. See also SITE PLAN.

DISTRIBUTION CENTER: A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business. See also WAREHOUSE.

DISTRICT: A portion of the Gun Plain Township within which, on a uniform basis, certain uses of land and/or building are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRAINAGE WAYS AND STREAMS: Existing or future permanent or intermittent watercourses.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles. Examples include but are not limited to, restaurants, cleaners, banks, and theaters.

DRIVE-THROUGH ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off-premises may be facilitated.

DRIVEWAY: That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

DUMPSTER: A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

DWELLING UNIT: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

DRIVE-IN THEATER: An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term "drive-in theater" as used herein shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

DUPLEX: See TWO FAMILY OR DUPLEX DWELLING.

EARTH-SHELTERED HOME: A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

EASEMENT: Any private or dedicated public way that provides a means of access to property. The term "easement" may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

EFFICIENCY UNIT: See MULTIPLE FAMILY DWELLING.

ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building.

ESSENTIAL SERVICES: The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or Township-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antenna are specifically excluded from this definition.

EXCAVATION: The removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest, excluding common household gardening and ground care.

FAMILY:

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than one additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

- B. A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, nontransient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY DAY CARE HOME: See STATE LICENSED RESIDENTIAL FACILITY.

FARM: All of the contiguous neighboring or associated land operated as a single unit for agricultural production by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; also including establishments operated as bonafide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries. For the purposes of this Ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, riding or boarding stables, commercial dog kennels, game fish hatcheries, stockyards, gravel or sand pits, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises. A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or sales, contractor yards or any other activities other than those incidental to the bonafide farm.

FENCE: An accessory structure of definite height and location intended to serve as a physical barrier to property ingress or egress, a screen from objectionable vista or noise, a marker, an enclosure in carrying out the requirements of this Ordinance, or for decorative use.

FILL, FILLING: The deposit or dumping of any matter onto or into the ground or water, except for common household gardening, farming, and general ground care.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area: Land which on the basis of available flood plain information is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Hazard Boundary Map (FHBM): An official map of the community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazard areas have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, which has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway Map, and the water surface elevation of the base flood.

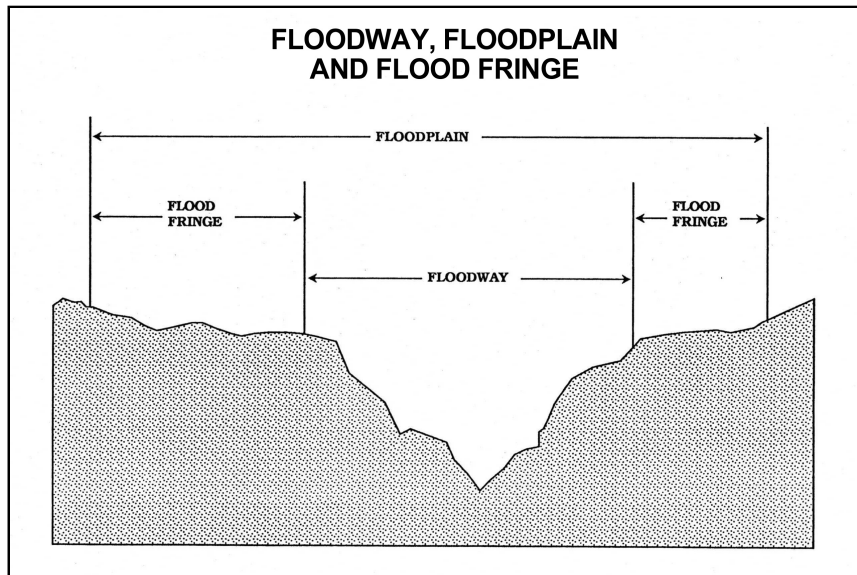
Flooding, Area of

Shallow: A designated AO Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and indeterminate, and where velocity flow may be evident.

Flooding, Ordinary High

Water Mark: The line between upland and bottomland which persists

through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.



Flood Plain: Any land area susceptible to being inundated by water from any source (See Flood.)

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

FLOOR AREA: The area of a building defined as follows.

- A. **Floor Area, Gross:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- B. **Floor Area, Net:** See FLOOR AREA, USABLE RESIDENTIAL and FLOOR AREA, USABLE NONRESIDENTIAL.
- C. **Floor Area, Usable Residential:** The gross floor area minus areas in unfinished basements or attics, attached garages, stairs, laundry areas and enclosed or unenclosed porches.
- D. **Floor Area, Usable Nonresidential:** The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which issued for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area. See illustration on next page.

Floor Area Ratio (FAR): The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located.

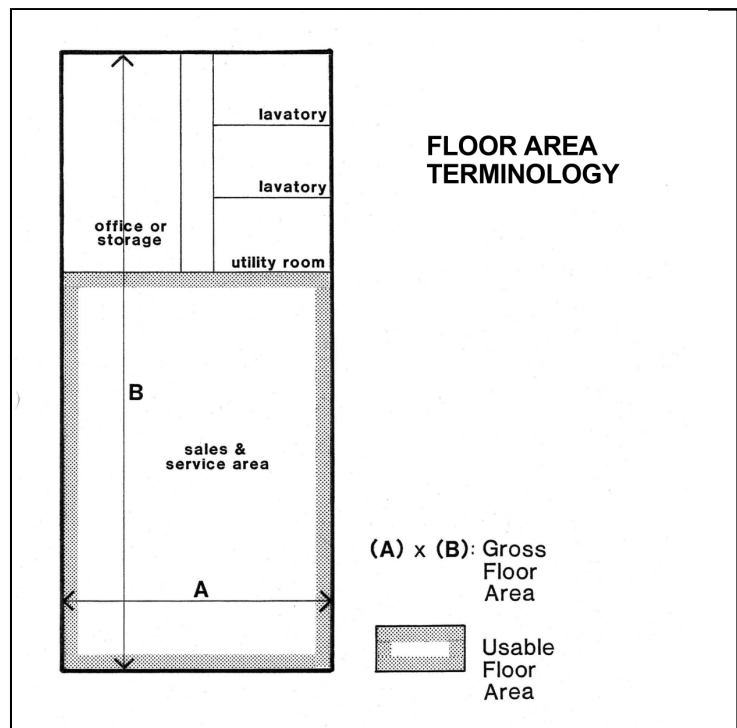
FOSTER CARE HOME: See STATE LICENSED RESIDENTIAL FACILITY.

FOSTER CHILD: A child unrelated to a family by blood or adoption who is placed with the family by the Court or sanctioned governmental or educational unit with whom he or she lives for the purposes of care and/or education.

FRATERNAL ORGANIZATION:
See CLUB.

FRONT LOT LINE: See LOT LINE, FRONT.

FRONT YARD: See YARD, FRONT.



GARAGE, PRIVATE: An accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

GARAGE, PUBLIC: Any building or premise, other than junkyard, where more than one motor vehicle is stored for compensation.

GARAGE, REPAIR: See AUTOMOBILE REPAIR GARAGE.

GARBAGE: All wastes, animal, fish, fowl, or vegetable matter incident to the preparation, use, and storage of food for human consumption, spoiled food, animal, and fowl manure.

GARDEN CENTER: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

GAS STATION: See AUTOMOBILE FILLING STATION and AUTOMOBILE SERVICE STATION.

GLARE: The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF COURSE OR COUNTRY CLUB: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

GOLF DRIVING RANGE: An area or parcel of land which includes golf tee areas and associated facilities, the purpose of which is to practice golf shots.

GRADE: A grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GRADE, AVERAGE: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

GRADE, FINISHED: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

GREENWAY: See LANDSCAPING.

GROUP HOMES: See STATE LICENSED RESIDENTIAL FACILITY.

GYM OR GYMNASIUM: A room or building equipped for gymnastics, exercise, or sport.

HAZARDOUS SUBSTANCES: Any chemical or other material which, by virtue of its inherent properties and not solely by the manner in which it is used, has the potential to be injurious to the public health, safety, and welfare even in small quantities. Uses and facilities which use, store or generate hazardous substances in quantities greater than one hundred (100) kilograms per month, or twenty-five (25) gallons per month, whichever is less, shall be subject to site plan requirements.

HEIGHT, BUILDING: See BUILDING HEIGHT.

HIGHWAY: See STREET.

HOME OCCUPATION: Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof. Home occupations shall be clearly incidental and secondary to the use of the dwelling for living purposes, shall not change the character thereof, and shall not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Home occupations are further defined and regulated in Section 17.34 of this Ordinance.

HOSPITAL: An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

HOSPITAL, VETERINARY: See CLINIC, VETERINARY.

HOTEL: A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, and in which provision is not made for cooking in the individual units. Hotels customarily provide services such as desk service, maid service, laundering of linens, etc.

HOUSING, ELDERLY: An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age and older. Housing for the elderly may include: Senior Apartments: Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

Elderly Housing Complex: A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years or older or couples where either the husband or wife is sixty (60) years of age or older.

Congregate or Interim Care Housing: A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

Dependent Housing Facilities: Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

INGRESS AND EGRESS: As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk or entranceway which allows pedestrians to enter or leave a parcel of property, a building, or another location.

INOPERABLE MOTOR VEHICLE: Any motor vehicle (automobile, truck or similar vehicle) which is unlicensed, inoperable, dismantled, wrecked or which cannot be operated under its own power and is kept or stored outside of a building for more than fourteen (14) days.

JUNK: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

JUNKYARD: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

KENNEL: Any lot or premises on which a combination of four (4) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily for sale, breeding, boarding, training, hobby, protection, grooming or as pets; and may offer provisions for minor medical treatment including animal shelters.

LABORATORY: A place devoted to experimental, routine or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

LAKE: Any body of water, natural or artificial, defined as "inland lake or stream" in the Natural Resources and Environmental Protection Act, PA 451 of 1994, Part 301, as amended.

LAND DIVISION: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of section 108 and 109 of the Land Division Act, P.A. 288 of 1967 as amended.

LANDFILL: Any disposal area, tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

LANDSCAPING: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- A. **Berm:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.
- B. **Greenway:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
- C. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- D. **Hedge:** A row of closely planted shrubs or low-growing trees which form a continuous visual screen, boundary, or fence.
- E. **Screen or screening:** A wall, wood fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- F. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- G. **Sod:** A piece from the surface of grassland containing the grass support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. Sod is grown on mineral soil (commonly referred to as "topsoil") or peat, and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.

H. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well- defined central stem which normally grows to a mature height of fifteen (15) feet or more in Allegan County, Michigan.

1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.

2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.

I. **Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.

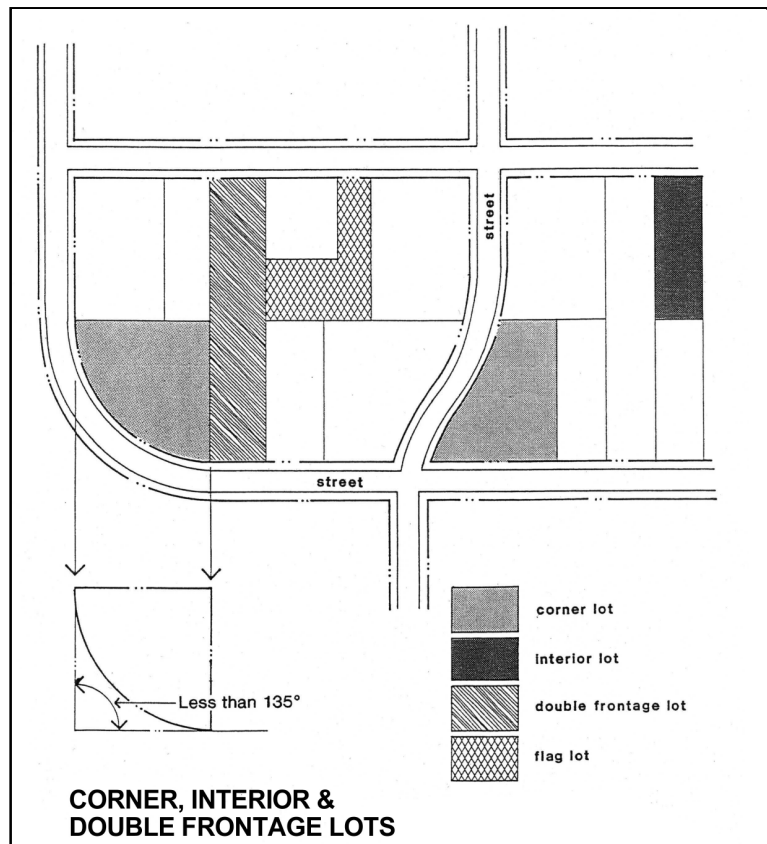
J. **Shade Tree:** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater and has a trunk with at least five (5) feet of clear stem at maturity.

LIVESTOCK: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm.

LOADING SPACE, OFF-STREET: An off-street space of definite size and dimensions in accordance with the requirements of this Ordinance, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

LOCAL STREET: See STREET, LOCAL OR MINOR.

LOT (OR ZONING LOT OR PARCEL): For the purposes of



enforcing this Ordinance, a lot is defined as a piece of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. A lot shall have frontage on a roadway dedicated to the public and certified for maintenance by a public agency, or, if permitted by the regulations set forth herein, on a private road. A lot may consist of:

- A. A single Lot of Record.
- B. A portion of a Lot of Record.
- C. A combination of complete Lots of Record, or portion thereof.
- D. A piece of land described by metes and bounds.

LOT, ADJACENT: Lots which adjoin each other or which are separated only by a public or private right-of-way or easement.

LOT AREA, NET: The total horizontal area within the lot lines of a lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or wetlands area.

LOT AREA, GROSS: The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

LOT, CONTIGUOUS: Lots adjoining each other.

LOT, CORNER: A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.)

LOT COVERAGE: The part or percent of the lot that is occupied by buildings or structures.

LOT DEPTH: The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. See illustration above.

LOT, INTERIOR: Any lot other than a corner lot with only one (1) lot line fronting on a street.

LOT, LAKE: A lot having any frontage directly upon a lake, natural or man- made. The yard adjacent to the water shall be designated the lakefront yard of the lot.

LOT LINES: The lines bounding a lot as follows:

- A. **Front Lot Line:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Allegan County Register of Deeds, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Allegan County Register of Deeds.

LOT WIDTH: The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

LOT SPLIT AND CONSOLIDATION: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Allegan County Register of Deeds. The division of lots shall take place in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended and the Gun Plain Charter Township Subdivision Regulations Ordinance.

MAIN ACCESS DRIVE: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

MAJOR STREET OR THOROUGHFARE: See STREET, MAJOR.

MANUFACTURED DWELLING: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

Also see ONE FAMILY OR SINGLE FAMILY DWELLING.

MANUFACTURED HOUSING PARK: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as a temporary park, subject to conditions set forth in the Manufactured Housing Commission Rules and Michigan Public Act 419 of 1976, as amended.

MARQUEE: A roof-like structure of a permanent nature, projecting from the wall of a building.

MASSAGE THERAPIST (Certified): An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organization.

MASTER PLAN: The master plan is a document which is prepared under the guidance of the Gun Plain Township Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

MEZZANINE: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located. A mezzanine shall be deemed a full story if the vertical distance from the next floor below the mezzanine to the next floor above is twenty-four (24) feet or more.

MICROBREWERY: A brewer licensed by the State of Michigan which produces and manufactures in total, less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

MINOR STREET: See STREET, LOCAL OR MINOR.

MOBILE HOME DWELLING: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance. A mobile home is a type of manufactured housing. Also see ONE FAMILY OR SINGLE FAMILY DWELLING.

MOBILE HOME LOT: An area within a mobile home park which is designated for the exclusive use of the occupants of a specific mobile home.

MOTEL: A series of attached, semi-detached, or detached rental units which may or may not be independently accessible from the outside parking area consisting of a minimum of a bedroom and bath, occupied for hire, in which a minimum of fifty percent (50%) plus one (1) of the units feature exterior entrances, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and/or caretaker.

MOTOR HOME: A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile home.

MULTIPLE-FAMILY DWELLING: A building designed for and occupied by three (3) or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwellings units include the following:

- A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often have a central heating system and other central utility connections and common yard space.
- B. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room. **MUNICIPALITY:** The word "municipality" shall mean the Charter Township of Gun Plain, Allegan County, Michigan.

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING BUILDING: A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located. Nonconforming structures, uses, and lots are further regulated by Chapter 23 of this Ordinance.

NONCONFORMING LOT: A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located.

NONCONFORMING USE: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

NON-CONFORMITY: Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located.

NUISANCE: Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, endanger life and health, or the generation of an excessive or concentrated movement of people or things such as : (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, or (o) invasion of non-abutting street frontage by traffic

NURSERY, DAY NURSERY, or NURSERY SCHOOL: See CHILD CARE CENTER.

NURSERY, PLANT MATERIAL: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises. Also see OPEN AIR BUSINESS, GARDEN CENTER and ROADSIDE STAND.

NURSING HOME, CONVALESCENT HOME, OR REST HOME: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

OCCUPANCY LOAD: The total number of persons that are permitted to occupy a building or portion thereof at any one time.

OCCUPIED: Used in any way at the time in question.

OFF-STREET PARKING SPACE: See PARKING SPACE and PARKING LOT, OFF-STREET.

ONE-FAMILY OR SINGLE-FAMILY DWELLING: A detached building containing not more than one dwelling unit designed for residential use.

OPEN AIR BUSINESS: Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- D. Outdoor display and sale of model garages, swimming pools, playground equipment, and similar uses.

OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

OPEN SPACE: Lands open from ground to sky and devoted to outdoor recreation space, agriculture, greenery and resource protection. Developed open spaces may include, but is not limited to, playground fixtures, shelter, and tennis courts.

OPEN SPACE, COMMON An unoccupied area within a planned unit development or site condominium which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners, and occupants, and generally owned and maintained in common by them, often through a home owners or property owner's association.

OPEN SPACE, PUBLIC: Any primarily undeveloped land intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

OPEN STORAGE: Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

OUTLOT: A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

PARCEL: See LOT.

PARKING LOT, OFF-STREET: An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

PARKING SPACE: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, which is fully accessible for such purposes, and is exclusive of access drives and aisles thereto.

PARTY WALL: A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

PERSON: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERFORMANCE STANDARD: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, or other effects.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is kept for pleasure or companionship.

PLANNED UNIT DEVELOPMENT: A planned unit development may include such concepts as cluster development, planned development, community unit development, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches.

PLANNING COMMISSION: The Gun Plain Charter Township Planning Commission created pursuant to the provisions of Michigan Public Act 168 of 1959, as amended.

PLAT MAP: A map of a subdivision of land.

POULTRY: Any of various breeds of birds long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys not including game fowl.

PORCH: An exterior appendage to a building which has a separate roof or a roof integral with the building which forms a covered approach to a doorway or vestibule.

Porch, Enclosed: A porch separated from the outside by an all-weather partition or a partition which renders the area inside the partition habitable.

Porch, Open: A porch not separated from the outside by either an all-weather partition or a partition rendering the area inside the partition habitable.

PRINCIPAL USE: See USE, PRINCIPAL.

PRIVATE STREET OR ROAD: See STREET.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

PUBLIC NOTICE: A notice of the time, place, and purpose of a public hearing, which notice shall be posted in a manner and within a time frame as prescribed in this Ordinance or in applicable State law.

PUBLIC UTILITY: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

REAR LOT LINE: See LOT LINE, REAR.

RECREATION ESTABLISHMENT, INDOOR: A privately owned facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

RECREATION ESTABLISHMENT, OUTDOOR: A privately owned facility designed and equipped for the conduct of sports, amusements, or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the

public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

RECREATIONAL LAND: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

RECREATIONAL VEHICLE: A boat, snowmobile, off-road vehicle, camper travel trailer, motor home, pick-up camper, or trailer which is designed for private recreational or travel use and which is further defined as:

Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

Motor Home (Trailer Coach): A self-propelled motorized recreational vehicle intended, designed, used, or constructed, and duly licensable for travel and/or recreational usage, and for temporary human habitation, sleeping, and/or cooking and eating for one (1) or more persons, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor home generally contain sanitary, water, and electrical facilities.

Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.

Boats and Boat Trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

Other Recreational Equipment: Snowmobiles, all terrain vehicles, special terrain vehicles, utility trailers, plus normal equipment to transport them on the highway.

REFUSE: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, sashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

RESTAURANT: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic

of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

Restaurant, Carry-Out: A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

Restaurant, Drive-In: A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

Restaurant, Drive-Through: A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

Restaurant, Fast-Food: A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

Restaurant, Standard: A standard restaurant is a restaurant whose method of operation involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Bar/Lounge: A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If an establishment includes a bar or lounge and a separate dining facility, the establishment shall be considered a bar/lounge if more than 50 percent of the usable floor area of the entire establishment is used for the bar/lounge.

RIGHT-OF-WAY: A right-of-way as defined herein dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the right-of-way normally includes curbs, lawn strips, and lighting and drainage facilities.

ROADSIDE STAND: A temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district, land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity for purposes of this Ordinance.

ROOM: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

ROOMING HOUSE: See BOARDING HOUSE.

SATELLITE ANTENNA: An accessory structure which at its widest dimension is in excess of 36 inches, capable of receiving signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

SAWMILL (Agricultural): A facility for the primary processing of forest products in an agricultural zoning district, provided that such facility is found to not seriously interfere with accepted farming practices, employs three or fewer persons(including the property owner), where product is milled or planed in a bulk manner for private or small scale commercial purposes either outdoors or in an enclosed building and where it is found to be compatible within close proximity to agricultural and rural residential land uses.

SAWMILL (Industrial): A facility for the primary processing of forest products grown off-site and milled or planed in a bulk manner for commercial purposes; in a facility located in an industrial zoning district; where more than three persons are employed; where the processing takes place in an enclosed building, and where the finished product is shipped for retail or wholesale trade.

SCHOOL, CHARTER (Public School Academy): A public school and a school district, subject to the leadership and general supervision of the state board over all public education. A charter school or public school academy is authorized by the executive action of authorizing board which may be the board of a school district, an intermediate school board, or the board of a community college or a state public university. A charter school shall not be organized by a church or other religious organization.

SCHOOL, HOME: A school which enables a child to be educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. The home school family may choose whether to operate as a nonpublic school. If a home school family chooses to operate as a nonpublic school, it must register with the Michigan Department of Education.

SCHOOL, NONPUBLIC: A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

SCHOOL, PUBLIC: A public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

SCREEN, OBSCURING: A visual barrier between adjacent area or uses consisting of structures, such as a wall or fence, or living plant material.

SETBACK: The distance between a front, side or rear lot line and the dripline of a structure on the lot. The MINIMUM REQUIRED SETBACK is the minimum distance between a front, side or rear lot line and the dripline of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

SETBACK, PARKING LOT: The minimum horizontal distance between the street right-of-way or property line and the near edge of the parking lot, excluding necessary and/or approved driveways, frontage roads, and landscaping areas.

SIDE LOT LINE: See LOT LINE, SIDE.

SIDEWALK: Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Township or other agency with right-of-way jurisdiction, as applicable.

SIGN: Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located. Various types of signs and sign-related terms are defined in Chapter 16 of this Ordinance.

SINGLE-FAMILY ATTACHED OR TOWNHOUSE DWELLING UNIT: A Townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, and typically with its own basement utility connections, and front and rear yards. Townhouses are also commonly known as row houses.

SITE PLAN: A plan showing all salient features of a proposed development, as required in Chapter 20, so that it may be evaluated to determine whether it meets the provisions of this Ordinance. Also see DEVELOPMENT PLAN.

SOLAR PANELS: A solar photovoltaic panel or covering, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Gun Plain Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

SPECIAL LAND USE: Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts. After due consideration of the impact on each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval or conditional approval by the Planning Commission, subject to the terms of Chapter 22 of this Ordinance.

STABLE, PRIVATE: A private stable is an enclosed building intended for the keeping of horses or other large domestic animals for the noncommercial use of the residents of the principal residential use on the site.

STABLE, PUBLIC: A public stable is an enclosed building intended for the keeping of horses or other domestic animals, in which any such animals are kept for remuneration, hire, or sale.

STATE LICENSED RESIDENTIAL FACILITY: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

- A. **Adult Foster Care Facility:** A governmental or nongovernmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer & Industry Services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally

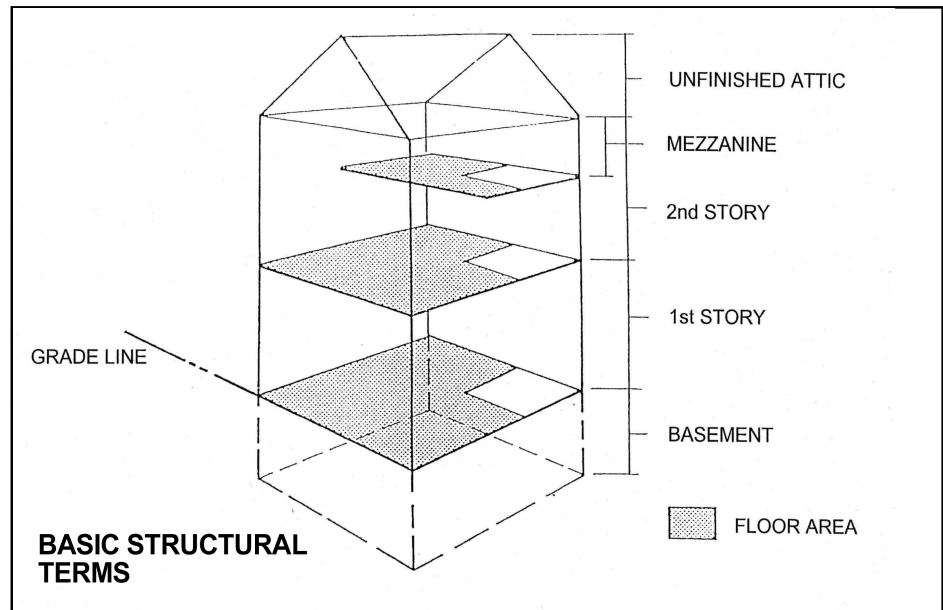
disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
 2. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
 3. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
 4. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
- B. **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Consumer and Industry Services.
- C. **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Consumer and Industry Services.

STATE EQUALIZED VALUATION: The value shown on the Township assessment roll as equalized through the process of State and County equalization.

STORAGE: The depositing of material, products for sale or use, vehicles, or other items for a period greater than twenty four (24) hours. This definition shall include items for household use, but shall not include vehicles, boats, mobile homes and other items.

STORY: That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least fifty (50%) percent of the usable floor area of the floor immediately below it.



A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling. See illustration.

STORY, HALF: The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches.

STREET: A public or private street, road or thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

- A. **Collector Street:** A street whose principal function is to carry traffic between local or minor streets and major streets but may also provide direct access to abutting properties.
- B. **Cul-De-Sac:** A street that terminates in a vehicular turnaround.

- C. **Local or Minor Street:** A street whose sole function is to provide access to abutting properties.
- D. **Major Street:** A street that carries high volumes of traffic and serves as a main avenue through or around the Township. Major streets may also be referred to as arterial streets or major thoroughfares. For the purpose of this Ordinance, major streets shall include those streets designated as "county primary", "county local" or "major street."
- E. **Private Street or Road:** A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the Township, County, State or Federal Government.
- F. **Public Street or Road:** A street or road, the right-of-way and improvements of which have been accepted for maintenance by the Township, County, State or Federal Government.

STREET LINE: A dividing line between the street and a lot, also known as the right-of-way line.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

STRUCTURE, ACCESSORY: See ACCESSORY USE, BUILDING, OR STRUCTURE.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE, OUTDOOR ADVERTISING: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

SUBDIVISION PLAT: The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, and the Gun Plain Township Subdivision Regulations.

SWIMMING POOL: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended

for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

TEMPORARY USE OR BUILDING: See BUILDING, TEMPORARY or USE, TEMPORARY.

THEATER: An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building. Also see DRIVE-IN THEATER.

TOWNHOUSE: See SINGLE FAMILY ATTACHED or TOWNHOUSE DWELLING UNIT.

TOXIC OR HAZARDOUS WASTE: Waste or a combination of waste and other discarded material including solid, liquid, semi-solid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. an increase in mortality, or
- B. an increase in serious irreversible illness, or
- C. serious incapacitating, but reversible illness, or
- D. substantial present or potential hazard to human health or the environment.

TRAILER: See RECREATIONAL VEHICLE; MOBILE HOME DWELLING; and UTILITY TRAILER.

TRANSITION: The word or term "transition" or "transitional" shall mean a zoning district, a landscaped area, lot arrangement, wall or other means which may serve as a buffer between various land use types, particularly those uses which are incompatible.

TRUCK STORAGE: An area used for the temporary storage of private trucks or trucks for hire.

TRUCK TERMINAL: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the City or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

TWO-FAMILY OR DUPLEX DWELLING: A detached building, designed exclusively to be occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

USE: The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

USE, ACCESSORY: See ACCESSORY USE, BUILDING, OR STRUCTURE.

USE, CHANGE OF: The term "change of use" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

USE, CONDITIONAL: See CONDITIONAL USE.

USE, PERMITTED: A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

USE, PRINCIPAL: The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

USE, SPECIAL LAND: See SPECIAL LAND USE.

USE, TEMPORARY: Shall mean a use permitted to exist during a specified period of time under conditions and procedures as provided in this Ordinance.

UTILITY ROOM: A utility room is a room in a dwelling, the use of which is primarily for storage, for housing a heating unit, or for laundry purposes.

UTILITY TRAILER: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance in accordance with the provisions herein in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district.

VEHICLE, COMMERCIAL: Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles:

Semi-trailer: A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. Semi-trailer shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies, and full or partial box-type enclosures, any of which above units exceed twelve (12) feet in height.

Truck Tractor: A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.

Other Commercial Vehicles: Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body, or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. Commercial vehicles do not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.

VETERINARY HOSPITAL: See CLINIC, VETERINARY.

WALL, OBSCURING: Shall mean a masonry structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

WALL, PARAPET: An extension of a building wall above the roof which may serve to screen roof mounted mechanical equipment.

WALL, RETAINING: A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area. For the purpose of this Ordinance, all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

WAREHOUSE: A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. See also DISTRIBUTION CENTER.

WAREHOUSE, MINIATURE OR SELF-STORAGE: A building or group of buildings in a controlled access and /or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled-access stalls or lockers for the storage of customers goods or wares.

WASTE RECEPTACLE STATION: Any exterior space which is not a principal use for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WETLAND, REGULATED: Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 451, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

Contiguous to an inland lake or pond, or a river, or a stream.

Not contiguous to an inland lake, pond, river, or stream, and more than five (5) acres in size.

Not contiguous to an inland lake, pond, river, or stream and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

WHOLESALE SALES: On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

WIRELESS COMMUNICATION FACILITIES: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including but not limited to radio and television towers, cellular telephone and paging towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio serve facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law. Wireless communication facilities shall be specifically excluded from the definition of “public facility” or “essential service.”

WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWERS): Any structure used to support attached wireless communication facilities, or other antenna or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole,

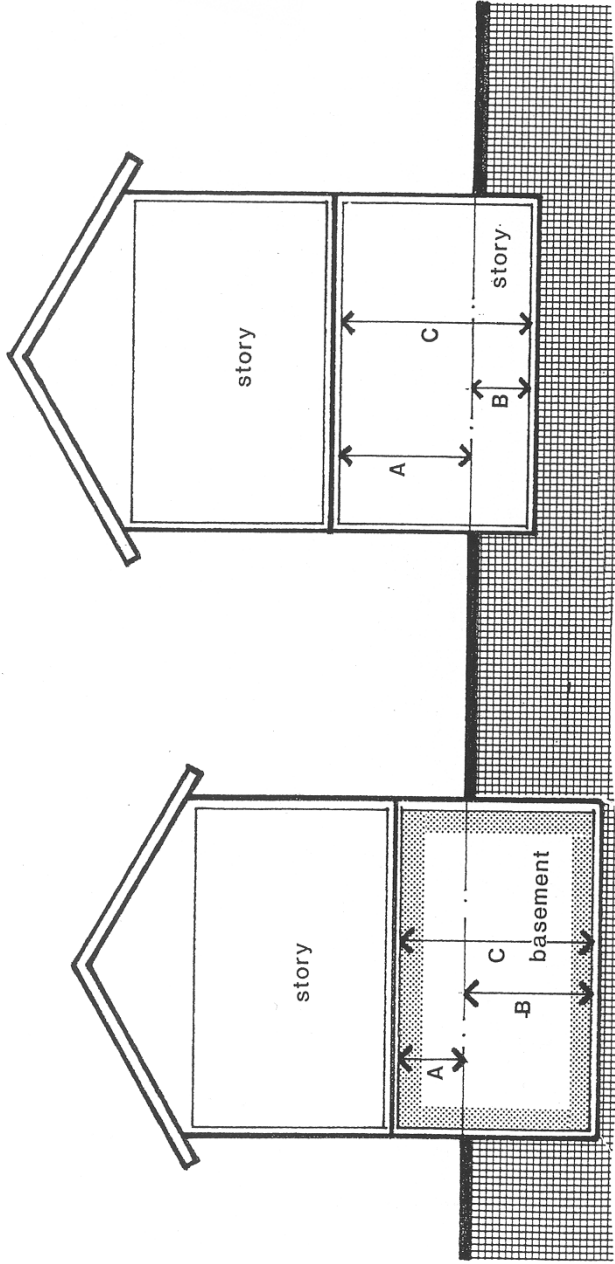
monopole, lattice towers, light poles, wood poles, and guyed towers or other similar structures which support wireless communication facilities.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this Ordinance. See Illustration on the next page.

- A. **Yard, Front:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.
- B. **Yard, Rear:** A yard extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest point on the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. **Yard, Side:** A yard between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

ZONING PERMIT: The written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration, or use of a building in conformity with this Ordinance.

ZONING OFFICIAL: Official assisting the Township Board, Township Superintendent, Planning Commission and Zoning Board of Appeals in administering the regulations of this Ordinance.



'A' greater than 'B'
'C' is story

'A' less than 'B'
'C' is basement

Basement and Story



CHAPTER IV

AG AGRICULTURAL DISTRICT

SECTION 4.01 DESCRIPTION AND PURPOSE

This zoning district is intended to accommodate land currently under cultivation, wetlands, woodlands, and other lands in an undisturbed state. Farming, crop cultivation, dairy and livestock operations, and rural estate single family dwellings are suitable uses in this district. Parcels within the AG District are restricted to a minimum of forty (40) acres in size. However, accommodations for some residential development is provided for as outlined within this Ordinance based on the original size of the farm or “parent” parcel.

SECTION 4.02 PERMITTED USE REGULATIONS

Land, buildings and structures in this Zoning District may be used for the following purposes only:

- A. Farms for both general and specialized farming, together with farm dwellings, buildings and other installations necessary to such farms including temporary housing for migratory workers housing and its sanitary facilities, provided that such activities are in conformance with all requirements of the Allegan County Health Department, the State of Michigan Right to Farm Act, MDEQ and/or any other federal, state and/or local regulating agency having jurisdiction. Horses may be kept on parcels exceeding five (5) acres.
- B. Greenhouses, nurseries, orchards, vineyards, and apiaries
- C. Riding stables, where horses are boarded and/or rented.
- D. Single family dwellings
- E. Publicly owned and operated parks, parkways, and recreational facilities.
- F. Adult foster care family homes of six (6) or fewer persons. This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions.

- G. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 4.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use in Chapter 17; review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance; and the procedures set forth in Chapter 22 of this Ordinance:

- A. Home occupations as regulated by Section 17.34 of this Ordinance..
- B. Removal and processing of topsoil, sand, gravel or other such minerals as regulated by Section 19.09 of this Ordinance.
- C. Commercial kennels and animal boarding establishments as regulated in Section 17.21 of this Ordinance.
- D. Municipal, county, regional and state owned buildings and service facilities (not including outdoor storage yards) when in character with the surrounding residential and agricultural area.
- E. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools.
- F. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, (not including service or storage yards) when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communication facilities except as set forth in Section 17.36 of this Ordinance.
- G. Cemeteries.
- H. Essential Services
- I. Cottage Industries as Regulated by Section 17.341 (Amended 7/6/2006)

SECTION 4.04 DEVELOPMENT STANDARDS

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

- A. **HEIGHT.** No residential building or structure shall exceed thirty-five (35) feet in height. Agricultural structures such as storage silos, barns, grain elevators and similar structures are exempt from the maximum height requirements of this Ordinance.

- B. **FRONT YARD.** There shall be a front yard of not less than fifty (50) feet.
- C. **SIDE YARD.** For residential buildings and structures, there shall be total side yards of not less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet. For all other buildings, there shall be two (2) side yards of not less than fifty (50) feet each.
- D. **REAR YARD.** There shall be a rear yard of not less than fifty (50) feet.
- E. **LOT AREA.** The minimum gross lot area in this District, unless specified elsewhere, shall be forty (40) acres. (Rev. 12/5/02)
- F. **LOT WIDTH.** The minimum lot width in this District, unless specified elsewhere, shall be three hundred-thirty (330) feet. The lot width shall be measured at the front building line. The maximum lot width to depth ratio shall be 1:4 for all lots less than 40 acres in size.
- G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the applicable minimum lot width.
- H. **MINIMUM FLOOR AREA.** Each dwelling unit, unless specified elsewhere, shall have a minimum of eight hundred sixty-four (864) square feet of useable floor area on the main floor.
- I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single family residential uses, accessory buildings, permitted agricultural uses in accordance with Chapter 20 of this Ordinance and adult foster care facilities with six (6) or fewer residents. (Rev. 12/5/02)
- J. **SINGLE FAMILY RESIDENTIAL DRIVEWAYS.** All driveways providing access for single family dwellings shall be constructed in such a manner as to provide year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. At a minimum, driveway construction shall consist of the removal or all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be a minimum of eight (8) feet wide with sufficient clearance of vegetation and other obstructions so as to provide for the access of all types of emergency vehicles providing emergency services in the Township. No more than one driveway shall be permitted per residential parcel. No more than two (2) residences shall share a single driveway. (Rev. 12/5/02)
- K. **LOT DIVISION FOR SINGLE FAMILY DWELLINGS**

The following table shall govern the number of lots that may be subdivided and developed for single family dwellings according to the size of the original or “parent” parcel existing as a lot of record on the effective date of this Ordinance. The resulting lot divisions shall comply with the provisions of the “R-2” district for development standards in Section 6.04 of this Ordinance except it shall allow a minimum of one (1) acre in lot area. The total allowable combined acreage under this provision equals the Maximum Additional Lots times five (5) (see chart below).

Sliding Scale Development Requirements for Single Family Parcels in the AG Agricultural District		
Area of Lot of Record	Maximum Additional Lots	Maximum Combined Total Acreage of all Lots
30.0 to 40 acres*	2	10
40.1 to 80 acres	3	15
80.1 to 120 acres	4	20
120.1 to 140 acres	5	25
140.1 to 160 acres	6	30
over 160 acres	7	35

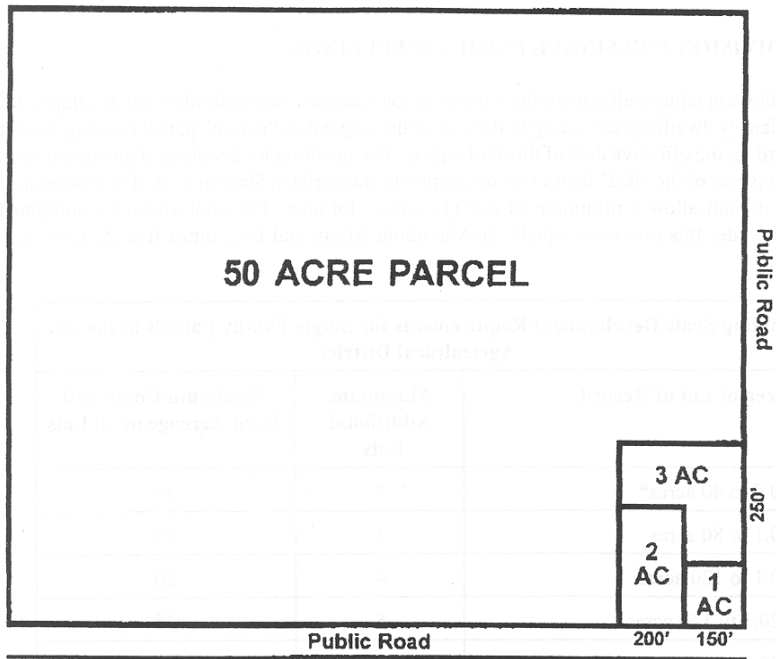
* Lot splits permitted for existing parcels under forty (40) acres in size are for existing lots of record at the time of the adoption and enactment of this Ordinance.

Example: A 50 acre parcel may be split into three additional lots. This may include any combination of lot sizes (greater than one acre) so long as the total combined acreage of all lots does not exceed 15 acres. These splits may be created at one time or over a longer time period.

The remainder of an original or parent parcel may be divided into an unlimited number of forty (40) acre parcels but only when each of the resulting parcels exceeds the minimum required forty acres.

Example: A seventy four (74) acre parcel **may not** be divided into forty (40) and thirty four (34) acre parcels but a remaining eighty one (81) acre parcel may be divided into forty (40) and forty one (41) acre parcels).

No additional splits are permitted once the maximum number of lots indicated in the above chart are created.



TOTAL PERMITTED SPLITS: 3
 TOTAL ACRES SPLIT: 6 (LESS THAN MAXIMUM OF 15 ACRES)

Examples of Permitted Land Divisions for Single Family Dwelling in AG

CHAPTER V

R-1 VERY LOW DENSITY (RURAL) RESIDENTIAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSES

This District is intended for single family dwellings on large parcels interspersed within tracts of agricultural uses and undeveloped open space for the purpose of maintaining rural atmosphere, preserving open space and very low population density. Utilities are not encouraged for extension in this area and all homes must utilize on-site well and sanitary septic systems as permitted by the Allegan County Health Department.

SECTION 5.02 PERMITTED USE REGULATIONS

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

- A. Single family dwellings.
- B. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations necessary to such farms. Horses may be kept on parcels exceeding five (5) acres.
- C. Roadside stands for the sale of produce grown on the property by the resident owners.
- D. Greenhouses, nurseries, orchards, vineyards, or farms.
- E. Adult foster care family homes of six (6) or fewer persons. This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions.
- F. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 5.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use in Chapter 17; review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance; and the procedures set forth in Chapter 22 of this Ordinance:

- A. Home occupations as regulated by Section 17.34 of this Ordinance.
- B. Removal and processing of topsoil, sand, gravel or other such minerals as regulated by Section 19.09. of this Ordinance.
- C. Commercial kennels and animal boarding establishments as regulated in Section 17.21 of this

Ordinance.

- D. Municipal, county, regional and state owned buildings and service facilities (not including outdoor storage yards) when in character with the surrounding residential and agricultural area.
- E. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto, subject to the provisions of Section 17.11 of this Ordinance.
- F. Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education.
- G. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools.
- H. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communication facilities except as set forth in Section 16.36 of this Ordinance.
- I. Cemeteries.
- J. Riding stables, where horses are boarded and/or rented.
- K. Essential Services
- L. Publicly owned and operated parks, parkways, and recreational facilities.

SECTION 5.04 DEVELOPMENT STANDARDS

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

- A. **HEIGHT REGULATIONS.** No residential building or accessory structure shall exceed thirty-five (35) feet in height.
- B. **FRONT YARD.** There shall be a front yard of not less than fifty (50) feet.
- C. **SIDE YARD.** For residential buildings and structures, there shall be total side yards of not less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet. For all other buildings, there shall be two (2) side yards of not less than fifty (50) feet each.
- D. **REAR YARD.** There shall be a rear yard of not less than fifty (50) feet.
- E. **LOT AREA.** The minimum gross lot area in this District shall be five (5) acres for all

agricultural and rural (single family) residential land uses. (Rev. 12/5/02)

- F. **LOT WIDTH.** The minimum lot width in this District, unless specified elsewhere, shall be two hundred and fifty (250) feet. The maximum lot width to depth ratio shall be 1:4 for all lots less than 40 acres in size.
- G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the applicable minimum lot width.
- H. **MINIMUM FLOOR AREA.** Each dwelling unit, unless specified elsewhere, shall have a minimum of eight hundred sixty-four (864) square feet of usable floor area on the main floor.
- I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single family residential uses in accordance with Chapter 20, accessory buildings permitted agricultural uses in accordance with Chapter 20 of this Ordinance and adult foster care facilities with six (6) or fewer residents.(Rev. 12/5/02)
- J. **SINGLE FAMILY RESIDENTIAL DRIVEWAYS.** All driveways providing access for single family dwellings shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. At a minimum, driveway construction shall consist of the removal of all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be a minimum of eight (8) feet wide with sufficient clearance of vegetation and other obstructions so as to provide for the access of all types of emergency vehicles providing emergency services in the Township. No more than one driveway shall be permitted per residential parcel. No more than two (2) residences may share a single driveway. (Rev. 12/5/02)

CHAPTER VI

R-2 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSE

This District is intended for low density single family residential dwellings on large parcels within an improved neighborhood or residential subdivision setting. These areas will be convenient to major transportation networks and may be accessible to public water and sewer facilities. In addition to single family residential uses, desirable recreational, religious and educational facilities are also permitted. Planned Unit/Open Space Development shall be the preferred method of design and development. Standard plats, site condominiums and land divisions are permitted but at lower density than Planned Unit/Open Space Developments.

SECTION 6.02 PERMITTED USES

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

- A. Single family dwellings.
- B. Publicly owned and operated parks, parkways, and recreational facilities.
- C. Adult foster care family homes of six (6) or fewer persons. This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions.
- D. Accessory structures and uses customarily incidental to the above permitted uses.
- E. Private and public schools, libraries, museums, art galleries and similar uses.
- F. Parks, playgrounds, cemeteries, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a non commercial organization.
- G. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto, subject to the provisions of Section 17.11 of this Ordinance.
- H. Planned Unit Developments subject to provisions of Chapter 15 of this Ordinance.

SECTION 6.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the Township Board, subject to the conditions specified for each use in Chapter 17; review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission or Township Board, are necessary to fulfill the purposes of this Ordinance; and the procedures set forth in Chapter 22 of this Ordinance:

- A. Home occupations as regulated by Section 17.34 of this Ordinance.
- B. Municipal, county, regional and state owned buildings including libraries, art galleries, museums, offices and service facilities (not including outdoor storage yards) when in character with the surrounding residential area.
- C. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools.
- D. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communication facilities except as set forth in section 17.36 of this Ordinance.
- E. Cemeteries.
- F. Essential Services

SECTION 6.04 DEVELOPMENT STANDARDS

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

- A. **HEIGHT REGULATIONS** No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 ½) stories.
- B. **FRONT YARD.** There shall be a front yard of not less than fifty (50) feet. However, front yards in subdivision plats or site condominiums approved prior to the adoption date of this ordinance may have a front yard of not less than thirty (30) feet. (Rev. 6/5/03)
- C. **SIDE YARD.** There shall be total side yards of not less than twenty (20) feet; provided, however, that no yard shall be less than seven (7) feet.
- D. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet.

E. **LOT AREA.** The minimum gross lot area for single family dwellings in this District shall be:

With PUD option	Without PUD option
2 acres*	2.5 acres

* used to compute allowable density. See chapter 15 for PUD provisions.

Permitted nonresidential uses shall be required to have a minimum of five (5) acres. (Rev. 12/5/02)

F. **LOT WIDTH.** The minimum lot width in this District, unless reduced as a result of a PUD proposal, shall be one hundred and fifty feet (150). The maximum lot width to depth ratio shall be 1:4 for all lots less than 40 acres in size.

G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the minimum applicable lot width.

H. **MINIMUM FLOOR AREA** Each dwelling unit shall have a minimum usable floor area of eight hundred sixty-four (864) square feet on the main floor.

I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single family residential uses on individual parcels in accordance with Chapter 20, accessory buildings and adult foster care facilities with six (6) or fewer residents. (Rev. 12/5/02)

J. **PLANNED UNIT DEVELOPMENT.** Subdivision Open Space Developments (PUD's) are permitted and encouraged in the R-2 District, subject to the standards and approval provisions as set forth in Chapter 15 of this Ordinance.

K. **ACCESS MANAGEMENT.** All developments consisting of two or more single family dwellings shall utilize shared driveways, private roads or newly dedicated public roads to provide access to their developments in order to limit curb cuts and access to primary County roadways and State highways.

L. **SINGLE FAMILY RESIDENTIAL DRIVEWAYS**

All driveways providing access for single family dwellings shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. At a minimum, driveway construction shall consist of the removal of all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be a minimum of eight (8) feet wide with sufficient clearance of vegetation and other obstructions so as to provide for the access of all types of emergency vehicles providing emergency services in the Township. No more than one driveway shall be permitted per residential parcel. No more than two(2) residences may share a single driveway.(Rev. 12/5/02)

M. **PUBLIC WATER AND SEWER.** Each principal building in the proposed development shall be served by public sanitary and public water supply systems if available within two hundred (200) feet of the proposed development. If not available, private sewer and water systems are permitted

when approved by the Allegan County Health Department in compliance with Chapter 22 of the Code of Ordinances of Gun Plain Township.
(Amended 10-6-2011 Ord.#153)

CHAPTER VII

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE

This District is intended for a mixture of housing types including single and two family dwellings, condominium developments, multiple family structures, senior housing facilities, apartments, and similar housing alternatives. Planned Unit/Open Space Development shall be the preferred method of design and development. Standard plats, site condominiums and land divisions are permitted but shall be subject to a density penalty.

SECTION 7.02 PERMITTED USES

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

- A. Single and two family dwellings.
- B. Adult foster care family (six (6) or fewer persons) or group (twelve (12) or fewer persons) homes. This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions.
- C. Nursing homes, senior citizen housing, retirement residences, senior apartment facilities and similar group housing.
- D. Accessory structures and uses customarily incidental to the above permitted uses, including but not limited to:
 - 1. Community garages, serving the principal residential building, containing space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.
 - 2. Maintenance and management buildings to serve the multiple dwellings.
 - 3. Private swimming pool, clubhouse, or other recreational facility designed and operated only for the occupants of the principal building and their personal guests.
- E. Private and public schools (including charter schools).
- F. Parks, playgrounds, cemeteries, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a not-for-profit organization.
- G. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto, subject to the provisions of Section 17.11 of this Ordinance.

H. Planned Unit Developments subject to provisions of Chapter 15 of this Ordinance.

SECTION 7.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use in Chapter 17; review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance; and the procedures set forth in Chapter 22 of this Ordinance:

- A. Home occupations as regulated by Section 17.34 of this Ordinance.
- B. Municipal, county, regional and state owned buildings including libraries, art galleries, museums, offices and service facilities (not including outdoor storage yards) when in character with the surrounding residential area.
- C. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools.
- D. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communications facilities except as set forth in Section 17.36 of this Ordinance.
- E. Multiple family dwellings, including but not limited to, apartments, low-rise garden apartment houses, townhouses, terraces, efficiency units, and row houses.
- F. Cemeteries.
- G. Essential Services

SECTION 7.04 DEVELOPMENT STANDARDS

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. **HEIGHT REGULATIONS.** No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 ½) stories in height.
- B. **FRONT YARD.** There shall be a front yard of not less than twenty five (25) feet.
- C. **SIDE YARD.** There shall be total side yards as follows:
 - 1. For single and two family dwellings, the total side yards shall be not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.

2. For multi-family dwellings and all other permitted uses, each side yard shall be not less than twenty-five (25) feet, except that when a principal structure exceeds twenty-five feet in height, it shall be set back a distance equal to the overall height of the building.

D. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet. Multiple family structures over the height of twenty-five (25) feet shall have a rear yard equal to the total height of the proposed structure.

E. **LOT AREA AND WIDTH.** The minimum gross lot area and width in this District, unless specified elsewhere, shall be:

	with PUD option*	without PUD option	lot width
single family with public water & sewer	10,000 sq. ft.	12,500 sq. ft.	85 feet
single family without public water and sewer	PUD option not permitted without public water & sewer	22,000 sq. ft.	100 feet
Two - family	double above lot areas	double above lot areas	125 feet
Multiple family (must be connected to public water and sewer)	5,000 sq. ft.	5,000 sq. ft.	125 feet

* used to compute allowable density. See chapter 15 for PUD provisions. (Rev. 12/5/02)

F. **LOT WIDTH TO DEPTH RATIO.** The maximum lot width to depth ratio shall be 1:4 for all lots less than 40 acres in size.

G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same minimum applicable lot width.

H. **MINIMUM FLOOR AREA.** Each single family and two family dwelling shall have the minimal usable floor area as is required in the "R-2" zoning district classification. Each multi family dwelling shall have minimum usable floor area as follows: one bedroom unit, six hundred fifty (650) square feet per unit; two bedroom unit, seven hundred fifty (750) square feet per unit; three bedroom unit, nine hundred (900) square feet per unit; additional bedrooms shall require an additional one hundred (100) square feet of usable floor area for each additional bedroom.

- I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single and two-family residential uses located on individual parcels in accordance with Chapter 20, accessory buildings and adult foster care facilities with six (6) or fewer residents.
- J. **PLANNED UNIT DEVELOPMENT.** Subdivision Open Space Developments are permitted and encouraged in the R-3 District where public water and sewer is available, subject to the standards and approval provisions as set forth in Chapter 15 of this Ordinance.
- K. **PUBLIC WATER AND SEWER.** All multiple family developments within the R-3 District shall be served by public sanitary and public water supply systems if available within two hundred (200) feet of the proposed development. If not available, private sewer and water systems are permitted when approved by the Allegan County Health Department in compliance with Chapter 22 of the Code of Ordinances of Gun Plain Township. **(Amended 10-6-2011 Ord.#153)**
- L. **ACCESS MANAGEMENT.** All developments consisting of two or more residential dwellings shall utilize private roads or newly dedicated public roads to provide access to their developments in order to limit curb cuts and manage access to primary County roadways and State highways.
- M. **SINGLE FAMILY RESIDENTIAL DRIVEWAYS.** All driveways providing access for single family dwellings shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. At a minimum, driveway construction shall consist of the removal of all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be a minimum of eight (8) feet wide with sufficient clearance of vegetation and other obstructions so as to provide for the access of all types of emergency vehicles providing emergency services in the Township. No more than one driveway shall be permitted per residential parcel or use. No more than two (2) residences may share a single driveway.(Rev. 12/5/02)

CHAPTER VIII

LR LAKE RESIDENTIAL DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSES

This zoning district is intended to provide suitable regulations for residential developments occurring adjacent to lake waterfronts within the Township and to control new development in an orderly manner to avoid degradation of the surface water quality and associated natural lake environment.

SECTION 8.02 PERMITTED USE REGULATIONS

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

- A. Single family dwellings.
- B. Publicly owned and operated parks, parkways, and recreational facilities.
- C. Adult foster care family homes of six (6) or fewer persons. This subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released for or assigned to adult correctional institutions.
- D. Accessory structures and uses customarily incidental to the above permitted uses.
- E. Private and public schools, libraries, museums, art galleries and similar uses.
- F. Parks, playgrounds, cemeteries, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a non commercial organization.
- G. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto, subject to the provisions of Section 17.11 of this Ordinance.
- H. Planned Unit Developments subject to provisions of Chapter 15 of this Ordinance.

SECTION 8.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the Township Board, subject to the conditions specified for each use in Chapter 17; review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission or Township Board, are necessary to fulfill the purposes of this Ordinance; and the procedures set forth in Chapter 22 of this Ordinance:

- A. Home occupations as regulated by Section 17.34 of this Ordinance.

- B. Municipal, county, regional and state owned buildings including libraries, art galleries, museums, offices and service facilities (not including outdoor storage yards) when in character with the surrounding residential area.
- C. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools.
- D. Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity. This shall not include wireless communication facilities except as set forth in section 17.36 of this Ordinance.
- E. Cemeteries.
- F. Essential Services

SECTION 8.04 DEVELOPMENT STANDARDS

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

- A. **HEIGHT REGULATIONS.** No residential building or accessory structure shall exceed thirty-five (35) feet in height.
- B. **FRONT YARD.** There shall be a front yard of not less than fifty (50) feet.
- C. **SIDE YARD.** There shall be total side yards of not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.
- D. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than fifty (50) feet from the water's edge.
- E. **LOT AREA.** The minimum gross lot area in this District shall be: 1) with public water and sewer, twelve thousand five hundred (12,500) square feet; 2) without public water and sewer, twenty two thousand (22,000) square feet.(Rev. 12/5/02)
- F. **LOT WIDTH.** The minimum lot width in this District shall be: 1) with public water and sewer, a minimum width of eighty five (85) feet; 2) without public water and sewer, one hundred (100) feet. The maximum lot width to depth ratio shall be 1:4 for all lots.
- G. **MINIMUM FRONTAGE.** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the applicable minimum lot width.

- H. **MINIMUM FLOOR AREA.** Each dwelling unit, unless specified elsewhere, shall have a minimum of eight hundred sixty-four (864) square feet of usable floor area on the main floor.
- I. **SITE PLAN REVIEW.** Site Plan Review and approval is required for all uses except detached single family residential uses in accordance with Chapter 20, accessory buildings and adult foster care facilities with six (6) or fewer residents. (Rev. 12/5/02)
- J. **PLANNED UNIT DEVELOPMENT.** Residential Open Space Developments are permitted and encouraged in the LR District where public water and sewer is available, subject to the standards and approval provisions as set forth in Chapter 15 of this Ordinance.
- K. **SINGLE FAMILY RESIDENTIAL DRIVEWAYS.** All driveways providing access for single family dwellings shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. At a minimum, driveway construction shall consist of the removal of all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be a minimum of eight (8) feet wide with sufficient clearance of vegetation and other obstructions so as to provide for the access of all types of emergency vehicles providing emergency services in the Township. No more than one driveway shall be permitted per residential parcel. No more than two (2) residences may share a single driveway. (Rev. 12/5/02)
- L. **PUBLIC WATER AND SEWER.** Each principal building in the proposed development shall be served by public sanitary and public water supply systems if available within two hundred (200) feet of the proposed development. If not available, private sewer and water systems are permitted when approved by the Allegan County Health Department in compliance with Chapter 22 of the Code of Ordinances of Gun Plain Township. **(Amended 10-6-2011 Ord.#153)**

CHAPTER IX

R-4 MANUFACTURED HOUSING PARK DISTRICT

SECTION 9.01 INTENT

The MHP, Manufactured Housing Park District is intended to provide for the location and regulation of mobile home parks. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing parks shall be located in conformance with the following:

- A. Manufactured home parks shall serve as a transition zone between residential and non-residential districts. Manufactured home parks should not be located where they would interrupt the continuity of permanent single family neighborhoods.
- B. On sites adjacent to existing manufactured home parks; however, sites which meet all other locational criteria of this Section may be appropriate.
- C. With paved vehicular access to a paved major thoroughfare or collector road.
- D. Sanitary sewer and water supply shall be available with sufficient capacity to serve the residents and to provide fire protection. Public sewer systems shall be required in manufactured home parks, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. Furthermore, the location of a manufactured housing park shall not have an adverse impact on the proper functioning of community facilities and utility systems, including but not limited to the following: roads, sanitary sewers, water, storm drainage, police and fire protection, and the educational system.
- E. Outside of a designated floodway.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home parks. When regulations in this Chapter exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

SECTION 9.02 PERMITTED PRINCIPAL USES

In all areas zoned MHP, Manufactured Housing Park District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- A. Manufactured housing parks and subdivisions.
- B. Adult care and child care facilities that provide care for up to six (6) individuals.
- C. Essential services, provided there is no building or outdoor storage yard.

SECTION 9.03 PERMITTED ACCESSORY USES

Accessory buildings, uses and activities customarily incidental to any of the above-named permitted uses, subject to the provisions of this Chapter.

SECTION 9.04 DEVELOPMENT STANDARDS AND REQUIREMENTS

A. Preliminary Plan Review

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall follow the procedures and requirements in Chapter 20 of this Ordinance, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules.

Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan.

B. Minimum Requirements

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

1. General Authority

Manufactured home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Manufactured Housing Commission Act, Act 96 of

1987, as amended, and subsequently adopted rules and regulations governing manufactured home parks. Application for permit to construct a Manufactured Housing Park shall be submitted to the Michigan Department of Consumer & Industry Services. Consumer & Industry Services, Construction Codes Bureau is the agency charged with licensing of manufactured home parks. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of Act 96.

2. **Codes**

All structures and utilities to be constructed, altered, or repaired in a manufactured home park shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured home built prior to June 15, 1976 shall have been constructed to the State of Michigan Standards in effect at that time. All structures and improvements to be constructed or made under the Township Building Code shall have a building permit issued therefore by the Township Building Inspector.

3. **Parcel Size**

The minimum parcel size for manufactured home parks shall be fifteen (15) acres.

4. **Site Size**

The manufactured housing park shall be developed with sites having a minimum size of 5,500 square feet per manufactured home unit. This 5,500 square foot minimum for any one site may be reduced 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

5. **Dimensional Requirements**

Manufactured homes shall comply with the following minimum distances and setbacks:

- a. Twenty (20) feet from any part of an adjacent manufactured home.
- b. Ten (10) feet from any on-site parking space of an adjacent manufactured home site.
- c. Ten (10) feet from any accessory attached or detached structure of an adjacent manufactured home.
- d. Fifty (50) feet from any permanent building.
- e. One hundred (100) feet from any baseball, softball, or similar recreational field.
- f. Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured homes and other structures in the MHP District shall be set back

at least twenty (20) feet from the right-of-way line of a dedicated public road with the manufactured home park.

- g. Seven (7) feet from any parking bay.
- h. Seven (7) feet from a common pedestrian walkway.
- i. All manufactured homes and accessory buildings shall be set back not less than twenty-five (25) feet from any park boundary line, including the future right-of-way line of abutting streets and highways.
- j. Forty (40) feet from the edge of any railroad right-of-way.

6. **Building Height**

Buildings in the MHP district shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.

7. **Roads**

Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:

- a. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted on one side only, and forty-one (41) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
- b. One-way streets shall have a minimum width of thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one side only, and thirty-three (33) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
- c. The alignment and gradient of a road shall be adapted to the topography and shall be graded for its full width to drain surface water. Internal road gradient and drainage construction phase features shall meet the requirements of the Manufactured Housing Commission Rule 908 and Rule 47 of the Michigan Department of Environmental Quality standards.
- d. Cul-de-sacs, where proposed, shall have a minimum radius of thirty (30) feet (60 ft. in diameter). Maximum cul-de-sac length shall be one-thousand (1,000) feet, provided no more than thirty-five (35) units may be served by a single means of access. A dead end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
- e. Adequate sight distance shall be provided at all intersections.
- f. The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.

- g. All roads shall be clearly marked with appropriate identification and traffic control signs. The name of any streets or roads shall be approved by the Allegan County Health Department.
- h. All roads shall be hard-surfaced and may be constructed with curbs and gutters.

8. Parking

- a. All manufactured housing sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.
- b. In addition, a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served.
- c. Off-street parking in accordance with Chapter 18 of this Ordinance shall be provided in conjunction with any community buildings, recreational facilities or office/maintenance buildings located within the manufactured home park.
- d. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
- e. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited to use only by residents of the manufactured housing parks. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured housing sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing parks. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/or man-made screens.

9. Sidewalks

Concrete sidewalks having a minimum width of four (4) feet shall be provided on at least one side of collector roads in the manufactured housing park.

10. Accessory Buildings and Facilities

- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only and shall be shown on the submitted Preliminary Plan for approval.

- b. Site-built structures within a manufactured housing park shall be constructed in compliance with the Township Building Codes and shall require all applicable permits. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with the Gun Plain Charter Township Building Codes.
- c. No personal property shall be stored outside or under any manufactured home. Storage structures (e.g., sheds, garages, etc.) may be used to store personal property on site. The installation of any such shed or garage shall require a Township building permit. Storage sheds need not be supplied by the owner or operator of the manufactured housing park.
- d. Travel trailers or recreational vehicles shall not be occupied as living quarters in all new and future manufactured housing developments.
- e. Towing mechanisms, including tires, shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

11. Open Space

Open space shall be provided in any manufactured housing park containing fifty (50) or more manufactured housing sites, and maintained by the owner or operator of the park. The open space shall comply with the following requirements:

- a. A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space developed with appropriate recreational facilities and play equipment, provided that a minimum of twenty-five-thousand (25,000) square feet of contiguous open space is provided.
- b. Open space shall be shaped and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

12. Landscaping and Screening

a. Perimeter Screening. All manufactured housing parks shall be screened from existing adjacent residential uses by either a six (6) foot privacy fence or a densely planted landscaped greenbelt. In addition, a landscaped buffer shall be provided along the public road frontage of any manufactured housing park.

aa. If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct

the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.

- bb. If a landscaped greenbelt is used, it shall be a minimum of twenty (20) feet in width and consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.
- b. Landscaping Adjacent to Rights-of-Way. A landscaped berm measuring three (3) feet in height along a landscaped greenbelt shall be constructed along the public rights-of-way on which the manufactured housing park fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in Gun Plain Township:

Type	Requirements
Deciduous street tree (e.g. Red or Norway Maple, Linden, Ash)	1 per 40 lineal feet of road frontage
Deciduous or evergreen shrubs	1 per 3 lineal feet of road frontage

- c. Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.
- d. Parking Lot Landscaping. Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one-hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.

13. Canopies

Canopies and awnings may be attached to any manufactured dwelling unit and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section but shall not require a building permit unless fully enclosed or exceeding ten (10) foot by ten (10) foot in size.

14. Waste Receptacles

If proposed, waste receptacles shall comply with the following requirements as well as Part 5 of the MDEQ Standards for waste receptacles:

- a. Receptacles shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured housing park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle. Receptacles shall be provided within one-hundred-fifty (150) feet of each manufactured housing unit, unless curb-side collection is provided.

- b. Receptacles shall be screened on three (3) sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other sides.
- c. Receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

15. **Signs.**

- a. Each manufactured housing park shall be permitted either:
 - aa. Two (2) signs, each of which shall not exceed five (5) feet in height and sixteen (16) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line; or
 - bb. One (1) sign which shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.
- b. Management offices and community buildings in a manufactured housing park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

16. **Water and Sewer Service**

All manufactured housing parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Allegan County Health Department and the Michigan Department of Public Health. Public sewer systems shall be required in manufactured housing parks, if available within two-hundred (200) feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. The plumbing connections to each manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

17. **Storm Drainage**

All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, independent of sanitary sewers, designed and constructed in accordance with applicable local, county, and state regulations as outlined in Part IV of the MDEQ Standards. On-site storm water detention facilities may be required.

18. **Underground Wiring and Utilities**

All local distribution lines for franchised utilities, including but not limited to telephones, electrical service, and cable television, shall be placed entirely underground throughout mobile home parks. Mainlines and perimeter feed lines located on a section or quarter section line may be

above ground if they do not overlap the park. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

19. **Fuel Oil and Gas**

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

20. **School Bus Stops**

School bus stops shall be located in an area that is acceptable to the local school district and the manufactured housing park developer.

21. **Mailbox Clusters**

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.

22. **Manufactured Housing Unit Sales**

The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or pre-owned manufactured homes which are to remain on-site in a manufactured housing community may be sold by the resident, owner, licensed dealer or broker, provided the manufactured housing development management permits such sales activity.

23. **Prohibitions**

A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community for sale or temporary sales office purposes.

24. **Operational Requirements**

- a. Permits. A manufactured housing park shall not be operated until a license has been issued by the Michigan Bureau of Construction Codes. The Township Building Inspector shall communicate his/her recommendations regarding the issuance of such licenses to the Director of the Manufactured Housing Division, Bureau of Construction Codes, Michigan Department

of Consumer and Industry Services. No individual manufactured housing site shall be occupied until the required improvements including utilities and access roads which serve the site are in place and functioning. Buildings constructed on-site, such as a management office or clubhouse, shall require a building permit prior to construction and a Certificate of Occupancy prior to use.

- b. Violations. Whenever, upon inspection of any manufactured housing park, the Township Zoning Administrator finds that conditions or practices exist which violate provisions of this Section or other regulations referenced herein, the Township shall give notice in writing by certified mail to the last known address of the park owner or agent in accordance with the Township's assessment records and, subsequently, the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation.
- c. Inspections. The Township Building or Zoning Inspector or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section or other regulations referenced herein.

CHAPTER X

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 10.01 DESCRIPTION AND PURPOSE

The intent of the "C-1" Neighborhood Commercial District is to provide for a variety of commercial uses, including more intensive commercial uses not permitted in a traditional downtown and which can be incompatible with pedestrian movement but less intensive than the land uses permitted in the "C-2" General Business District. The district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire Township and a limited area of the surrounding region beyond the Township's limits and, therefore, are often located so as to serve passing and destination traffic.

Because of the variety of business types permitted in the C-1 District, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Neighborhood commercial facilities should be compatible in design with adjacent commercial development and not pose a nuisance to nearby residential areas.

SECTION 10.02 PERMITTED USES BY RIGHT

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

- A. Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as, groceries, meats, dairy products, alcoholic beverages, baked goods or other foods, ice cream, pharmaceuticals, dry goods, notions, hardware, books, stationery and school supplies, records and video cassette sales and rental, flowers, hobby equipment, periodicals, shoes, sporting goods, small household articles, and tobacco products.
- B. Retail or service establishments which offer comparison goods for residents, such as: bicycle sales, lawn tractor (but not farm equipment) sales and service, jewelry stores, hobby shops, music stores, clothing and shoe stores, notions, bookstores, sporting goods stores, office supply stores, carpet stores, furniture stores, household appliance stores, paint and wallpaper stores, auto equipment sales stores, and similar specialty retail stores.
- C. Establishments which perform services within a completely enclosed building for persons residing in nearby residential areas, such as: beauty and barber shops; watch, radio, television, clothing and shoe repair; locksmiths; photo processing outlets; and similar establishments.

- D. Office buildings and professional office uses with a single use or tenant per building, including medical and dental clinics or offices.
- E. Offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator or similar trade, subject to the following conditions:
 - 1. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
 - 2. There shall be no outside storage of materials or goods of any kind.
- F. Business and trade schools, schools for professional occupations, or technical training, such as dance schools, music and voice schools, art studios, cosmetology, electronics, computers, secretarial training, and similar schools.
- G. Funeral homes, provided there is adequate assembly area for vehicles to be used in funeral processions and such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of the funeral home.
- H. Financial institutions, including banks, credit unions, and savings and loan associations. Drive-through facilities are permitted.
- I. Laundry and dry cleaning customer outlets, coin operated laundromats, self-serve dry cleaning establishments, and similar operations.
- J. Private service clubs, fraternal organizations, banquet halls, and meeting halls.
- K. Standard and carry-out restaurants, bars, and lounges.
- L. Dance halls, assembly halls, and similar places of assembly.
- M. Private indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses, subject to the provisions in Section 17.27.
- N. Lawn and garden tractors and equipment retail sales.
- O. Other uses similar to the above.
- P. Uses and structures accessory to the above, subject to the provisions in Section 19.02.
- Q. Those non-residential uses which are permitted in any residential zoning districts, subject, except as specifically provided otherwise in this Chapter, to the same conditions, restrictions and requirements as are provided in the residential zoning district.

- R. Single family homes erected prior to Jan 1, 2009 are subject to the following provisions:
- a. Additions to or the repair or reconstruction of such structures shall be governed by all general regulations pertaining to single family dwellings and to the following:
 - Height - 35 feet or 2 ½ stories
 - Front yard – not less than 25 feet
 - Side yard – total side yard shall have not less than twenty (20) feet; provided, however that no side yard shall be less than seven (7) feet
 - Rear yard – there shall be a rear yard of not less than twenty five (25) feet.
 - Single Family Residential Driveways – All driveways providing access for single family dwellings shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. At a minimum, driveway construction shall consist of the removal of all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be a minimum of eight (8) feet wide with sufficient clearance of vegetation and other obstructions so as to provide for the access of all types of emergency vehicles providing services in the Township. No more than one driveway shall be permitted per residential parcel. No more than two (2) residences may share a single driveway.
 - These are single family requirements in the R-3 District.
 - b. Any lot or parcel being used for a single family dwelling as of January 1, 2009 which by fire, wind, act of God or the public enemy, is made vacant, or which dwelling is destroyed or damaged, shall remain eligible to be used for a single family dwelling which is repaired or rebuilt within one (1) year of destruction with the ability to appeal to the Township Board for an extension of time based on hardship.
 - c. Must comply with the Tall Grass/Weed Ordinance 137 as amended.
(Amended 1-1-2010 Ord.#142)

SECTION 10.03 REQUIRED CONDITIONS

- A. With the exception of automobile parking and off-street parking, all business, service or processing shall be conducted wholly within a completely enclosed building.

- B. All goods produced on the premises shall be sold at retail on the premises where produced.

SECTION 10.04 USES PERMITTED BY SPECIAL USE PERMIT APPROVAL

The following uses may be permitted by the Planning Commission subject to the conditions specified for each use; review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Chapter 22.

- A. Automobile or car wash establishments, subject to the provisions in Section 17.08.
- B. Open-front stores and outdoor sales, subject to the provisions in Section 17.25.
- C. Veterinary offices and hospitals.
- D. Commercial kennels, subject to the provisions in Section 17.21.
- E. Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment, and home garden supplies, subject to the provisions in Section 17.25.
- F. Fast-food, drive-in, and drive-through restaurants, subject to the provisions in Section 17.16.
- C. Commercial parking garages.
- H. Municipal, regional, state and federal buildings and uses not requiring outside storage of materials or vehicles.
- I. Essential services
- J. Planned Developments as defined and subject to the provisions of Chapter 15 of this Ordinance.

SECTION 10.05 DEVELOPMENT STANDARDS

- A. **AREA.** 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.
- B. **LOT AREA.** The minimum lot area shall be fifteen thousand (15,000) square feet. The minimum lot width shall be one hundred (100) feet which shall be the minimum public street or private road frontage unless specified elsewhere.
- C. **FRONT YARD.** Where all the frontage on the same side of a street or private road between two intersecting streets/private roads is located in the C-1 or C-2 Zoning District and where a setback has been established by fifty percent (50%) of said frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than twenty five (25) feet.

D. SIDE YARD.

1. Where the side of a lot in a "C-1" Zoning District abuts upon the side of a lot in any "R" or AG" Zoning District, each side yard shall be not less than twenty-five (25) feet.
2. There shall be a side yard of not less than thirty (30) feet on the street/private road side of a corner lot.
3. A ten (10) foot side yard shall be required when directly abutting other commercial uses or land included in a "C-1" Zoning District.

E. REAR YARD.

1. Where the side of a lot in a "C-1" Zoning District abuts upon the side of a lot in any "R" or "AG" Zoning District, each side yard shall be not less than twenty-five (25) feet.
2. In all other cases, there shall be a rear yard of not less than fifteen (15) feet.
3. No accessory building shall be allowed closer than ten (10) feet from the rear lot line.

F. SCREENING. Side yards and rear yards adjoining any lot in an R or AG Zoning District shall be screened by: (1) a compact hedge of deciduous or evergreen trees which have a minimum of six (6) feet in height and ten (10) feet in width after one growing season; or (2) a solid wall or tight board fence six (6) feet in height.

G. HEIGHT. No building or structure shall exceed thirty-five (35) feet in height.

H. PUBLIC WATER AND SEWER. Commercial and office developments shall be served by public sanitary and public water supply systems if available within two hundred (200) feet of the proposed development. If not available, private sewer and water systems are permitted when approved by the Allegan County Health Department in compliance with Chapter 22 of the Code of Ordinances of Gun Plain Township. **(Amended 10-6-2011 Ord.#153)**

I. GENERAL DEVELOPMENT STANDARDS. Buildings and uses in the Neighborhood Business District shall be subject to all applicable standards and requirements set forth in this Ordinance.

J. SITE PLAN REVIEW. Site plan review and approval is required for all uses, in accordance with Chapter 20 of this Ordinance.

K. LANDSCAPING. Landscaping is required for all new uses, in accordance with Chapter 21 of this Ordinance.

- L. **SIGNAGE.** Signage as defined in Chapter 3 of this Ordinance is regulated and subject to the requirements of Chapter 16 of this Ordinance.
- M. **PARKING.** Parking is required for all new uses, in accordance with Chapter 18.03 of this Ordinance.
- N. **MAXIMUM SQUARE FOOTAGE.** Commercial uses permitted in the C-1 District shall not exceed ten thousand (10,000) square feet for uses permitted by right. Businesses with an area of between 10,000 and 20,000 square feet may be permitted as a conditional use subject to the provisions of Chapter 22, Special Uses.

CHAPTER XI

C-2 GENERAL BUSINESS DISTRICT

SECTION 11.01 DESCRIPTION AND PURPOSE

This District is intended to provide for a variety of commercial uses, including more intensive commercial uses not permitted in the C-1 Neighborhood Commercial District and which can be incompatible with pedestrian movement. The District is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire region beyond the municipal limits of the Township and, therefore, are often located so as to serve passing traffic predominately along primary County roads and state highways.

Because of the variety of business types permitted in the C-2 District, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. General commercial facilities should be compatible in design with adjacent commercial development. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential or agricultural districts.

SECTION 11.02 PRINCIPAL PERMITTED USE REGULATIONS

For land and/or buildings, the permitted uses for the C-2 Zone include all uses for the C-1 district (section 10.02) in addition to the following:

- A. Newspaper offices and printing shops.
- B. Hotels, motels, and motel courts subject to the provisions in Section 17.24.
- C. Bus passenger stations.
- D. Theaters, when completely enclosed.
- E. New and used automobile, truck and tractor, boat, mobile home, recreation vehicle and trailer sales, subject to the provisions in Section 17.06 of this Ordinance.
- F. Automobile filling and service stations, including oil change or lubrication stations, subject to the provisions in Section 17.07.
- G. Farm and commercial landscape implements and supplies.
- H. Uses and structures accessory to the above, subject to the provisions in Section 19.02.
- I. Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as the above permitted uses.

- J. Warehouse, Miniature or Self Storage See 17.23
Amended June 5, 2003

SECTION 11.03 USES PERMITTED BY SPECIAL USE PERMIT APPROVAL

The following uses, in addition to those listed in the C-1 district (Section 10.03) may be permitted by the Planning Commission subject to the conditions specified for each use, review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Section 22.02.

- A. Adult oriented uses and businesses as regulated in Section 17.01 of this Ordinance.
- B. Essential services.
- C. Any other retail business or service establishment which is determined by the Township Planning Commission to be of the same general character as the above permitted uses.
- D. Automotive repair garages, auto engine and body repair, and undercoating shops when all operations take place within a completely enclosed building. A maximum of four (4) vehicles scheduled to be worked on shall be permitted for overnight, onsite, outdoor storage. **Amended 8-4-2011 Ord.#151**
- E. Lawn care, snowplowing, and contractor type business.

SECTION 11.04 DEVELOPMENT STANDARDS

- A. **HEIGHT.** No building or structure shall exceed thirty-five (35) feet in height.
- B. **AREA.** 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.
- C. **FRONT YARD.** Where all the frontage on the same side of a street or private road between two intersecting streets/private roads is located in the C-1 or C-2 Zoning District and where a setback has been established by fifty percent (50%) of said frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than fifty (50) feet.
- D. **SIDE YARD.**
 - 1. Where the side of a lot in a "C-2" Zoning District abuts upon the side of a lot in any "R" or "AG" Zoning District, each side yard shall be not less than twenty-five (25) feet.
 - 2. There shall be a side yard of not less than thirty (30) feet on the street/private road side of a corner lot.

3. A ten (10) foot side yard shall be required when directly abutting other commercial uses or land included in a "C-2" Zoning District.

E. **REAR YARD.**

1. Where the rear of a lot in a C-2 Zoning District abuts upon the side or rear yard of a lot in any "R" or "AG" Zoning District, there shall be a rear yard of not less than fifty (50) feet;
2. In all other cases, there shall be a rear yard of not less than twenty-five (25) feet; and
3. No accessory building shall be allowed closer than ten (10) feet from the rear lot line.

F. **SCREENING.** Side yards and rear yards adjoining any lot in an "R" or "AG" Zoning District shall be screened by: (1) a compact hedge of deciduous or evergreen trees which have a minimum of six (6) feet in height and ten (10) feet in width after one growing season; or (2) a solid wall or tight board fence six (6) feet in height.

G. **LOT AREA.** The minimum lot area shall be twenty thousand (20,000) square feet. The minimum lot width shall be one hundred and fifty (150) feet which shall be the minimum public street or private road frontage unless specified elsewhere.

H. **PUBLIC WATER AND SEWER.** Commercial and office developments shall be served by public sanitary and public water supply systems if available within two hundred (200) feet of the proposed development. If not available, private sewer and water systems are permitted when approved by the Allegan County Health Department in compliance with Chapter 22 of the Code of Ordinances of Gun Plain Township. **(Amended 10-6-2011 Ord.#153)**

I. **GENERAL DEVELOPMENT STANDARDS.** Buildings and uses in the General Commercial District shall be subject to all applicable standards and requirements set forth in this Ordinance.

J. **SITE PLAN REVIEW.** Site plan review and approval is required for all uses, in accordance with Chapter 20 of this Ordinance.

K. **LANDSCAPING.** Landscaping is required for all new uses, in accordance with Chapter 21 of this Ordinance.

L. **SIGNAGE.** Signage as defined in Chapter 16 of this Ordinance is regulated and subject to the requirements of this Ordinance.

M. **PARKING.** Parking is required for all new uses, in accordance with Section 19.03 of this Ordinance.

N. **ACCESS.** Unless approved by the Planning Commission, commercial uses shall have no more than one access drive along any public road right-of-way except in such case where parcels abut

two public roads, one access drive may be permitted along each adjoining road frontage. For multiple tenant buildings and commercial developments, shared drives, connected parking lots and parallel access roads shall be utilized.

CHAPTER XII

I-1 INDUSTRIAL DISTRICT

SECTION 12.01 PURPOSE AND INTENT

The I-1 Industrial District is designed so as to primarily accommodate industrial parks, wholesale activities, warehouses, and industrial operations whose external effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding district or adjacent uses. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared materials. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, is permitted as a special use under strict scrutiny.

Permitted uses should be compatible with surrounding residential or commercial uses. Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this District should be fully contained within well-designed buildings on amply-landscaped sites, with adequate off-street parking and loading areas, and with proper screening around outside storage areas.

SECTION 12.02 PERMITTED PRINCIPAL USES

In I-1 District, no uses shall be permitted except the following:

- A. Any use charged with the principal function of basic research, design, and pilot or experimental project development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- B. Warehousing and wholesale establishments when conducted within an entirely enclosed building. No outdoor storage (including pallets and packaging materials) shall be permitted.
- C. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge, and machining shops provided that no metal stamping machines are employed.
- D. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semi-precious metals or stone, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags or other similar material.

- E. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- F. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products and the manufacture or assembly of electrical appliances, electronic instruments and devices, radios, phonographs and television.
- G. Vocational schools and career training centers.
- H. Professional or corporate office facilities, experimental film and testing laboratories.
- I. Manufacturing and repair of electric signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- J. Business Services (mailing, copying, data, processing)
- K. Automotive repair garages, auto engine and body repair, and undercoating shops when all operations take place within a completely enclosed building. A maximum of four (4) vehicles scheduled to be worked on shall be permitted for overnight, onsite, outdoor storage.
- L. Uses which are similar to the above uses.
- M. Accessory off-street parking and buildings and uses customarily incidental to the above permitted uses.
- N. Essential service buildings (without storage yards) when operating requirements necessitate the location of said buildings within the district in order to serve the immediate vicinity including telephone exchange buildings, electrical substations, and gas regulator stations.

SECTION 12.03 USES PERMITTED AFTER SPECIAL APPROVAL

The following uses may be permitted by the Township Planning Commission subject to the conditions specified for each use; review and approval of the Planning Commission, the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance, and the procedures set forth in Chapter 22.

- A. Retail uses which have an industrial character in terms of either their activities or outdoor storage requirements such as, but not limited to: lumber yards, building materials outlets, upholsterers, and cabinet makers, and agricultural or construction equipment sales, rental, or repair.
- B. Restaurants, financial institutions, child care facilities, and vocational training centers for the servicing of employees of the industrial facilities within the localized area.

- C. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the "I-1" District.
- D. Metal plating, buffing, stamping and polishing.
- E. Junk yards, subject to the provisions in Chapter 17.
- F. Storage facilities for building materials, sand, gravel, stone, lumber and outdoor storage of contractor's equipment and supplies.
- G. Central dry cleaning and laundry facilities.
- H. Other uses which are of a similar character to the above uses.
- I. Outdoor storage when in accordance with Section 12.04 (g).
- J. Billboards

SECTION 12.04 DEVELOPMENT STANDARDS

Required Conditions. Except as otherwise noted for specific uses, buildings and uses in the I-1 Industrial District shall comply with the following required conditions:

- A. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in this Ordinance.
- B. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
- C. All machinery shall comply with the standards set forth in this Ordinance.
- D. No building shall be located nearer than fifty (50) feet to the boundaries of any residential district classification.
- E. Adequate off-street parking shall be located and maintained on the premises on which the industrial use is located.
- F. All land of any individual site in use in this district, not occupied by buildings, structures, improved parking areas, or storage areas, shall be maintained in a neat and attractive manner.
- G. Outdoor storage areas shall be limited to a cumulative area not to exceed twenty (20%) percent of the square foot area of the principal building located upon the premises and must be screened from adjoining premises and from public streets by a solid fence, wall, or natural screening for this

purpose. No material shall be stored above the height of the screening. Storage areas shall conform to the setback requirements for buildings in the I-1 District. Proper access to all parts of the storage areas shall be provided for fire and emergency services.

- H. No use shall be allowed which will emanate noise, smoke, odor, dust, dirt, noxious gases, glare, heat, vibration, or psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises.

SECTION 12.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Buildings and uses in the I-1 Industrial District are subject to the following area, height, bulk, and placement requirements:

- A. **LOT AREA AND WIDTH.** The minimum lot area shall be fifteen thousand (15,000) square feet. The minimum width shall be one hundred (100) feet, which shall be the minimum public street or private road frontage unless specified elsewhere.
- B. **Front Yard:** There shall be a front yard of not less than fifty (50) feet.
- C. **Side Yard:** There shall be a minimum side yard of thirty (30) feet on each side of the building. Fifty (50) feet if adjacent to a residential use or district.
- D. **Rear Yard:** There shall be a minimum rear yard of fifty (50) feet from the rear property line.
- E. **Height:** No building shall exceed a maximum of forty-five (45) feet in height.

SECTION 12.06 GENERAL DEVELOPMENT REQUIREMENTS

- A. **SITE PLAN REVIEW.** Site plan review and approval is required for all uses, in accordance with Chapter 20.
- B. **PUBLIC WATER AND SEWER.** Industrial developments shall be served by public sanitary and public water systems if available within two hundred (200) feet of the proposed development. If not available, private sewer and water systems are permitted when approved by the Allegan County Health Department in compliance with Chapter 22 of the Code of Ordinances of Gun Plain Township. **(Amended 10-6-2011 Ord.#153)**
- C. **LANDSCAPING.** Landscaping is required for all new uses, in accordance with Chapter 21 of this Ordinance.
- D. **SIGNAGE.** Signage as defined and regulated in Chapter 16 of this Ordinance.

- E. **PARKING.** Parking is required for all new uses, in accordance with Chapter 18 of this Ordinance.

- F. **ACCESS.** Unless approved by the Planning Commission, industrial developments shall have no more than two drives (one for truck and delivery traffic and one for employee and customer access) along or accessing any public road right-of-way except in such case where parcels abut two public roads, one additional access drive may be permitted along each adjoining road frontage.

CHAPTER XIII

GREENBELT OVERLAY DISTRICT

SECTION 13.01 PURPOSE AND APPLICATION

A. PURPOSE AND APPLICATION

1. The purpose of this District is to recognize the unique physical, environmental, economic, and social attributes of the shoreline properties of Gun Plain Township, to ensure that the structures and uses in this District are compatible with and protect these unique attributes.
2. The Greenbelt Overlay District is a supplemental "Overlay District" which applies to certain designated lands, as described in this Section, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the "underlying" Zoning District. Lands included in the Greenbelt Overlay District are:
 - a. **Watercourses.** All such lands located along the banks of the watercourses in the Township (Kalamazoo River, Gun River, Silver Creek and adjoining tributaries), as they exist within the confines of Gun Plain Township, and extending three hundred (300) feet on either side of the banks or high water mark of said watercourses, or to the boundary of the 100-year flood plain, whichever is greater.
 - b. **Lakes and Reservoirs.** All such lands located along the length of the shoreline of all the lakes and reservoirs in the Township greater than 5 acres in surface area (including Lake Doster) within the confines of Gun Plain Township, and extending one hundred (100) feet from the shoreline.

B. DEFINITIONS. For the purposes of this Section, the following definitions shall apply.

1. **Watercourses.** Any linear body of water which has a base flow.
2. **Bank.** The rising ground bordering a watercourse, lake or reservoir.

C. PERMITTED USES.

1. The following uses of land and structures shall be permitted in the Green Belt Overlay District: Permitted Uses and Special Land Uses permitted in the underlying District, provided that Special Land Uses meet the requirements of Chapter 22.

D. LOT AREA, WIDTH, YARD, BUILDING AREA AND HEIGHT REQUIREMENTS

Except as noted below, minimum requirements for lot area, lot width, yards, building area and building height shall conform to those required by the underlying District. The following

additional requirements shall apply for structures within the Greenbelt District. Unless otherwise noted, all requirements apply to both watercourses and lakes.

1. As of the date of this Ordinance, no dwelling, other main building, or accessory building shall be constructed, erected, installed, or enlarged within:
 - a. **Watercourses.** Minimum of one hundred (100) feet, as measured from the bank of the watercourse or the ordinary high water mark.
 - b. **Lakes and Reservoirs.** Minimum of twenty-five (25) feet, as measured from the bank or the ordinary high water mark.
2. No dwelling shall be constructed or placed on lands within the 100-year flood plain unless the ground floor (including basement) is constructed above the 100-year flood plain elevation contour. Likewise, no dwelling shall be constructed on banks where a minimum of six (6) feet between the finished grade level and high water line cannot be met. Land may be filled only under the following conditions:
 - a. The Native Protective Strip is maintained.
 - b. No material is allowed to enter the water either by erosion or mechanical means.
 - c. Fill material is of a pervious material such as gravel or sand.
 - d. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan.
 - e. All filling or grading work located within the District shall be accomplished so as not to alter the natural drainage of adjoining land. Cutting or filling for building, including appurtenance, within the 100-year flood plain or where the water table is within six (6) feet the surface shall be prohibited.
3. Additional setbacks shall apply to the following specific uses or activities, as permitted in the underlying zoning district. Setbacks are measured from the bank or high water line.
 - a. Storage of hazardous substances - one hundred and fifty (250) feet
 - b. Above or below ground petroleum storage facilities, except as required for agricultural irrigation pumps and facilities- two hundred and fifty (250) feet
 - c. Raised septic systems - two hundred and fifty (250) feet
 - d. Solid waste landfills or junkyards - three hundred (300) feet
 - e. New below grade septic tanks and absorption tile fields - one hundred and fifty (150) feet from the ordinary high water mark nor within any land that is subject to period flooding.

E. VEGETATIVE PROTECTIVE STRIP

1. The intent of the vegetative protective strip is to protect water quality by preventing streambank erosion, maintaining critical habitat for fish and wildlife, and filtering sediments and nutrients from upland areas. In achieving this intent, shrubs and other deep-rooted species within the protective strip are favored; shallow-rooted turf grass is discouraged. Native species are preferred.
2. A minimum strip, as described below, bordering each bank of any watercourse, lake, or reservoir, as measured from the bank or high water line shall be maintained in its natural vegetative state..
 - a. Watercourses - fifty (50) feet
 - b. Lakes and Reservoirs - twenty five (25) feet
3. Within this strip:
 - a. Vegetation may be selectively thinned, trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway.
 - b. Any walkway constructed inside the strip shall be on the land side and may be oriented perpendicular or parallel to the water line. Porous materials such as wood chips or gravel shall be used.
 - c. Trees, shrubs and other plants may be establish within the strip so long as they are consistent with the intent described above.
 - d. A maximum of twenty five percent (25%) of the total shoreline width of the parcel may be cleared to provide recreational access.
 - e. Dead or noxious plants my be removed.
 - f. Individual trees within the Vegetative Protective Strip may be removed which are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse, lake or reservoir.
4. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality or greater and extent as that which existed prior to the clearing.
5. The Vegetative Protective Strip shall not be used for any motorized vehicular traffic, parking, or for storage of any kind, including junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance.

Developments within the Greenbelt Overlay District shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.

All other requirements, including parking, signs, site plan reviews, and other similar provisions shall be as required by the underlying zone district, except that where specific requirements of the Greenbelt

Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

CHAPTER XIV

PRIVATE ROAD PROVISIONS AND CONSTRUCTION REQUIREMENTS

SECTION 14.01 INTENT

The intent of this Chapter is to limit the overall use of private roads as a means of accessing individual home sites and to discourage their use when the development of a new public road would be more appropriate. However, the Chapter further intends to encourage private roads when used in conjunction with a “Planned Unit Development” or “Residential Open Space” project or when utilized to access multiple dwellings units from a single access point as opposed to permitting numerous driveways/access points along an existing public road. Finally, it is the further intent of this Chapter to ensure adequate access to public streets and help ensure accessibility for emergency vehicles for roads not intended to be dedicated to the public. This Chapter includes standards for the design and maintenance of private roads to help meet this intent.

SECTION 14.02 APPLICABILITY

- A. The procedures and standards of this Section shall apply to all private roads including those in developments regulated by the Condominium Act, Act 59 of 1978, as amended, and all private roads in Gun Plain Charter Township. For purposes of interpretation, private roads in a condominium development or multiple family development shall not include parking lot aisles or drives connecting parking lots to internal roads.
- B. No private road providing access to two (2) or more units shall be constructed, extended, improved or relocated unless approved by the Planning Commission as a special use.
- C. A private road shall not be required for accessing a single dwelling on a single recorded lot of record. However, a driveway permit from the Allegan County Road Commission shall be required for providing access to dwellings on individual lots. Private roads shall be prohibited when proposed to provide access to nonconforming or “flag pole” lots where the sole purpose of the private road is to provide the necessary lot frontage for the development of a single family dwelling where the lot does not have sufficient width on the public roadway.

SECTION 14.03 EASEMENT MAINTENANCE AGREEMENTS

- A. Written notice shall be given to each prospective purchaser by the seller of the divided parcel containing a legal description of any and all private roads abutting, traversing, and/or adjacent to the original parcel prior to the division, said notice shall be attached to each transmitting instrument of interest in each successive division, and said legal description of the private road shall be recorded with the Allegan County Register of Deeds at the time of land division.
- B. A private road maintenance agreement shall be provided which states that Gun Plain Charter Township bears no responsibility to maintain the road on the private easement including repaving,

resurfacing, grading, snow removal and dust control. The agreement shall further hold the abutting property owners as responsible for the maintenance of the road to prevent extreme bumpy conditions, potholes or conditions that would cause passenger vehicles to be immobilized. The agreement shall further state that adequate access for emergency vehicles will be available at all times.

- C. The Easement Maintenance Agreement shall contain a provision to permit the Township Board to authorize the repair of any private road which is not being maintained adequately to permit safe access by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the signatories of the Agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers. Required repairs shall be in accordance with Allegan County Road Commission construction standards as referenced in this Ordinance. The Township shall notify the signatories of the Easement Maintenance Agreement by first class mail a minimum of sixty (60) days prior to commencement of the required maintenance work to provide an opportunity for the owners to complete the work and to provide appropriate notice and notification to the affected property owners.
- D. The proposed Easement Maintenance Agreement shall be recorded with the Allegan County Register of Deeds, a copy of which shall be placed on file with the Township.

SECTION 14.04 SUBMITTAL REQUIREMENTS AND REVIEW PROCEDURE

- A. **Submittal Requirements.** The following items shall be provided on a site plan, submitted either separately or combined with other required site plan submittal information, to Gun Plain Charter Township with an application for a private road construction permit:
 - 1. Completed application form and fee;
 - 2. Parcel number and name of owner for all properties having legal interest in the private road;
 - 3. Proposed land divisions to be made from entire area including a preliminary boundary and parcel division plan showing approximate areas of the proposed parcels;
 - 4. Plans, designed and sealed by a Civil Engineer registered in the State of Michigan showing location, dimension, and design of the private road and existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road;
 - 5. Location of all public or private utilities located within the private road right-of-way or easement, or within a utility easement parallel and adjacent to the private road easement such as water, sewer, telephone, gas, electricity and cable television;
 - 6. Location of any lakes, streams, drainage ways, 100-year flood plains or MDEQ regulated wetlands within one-hundred (100) feet of the proposed private road or easement;
 - 7. Sufficient topographical detail to indicate the road grades will be acceptable and proper drainage can be provided for the easement and road surfaces;
 - 8. The direction of drainage flow from the private road easement to a suitable storm water outlet shall be indicated by appropriate drainage direction arrows; and

9. The location of all existing and proposed drainage facilities and structures and any other structures and any other physical conditions existing adjacent to the subject private road.
- B. **Review procedure.** The private road plans shall be submitted to Gun Plain Charter Township for review and approval by the Planning Commission.

SECTION 14.05 DESIGN STANDARDS

- A. All new private road easements shall be a minimum of sixty (66) feet in width for residential applications and seventy (70) feet for commercial and industrial development. The easement shall be shown on the land division records as a perpetual easement for roadway and utility purposes leading to a public street.
- B. Maximum gradient shall be six (6) percent, or a six (6) foot rise in one-hundred (100) feet of horizontal distance. Minimum gradient shall be four-tenths (0.4) percent. Vertical curves shall be used at all changes in grade. Gradient shall not exceed three (3) percent within fifty (50) feet of any intersection of the private road with any other road.
- C. Minimum horizontal curve radius shall be one-hundred-seventy-five (175) feet except a minimum of one-hundred-fifty (150) feet may be used where the road serves less than five (5) homes or where natural features would be preserved that would be lost if a wider radii were required.
- D. The intersection of public and private roads shall be as near perpendicular ninety (90) degrees as practical, but in no case will be less than seventy-five (75) degrees. All corners at an intersection of two public streets or a private road intersection with a public street shall maintain a clear vision zone free of buildings, fences, walls, signs, structures and landscaping. The clear vision zone shall be provided vertically between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets. The clear vision area shall be provided within a triangular area twenty-five (25) feet in length measured along abutting public street right-of-way lines with the third side being a line connecting these two sides. A non-obscuring fence may have a maximum height of thirty-six (36) inches in a clear vision zone.
- E. Centerline of construction shall coincide, insofar as practical, with the centerline of the private road easement.
- F. An adequate sub-grade shall be prepared by removing topsoil, muck or other surface material to a suitable sub-surface condition. The width of the stable sub-surface condition shall be a minimum cross-section of the thirty-three (33) feet in addition to the area required for appropriate ditching in the event drainage to a public drainage system is not available; otherwise a storm sewer is required. When a storm sewer system is included, the cross-section for sub-surface preparation need not exceed the width required for a sealed surface and drainage appurtenances.
- G. The cross-section width of the impervious surface area, base materials, and curb or open ditch design shall be in accordance with Township standards and specifications.

- H. Maximum length of a private road that provides sole access to properties shall be one-thousand-five-hundred (1,500) feet unless otherwise approved by the Planning Commission following approval from the Allegan County Road Commission. A turnaround shall be required in accordance with Road Commission standards.
- I. A maximum of ten (10) single family units may be served by a single private road access. Private roads serving four (4) or more dwellings shall be paved. The Planning Commission may increase the maximum number of dwellings permitted upon a finding that there is appropriate road design and reasonable access and the Allegan County Road Commission approves the design. Any further increase in the number of units shall require a variance from the Board of Zoning Appeals.
- J. The improved surface of the private road shall be setback a minimum of fifteen (15) feet from any adjoining lot or parcel which does not derive access from the easement or private road.
- K. Minimum tangent distance (straight-away) between two (2) curves shall be fifty (50) feet.
- L. Private road design plans shall document that minimum stopping and intersection sight distances meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual “A Policy on Geometric Design for Highways and Streets.”
- M. All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections. These signs shall contrast in terms of color with public street signs, and shall indicate the road is private.
- N. Private roads and driveways (excluding driveways serving one (1) or two (2) dwelling units) within a development shall align directly across from other private roads or driveways or be offset at least one-hundred-fifty (150) feet measured centerline to centerline. If a private road is to intersect with an arterial roadway there shall be a minimum offset of two-hundred-fifty (250) feet. Private roads shall have a minimum 600 ft. separation distance when located on the same side of a public roadway.
- O. All road design features and geometries shall meet the standards and construction specifications of the Allegan County Road Commission, unless otherwise specified herein. A developer of a private road as herein defined is advised to use the Commission’s standards in the event it is intended to request the Road Commission to assume responsibility for said road, or there is reasonable likelihood that the private road could become a public street in the future.

SECTION 14.06 DRAINAGE

The right-of-way and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the road right-of-way and, where appropriate, road drainage shall be conveyed to existing water courses and water bodies. The discharged water shall not be cast onto the land of another property owner unless the water follows an established watercourse. A bridge or underground cross-road drainage shall be provided where the proposed right-of-way crosses a stream or other water course. Drainage course easements shall be provided, if required, upon review and approval of the private road plan by the County Drain Commission or Road Commission based on the site's topography.

SECTION 14.07 ROAD NAMING

All road names shall be approved by the Planning Commission with consultation by the Allegan County Road Commission and 911 Emergency Services agency. Road names shall not be permitted which might cause confusion with names of existing roads in or near the Township. Roads that will be continuations of existing roads shall be called by the same names of such existing roads. There shall be provided road signs at every road intersection meeting the specifications of the Allegan County Road Commission and as approved by the Planning Commission. All cost of such signs shall be borne by the developer or property owner(s) of the lots to be served by the private road.

SECTION 14.08 ADDRESSING

All numerical addressing of dwellings and structures served by a private road shall be assigned by the Allegan County Health Department. All proposed or assigned addresses shall be shown on the private road site plan for lots accessed by the proposed private road.

SECTION 14.09 CONSTRUCTION PERMITS PRIOR TO INSTALLATION

Construction permits shall be obtained from the Allegan County Road Commission (or Michigan Department of Transportation for parcels adjacent to M-89) before entrances are constructed into County road rights-of-way. Private roads constructed under the provisions of this Chapter shall not require the Road Commission to accept said area for maintenance at any future date. Gun Plain Charter Township reserves the right to require construction to higher standards where warranted by special topographic or geographic conditions.

SECTION 14.10 INSPECTIONS

The applicant shall notify the Township forty-eight (48) hours prior to commencement of construction to facilitate inspection at various stages of construction by the Township's Designee. Inspections conducted by the Township's designee are intended to insure that the road is being constructed in accordance with the standards in this Ordinance and the approved plans. Inspections by the Township Engineer shall not relieve the applicant, his Engineer, or the contractor from their obligations under this Ordinance.

Upon completion of the private road, the applicant or his engineer shall submit a complete set of “as built” drawings to the Township. The Township designee shall review the “as built” drawings and conduct a final inspection to assure that all visible construction, including clean-up, has been satisfactorily completed. No building construction shall take place until the private road has satisfactorily met final inspection.

SECTION 14.11 ROAD COMPLETION REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

No building permit shall be issued by the Township fronting on any private road until said roadway is improved to the specifications contained in this Section. The Township shall inspect and approve the private road improvements prior to issuing any building permits along said road. The Township shall establish a fee to cover the cost of such inspections, said fee to be paid by the developer.

SECTION 14.12 REQUIRED ROAD FRONTAGE ON PRIVATE ROADS

No building permit shall be issued by the Township or any department or official of the Township, unless the structure, building or improvement for which such building permit is required is on a lot or parcel of land which meets the minimum requirements for frontage as required by this Zoning Ordinance for the district in which it is located on a public road or an approved completed private road.

SECTION 14.13 VARIANCES

An appeal may be taken to the Zoning Board of Appeals pursuant to the terms and conditions of this Ordinance.

SECTION 14.14 PLANNED UNIT DEVELOPMENTS

If the private road is part of a Planned Unit Development (PUD) the private road standards contained herein may be modified by the Planning Commission and approved by the Township Board if the modifications are necessary to achieve the intent and purposes of the PUD regulations.

SECTION 14.15 EXISTING NONCONFORMING PRIVATE ROADS AND ACCESS EASEMENTS

It is recognized that there exist private roads, service roads and access easements which were lawful prior to the adoption of this Section which are inconsistent with the standards herein. Such roads are declared by this Section to be legal nonconforming roads or easements. The intent of this Section is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Allegan County Road Commission. This Section is also intended to allow new construction to occur on existing lots which front along such a road on the adoption date of this Section, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles.

However, this Section is also intended to discourage the extension of nonconforming roads or increase the number of lots or building sites served by such a road, except in platted subdivisions, divisions of land or site condominium projects existing on the adoption date of this Section, unless provisions are made to upgrade such road to comply with the standards herein. Any reconstruction, widening or extension of a non-conforming private road or access easement shall be in conformity with this Chapter.

For purposes of determining whether a lot along a private road or access easement qualifies as an “existing lot” as used in this Section, at least one (1) of the following conditions must have existed at the time this Section was adopted:

- A. The lot consists of a “condominium unit” for which a master deed had been recorded with the Allegan County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
- B. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Allegan County Register of Deeds.
- C. The lot had been assigned a unique parcel number by the Allegan County Register of Deeds and was individually assessed and taxed on that basis.

CHAPTER XV

PLANNED UNIT DEVELOPMENT (PUD)/OPEN SPACE PRESERVATION

SECTION 15.01 PURPOSE AND INTENT

The Planned Unit Development (PUD)/Open Space Preservation is an optional, but preferred, development provision incorporating “overlay” zoning standards which apply to the respective “underlying” zoning district. For properties approved for the PUD designation, these PUD standards replace the lot area, lot width, set back requirements, and other related regulations of each respective zoning district.

The PUD provisions are intended to permit, through the special use permit procedure, developments designed to encourage the preservation of open space, encourage creativity and flexibility in the use and design of structures and land in Gun Plain Charter Township. The Planned Unit Development (PUD)/Open Space Preservation is intended to accomplish the following:

- A. Result in a more efficient pattern of development, with shorter and more narrow streets and utility networks.
- B. Preserve existing natural assets, such as stands of trees, flood plains, wetlands, unique topography, lake frontage, ponds, scenic vistas and other open spaces.
- C. Accomplish a more desirable residential environment than would be possible through the strict application of the minimum requirements of the Township Zoning Ordinance.
- D. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all units.
- E. Provide for supportive mix of land uses and amenities such as day care, office, neighborhood retail, and similar uses, which in the opinion of the Planning Commission, are in conformance with the goals and objectives of the Master Plan and will enhance the residential stability and economic base of Gun Plain Charter Township through the application of the Special Use Permit.

In order to encourage PUD developments on specific properties, the PUD provision relaxes or waives one or more of the requirements of the underlying zoning district. The PUD process also permits a developer to mix compatible uses or residential types on a single property, cluster structures to reduce development costs, and enhance marketability through the preservation of natural features and unique design.

SECTION 15.02 GENERAL REQUIREMENTS

MINIMUM PROJECT AREA: The minimum size of a PUD shall be ten (10) acres of contiguous land. The parcel depth shall not exceed three (3) times the width of the parcel. The parcel shall have a minimum frontage of 200 feet. The Planning Commission may consider development of a site less than ten (10) acres as a PUD, provided that the parallel plan shall be prepared at the existing zoning minimum lot size, and there shall be no density bonus for sites less than ten (10) acres.

ACCESS: The development must have direct access to a publically maintained road or state highway.

PRINCIPAL USE: The principal permitted use shall be residential development, consistent with the underlying zoning district of the proposed PUD.

PERMITTED DISTRICTS: The PUD provisions of this Ordinance may be applied to properties classified by the AG, R-1, R-2 and R-3 zoning district classification.

SECTION 15.03 MINIMUM DEVELOPMENT REQUIREMENTS

- A. Each principal building in the proposed PUD shall be served by public sanitary and public water supply systems if available within two hundred (200) feet of the proposed development. If not available, private sewer and water systems are permitted when approved by the Allegan County Health Department in compliance with Chapter 22 of the Code of Ordinances of Gun Plain Township. **(Amended 10-6-2011 Ord.#153)**
- B. Each site shall be provided with adequate storm drainage. Open drainage courses and storm retention ponds shall be reviewed and permitted by the Allegan County Drain Commissioner.
- C. Underground utilities, including telephone and electrical systems, are required within the limits of all PUD projects. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Township Planning Commission and Township Board find that such exemption will not violate the intent or the character of the proposed PUD.
- D. For each one (1) foot of height over the maximum height allowed by the underlying zoning district, the distance between nonresidential buildings (e.g. churches) and the side and rear property lines of the development shall be increased by one (1) foot. The same shall apply to the distance between nonresidential buildings.
- E. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control that indicate that the development will be completed in its entirety as proposed.

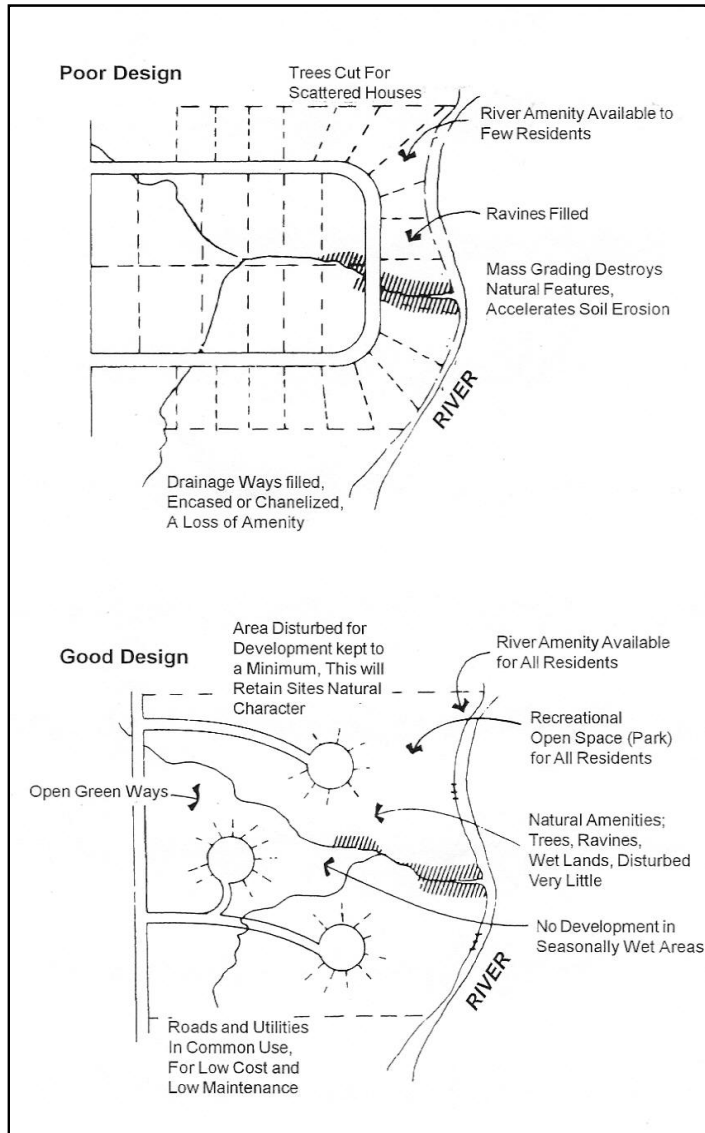
SECTION 15.04 COMMON OPEN SPACE DESIGN STANDARDS

A. Common open space shall be maintained in a permanently undeveloped state and may include areas preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; recreational trails; picnic areas; children’s play areas; greenway; linear park; or similar use. Common open space does not include proposed street rights-of-way, access easements for private roads or underground or overhead utilities; any area devoted to natural or improved flood control channels; parking areas; or commercial areas. Stormwater retention/detention ponds may be included as open space if the Planning Commission determines that such facilities are designed in an innovative manner that enhances the intent listed in section 15.01.

B. The area of common open space within a PUD project may not be less than fifty (50) percent of the total land area of the project. However, a minimum of twenty five (25) percent of the open space shall be upland area exclusive of wetlands.

C. Required open space shall be accessible to all residents within a PUD development and be conveniently located in relation to all dwelling units. Open space amenities shall be identified (by signage or markings) for use by all residents, shall be connected through the use of trails and signage, and shall be delineated from private areas through design enhancements.

D. As a general guide, all housing sites should be designed so as to abut, have convenient access to, or have a view-shed of common open space. Passive recreation areas should be massed so as to



provide for wildlife, flora, and fauna experiences. Passive recreation areas which are primarily limited to buffer strips at the perimeter of the developments are not considered as meeting the intent of this provision. However, walking, jogging, and bicycle trails may be designed into the development as supplements to the larger recreation areas. All open space provisions will be negotiated by the Township as part of the PUD process.

- E. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final development plan, unless a binding agreement is provided in lieu of that dedication.
- F. Dedicated farmland and open space shall be set aside by the applicant/developer through an irrevocable conveyance acceptable to the Planning Commission, such as recorded as deed restrictions, covenants that run perpetually with the land, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act. Such conveyance shall provide for the following:
 - 1. Indicate allowable use(s) of the dedicated open space.
 - 2. Require that open space be maintained by the parties who have an ownership interest in the open space.
 - 3. Provide standards for scheduled maintenance of open space.
 - 4. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- G. Where a homeowner's association is to be used to maintain common open spaces and facilities, the developer shall file a declaration of covenants and restrictions that will govern the homeowner's association. The provisions shall include, but shall not be limited to, the following:
 - 1. The homeowner's association shall be established before any dwellings in the PUD are sold.
 - 2. Membership in the homeowners association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.
 - 3. Restrictions shall be permanent.
 - 4. The homeowners association shall be made responsible for liability.
 - 5. Dwelling unit owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants.

SECTION 15.05 PERMITTED COMMERCIAL USES (R-3 DISTRICT ONLY)

Non-residential land uses may be integrated into the proposed PUD through approval of the special use permit. Commercial uses may be limited to the development of not more than ten (10) percent of the total project area. Examples of commercial uses may include retail stores, personal service establishments, bed and breakfast establishments, business or professional offices, golf course accessory uses such as a restaurant or retail components, and day care facilities. Golf courses shall not be considered a commercial use. However, all proposed commercial uses must meet the intent of the PUD Chapter and be subject to reasonable terms established as part of the special use permit process.

When PUD's include commercial development, commercial structures shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of curb cuts. Suitable planting screens or fences shall be provided on the perimeter of the commercial areas whenever they abut residential components of the PUD. The site plan for the development shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission and Township Board.

SECTION 15.06 ROAD CONSTRUCTION STANDARDS

The road construction requirements, whether public or private, in Chapter 14 of this Ordinance shall apply, except that the width of any proposed road may be reduced, if approved by the Township Board, upon recommendation of the Planning Commission, as part of the final development plan, in order to minimize stormwater runoff, reduce construction costs, reduce vehicle speeds and maximize open space. Such reductions shall be based upon specific finding by the Planning Commission.

SECTION 15.07 PRELIMINARY CONFERENCE

Prior to preparing a formal application, the applicant is required to have two (2) preliminary conferences; one with the Township Zoning Administrator/ Township Superintendent, the other with the Township Planning Commission. The purpose of the conferences are to discuss the proposed development and to review the procedures, standards, and requirements of the Township. The applicant is encouraged to present concept plans, site data and other information that will assist in explaining the proposed development. Statements made in the conferences shall not be legally binding to the applicant or Township.

SECTION 15.08 APPLICATION

- A. An application for a PUD Special Use Permit along with not less than ten (10) sets of the preliminary development plan and an application fee (as set by resolution of the Township Board), shall be submitted to the Township Clerk. The application shall, at a minimum, contain the following information:

1. The applicant's name, address and phone number;
 2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a purchase agreement);
 3. The name and address of all persons, firms or corporations having a legal or equitable interest in the property;
 4. The address of the property;
 5. Legal description and parcel number of the property;
 6. Project descriptions;
 7. Size of the property in acres and square feet; and
 8. Signature of the applicant *and* owner of the property (if different).
- B. Upon receipt of the completed application, application fee and preliminary development plan, the Township Clerk shall forward a copy of the application and plan to the Township Planning Commission, Township Fire Chief, Township Engineer, Township Zoning Administrator, Township Planner, and others deemed appropriate by the Planning Commission to allow for proper review of the proposed PUD.

SECTION 15.09 PRELIMINARY DEVELOPMENT PLAN

- A. The Preliminary Development Plan shall contain the following:
1. Date, north arrow, and scale which shall not be smaller than 1" = 50';
 2. Location sketch of the site in relation to the surrounding area. This sketch shall label land uses on adjacent parcels;
 3. Legal description of the property;
 4. Parcel size in acres and square feet;
 5. All lot or property lines, with dimensions;
 6. Location of all existing and proposed structures on the site;
 7. Location and dimensions of all existing and proposed streets, driveways, alleys, parking areas, including total number of spaces, parking calculations, and typical dimensions;
 8. Size, location, and proposed use of all areas devoted to open space;
 9. General landscape concept showing tree masses to be preserved, added, buffer areas, screening, and similar features;
 10. All wetland areas, flood plain boundaries, and bodies of water;
 11. Existing topographical contours at a minimum of two (2) foot intervals; and
 12. General layout of all proposed utilities including: water, sewer, telephone, gas, and electric services.
- B. A written statement shall also be provided by the application describing each of the following:
1. General character of the PUD;
 2. Gross residential densities and percent of proposed PUD area to be covered by buildings and parking area;

3. Acres allocated to each use;
 4. Method and responsibility for maintenance of open areas, private streets, recreational amenities and parking areas; and
 5. Environmentally sensitive areas.
- C. The applicant shall prepare a parallel design plan for the project consistent with the lot width, setback, area requirements and design criteria of the applicable zoning district of the Gun Plain Charter Township Zoning Ordinance in which the property is located. The parallel plan is only used to determine allowable density for an open space/PUD project.
1. The plan shall contain proposed lots, streets, right-of-way and other pertinent features laid out in a “conventional” manner. It shall represent a layout reflecting a realistic development pattern that could reasonably be expected to be implemented on the parcel, taking into account the presence of existing physical and legal impediments (e.g. wetlands, floodplains, steep slopes, existing easements or encumbrances and, if served by on-site septic systems, the suitability of soils for subsurface sewage disposal.
 2. The Planning Commission shall review the design to determine the number of lots that could feasibly be constructed following the parallel design. This number shall set the maximum density number of dwelling units for the site allowable under the PUD provisions of this Ordinance.
 3. The parallel plan shall be developed using the following minimum lot sizes

Underlying Zoning District	Parallel Plan Minimum Lot Size
AG	same number of lots and total development area as determined in Section 4.02
R-1	5 acres
R-2	2 acres
R-3 (single family)	10,000 square feet*
R-3 (two-family)	20,000 square feet*
R-3 (multi-family)	5,000 square feet per unit*

*Must be served by public water and sewer

- D. To encourage flexibility and creativity consistent with the PUD concept, the Planning Commission may grant specific departures from the requirements for yard, lot and bulk standards as a part of the approval process provided that such modification results in enhanced buffering from adjacent land uses or public right-of-ways, or further preservation of natural features.
- E. After reviewing the preliminary development plan, the Planning Commission shall transmit its recommendations to the applicant, along with any suggested changes or modifications.

SECTION 15.10 PUBLIC HEARING BY THE PLANNING COMMISSION

Within forty five (45) days after the submission of the Preliminary Development Plan, the Planning Commission shall hold an advisory Public Hearing on the contents of the Plan. The hearing shall comply in the manner and be preceded by the notice as set forth in Section 26.06. (Amended 4/22/09)

SECTION 15.11 IMPACT ASSESSMENT

- A. The Planning Commission *may* require the applicant to prepare and submit an impact assessment when it is determined that the proposed development has the potential to pose a threat or adverse affect to public services, adjacent property or the natural environment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall use qualified professional personnel to complete the impact assessment. The impact assessment shall describe in detail the effect and impact that the proposed PUD will have, or may have, upon or with respect to any of the following matters:
1. Streams, rivers, wetlands, and the quality of surface and ground waters.
 2. Public utilities
 3. Displacement of people and other land uses by the proposed use
 4. Impact to adjacent properties and the character of the area
 5. Traffic
 6. Plant and wildlife
- B. The impact assessment shall, if requested by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed PUD within their respective responsibilities and jurisdictions:
1. County Health Department
 2. County Road Commission
 3. County Drain Commissioner
 4. Department of Natural Resources
 5. School District
 6. County Sheriff's Department
 7. Local Fire Department
 8. Other agencies as determined appropriate by the Planning Commission
- C. The Planning Commission and Township Board shall consider the criteria listed below in their evaluation of the impact assessment. Failure to comply with any of the criterial shall be sufficient justification to deny approval.
1. Will be harmonious with and in accordance with the general objectives of the Master Plan.

2. Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
3. Will represent a substantial improvement to the property in the vicinity and the community as a whole.
4. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or the applicant will provide adequately for such services.
5. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

SECTION 15.12 FINAL DEVELOPMENT PLAN

- A. After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant shall submit not less than ten (10) sets of a final development plan to the Township Clerk. The Clerk shall forward a set of the plans to the Planning Commission, the Township Planner, Township Engineer, Township Fire Chief, and others deemed appropriate by the Planning Commission to allow for property review of the proposed PUD.
- B. The final development plan shall include all of the information required on the preliminary development plan and all additional information requested by the Planning Commission. The final plan shall incorporate all recommendations of the Planning Commission pursuant to the Commission's review of the preliminary plan, or shall indicate how the final plan fails to incorporate the Commission's recommendations. The plan shall be certified by a licensed architect, registered land surveyor or professional engineer. In addition, the final plan shall include the following:
 1. Architectural renderings or specific statements as to the type and style of construction and materials to be used in proposed buildings along with the height and area of each building.
 2. Projected time for completion of the entire project
 3. Proposed phasing, if any, and the projected time for completion of each phase.
 4. Landscaping Plans
 5. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon.
 6. Engineering plans showing, as necessary, water, waste disposal, drainage, exterior and street lighting, electricity, telephone and natural gas installations, and the nature and extent of earthwork required for site preparation and development
 7. Any other information required by the Planning Commission to assist in the evaluation of the proposed PUD.

SECTION 15.13 RECOMMENDATION BY PLANNING COMMISSION

Within sixty (60) days of receiving the final development plan, the Planning Commission shall recommend to the Township Board, approval, approval subject to specified conditions, or denial of the PUD Special Use Permit.

Before making its recommendation on the final development plan, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing(s) meet the following standards:

- A. The proposed PUD can be initiated within eighteen (18) months of the date of approval.
- B. Each individual unit phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objectives will be attained; the uses in the proposed PUD will not be detrimental to present and potential adjacent uses; and will have a beneficial impact which could not be achieved under standard district regulations.
- C. The streets and thoroughfares proposed are suitable to carry anticipated traffic and the increased densities will not generate traffic in such amounts so as to exceed the design capacities of area roadways.
- D. Any commercial component of the PUD will be beneficial to the general area and to the population of the proposed development.
- E. Any deviation(s) from the regulations of the underlying zoning district can be justified by meeting the purpose of the PUD provisions of the Township Zoning Ordinance.
- F. The area surrounding the proposed PUD can be planned and zoned in coordination and substantial compatibility.
- G. The proposed PUD meets the development goals and objectives of the Township Land Use Plan.
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

SECTION 15.14 TOWNSHIP BOARD PUBLIC HEARING AND FINAL DECISION

Prior to reaching a final decision on whether to approve, deny or approve with conditions the PUD request, the Township Board shall hold a Public Hearing in accordance with the procedures and notice requirements of Section 26.06. The following procedures shall be carried out subsequent to the Public Hearing. (Amended 4/22/09)

- A. The Township Board shall review the final development plan and recommendations submitted by the Planning Commission. In making its decision, the Board shall determine:
 - 1. Whether the final development plan complies with the standards, conditions and requirements of this chapter;
 - 2. Whether the PUD promotes the intent and purposes of this chapter;
 - 3. Whether the PUD will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and
 - 4. Whether the PUD will be consistent with the public health, safety, and welfare needs of the Township.
- B. Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Township Board shall either approve or deny the PUD.
- C. Reasonable conditions may be imposed upon the Township Board's approval of a PUD Special Use Permit subject to the standards listed in Chapter 23.

SECTION 15.15 APPLICATION FEE

The Township Board shall, by resolution, establish a fee schedule for PUD Special Use Permit applications under this Ordinance. The fee schedule shall include but not be limited to the cost of the required reviews of the Township Attorney, Township Planner, Township Engineer, Township consultants, and to cover the cost of organizing, publicizing, and administering the PUD application, public hearing, and approval process.

SECTION 15.16 PERFORMANCE GUARANTEE

Performance guarantees may be required by the Township Board in accordance with Chapter 22 of this Ordinance.

SECTION 15.17 CONSTRUCTION COMPLIANCE

Any permit issues for construction pursuant to the PUD Special Use Permit shall be valid only so long as there is compliance with the final development plan accepted by the Township Board.

SECTION 15.18 AMENDMENTS AND REVISIONS

- A. A developer may request a change in an approved final development plan. Except for those changes determined to be minor, as provided below, changes to an approved final development plan or to any conditions imposed on a PUD Special Use Permit shall be reviewed and approved, approved with conditions, or denied by the Planning Commission and the Township Board pursuant to the procedures provided by this Chapter for an original request.

- B. Minor changes to a final development plan may be approved by the Planning Commission without the review and approval of the Township Board. “Minor Changes” are limited to the following:
1. Change in residential floor area of not more than 5% provided that there is no increase in the number of dwelling units.
 2. The relocation of building footprints by not more than 5 feet, unless a specific setback or separation distance was imposed as a condition of the PUD approval.
 3. An increase in area of portions of the site designated as “not to be disturbed.”
 4. The substitution of plant materials by similar types of landscaping on a 1-to-1 ratio, as determined by the Zoning Administrator.
 5. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the PUD which are not significant in relation to the PUD and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

SECTION 15.19 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a planned unit development shall be for a period not-to-exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void. The Township Board may require that a new final development plan be filed and reviewed in accordance with the requirements for the original application. An extension of the time limit may be approved if the Township Board finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approval of the final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

SECTION 15.20 APPEALS

Any order, requirement, decision or determination made in regard to the review and approval of a planned unit development pursuant to this Chapter shall not be subject to review for appellate action to the Zoning Board of Appeals. Appeals from the requirements of this Chapter and the review and approval of the Gun Plain Charter Township Board and Planning Commission shall be made to the Allegan County Circuit Court.

CHAPTER XVI

SIGN REGULATIONS

SECTION 16.01 PURPOSE AND INTENT

Gun Plain Charter Township has determined that the regulation of the location, size, placement and certain physical features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and facilitate police and fire protection.

In addition, it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the Township.

These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs of a general commercial or industrial nature be prohibited in districts where commercial or industrial activities are prohibited and that signs in residential districts be limited to those directly related to activities on the premises.

SECTION 16.02 DEFINITIONS

The following words and phrases shall have the meanings set forth in this Section when they are used in this Chapter:

Accessory Sign: A sign which pertains to the principal use of the premises upon which such sign is located.

Appendage Sign: A sign that is intended to draw attention to one or more of various services, items for sale, contests, etc., and is attached as an appendage to an accessory sign, sign support or any part of a sign structure. Appendage signs are prohibited throughout the Charter Township of Gun Plain.

Banner Sign: A sign on paper, cloth, fabric or other combustible material of any kind, either with or without frames.

Billboard: A non-accessory sign which makes anything known to the general public, and on which a display can be posted, painted or otherwise affixed in a manner which is readily changed.

Building Frontage: The length of the portion of a building facing a street abutting to the premises on which a business is located.

Bulletin Board: A sign with temporary or replaceable letters or characters, used to announce dates of functions or activities.

Canopy: A suspended covering, often movable, placed above a door, window, or other entranceway. Canopies can be constructed of cloth, metal, wood, or other materials.

Construction Sign: A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.

Directional Sign: A sign, the primary purpose of which is to expedite the flow of vehicular and/or pedestrian traffic to, from and within a site.

Electronic Message Board: A sign that uses lights to display messages, such as, but not limited to, the current time, temperature, and/or date of the immediate environment.

Flag: A banner of distinctive design used as a symbol of a nation, state or other governmental entity or a non-profit organization.

Flashing Sign: A sign that is intermittently illuminated or reflects light intermittently from either an artificial source or from the sun.

Freestanding Sign: A sign supported by one or more uprights, poles, pylons or braces placed in or upon the ground and not attached to any building or other structure.

Grade: The average elevation of an area within a radius (of the sign base) equal to two times the height of the sign.

Handicapped Sign: A sign limited to indicating that off-street parking is reserved for the physically handicapped, or a sign which is limited to indicating facilities for the physically handicapped.

Illuminated Sign: A sign which has characters, letters, figures, or designs which are illuminated either internally or with external shielded lights.

Institutional Sign: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities.

Interior Sign: A sign which is visible from any public street, sidewalk, alley, park or public property and located within a building.

Marquee Sign: A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.

Maximum Sign Height: Shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure.

Minimum Sign Height: Shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure.

Moving Sign: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination.

Non-Accessory Sign: A sign which does not pertain to the principal use of the premises on which such sign is located.

Occupational Sign: A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.

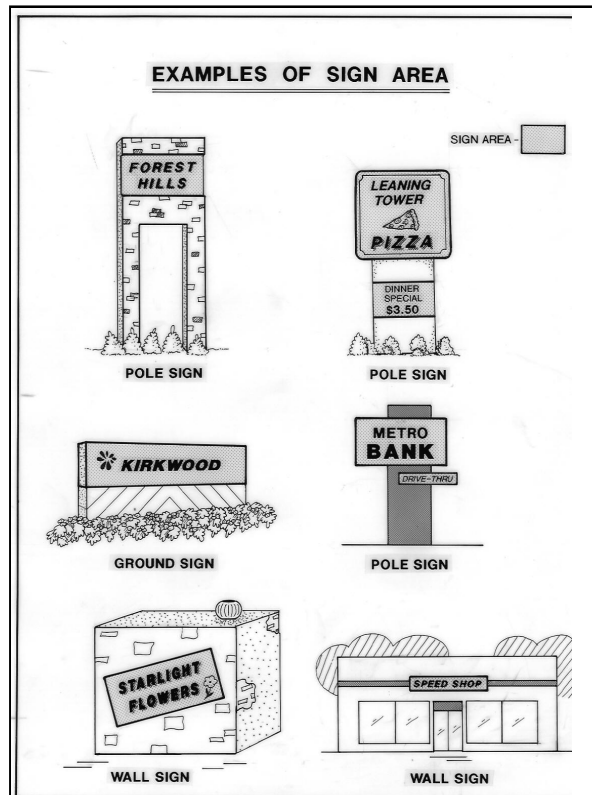
Off-Premises Directional Sign: A sign intended to provide directions to a business located within the township, consisting of the business name and a directional arrow. No graphics, pictures or other text is permitted.

Portable Sign: A sign, sign board, or banner which is not permanently anchored or secured to either a building, structure or the ground; or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising.

Premises: A lot or group of lots with one or more buildings which functions as a single use, is under the same ownership or control and is not divided by a public street. Multiple tenants of a single premises may share common entranceway and off-street parking. Examples of premises include a shopping center, a multiple family apartment complex, and a educational or medical campus.

Projecting Sign: A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure, and projecting therefrom.

Roof Sign: A sign which is erected, constructed and maintained on or above the roof of a building or any portion thereof. Roof signs are prohibited in the Charter Township of Gun Plain.



Sign: Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designated to be visible from outside any building or structure in which, upon which, or attached to which it may be located.

Sign Area: The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, if no advertising matter is placed thereon.

Sign Erector: Any person engaged in the business of erecting, constructing, altering, or removing signs on a contractual or hourly basis.

Subdivision/Development Sign: A sign or entranceway structure, listing the names and addresses only of the establishments occupying a development, subdivision or condominium. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.

Temporary Sign: A sign intended to be displayed for a limited period of time, including decorative displays for holidays, special events, political signs, real estate signs, or public demonstrations.

Wall Sign: A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building. A mural is considered a wall sign. A sign painted or inscribed on a canopy shall also be considered a wall sign.

SECTION 16.03 COMPUTATION OF SIGN AREA

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- A. **Single-Face Sign.** The total area of a single-face sign shall be computed as the number of square feet within any single or combination of geometric shapes -- such as a square, rectangle, triangle or circle -- encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- B. **Double-Face Signs:** For double-face signs having two (2) faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two (2) foot space between the two faces; the area of the sign shall be computed as one-half ($\frac{1}{2}$) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- C. **Three-Dimensional Signs.** For signs which are designed as a three- dimensioned geometric form

such as a sphere, cone, cylinder, or cube; the area shall be computed as one-half (½) the total surface of the geometric form.

SECTION 16.04 PERMIT REQUIRED FOR SIGNS

- A. **Sign Erection Permit:** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Township, except as provided in Section 16.08 (Signs Exempt from Permit requirement). Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- B. **Sign Maintenance or Change of Message:** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.
- C. **Planning Commission Approval:** All subdivision/development signs, time/date/or temperature signs, or any type of sign not explicitly defined in Section 16.02. of this Ordinance must be approved by the Township Planning Commission before a permit shall be issued.
- D. **Sign Erector Requirements:** Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of Section 16.05.
- E. **Permit Applications:** Applications for sign permits shall be made upon forms provided by the Township for this purpose and shall contain the following information:
 - 1. Name, address and phone number of applicant.
 - 2. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - 3. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
 - 4. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
 - 5. Zoning district in which the sign is to be located.
 - 6. Two (2) copies of the sign plans and specifications for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

7. Name and address of the sign erector.
 8. Insurance policy as required herein (see Section 16.05(a)) and/or performance bond as required.
 9. Such other information as the Township may require to show full compliance with this and all other applicable laws of the Township, Allegan County and the State of Michigan.
- F. **Sign Erection Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.

SECTION 16.05 SIGN ERECTOR REQUIREMENTS.

- A. **Insurance Certificates:** Before a sign permit is issued, the installing company shall submit for filing with the Township, a valid Certificate of Insurance for public liability in the amount of One Hundred Thousand (\$100,000.00) Dollars for injuries to one (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than one (1) person, and property damage insurance in the amount of Twenty-Five Thousand (\$25,000.00) Dollars for damage to any property due to the actions of himself or any of his agents or employees. Said certificate shall provide for notification of the Township ten (10) days prior to expiration of insurance.
- B. **Lapsing of Insurance:** If at any time, the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.
- C. **Notification of Change:** A sign erector shall notify the Building Official of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the Insurance Certificates.

SECTION 16.06 CERTIFICATE OF COMPLIANCE.

- A. **Compliance Certification:** All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Chapter, shall be issued a Certificate of Compliance. The Township shall cause existing signs to be inspected if deemed necessary to determine continuation of compliance with the provisions of this Chapter.
- B. **Responsibility of Compliance:** The owner of any property on which a sign is placed and the person maintaining said sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to provisions of Section 16.11 of this Chapter.

SECTION 16.07 GENERAL SIGN PROVISIONS

- A. **Public Rights-of-Way:** No sign (or any pole or support cable of any nature) except those established and maintained by the Township, County, State, or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.
- B. **Sign Heights:** The highest point of any sign shall not exceed twenty-five (25) feet above the ground or grade level in the C-2, twenty (20) feet in the I-1 zoning districts and shall not exceed twenty (20) feet in total height in the C-1 zoning district. All signs which project over a public or private road or walkway, such as street signs, directional signs, or a sign on a canopy, shall have under clearance from the lowest point of the sign to the ground or grade level of not less than eight (8) feet.
- C. **Traffic Interference.** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- D. **Clear Corner Vision:** No sign above a height of thirty-six (36) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, unless visual under clearance can be assured on the plans.
- E. **Proximity to Electrical Conductors:** No sign shall be erected so that any part including cables, guys, etc., will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- F. **Illumination:** No sign shall be illuminated by other than approved devices, and in no case shall any open spark or flame be used for display purposes unless specifically approved by the Township Board. All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes.
- G. **Fire Escapes:** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- H. **Wall Signs:** No wall sign shall project beyond or overhang the wall, or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
- I. **Freestanding Signs:** With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

- J. **Liability Insurance:** If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto or impacts public property in any manner, then the owner of such sign shall keep in force a public liability insurance policy in the amount of One Hundred Thousand (\$100,000.00) Dollars for injury to One (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than One (1) person and Property Damage Insurance in the amount of Twenty-Five Thousand (\$25,000.00) Dollars for damage to property. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the Township Attorney that said owner is financially capable of self-insurance in the above amounts.

SECTION 16.08 SIGNS EXEMPT FROM PERMIT REQUIREMENTS

No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance.

- A. **Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
- B. **Flags:** Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as a mean of advertising.
- C. **Address Signs:** Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- D. **Street Signs:** Signs erected by the Township, County, State, or Federal governments for street names, traffic control, or direction and information.
- E. **Private Traffic Signs:** Signs directing and guiding traffic and parking on private property that do not exceed six (6) square feet each and bear no advertising matter.
- F. **Handicapped Signs:** Not exceeding four (4) square feet each and bearing no advertising matter.
- G. **Architectural Features/Artwork:** Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- H. **Small Accessory Signs:** Any accessory sign erected on a premise which is no more than two (2) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals. The total area of all small accessory signs on one premise shall not exceed eight (8) square feet, except in residential districts in which the total area of all small accessory signs on one premise shall not exceed six (6) square feet.

- I. **Temporary Signs, Banners, Flags:** Temporary Signs, not specifically regulated in any other section of this Ordinance, including but not limited to: political or campaign signs, real estate signs, signs for special events or activities, banners, flags, and the like shall be permitted subject to the following conditions:
1. No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any public sidewalk or street right-of-way.
 2. All temporary signs must be removed within thirty (30) days of the conclusion of the event, activity, election, sale, etc. for which the temporary sign is displayed.
 3. The total area and height of temporary signage shall not exceed the following standards:
 - a. In residential districts, temporary signage shall be limited to six (6) square feet in area and six (6) feet in height.
 - b. In all commercial and industrial districts, temporary signage shall not exceed thirty-two (32) square feet of total sign area per side or a height of eight (8) feet.

SECTION 16.09 SIGNS PROHIBITED THROUGHOUT THE TOWNSHIP

The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this Chapter.

- A. **Moving Signs:** Signs that revolve or are animated or that utilize movement or apparent movement to attract attention. No sign shall have blinking, flashing, or fluttering lights or other illuminated devices such as a changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Electronic message boards or changeable copy signs in which the copy consists of an array of light, are permitted, provided that the frequency of message change is not less than five (5) seconds. All lights in a display shall activate simultaneously, remain activated for not less than five (5) seconds, and deactivate simultaneously. Beacon lights and search lights are not permitted.
- B. **Flashing Signs:** Signs which are illuminated by or in any manner incorporates lights that flash, twinkle, move, or give the appearance of movements.
- C. **Banners, Streamers:** Exterior banners, pennants, spinners, other than a banner or pennant used as a permitted sign under provisions of this Chapter.
- D. **String Lights:** Exterior string lights used in connection with a commercial premises, other than holiday decorations, which shall be removed within 15 days after the holiday.
- E. **Unsafe Signs:** Any sign which is structurally or electrically unsafe.

- F. **Utility Poles and Landscaping:** Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the township, county, state, or federal government or a public transit agency.
- G. **Business No Longer Existing (Abandoned Signs):** Any business sign or sign structure now or hereafter existing which advertises a business conducted or a product sold, which no longer exists or is no longer in business on the premises on which the sign is located. Such sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- H. **Non-anchored Signs:** Portable Signs and freestanding signs not permanently anchored or secured to either a building or the ground, except real estate "open house" signs.
- I. **Signs on Vehicles:** Signs displayed on any vehicle or trailer when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises.
- J. **Sign Structure Without Sign:** Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- K. Roof-mounted Signs.
- L. **Appendage Signs.** (See Definition under Section 16.02.)
- M. **Portable Signs** (See Definition under Section 16.02)
- N. Air-Filled or Gas-Filled Balloon Signs.
- O. **Other Signs Prohibited:** Other signs not expressly permitted shall be prohibited.

SECTION 16.10 DISTRICT REGULATIONS

- A. **Signs Permitted in Residential Districts:**
 - 1. For each dwelling unit, one (1) address sign in compliance with Section 16.08(c) of this Zoning Ordinance.
 - 2. Small accessory signs no more than two (2) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals. The total area of all small accessory signs on one premise shall not exceed six (6) square feet.

3. One (1) subdivision entrance sign per vehicle entrance may be permitted on private property in compliance with the corner clearance provisions (Section 16.07(e)) and shall not exceed twenty-four (24) square feet in area or a height of six (6) feet above grade. The location and appearance of all subdivision/condominium signs shall be subject to review and approval by the Planning Commission at the time of site plan review, provided that such signs shall be located no closer than twelve (12) feet from any property line. Adequate provisions shall also be made at the time of site plan review to insure continued maintenance of the sign.
4. No more than one (1) freestanding and one (1) wall institutional sign for schools, churches, libraries, or similar institutions having an area of no more than thirty-two (32) square feet, having a height of no more than six (6) feet above the established grade, and located no closer than ten (10) feet from any property line.
5. One (1) non-illuminated sign announcing a home occupation or a professional service not to exceed four (4) square feet in area and attached flat against a building wall.

B. Signs Permitted in the AG District:

1. Signs as permitted in Section 16.10(a) above, except that up to eight (8) square feet of total small accessory signs may be erected.
2. Signs of a combined area of not more than twenty-four (24) square feet advertising the name and activities of a permitted nonresidential use or legal non-conforming use. Said sign shall be located on the same parcel as the use. Signs for discontinued legal non-conforming uses shall be removed as provided for in this Chapter.
3. Private traffic signs and handicapped signs in compliance with Section 16.8(e) and (f).
4. Customary farm and crop signs on active farms.

C. Signs Permitted in C-1 (Neighborhood Business) District:

1. The total area of a wall sign(s) shall not exceed fifteen percent (15%) of the area of the wall on which the sign(s) is/are located on. **Amended 6-2-2011 Ord.#149**
2. One (1) freestanding sign may be allowed per premises. Such sign shall not exceed twenty (20) feet in height and seventy-five (75) square feet in area.
3. Interior signs: For each premises, an additional area of interior signs not to exceed fifty (50) percent of the area of any window shall be permitted, provided that no one sign shall exceed twenty (20) square feet in area. The area of interior signs shall be computed in the manner provided for all signs under Section 16.03.

4. Gasoline service stations shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed ten (10) square feet per pump island. In no event shall the total area of all such signs exceed one-hundred twenty (120) square feet.
5. Off-Premises Directional Signs: No more than two (2) such signs shall be permitted per business to be placed in locations no greater than one (1) mile from the business. The area of such signs shall not exceed six (6) square feet. Signs may contain the business name and a directional arrow. No other graphics, pictures or text is permitted. Furthermore, signs shall not be permitted or located in any governmental right-of-way.

D. Signs Permitted in C-2 (General Commercial) District:

1. The total area of a wall sign(s) shall not exceed fifteen percent (15%) of the area of the wall on which the sign(s) is/are located on. **Amended 6-2-2011 Ord.#149**
2. One (1) freestanding sign may be allowed per premises. Such sign shall not exceed twenty-five (25) feet in height and one hundred (100) square feet in area.
3. Interior signs: For each premises, an additional area of interior signs not to exceed fifty (50) percent of the area of any window shall be permitted, provided that no one sign shall exceed twenty (20) square feet in area. The area of interior signs shall be computed in the manner provided for all signs under Section 16.03.
4. Gasoline service stations shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed ten (10) square feet per pump island. In no event shall the total area of all such signs exceed one-hundred twenty (120) square feet.
5. Theaters, except for adult-regulated uses, shall be permitted 100 square feet of sign area in addition to the district provisions of this Chapter for changeable-message type marquee signs.
6. Off-Premises Directional Signs: No more than two (2) such signs shall be permitted per business to be placed in locations no greater than one (1) mile from the business. The area of such signs shall not exceed six (6) square feet. Signs may contain the business name and a directional arrow. No other graphics, pictures or text is permitted. Furthermore, such signs shall not be permitted or located in any governmental right-of-way.

E. Signs Permitted in the I-1 Industrial District:

1. The total area of a wall sign(s) shall not exceed fifteen percent (15%) of the area of the wall on which the sign(s) is/are located on. **Amended 6-2-2011 Ord.#149**

2. One (1) freestanding (ground or pole mounted) sign may be erected provided said sign does not exceed one-hundred (100) square feet of area. Such sign shall have a height of no more than twenty (20) feet above the established grade. **Amended 6-2-2011 Ord.#149**
3. Interior signs which are visible from any public right-of-way, alley, or adjacent property are prohibited.
4. Directional signs, up to six (6) square feet in area, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than to within five (5) feet of any property line.
5. Off-Premises Directional Signs: No more than two (2) such signs shall be permitted per business to be placed in locations no greater than one (1) mile from the business. The area of such signs shall not exceed six (6) square feet. Signs may contain the business name and a directional arrow. No other graphics, pictures or text is permitted. Furthermore, such signs shall not be permitted or located in any governmental right-of-way.

SECTION 16.11 CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

- A. **Materials and Design:** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the Township Building Code and requirements of this Chapter.
- B. **Erector's Imprint:** Signs which require a permit under this Chapter must carry the identification and address of the sign erector, electrical voltage (when applicable), and date of erection in clearly legible letters whether for the initial erection or re-hanging of a sign. In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.
- C. **Fastenings:** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- D. **Freestanding Signs:** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.
- E. **Sanitation/Landscaping:** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.

- F. **Maintenance:** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired within fifteen (15) days of written notification of the Township.

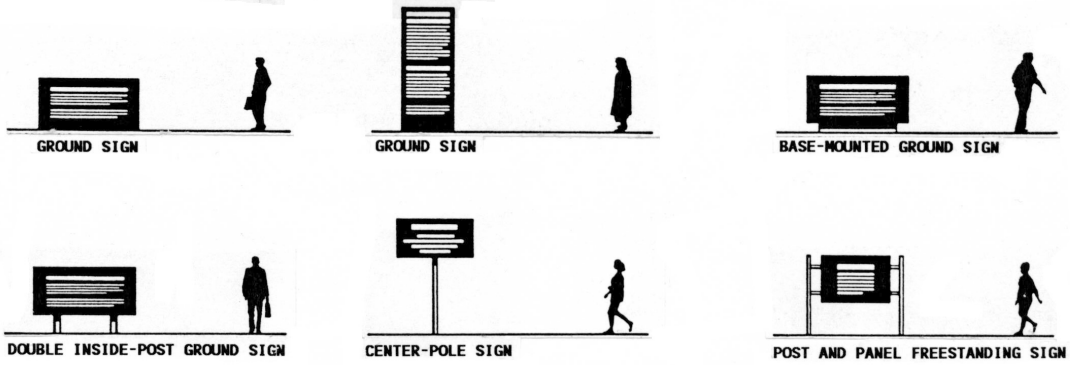
SECTION 16.12 NON-CONFORMING SIGNS

- A. **Intent:** It is the intent of this Chapter to encourage eventual elimination of signs that as a result of the adoption of this Chapter become non-conforming, to administer this Chapter to realize the removal of illegal non-conforming signs, and to avoid any unreasonable invasion of established private property rights.
- B. **Lawful Existing Signs:** Any sign lawfully existing at the time of this Chapter which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
- C. **Continuance:** A non-conforming sign shall not:
1. Be expanded or changed to another nonconforming sign.
 2. Be relocated.
 3. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination.
 4. Be repaired or re-erected after being damaged if the repair or re- erection of the sign, within any 12 month period, would cost more than fifty (50) percent of the cost of an identical new sign. If deemed necessary by the Township, the cost of an identical new sign shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
 5. Be altered unless the alteration or reconstruction be in compliance with the provisions of this Chapter. For the purpose of this Chapter only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.
- D. **Termination of Business:** Nonconforming signs and sign structures shall be removed or made to conform within 60 days of the termination of the business or use to which they are accessory.
- E. **Change of Property:** If the owner of a sign or the premises on which a sign is located changes the location of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Chapter.

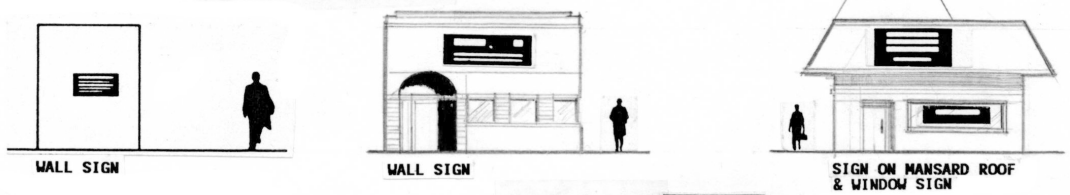
- F. **Portable and Temporary Signs:** Portable and temporary signs that are nonconforming shall be altered to comply with the provisions of this Chapter or removed within 90 days after the effective date of this Chapter.

- G. **Administration:** The Township shall make every reasonable effort to identify all the nonconforming signs within the Township. Persons responsible for each sign (as well as the owner of the property where the nonconforming sign is located) shall be contacted and informed (1) which sign is nonconforming, (2) how it is nonconforming, (3) what must be done to correct it and by what date, and (4) the consequences of failure to make the necessary corrections. The zoning administrator shall keep complete records of all communications and other actions taken with respect to such nonconforming signs.

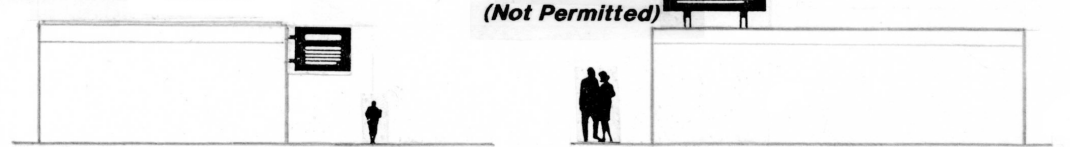
VARIOUS TYPES OF FREESTANDING SIGNS



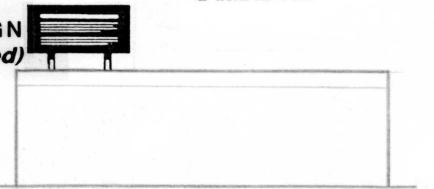
VARIOUS TYPES OF WALL SIGNS



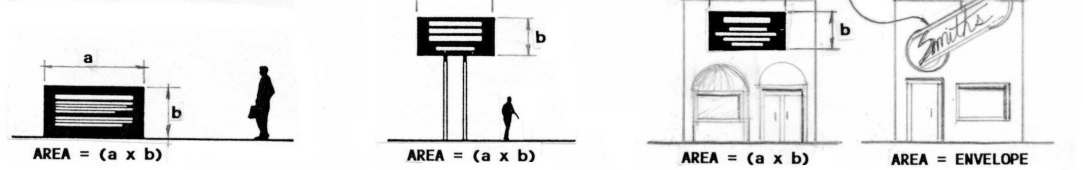
PROJECTING SIGN



**ROOF SIGN
(Not Permitted)**



SIGN MEASUREMENT



SIGN SETBACKS



SECTION 16.13 US 131 Off Premise Signs (Billboards) Overlay District

A. Purpose

Sign surface area dimensions, height, lighting and other factors are regulated, in part to Preserve Gun Plain Township's rural character, as articulated in the Township Mater Plan. Signs larger than the maximums proscribed in this chapter may significantly detract from the Townships rural appearance. It is recognized, however, that larger signs have been constructed along U.S. 131, a major limited access highway, and serve an appropriate regional information or commercial purpose only in that location. The intent of this section is to permit limited expansion of billboard-style signs along the portion of the U>S> 131 corridor within the Township.

B. Standards

Off-premise signs freestanding or wall signs including billboard structure or signs shall be permitted on premises which are not otherwise used or occupied for the uses or purposes described in the sign ordinances subject to the following restrictions:

- C. **Location.** Off-premise signs "billboards" shall be only permitted on either side of the U>S. 131 (a federal highway with limited access) permitted in C-1, C-2, AG, or I zoning districts.
- D. **Setbacks.** These signs shall be set no closer than 5 feet from state right of way and no further than 100 feet from state right of way.
- E. **Size.** Such signs may be two-faced (one per side) and shall not exceed six hundred seventy two (672) square feet surface display area per face, nor shall it exceed forty (40) feet in height.
- F. **Illumination.** Such signs may be indirectly illuminated, only if such illumination does not obstruct or interfere with any of the clear view associated with U.S. 131 or its cross roads.
- G. **Distance From Other Off-Premise Signs.** Each off-premise sign shall be located so that the signs are spaced apart a distance of not less than one thousand (1000) feet along the same side of the U.S. 131 corridor.
- H. **Impairment Of Adjacent Property Rights.** Off-premises signs shall not be permitted where their size, height or location would unreasonably impair visibility, light or air otherwise enjoyed by adjacent properties. Amended June 1, (2006).

CHAPTER XVII

SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

SECTION 17.01 INTENT AND SCOPE OF APPLICATION

Each use listed in this Chapter, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district.

Unless otherwise specified, each use listed in this Chapter shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

SECTION 17.02 ADULT/SEXUALLY ORIENTED BUSINESSES

Adult Book or Supply Stores, Adult Motion Picture Theaters, Adult Live Stage Performing Theaters, Adult Outdoor Motion Picture Theaters, Group "A" Cabarets, and Massage Parlors or Massage Establishments

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this Section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

- A. The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a one thousand (1,000) foot radius (that is, not more than one such use within one thousand (1,000) feet of another). In addition, an Adult Regulated Use shall be not located closer than 2,500 feet to a school or church and not less than 1,000 feet from any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.
1. Adult Book or Supply Stores
 2. Adult Motion Picture Theaters
 3. Adult Mini Motion Picture Theater or Arcade
 4. Adult Smoking or Sexual Paraphernalia Store
 5. Adult Model Studio

6. Adult Live Stage Performing Theaters
7. Adult Outdoor Motion Picture Theaters
8. Group "A" Cabarets
9. Massage Parlors or Massage Establishments
Host or hostess establishments offering socialization with a host or hostess for consideration.
11. Open Dance Hall
12. Tavern or cabaret providing live or projected entertainment where alcoholic liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception.
13. Any combination of the foregoing.

B. It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a six hundred (600) foot radius of the following:

1. Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
2. Pool or billiard halls.
3. Coin-operated amusement centers.
4. Disco or dance centers which typically cater to teens.
5. Ice or roller skating rinks.
6. Pawn shops.
7. Public parks, playgrounds, or other recreation uses.

The distance between uses shall be measured between the nearest property lines.

C. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

SECTION 17.03 ADULT CARE AND CHILD CARE FACILITIES

The following regulations shall apply to adult care and child care facilities which provide care for seven (7) or more individuals:

A. Licensing

In accordance with applicable state laws, all such facilities shall be registered with or licensed by the Family Independence Agency and shall comply with the minimum standards the State of Michigan has outlined for such facilities.

B. Outdoor Play Area - Child Care Facilities

A minimum of one hundred fifty (150) square feet of outdoor play area shall be provided, and maintained per child, provided that the overall size of the play area shall not be less than five thousand (5,000) square feet. The outdoor play area shall be suitably fenced and screened from

abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with Chapter 20.

C. Setbacks

Buildings housing adult or child care facilities shall have a minimum side yard setback of at least twenty (20) feet per side.

D. Loading

Such facilities shall provide an adequate and safe off-street location for loading and unloading passengers.

SECTION 17.04 AIRPORTS AND RELATED USES

Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted subject to the following conditions:

A. Plan Approval

The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.

B. Minimum Standards

The standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation shall be complied with.

C. Clear Zones

All required "clear zones" (as defined by the FAA) shall be owned by the airport facility.

D. Aircraft and Vehicle Parking

Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales rooms, and other uses associated with the airport, subject to the requirements in Chapter 17.

E. Approval from Utility Companies

The plans for such facilities shall be submitted to all utility companies serving the area, including companies that have communications towers within two miles of the proposed facility.

F. Setback

No portion of any landing strip or pad, runway, or similar facility shall be located closer than five hundred (500) feet to any parcel of land that is zoned or used for residential purposes excluding the AG district. The setback shall not apply to landing strips used for private, non-commercial use.

SECTION 17.05 ASPHALT, TRANSIT MIX AND CONCRETE PLANTS

Concrete plants shall comply with the following regulations:

A. **Setbacks**

In order to reduce the effects of airborne dust, dirt and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than one hundred (100) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial.

B. **Access**

Asphalt, transit mix and concrete plants shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

C. **Stacking Spaces**

A minimum of five (5) stacking spaces large enough to accommodate the largest truck expected shall be provided on the premises for trucks waiting to be loaded. All stacking and waiting areas shall be contained on the site.

D. **Layout**

Concrete batch plants and operations shall be entirely enclosed within a building.

E. **Outside Storage**

Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage of processed materials, where necessary, awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed fifteen feet in height.

F. **Screening**

Plant facilities, including parking and loading areas, shall be screened in accordance with Chapter 20. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts.

G. **Truck Traffic**

Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Planning Commission approval. A schedule for cleaning and other necessary maintenance of roadways at the point of access shall be included on the plan.

H. Back-up Alarm

All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device which automatically adjusts the volume so the alarm can be heard just above the ambient noise level.

I. Truck Washes

All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.

J. Pollution Control

1. Plants shall comply with the dust and noise standards set forth in Chapter 18 General Provisions (Performance Standards) of this Ordinance. The plan for fugitive dust shall address emissions from stockpiles, process sources, and traffic.
2. Plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a MDEQ groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.
3. Appropriate measures must be taken to ensure that storm water discharged into drainageways, storm drains, wetland areas or groundwater meets applicable standards of the Allegan County Drain Commissioner.
4. All hazardous materials used in the production process including additives, fixants and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer's specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Allegan County Emergency Program Manager and the Allegan County Health Department.

K. Plan Approval

The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Air Quality Control Division, Michigan Pollution Control Commission and MDEQ Ground Water Division. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval.

L. Excess Asphalt or Concrete

The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall included a means of sealing the recovery area to prevent leaching of hazardous materials into the ground. Storage of such excess materials on the site shall not exceed the limits specified in the approved recovery plan. Excess asphalt, concrete, or similar materials from other locations shall not be brought onto the site for recovery.

M. Performance Guarantee

Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with Section 18.72.

N. Height of Structure

Structures on site including stacks and towers shall not exceed a height of thirty-five (35) feet.

O. Odor

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air.

SECTION 17.06 AUTOMOBILE OR VEHICLE DEALERS

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

A. Grading, Surfacing, and Drainage

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township and shall meet requirements of Chapter 18 of this Ordinance.

B. Driveway Location

The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

C. Servicing of Vehicles

Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:

1. Service activities shall be clearly incidental to the vehicle sales operation.
2. Vehicle service activities shall occur within a completely enclosed building.
3. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
4. The building containing service operations shall be located a minimum of fifty (50) feet from any property line or the required setback which ever is greater.
5. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

D. Broadcasting Devices Prohibited

Devices for the transmission or broadcasting of audible voice or music sounds, such as a public address system, bells or tone devices, shall be prohibited outside of any building.

1. Setbacks

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the setback and other requirements for parking lots, as specified in Chapter 17.

2 Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

SECTION 17.07 AUTOMOBILE FILLING STATIONS, AUTOMOBILE OR VEHICLE SERVICE STATIONS, AUTOMOBILE REPAIR GARAGES

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler and undercoating shops:

A. Frontage

Such uses shall have access to and front upon a hard surface, major thoroughfare.

B. Minimum Lot Width

The minimum lot width required for such uses shall be 200 ft.

C. Minimum Setbacks

Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on

all sides which abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

Minimum Setback from Right-of-Way Line

- Nearest Edge of Pump Island30 ft.
- Nearest Edge of Unenclosed Canopy20 ft.

D. Ingress and Egress

Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

E. Layout

All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned and so that they do not face onto adjacent thoroughfares unless screened by landscaping.

F. Outside Storage

Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than six (6) feet in height.

G. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited.

H. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

SECTION 17.08 AUTOMOBILE WASH OR VEHICLE WASH ESTABLISHMENT

The following regulations shall apply to Automobile Wash or Vehicle Wash Establishments:

- A. **Layout**
All washing activities shall be carried on within a fully enclosed, roofed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned property.
- B. **Entrances and Exits**
Entrances and exits shall not face abutting residentially zoned or used property. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- C. **Orientation of Open Bays**
Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto any adjacent thoroughfares unless screened by landscaping or acceptable substitute.
- D. **Exit Lane Drainage**
Exit lanes shall be sloped to drain water back to the wash building to drainage grates.
- E. **Truck Washes**
Truck washes must be at least must be at least one hundred (100) feet from all property line and entirely screened from residential uses. The screening shall include both a wall and landscaping.

SECTION 17.09 BED AND BREAKFAST FACILITIES

Bed and breakfast facilities shall be subject to the following regulations:

- A. **Bed and Breakfast as Accessory Use**
The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than twenty five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- B. **Maximum Number of Units**
No more than six (6) bed and breakfast sleeping rooms shall be established in a bed and breakfast dwelling unit. However, the Planning Commission may limit the number of sleeping rooms based on site or building limitations and principles of good design.
- C. **Principal Residence**

The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

D. Kitchen Facilities

There shall be no separate cooking facilities for the bed and breakfast operation, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.

E. Building Requirements

A building used for bed and breakfast operations shall comply with the following minimum requirements:

1. There shall be at least two (2) exits to the outdoors, with separate means of egress provided from each room.
2. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants. Rooms shall be designed to accommodate no more than two (2) occupants.
3. Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.
4. At least one bathroom shall be provided for each two rooms on the same floor.

F. Parking

Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Chapter 17. Off-street parking in the front yard is prohibited.

G. Duration of Stay

Duration of stay of guests shall be limited to a maximum of seven days.

H. Guest Register

All Bed and Breakfast operations shall maintain a guest register. Such register is subject to inspection during reasonable hours by the Zoning Administrator.

I. Signs

Signs shall comply with Chapter 15 of this ordinance.

SECTION 17.10 CEMETERIES AND PET CEMETERIES

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

A. Size

The minimum parcel size shall be five (5) acres and have a minimum frontage of 330 feet on a public road.

B. Location

No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.

C. Master Plan

Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.

D. Setbacks

No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

E. Location of Entrances

Entrances to cemeteries shall be from an arterial or collector road as determined in the Master Plan, and shall be designed to minimize traffic congestion.

F. Screening

Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Chapter 20.

SECTION 17.11 CHURCHES AND RELIGIOUS INSTITUTIONS

The following regulations shall apply to all Religious Institutions, including churches, synagogues, temples, and so forth. For large scale churches, see Section 17.22.

A. Lot Width

The minimum lot width for religious institutions shall be three hundred and thirty (330) feet, unless a greater width is specified in the Schedule of Regulations for the district in which the institution is located. If located on a parcel having 660 feet or more of frontage, two (2) entrances/exits spaced at least 330 feet apart shall be required, except lots or parcels existing prior to the adoption of this Zoning Ordinance and any amendments to it, provided that all other requirements of this Ordinance are met.

B. Parking Setback

Off-street parking shall be prohibited in the front setback area and within fifteen (15) feet of the rear or side property line.

C. Building Setback

Religious institutions shall comply with the following building setback requirements, unless larger setbacks are specified in the Schedule of Regulations for the district in which the institution is located.

Front Yard: 50 feet

Side Yards: 25 feet

Rear Yard: 50 feet

D. Frontage and Access

Religious institutions shall be located on a paved collector or arterial road.

E. Landscaping

Religious institutions shall comply with the landscaping requirements set forth in Chapter 20.

F. Maximum Height

Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.

G. Churches in Existing Structures

If a church is to be located in an existing structure in a residential zoning district, such occupancy shall be permitted provided that the structure retains its existing floor area and its external residential character and continues to meet all of the other requirements of the Ordinance, unless variances are granted by the Zoning Board of Appeals.

SECTION 17.12 COMPOSTING CENTERS

- A. The applicant shall submit an Impact Assessment describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.
- B. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated) curbing area, landscaped buffers, sales area and fencing.
- C. Commercial composting operations shall be at least five hundred (500) feet from any residential
- D. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
- E. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.

- F. The applicant shall describe acceptable methods for control of odors.
- G. A landscaped greenbelt, as described in Chapter 20 shall be provided on all sides adjacent to a residential district. A landscaped greenbelt as described in Chapter 20 shall be provided on all other sides unless waived by the Planning Commission in consideration of adjacent uses and topographic features.
- H. Access shall be provided solely on Class A truck routes.
- I. All storage areas shall be enclosed in a building.

SECTION 17.13 CONVALESCENT HOMES, NURSING HOMES, REST HOMES, AND ORPHANAGES AND CONGREGATE CARE FACILITIES

The following regulations shall apply to Nursing Homes, Convalescent Homes, Rest Homes, Orphanages, and Congregate Care Facilities.

A. Frontage and Access

Such uses shall front onto a paved arterial or collector road and the main means of access to the hospital for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be from a residential street in a platted subdivision.

B. Setbacks

The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.

C. Open Space

Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

SECTION 17.14 DRIVING RANGES

A. Minimum Dimensions and Setbacks

Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be set back at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. No netting to prevent the flight of golf balls shall be permitted along any side lot line.

B. Screening or Slopes

The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Chapter 20. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

C. Special Use Requirements for Outdoor Recreation Facilities

Driving ranges shall comply with the requirements for Outdoor Recreation Facilities in Section 17.27.

D. Lighting

All lighting shall be in accordance with the provisions of this Ordinance.

SECTION 17.15 ESSENTIAL PUBLIC SERVICES STRUCTURES, STORAGE YARDS AND SUBSTATIONS

Essential public services structures, substations, and similar uses shall comply with the following regulations:

A. Location

Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of existing development.

B. Design

All such buildings shall be architecturally compatible with buildings in the vicinity and shall be screened in accordance with Chapter 20. Electric or gas regulator equipment and apparatus shall be setback a minimum Of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities can not be located in the required front yard.

C. Off-site Impact

Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. Essential public service storage yards shall be screened from any adjacent residential district in accordance with Chapters 18 and 20.

D. Security Fencing

Security fencing may be permitted, subject to the requirements in Chapter 18. Adjacent to a residential district, such fencing shall be decorative masonry and eight (8) feet high, subject to modification by the Planning Commission.

SECTION 17.16 FAST -FOOD AND DRIVE-THROUGH RESTAURANTS

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

A. **Minimum Frontage**

The site shall have a minimum of two hundred (200) feet of frontage on a principal arterial road or highway.

B. **Location of Driveways**

Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). The use of secondary access drives may be required upon review by the Planning Commission.

C. **Control of Sound Level**

Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

D. **Stacking**

Stacking space and lanes shall be provided as specified in Chapter 17.

SECTION 17.17 FUNERAL HOMES OR MORTUARIES

The following regulations shall apply to Funeral Homes and Mortuaries:

A. **Assembly Area**

A minimum of 9,000 sq. ft. (30 car capacity) shall be provided off-street for vehicles to be used in funeral processions.

B. **Screening**

Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Chapter 20.

C. **Caretaker's Residence**

A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building.

D. **Loading Requirements**

One (1) loading berth shall be provided per 5,000 square feet of gross floor area, and one (1) additional berth shall be provided for each additional 10,000 square feet of floor area. Each loading berth shall measure at least 10 ft. x 25 ft.

E. **Location**

Such uses shall front onto a paved arterial or collector road and the main means of access shall be via the paved road.

SECTION 17.18 GOLF COURSES AND COUNTRY CLUBS, AND PAR-3 GOLF COURSES

The following regulations shall apply to Golf Courses, Country Clubs, and Par-3 Golf Courses:

A. **Lot Size**

Regulation length 18-hole golf courses shall have a minimum lot size of 160 acres, of which a minimum of 110 acres of usable land shall be allocated to fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of 90 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres. Country clubs shall have a minimum lot size of 40 acres.

B. **Setbacks and Fairway Width**

Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred fifty (150) feet subject to review by the Planning Commission. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred ten (210) feet from the center of the fairway.

C. **Access**

Golf courses and country clubs shall have direct access onto a public road.

D. **Shelter Buildings**

At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Allegan County Health Department and the County Building Code.

E. **Impact on Water Supply**

A hydrogeological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.

F. **Building Setbacks**

Buildings shall be setback a minimum of 100 feet from any property line that abuts residentially zoned or used property, and seventy five (75) feet from any other property line.

G. **Turf Maintenance Plan**

The proposed turf maintenance plan and chemical application plan for the first year and for long-term turf maintenance shall be submitted for review.

H. **Chemical Storage**

Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic

system or other pathway to the groundwater. Plans for emergency containment and clean-up shall also be provided.

SECTION 17.19 HOSPITALS

The following regulations shall apply to Hospitals:

A. Frontage and Access

Hospitals shall have a minimum of 660 feet of frontage on a paved major arterial or highway and the main means of access to the hospital for patients, visitors, and employees shall be via the arterial or highway. In no case shall access to a hospital be off of a residential street. A minimum of two (2) entrances/exits shall be provided located no less than 330 feet apart.

B. Setbacks

The principal building and all accessory buildings shall be set back a minimum distance of one hundred (100) feet from all property lines. The minimum setback shall be increased twenty (20) feet for each story in excess of two (2) stories.

C. Screening

Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Chapters 18 and 20 of this Ordinance.

SECTION 17.20 JUNK YARDS OR SALVAGE YARDS

The following regulations shall apply to Junk Yards and Salvage Yards:

A. Setbacks

A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line which abuts a residentially-zoned district.

B. Screening

The entire junk yard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with Chapter 18. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

C. Surfacing

All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Planning Commission so as to confine any wind-borne dust within the boundaries of the site.

D. **Regulated Activities**

Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

E. **Permits**

All required Township, County, and State permits shall be obtained prior to establishing a junkyard.

F. **Stacking**

Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

SECTION 17.21 KENNELS

The following regulations shall apply to Kennels as defined herein.

A. **Operation**

Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.

B. **Lot Size**

The lot on which any such kennel is located shall be a minimum of five (5) acres in size. If more than five (5) animals over the age of six (6) months are housed in the kennel, an additional seven thousand (7,000) square feet shall be required for every additional animal over six (6) months of age.

C. **Setbacks**

Buildings in which animals are kept, animal runs, and exercise areas shall be located at least one hundred (100) feet from any property line.

D. **Sound Control**

All animals shall be housed in a masonry building which is fully soundproofed, using insulation, soundboards, and acoustic tile. The animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.

E. **Odor Control**

Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.

F. **Kennels Prohibited in Subdivisions**

Regardless of lot size, kennels shall not be permitted in platted subdivisions or condominium developments.

SECTION 17.22 LARGE SCALE INSTITUTIONAL USES, INCLUDING LARGE SCALE CHURCHES

Large scale institutional uses including large scale churches, as defined in Chapter 3 shall be subject to the conditions that follow:

- A. **Frontage**
The site shall have at least 150 feet of frontage on a hard-surfaced major thoroughfare with an existing or planned right-of-way of not less than one hundred twenty (120) feet. All ingress and egress to the site shall be directly onto such major thoroughfare(s).
- B. **Setbacks**
All buildings, structures, and parking and loading areas shall be set back a minimum of one hundred (100) feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of Chapter 20 of this Ordinance.
- C. **Traffic**
Traffic from events (including church worship services) and other large assemblies shall be controlled by the institution or church or by its agents so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including church worship services) and assemblies, a description of the method(s) of traffic control, and a traffic impact study and shall be presented to the Planning Commission for approval.
- D. **Associated Uses**
Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools (if not the primary use), convents, day care, nurseries and others shall meet all requirements of this Ordinance for such uses.
- E. **Parking Screening**
All parking spaces and aisles shall be screened from off-site view in accordance with the requirements of Chapter 17 of this Ordinance.
- F. **Sound Control**
There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.
- G. **Storage**
Storage of maintenance equipment shall be entirely within a totally enclosed building.

SECTION 17.23 MINI WAREHOUSES

The following regulations shall apply to Mini-Warehouses:

A. Permitted Use

Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building. No water or telephone service shall be provided to individual storage units and electrical service shall be limited to serve basic lighting and security systems.

B. Site Enclosure

The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high chain link fence. Fences in excess of six (6) feet or intended to include barbed wire shall only be permitted in districts as otherwise permitted in this Ordinance.

C. Exterior Appearance

The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

D. Resident Manager

A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.

E. On-Site Circulation and Parking

1. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.
2. All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.
3. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

SECTION 17.24 MOTELS AND HOTELS

The following regulations shall apply to Motels:

A. Design

Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.

B. Services

Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service.

C. **Parking**

Off-street parking for semi-trailers shall be specifically designated and separated from passenger vehicles.

SECTION 17.25 OPEN AIR BUSINESS, COMMERCIAL OUTDOOR DISPLAY, SALES OR STORAGE

The following regulations shall apply to all such uses, whether operated year round or on an intermittent basis, or as a principal or accessory use:

A. **Driveway Location**

The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.

B. **Setbacks**

Parking shall be setback a minimum of ten (10) feet from any road right-of-way line. No outdoor storage shall be permitted in any required front, side, or rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.

C. **Lot Width**

The minimum lot width for open-air businesses shall be one hundred and fifty (150) feet.

D. **Loading and Parking**

All loading, truck maneuvering and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.

E. **Storage**

Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials. Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose stormwater without a negative impact on adjacent property.

F. **Sales and Display**

All outdoor sales and display areas shall have an approved paved or aggregate surface and a stormwater drainage system.

G. **Screening**

All outdoor sales, display or storage area property lines adjacent to a residential district shall be screened in accordance with Chapters 18 and 20.

H. **Outdoor Display of Vehicles**

The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in Section 17.06.

I. Plant Material Nursery

Nurseries which deal with plant materials shall comply with the following:

1. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
2. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

J. Flea Markets

Flea markets shall not be permitted as a year round use.

K. Permit Required

A temporary endeavor permit shall be required for all intermittent uses.

**SECTION 17.26 RADIO, TELEVISION AND OTHER COMMUNICATIONS TOWERS
(COMMERCIAL AND PUBLIC)**

The following regulations shall apply to radio and television towers, microwave towers, and other communication antennae/towers (but not including wireless communication or “cellular” towers):

A. Setbacks

Any such tower shall be set back from all property lines a minimum distance of fifty (50) feet greater than the height of the tower except in the case that the Planning Commission determines that a lesser setback is needed. The Planning Commission’s determination shall be based upon engineering evidence provided by the applicant that the tower is self-collapsing. All guide wires, supports and anchors must adhere to district setback requirements.

B. Fencing

An open weave, eight (8) foot high chain link fence shall be constructed around the entire perimeter, in accordance with Chapter 18.

C. State and Federal Regulations

Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

D. Location

Such towers shall be permitted in the C-1, C-2 and I Districts only.

E. Landscaping

The base of such towers shall be landscaped for screening in accordance with Chapter 20 of this Ordinance.

SECTION 17.27 RECREATION FACILITIES

A. Campgrounds

Campgrounds for travel trailers, tents, tent-campers, and motor homes, shall comply with the following requirements:

1. Setbacks.

Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines. The storage of vehicles not set up for occupancy shall be located a minimum of two hundred (200) feet from all property lines, and shall be screened in accordance with Chapter 20.

2. Minimum Campsite Size.

Each campsite shall be at least two thousand (2,000) square feet in size for campsites designed to serve motor homes, trailers, etc. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.

3. Utilities.

Each campsite shall either be provided with individual electric and water hookups approved by the Allegan County Health Department, or shall have convenient access to approved service buildings. Sewer hook-ups are optional.

4. Minimum Parcel Size.

A campground shall have a minimum of twenty (20) acres.

5. Temporary Residency.

Campgrounds shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.

6. Accessory Use.

Accessory uses shall include but not be limited to rental cabins and trailers, swimming docks, and game rooms.

B. Commercial Outdoor Recreation Facilities

Outdoor recreation facilities, such as, but not limited to recreational fields, rinks or courts, including football, softball, soccer, tennis basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, music concert pavilions and band shells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management

functions, spectator seating and service areas, including locker rooms and rest rooms, shall comply with the following regulations:

1. **Setbacks.**

Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.

2. **Access.**

Outdoor recreation uses shall have direct access onto a principal arterial.

3. **Impact on Surrounding Properties.**

The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.

4. **Nuisance Impacts.**

Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired. The site shall be periodically cleared of debris.

5. **Parking.**

All parking for outdoor recreation uses shall be provided in off-street parking lots, designed in accordance with Chapter 17, and set back a minimum of forty (40) feet from any residential district.

6. **Screening.**

Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Chapters 18 and 20.

7. **Accessory Facilities.**

Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

C. **Off-Road Vehicle and Snowmobile Trails, Outdoor Gun Ranges, and Auto Racing Tracks**

Courses or trails for off-road vehicles, snowmobiles, gun ranges or similar use shall comply with the following regulations:

1. **Minimum Parcel Size.**

A minimum of eighty (80) acres shall be required for such uses or other size parcel deemed appropriate for the proposed use by the Planning Commission.

2. **Location.**

The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.

3. **Operations Plan.**

The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning Commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.

D. **Private Institutional or Community Recreation Facilities and Athletic Clubs.**

1. **Enclosure.**

Outdoor swimming pools in single family districts shall be enclosed within a six (6) foot high fence. All fences shall be subject to the requirements in Chapter 18. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.

2. **Setbacks.**

Swimming pools in single family districts shall be setback at least 100 feet from any property line that abuts a residential district. In all other districts swimming pools shall be set back a minimum distance of sixty (60) feet from all property lines. In no case shall a swimming pool be located in an easement or right-of-way.

3. **Swimming Pool Clubs.**

Swimming pool clubs in residential districts shall be incorporated as non-profit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly-defined geographic area as specified in the club's charter of incorporation.

4. **Site.**

The proposed site for any of the uses permitted herein which would attract persons from or are intended to serve areas beyond the immediate neighborhood shall have at least one property line abutting an arterial road, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.

5. **Landscaping.**

All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts. Front, side and rear yards shall be landscaped in trees, shrubs and grass.

6. **Parking.**

Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-

street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal memberships, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.

7. Other Standards.

Swimming pools shall meet the standards of Chapter 18 and all applicable township building and county health codes.

E. Indoor Recreation Facilities

Indoor recreation facilities, such as, but not limited to, bowling establishments, fitness centers, indoor archery ranges, indoor firearms ranges, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, and similar indoor recreation uses shall comply with the following regulations:

1. Setbacks.

Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any property line which abuts a residential district.

2. Adverse Impacts.

The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.

3. Buildings.

All uses shall be conducted completely within a fully enclosed building. The buildings shall be sound-proof and consistent with the Township Noise Abatement Ordinance.

4. Access.

Indoor recreation uses shall have direct access onto a principal arterial road.

SECTION 17.28 ROAD STANDS

The following regulations shall apply to all Roadside Stands, which shall be temporary uses, as defined in Chapter 3:

A. Use

Each farm may have a maximum of one (1) seasonal roadside stand, and all produce or products for sale shall be grown on the premises or be made from produce grown on the premises.

B. Building Size

Any roadside stand shall not be greater than two hundred fifty (250) square feet in size, nor shall it have more than one (1) story. The stand shall be of portable construction, permitting it to be removed from its roadside location during seasons when it is not in use.

C. Site Maintenance

Suitable trash containers shall be placed on the premises for public use. Adequate provisions shall be made for waste collection and removal. Plant and vegetable waste shall be removed daily so that it does not rot or cause odors. Litter shall be picked up and disposed of daily. Crates and equipment shall be stored out of view.

D. Building Setbacks.

Any building containing a roadside stand shall be located no closer than forty-five (45) feet to the nearest edge of the paved surface of any paved public road, and no closer than forty-five (45) feet to the improved gravel surface of any unpaved public road.

E. Parking

Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Chapter 17, except that hard-surfacing shall not be required. Parking maneuvering shall not conflict with traffic flow on the road.

F. Signs

Signs used in connection with the roadside stand shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way and shall meet clear vision requirements.

SECTION 17.29 SCHOOLS, PUBLIC/PRIVATE/PAROCHIAL

Public, private and parochial elementary, intermediate or high schools licensed by the State of Michigan to offer courses permitted subject to the following conditions:

A. The minimum lot or parcel width shall be three hundred (300) feet.

B. The minimum lot or parcel area shall be:

- Ten (10) acres for elementary schools
- Twenty (20) acres for intermediate schools
- Forty (40) acres for high schools

C. The lot or parcel location shall be such that at least one (1) property line abuts a collector road or arterial road. All ingress and egress shall be directly onto said roads.

SECTION 17.30 STABLES AND RIDING ARENAS

A. **Private Stables**

Private stables, as defined in Chapter 3 of this Ordinance, are intended for the keeping of horses or other large animals for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements:

1. **Minimum Size**

Private stables shall have a minimum of one (1) acre of open pasture per horse.

2. **Setbacks**

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line.

3. **Maintenance**

All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

B. **Public Stables**

Public stables, as defined in this Ordinance, shall comply with the following:

1. **Minimum Size**

Public stables shall have a minimum of one (1) acre per animal, but in no event shall there be less than twenty (20) acres.

2. **Setbacks**

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line, except that horses may be pastured no closer to the road than the front setback line or the front of the house, whichever is greater, unless otherwise permitted by the Planning Commission.

3. **Maintenance**

All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

C. **Riding Arenas**

Riding arenas may be permitted as an accessory use in the AG District subject to the following requirements:

1. **Minimum Size**

Riding arenas shall have a minimum of one (1) acre per animal, but in no event shall there be less than ten (10) acres.

2. **Private Use**

Riding arenas shall not be open to the general public. Accordingly, grandstands and other public facilities shall be prohibited. However, observation platforms or similar viewing facilities are permitted.

3. **Setbacks**

The riding arena shall be located at least one hundred (100) feet from any property line. Outdoor tracks shall be permitted provided they are setback at least fifty (50) feet from any property line.

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line.

4. **Maximum Height**

Riding arenas shall comply with the height requirements for the district in which they are located.

5. **Maintenance**

Riding arenas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

6. **Permitted Use**

Riding arenas shall be used for no other purpose except for riding, exercising, and training of horses. Riding arenas may contain stables.

7. **Approval Criteria**

The Planning Commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:

a. All requirements set forth in this sub-section will be complied with.

b. The arena will be for private use only for riding horses that are permanently stabled on the same property.

c. No living quarters will be located in the arena building.

d. The arena will be compatible in terms of appearance and function with surrounding land uses.

- e The arena is not likely to negatively affect the value of other property in the area in which it is located.

D. Stables for Breeding and Training Horses

Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered bona fide farms, as defined in Chapter 3, and shall be subject to the regulations applicable to farms.

SECTION 17.31 TRUCK STOPS

Truck stops shall be subject to the following regulations:

A. Minimum Lot Size and Width

Minimum lot size shall be five (5) acres. Minimum lot width shall be 300 feet.

B. Location

No such site shall abut residentially zoned property.

C. Parking

Adequate parking and maneuvering area shall be provided for truck layover, truck scales and stacking at fuel islands.

D. Ingress and Egress

Ingress and egress drives shall be a minimum of thirty six (36) feet in width. No more than one (1) such drive or curb opening shall be permitted for every one hundred fifty (150) feet of frontage (or fraction thereof) along any street. No such entrance or exit drive shall face any property zoned or used for residential purposes.

E. Layout

All lubrication equipment, vehicle wash equipment, and repair facilities shall be enclosed entirely within a building. Fuel pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so that they do not face onto adjacent thoroughfares unless screened by landscaping.

F. Outside Storage

Outside storage of inoperable, wrecked or partially dismantled vehicles or parts salvage is prohibited. Disabled vehicles shall be removed from the site within two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than six (6) feet in height.

Outdoor storage of truck or automotive parts or supplies is prohibited. Outdoor display or storage of food, beverages, seasonal supplies (such as hunting or fishing supplies), and similar retail items is also prohibited.

G. Vehicle Sales and Storage

The storage, sales, or rental of new or used trucks, trailers, and any other vehicles on the premises is prohibited.

H. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

SECTION 17.32 VETERINARY CLINICS

Veterinary clinics shall comply with the following requirements:

A. Small Animal Clinics

All activities shall be conducted within a completely enclosed building. If the small animal clinic does not include outdoor kennels, animal runs or exercise areas, the setbacks of the district for principal buildings shall apply. Outdoor animal runs and kennels shall meet the setback requirements for kennels.

B. Large Animal Clinics

1. Range of Services

The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

2. Accessory Office Uses

Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

3. Setbacks

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building to be used by the public.

4. Maintenance

All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be removed from the premises or spread and cultivated so as not to be a nuisance and to control odors and flies.

5. **Setback of Stable or Paddock**

No stable or confined paddock area shall be located nearer than one hundred (100) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

SECTION 17.33 MODEL HOMES AND MODEL MANUFACTURED HOMES

A. Model homes in platted subdivisions or condominium developments shall comply with the following standards:

1. **Permitted Use**

The model home shall be used solely as a sales and promotion office for the subdivision or condominium in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.

2. **Termination**

Use of the home for sales and promotion shall cease as soon as all lots in the subdivision or condominium are sold to potential end users within two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.

3. **Appearance**

The model home and site shall be maintained to look like a typical single family dwelling at all times.

4. **Parking**

A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee. Off-street parking shall comply with the requirements in Chapter 17.

5. **Maximum Number of Model Homes**

The maximum number of model homes in a subdivision or condominium shall be four (4).

B. Model houses in mobile home parks shall comply with Chapter 8 of this Ordinance except that the maximum number of model homes shall be eight (8).

SECTION 17.34 HOME OCCUPATIONS

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions.

A. No person other than the members of the family residing on the premises shall be engaged in such occupation.

- B. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than one-quarter (25) percent of the floor area of the floor on which the occupation is being conducted may be used for the purposes of the home occupation or for storage purposes in conjunction with the home occupation.
- C. A home occupation shall be conducted completely within the dwelling unit. The use of detached accessory buildings (garages, storage sheds, pole barns and similar structures) shall be prohibited.
- D. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not customary in residential areas including the expansion of off-street parking areas in excess of residential standards.
- E. No article shall be sold or offered for sale on the premises except such as is primarily produced within the dwelling.
- F. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
- G. Signs not customarily found in residential areas shall be prohibited, however that one (1) non-illuminated name plate, not more than four (4) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises in the R-1, R-2 and R-3 zoning districts. Freestanding signs not in excess of six (6) square feet in area may be placed on private property in the AG district as an alternative but not in addition to a sign placed on the dwelling.
- H. There shall be no deliveries to or from a home occupation with a vehicle larger than a 15,000 pound truck with not more than two (2) axles.
- I. The hours of operation for a permitted home occupation shall be subject to Planning Commission review and shall be set in accordance with the provisions of this Ordinance and based upon the type of use proposed.
- J. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- K. Certain uses by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations: medical care services, mortuaries, funeral homes, tea rooms, antique shops, restaurants, private clubs, veterinary clinics, commercial kennels, vehicle repair shops, small

engine repair, landscape installation and maintenance businesses, trailer rentals, and repair shops in general. Snow removal businesses, construction contractors and similar occupations with more than two vehicles, trailers or pieces of equipment stored outdoors shall be considered a commercial business and therefore not permitted as a home occupation. Note, this list does not include every use that is prohibited as a home occupation.

SECTION 17.341 COTTAGE INDUSTRIES

- a. Cottage Industries may be permitted as a special use in AG only, subject to review and approval by the Planning Commission. A permit will be required on an annual basis of each Cottage Industry to insure the conditions of approval are adhered to. The permit will be issued by the Township Ordinance Enforcer.
- b. No person other than the members of the family residing on the premises shall be engaged in the permitted use.
- c. Cottage Industries shall be incidental and subordinate to the use of the premises for AG purposes and shall not detract from the AG character of the premises or neighborhood.
- d. There shall be no exterior evidence of such industry other than a sign not exceeding eight (8) square feet in area and with a height not to exceed twenty (20) feet. **(Amended 1-6-2011 Ord.#147)**
- e. A Cottage Industry shall occupy not more than one detached building. The floor area of such a building shall not exceed twenty-four hundred (2400) square feet.
- f. The outdoor storage of goods and/or materials of any kind are prohibited.
- g. No article shall be sold or offered for sale on the premises except such as is primarily produced or serviced within the detached building.
- h. To ensure that the Cottage Industry is compatible with surrounding AG and residential use, a “not-to-exceed” number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission.
- i. Hours of operation shall be approved by the Planning Commission.
- j. A Cottage Industry shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned agricultural district.
- k. Certain uses by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for cottage industry, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as Cottage Industry: medical care services, mortuaries, funeral homes, tea rooms, antique shops, restaurants, private clubs, veterinary clinics, commercial kennels, vehicle repair shops, trailer rentals. Snow removal businesses, construction contractors and similar occupations with more than two vehicles, trailers or pieces of equipment associated with the businesses, stored outside shall be considered a commercial business and therefore not permitted as a cottage industry. Note, this list does not include every use that is prohibited as a cottage industry.

SECTION 17.35 WIRELESS COMMUNICATIONS FACILITIES

A. Purpose

Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of the Ordinance is to minimize adverse visual effects of towers and to avoid interference with adjacent property while adequately serving the community.

B. Definitions

WCF Overlay Zone. That area so designated by the township as being suitable for development of wireless communication facilities and support structures, to wit: that area adjacent to the right-of-way of Highway US-131 and extending easterly or westerly three hundred (300) feet therefrom and the area along Highway M-89 beginning two hundred (200) feet northerly or southerly from the highway right-of-way line and extending to a line five hundred (500) feet northerly or southerly from the highway right-of-way line.

C. Application Requirements: Application must be made for a special use permit and the following information must be submitted.

1. Since a new commercial wireless telecommunications tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a three (3) mile search radius of the proposed tower, due to structural inadequacies, impact or other verifiable reason, a detailed analysis of the basis for a new tower must be submitted as part of the application process.
2. Site plan of the proposed tower location showing all existing and proposed features of the site.
3. Elevations of the proposed tower height above grade and any other improvements.
4. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration and Michigan Aviation Commission approval, and engineer's certification of structural and electrical safety.
5. A copy of the relevant documents including the signed lease, deed and land contract restrictions (excluding lease or deed payment amounts), which requires the applicant to remove the tower and associated facilities upon cessation of the operations, shall be submitted.

D. Location Requirements: Wireless communication facilities and structures are permitted by special use permit in the WCF Overlay Zone in the Agriculture (AG), Very Low Density Residential (R-1), Low Density Residential (R-2), General Commercial (C-2) and Industrial (I-1) districts. Wireless communication facilities may be collocated on existing support structures in any district, both within and outside of the WCF Overlay Zone.

E. Site Requirements: A minimum site of one hundred (100) feet x one hundred (100) feet.

F. Buffering Requirements:

The communication tower shall meet the minimum setback of one hundred (100) feet, but not less than the distance equal to the height of the tower, from adjoining property line(s) and not less than three hundred (300) feet from any single-family dwelling. There shall be no setback distance required from the tower to the right-of-way line for towers adjacent to highway U.S. 131.

1. The tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
2. The base of the tower and wire/cable supports shall be fenced with a minimum six (6) foot tall chain-link fence with three (3) strands of barbed wire or an eight (8) foot tall chain-link fence.

G. Performance Standards:

1. All towers shall be equipped with an anti-climbing device and fence to prevent unauthorized access.
2. The plans of tower construction shall be certified by a registered structural engineer.
3. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes. The applicant shall also agree to reimburse the cost to the Township Engineer to review the same.
4. All towers must meet the standards of the Federal Aviation Administration and/or Federal Communications Commission.
5. Whenever possible, the structure shall be of a monopole construction.
6. Accessory structures are limited to uses associated with operation of the tower.
7. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
8. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
9. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply, as to the electrical wiring and connections, with all applicable local structures, regulations and standards.

10. Towers with antenna shall be designed to withstand a uniform wind as prescribed in the building code.
11. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
12. Towers shall be located so that they do not interfere with reception in nearby residential areas.
13. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
14. The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base.
15. Minimum spacing between tower locations shall be three (3) miles measured by a straight line.
16. The maximum height of a new tower shall be 200 feet. A tower greater than two hundred (200) feet may be permitted if, in the opinion of the Township Zoning Board of Appeals, the applicant has sufficiently demonstrated that a proposed tower in excess of two hundred (200) feet may reduce the total number of towers necessary to provide service within the Township, or if topography is such that a tower in excess of two hundred (200) feet is necessary to provide minimally adequate service.
17. Towers shall not be artificially lighted unless required by the Federal Aviation Administration and, if so required, lighting shall be the minimum provided for under the regulations, subject to the Township's approval and oriented inward so as not to project onto surrounding property. Strobe lights shall not be used.
18. Existing on-site vegetation shall be preserved to the maximum extent practicable.
19. A special use permit for the construction of a new tower shall be issued without the commitment of one wireless communication company, licensed by the Federal Communication Commission, to place their antennas on the proposed tower within six (6) months of the tower's completed construction.
20. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
21. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.

22. Structures shall be subject to any State and Federal regulations concerning nonionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the special use permit and will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
23. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
24. The structure shall be constructed as to hold not less than three (3) wireless communication arrays in order to allow future collocation.
25. Whenever possible, proposed wireless communication facilities shall collocate on existing buildings, structures and existing wireless communication structures.
26. The applicant may not unduly restrict collocation on the tower. If a provider fails to or refuses to permit collocation, such a structure shall be a nonconforming structure and shall not be altered or expanded in any way.
27. To secure the removal of a vacant structure, the Township shall require a bond up to one hundred twenty-five (125) percent of the removal cost to the operator and/or landowner.
28. When a wireless communication structure has not been used for a period of ninety (90) consecutive days, or ninety (90) days after new technology is being utilized and the operation of the facility is no longer necessary, all parts of the structure shall be removed within one hundred sixty (160) days. The base of any tower and/or support anchors shall be removed to a point twelve (12) feet below grade and the excavation filled with suitable soil, then covered with top soil and re-seeded. The removal of antenna or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Gun Plain Charter Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent a notice to the operator stating the need to remove the structure.
29. The telecommunication provided shall provide proof of insurance for liability and property damage of not less than \$1,000,000, said amount of coverage to be reviewed and established, on an annual basis, by the Township Board pursuant to Board resolution.

Proof of insurance shall be provided to the Township on the anniversary date of the beginning of construction of the wireless communication support structure.

CHAPTER XVIII

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 18.01 INTENT

In all zoning districts, off-street facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed.

Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

SECTION 18.02 GENERAL REQUIREMENTS

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

- A. **Off-Street Parking Spaces for Two-Family Dwellings.** Off-street parking facilities required for two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of this Ordinance.
1. No parking shall be permitted in the required front yard except on a driveway which leads to an approved parking space.
 2. No more than fifty (50) percent of the front yard may be occupied by a driveway and permitted parking stalls.
 3. Parking areas shall not be graded in such a manner as to cause the diversion of stormwater on to adjacent property.
 4. All residential parking areas shall be hard surfaced with at least four inches of stone, gravel, asphalt or concrete material.
- B. **Off-Street Parking for Multiple-Family and Non-Residential Uses.** Off-street parking facilities required for multiple-family (three or more units) and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within three hundred (300) feet of such building or use. Ownership or a use easement, duly recorded with the County Recorder, shall be shown for all land areas intended for use as parking by the applicant.

- C. **Existing Parking Facilities.** An area designated as required off-street parking facilities in existence at the effective date of this Ordinance shall not be reduced below the requirements for the use or building served as set forth in this Ordinance.
- D. **Joint Use of Facilities.** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the same time of day. The maximum joint requirements will be less than the total individual requirements if the peak needs for the uses occur at distinctly different times of the day from the peaks of the other uses.
- E. **Non-overlapping Operating Hours.** In the instance of land uses requiring off-street parking spaces where operating hours of the uses do not overlap, the Planning Commission may grant an exception to the individual provisions of this Chapter and permit a shared or joint use of parking facilities.
- F. **Restriction of Parking on Private Property.** It shall be unlawful to park or store any motor vehicle on private property without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
- G. **Storage and Repair Prohibited.** An unenclosed off-street parking space may not be used for the storage or parking of junked or wrecked vehicles of any type or used as a storage area for merchandise or industrial equipment or material, or used as a dump for refuse of any description. No repairs or service to vehicles shall be carried on or permitted on areas designated as required off-street parking.
- H. **Duration.** Except when land is used as permitted storage space in direct connection with a business, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles on any parking area in any district.
- I. **Use of Loading Space.** Required loading spaces shall not be counted or used for required parking.
- J. **Gross and Usable Floor Area.** For the purpose of computing the number of parking spaces required, the definitions for Gross and Usable Floor Area as defined by this Ordinance shall apply.
- K. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one (1) parking space.
- L. **Uses Not Specified.** For those uses not specifically mentioned in this Ordinance, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers to be similar in type.

- M. **Availability of Public Facilities.** The required spaces as determined by the following schedule and standards may be modified or waived by the Planning Commission in areas where free parking and publicly owned and operated parking areas are readily accessible and where land is not available for development of accessory off-street parking as required herein.
- N. **Reduction of Required Parking Stalls/Area.** The Planning Commission may upon application from a property owner or project developer and having been provided justification and cause, *or upon its own initiation*, reduce the parking facility calculations by up to twenty-five (25%) percent of the required total for a submitted site plan. This shall be permitted for the purpose of reducing the total land area that is made impervious by excess pavement, reducing storm water runoff and reducing project costs for the developer and property owner.

SECTION 18.03 TABLE OF OFF-STREET PARKING REQUIREMENTS

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Spaces Per Unit of Measure
1. Residential	
a. Residential, Two-Family Dwelling, including mobile homes.	Two (2) for each dwelling unit.
b. Residential, Multiple-Family	One (1) for each efficiency unit, one and one-half (1-1/2) for each one (1) bedroom unit, two (2) for each two (2) bedroom unit, and three (3) for three (3) or more bedroom units.
c. Residential, Multiple-Family Senior Citizen Housing	One (1) for each dwelling unit plus one (1) for each employee. If units revert to general occupancy, then Section 18.03(1)b above applies.
d. Boarding, Rooming, Lodging, Establishments	One (1) parking space for each sleeping room and/or occupancy unit plus one (1) parking space for each employee on the largest employment shift.
2. Institutional	
a. Churches, Temples or Synagogues	One (1) for each three (3) seats, based on maximum seating capacity in the main unit of worship.

- b. Hospitals
One (1) for each patient bed, plus one (1) additional space for every worker employed during the eight (8) hours shift in which the greatest number of employees are on duty.
- c. Foster Care Group Homes, Homes for the Aged, Convalescent Homes and Children Homes
One (1) for each three (3) beds, plus one (1) for each employee on the largest employment shift.
- d. Elementary and Junior High School
One (1) for each one (1) teacher, employee or administrator, plus one (1) per classroom for visitor use in addition to the requirements for the auditorium, if provided.
- e. Senior High Schools
One (1) for each teacher, employee or administrator, one (1) for each ten (10) students, and one (1) per classroom for visitor use, in addition to the requirements for the auditorium and stadium, if provided.
- f. Private Clubs or Lodge Halls
One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
- g. Fraternity or sorority
One (1) for each five (5) permitted active members, plus one (1) per employee on the largest employment shift.
- h. Boat Launch, Private or Public
Fifteen (15) combined vehicle and boat trailer spaces for each one (1) individual boat ramp.
- i. Theaters and Auditoriums
One (1) for each three (3) seats plus one (1) for each two (2) employees on the largest employment shift.
- j. Libraries, Museums, Cultural Centers
One (1) for each four hundred (400) square feet of gross floor area.
- k. Nursery, Day Care, or Child Care Centers
One for each three hundred fifty (350) square feet of usable floor space.

3. **Recreational**

For each use below, additional spaces shall also be provided as required for restaurants, bars, clubhouses, pro shops, or other affiliated facilities.

- | | |
|--|--|
| a. Archery Facilities | One (1) for each two targets. |
| b. Softball, Baseball Fields | Twenty-five (25) for each playing field. |
| c. Bowling Establishments | Six (6) for each lane. |
| d. Dance Halls, Health Spas,
Pool & Billiards Hall, and Skating Rinks | One (1) for each two (2) persons who may be legally admitted at one time based on the occupancy load established by local codes, plus one (1) for each employee on the largest employment shift. |
| e. Football and Soccer Fields | Thirty (30) for each field. |
| f. Golf Course, Public or
Private | Five (5) for each golf hole, plus one for each employee on the largest employment shift. |
| g. Golf Course, Miniature | Two (2) for each golf hole, plus one (1) for each employee in the largest employment shift. |
| h. Golf Driving Range | One (1) for each tee. |
| i. Stadium, Sports Arena, or
similar place of outdoor
assembly | One (1) for each three (3) seats or six (6) feet of benches, plus one (1) for each employee on the largest employment shift. |
| j. Swimming Pools | One (1) for each four (4) persons who may be legally admitted at one time based on occupancy load established by local codes, plus one (1) for each employee on the largest employment shift. |

- k. Tennis Clubs and Court-Type Recreation Use One (1) for each one (1) person admitted based on the capacity of the courts, plus (1) for each employee in the largest employment shift.

4. **Business and Commercial**

- a. Animal Hospitals One (1) for each four hundred (400) square feet of usable floor area, plus one (1) for each employee in the largest employment shift.
- b. Automobile Service Stations Two (2) for each lubrication stall, rack or pit; and one (1) for each employee on the largest employment shift.

For quick oil change facilities, one (1) for each one (1) employee on the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to a service station shall be provided as required by Section 18.05.

- c. Auto Wash One (1) for each one (1) employee on the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to the auto wash shall be provided as required by Section 18.05.
- d. Beauty Parlor or Barber Shop Three (3) spaces for each of the first two(2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
- e. Drive-In Establishments One (1) for each thirty (30) square feet of usable floor area, with a minimum of twenty-five (25) parking spaces, plus eight (8) stacking spaces for each drive-in or drive-thru transaction station as required by Section 18.05.

- | | |
|--|---|
| f. Establishments for Sale and Consumption on premises of Beverages, Food or Refreshments | One (1) for every four (4) seats based on maximum seating |
| g. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair, and Other Similar Uses | One (1) for each eight hundred (800) square feet of usable floor area, exclusive of the floor area occupied in processing or manufacturing for which requirements see industrial establishments below. One (1) additional space shall be provided for each one (1) person employed therein in the largest employment shift. |
| h. Ice Cream Parlors | One (1) for each seventy-five (75) square feet of gross floor area, with a minimum of eight (8) spaces. |
| i. Laundromats and Coin Operated Dry Cleaners | One (1) for each two (2) washing machines. |
| j. Mortuary Establishments | One (1) for every two (2) persons allowed per fire code occupancy of the largest assembly room plus one for each resident employee and three (3) standing vehicle spaces. |
| k. Motel, Hotel or Other Commercial Lodging Establishments | One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee on the largest shift, plus extra spaces for dining rooms, ballrooms, or meeting rooms as required based upon maximum occupancy load. |
| l. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms | One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room, plus one space per employee on the largest employment shift. |

m.	Open Air Business	One (1) for each six hundred (600) square feet of lot area used in open air business.
n.	Restaurant, Carry-Out	One (1) for each one hundred (100) square feet of gross floor area.
o.	Roadside Stands	Six (6) for each establishment.
p.	Retail Stores, Except as Otherwise Specified Herein	One (1) for each two hundred (200) square feet of usable floor area.
q.	Shopping Center or Clustered Commercial	Five and one-half (5 ½) spaces per one thousand (1,000) square feet of gross floor area.
5.	Offices	
a.	Banks, Savings and Loan Office	One (1) for each one hundred (100) square feet of usable floor area, and four (4) stacking spaces for each drive-in or drive-thru transaction station as required by Section 18.05.
b.	Business Offices or Professional Offices, except as indicated in the following item (c)	One (1) for each two hundred (200) square feet of usable floor area.
c.	Medical or Dental Clinics, Professional Offices of Doctors, Dentists, or Similar Professions similar use area.	One (1) for each one hundred (100) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use area.
d.	Offices of local, state or federal government or non-profit agencies.	One (1) for each two hundred (200) square feet of usable floor area.
6.	Industrial	
a.	Industrial or Research Establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift. Parking spaces on the site shall be provided for all construction workers during the period of plant construction.

b. Wholesale or Warehouse Facilities

Five (5) plus one (1) for every one(1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area, whichever is greater. Any retail or service area shall be in addition to the above.

SECTION 18.04 BARRIER FREE OFF-STREET PARKING REQUIREMENTS

Off-street parking facilities as required under this Ordinance shall include, in accordance with the following table and identified by signs, parking spaces which are reserved for physically handicapped persons. Signs shall be located approximately six (6) feet above grade. Each reserved parking space shall be not less than twelve (12) feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and building entrances. Signs shall be provided when necessary indicating the direction to a barrier-free entranceway into a building.

Total Parking in Lot	Required Number of Handicapped Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 spaces over 1,000

SECTION 18.05 OFF-STREET WAITING AREA AND STACKING SPACES FOR DRIVE-THRU FACILITIES

- A. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in banks or cleaning establishments, where the automobile engine is not turned off, there shall be provided four (4) off-street stacking spaces for each service window or transaction station. Eight (8) off-street stacking spaces shall be provided for each drive-thru transaction station of a restaurant.

- B. Self-service motor vehicle car wash establishments shall provide four (4) off-street stacking spaces for each washing stall. Quick oil change facilities and motor vehicle car wash establishments other than self service, shall provide stacking spaces equal in number to five (5) times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length of each wash line by twenty (20) feet. A drying lane fifty (50) feet long shall also be provided at the exit of the washing stalls in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.

- C. An off-street waiting space is defined as an area ten (10) feet wide by twenty (20) feet long.

SECTION 18.06 OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION, AND MAINTENANCE

All off-street parking lots shall be laid out, constructed, and maintained in accordance with the following requirements:

- A. **Review and Approval Requirements.** In the event that new off-street parking is proposed as part of a development requiring site plan review, said proposed parking shall be shown on the site plan submitted to the Planning Commission for review in accordance with Chapter 20 of this Ordinance. In the event that proposed off-street parking is not part of a development requiring site plan review, the applicant shall submit a parking plan to the Planning Commission for review and approval.

Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate the location of the proposed parking in relation to other uses on the site and on adjoining sites, the proposed means of ingress and egress, the number and dimensions of parking spaces, and the method of surfacing. Existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout shall also be shown.

Upon completion of construction, the parking lot must be inspected and approved by the Building Official before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

B. **Layout Requirements.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements: (See following table and figure.)

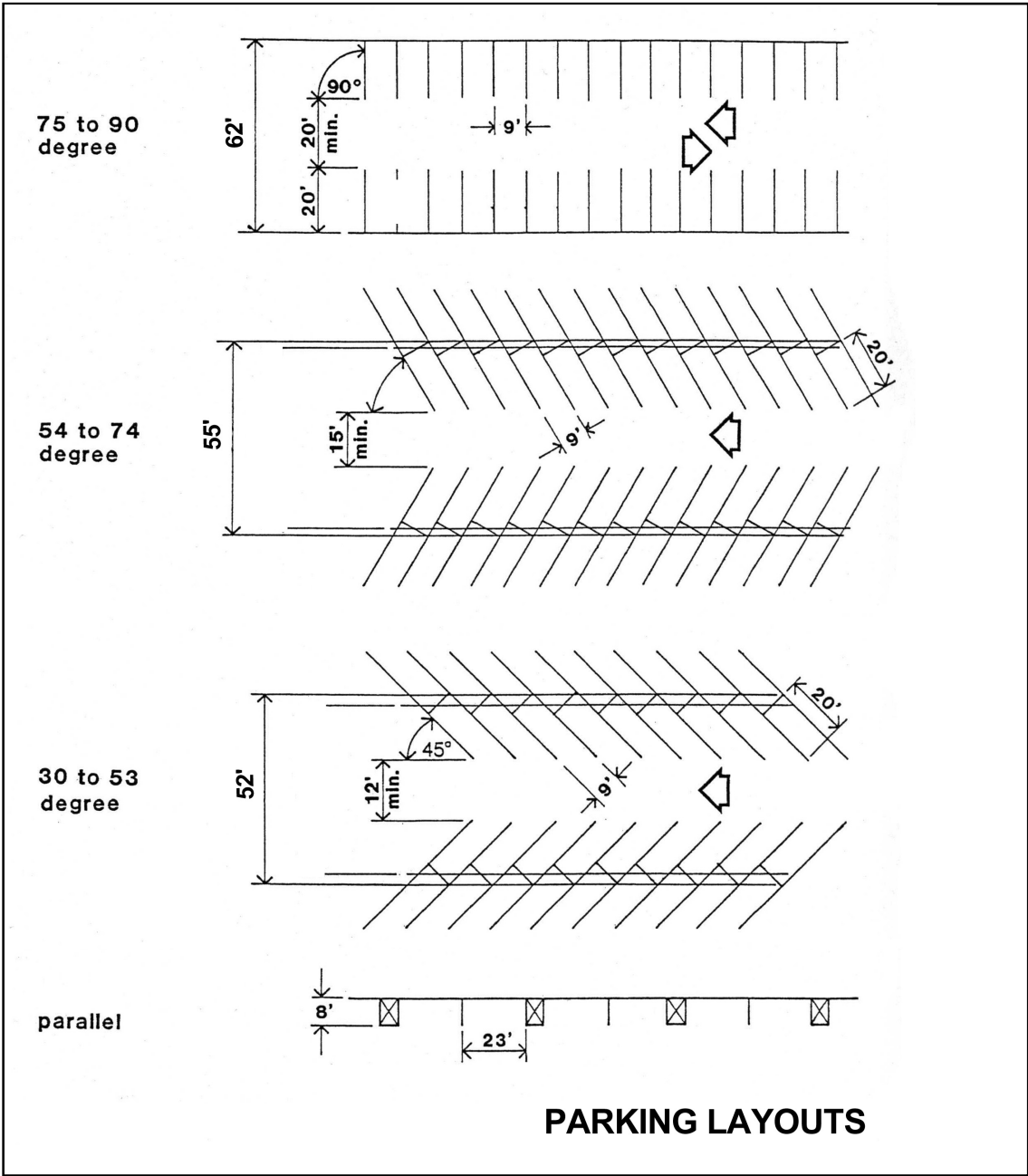
Parking Patterns	Lane Width	Parking Space Width	Parking Space Length	Total width of one tier of stalls and maneuvering lane	Total width of two tiers of stalls and maneuvering lane
0°(Parallel Parking)	12 ft.	8 ft.	23 ft.	20 ft. (one way) 32 ft. (two way)	28 ft. (one way) 40 ft. (two way)
30° to 53°	12 ft.	9 ft.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	9 ft.	20 ft.	36 ft.	55 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

C. **Access.** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street or alley shall be prohibited.

D. **Ingress and Egress.** Adequate ingress and egress to the parking lot shall be provided by means of clearly defined and limited drives. No entrance or exit from any parking lot in a non-residential district or from a non-residential use shall be nearer than twenty (20) feet to any residentially zoned district.

E. **Surfacing and Drainage.** The entire parking area, including parking spaces and maneuvering lanes, shall have an asphaltic or concrete surface; and shall be graded and drained so as to dispose of surface water which might accumulate on such area on site or into an approved public storm water system. No surface water from such parking area shall be permitted to drain onto adjoining private property or across a public sidewalk. Parking lots shall be continuously maintained with a hard, smooth, dust-proof surface at all times.

F. **Bumper Stops.** Bumper stops or curbing shall be provided so as to prevent any vehicle from projecting beyond the parking lot area or bumping any wall or fence or encroaching upon landscaping.



In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six (6) inches high, shall be placed so that a motor vehicle cannot be driven or parked on any part of the sidewalk. In all cases where necessary for the protection of the public and the adjoining properties, streets or sidewalks, curbs as described above, shall be installed.

- G. **Striping.** All spaces shall be outlined with three (3) inch stripes of paint, the color of which contrasts with the parking lot surface.
- H. **Screening.** All off-street parking areas, except those serving single and two-family residences, shall be screened in accordance with the provisions set forth in Chapter 21 of this Ordinance.
- I. **Parking Setbacks.** All parking setbacks as required elsewhere by this Ordinance shall be maintained.
- J. **Landscaping.** Where yard setbacks are required, all land between the required walls and the property lines, and other unpaved areas which are designed to break up the expanse of paving, shall be kept free from refuse and debris and shall be landscaped with lawns, deciduous shrubs, evergreen plant material, and ornamental trees, in accordance with Chapter 21. All such landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.
- K. **Lighting.** All lighting used to illuminate any off-street area shall not exceed twenty (20) feet in height above the surface grade of the parking area, shall be a recessed “shoe box” fixture and shall be directed or shielded so as not to shine onto any adjacent properties or public right-of-ways.
- L. **Signs.** Accessory directional signs shall be permitted in parking areas in accordance with Chapter 16.
- M. **Buildings.** No building or structure shall be permitted on an off-street parking lot, except for a maintenance building or attendant shelter, which shall not be more than one hundred (100) square feet in area and not more than fifteen (15) feet in height.
- N. **Additional Requirements.** In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as necessary by the Planning Commission for the protections of abutting properties in a residential district.
- O. **Delay in Construction.** In instances where the Board of Zoning Appeals determines that weather conditions prohibit parking lot construction, the construction may be temporarily waived, pending suitable weather, but the Board of Zoning Appeals shall require a cash or surety bond in the anticipated amount of the parking lot construction costs.

SECTION 18.07 OFF-STREET LOADING SPACE REQUIREMENTS

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles, materials or merchandise, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, and dry cleaning establishments, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid interference with public use of dedicated rights-of-way and vehicular circulation on the site.

A. Such spaces shall be provided as follows:

(In Square Feet)	Loading and Unloading Spaces	
	10'x 25' space	10'x 50' space
0 - 1,999	NA	NA
2,000 - 4,999	1	NA
5,000 - 19,999	NA	1
20,000 - 49,999	NA	2
50,000 - 79,999	NA	3
80,000 - 99,999	NA	4
100,000 - 149,999	NA	5
150,000 and over	NA	5*

*One additional space for each fifty thousand (50,000) square feet of floor area in excess of one hundred fifty thousand (150,000) square feet.

- B. Loading space areas shall be constructed of asphalt or concrete pavement so as to provide a permanent, durable and dustless surface.
- C. All loading spaces shall have a minimum of fourteen (14) foot high clearance.
- D. Loading areas shall not utilize any required area for maneuvering to parking spaces or block general vehicular circulation.
- E. No loading space shall be located closer than fifty (50) feet from any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall not less than six (6) feet in height.
- F. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
 - 1. Each business served shall have direct access to the central loading area without crossing streets or alleys.

2. Total loading space provided shall meet the minimum requirements specified herein, computed on the basis of total floor area of all businesses served by the central loading space. No building served shall be more than 500 feet from the central loading area.
- G. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in any required loading space.
- H. Approval of facilities. Detailed drawings of accessory off-street parking and loading facilities shall be submitted in accordance with all provisions of this section for review by the Township Planning Commission. The Planning Commission may require, as a condition of approval, additional structural or landscape features such as concrete bumper guards, curb and gutter, walls, fences, shrubs, ground cover, or hedges to further carry out the objective of this Ordinance before an application or design is approved.

CHAPTER XIX

GENERAL PROVISIONS

SECTION 19.01 ADMINISTRATIVE PROVISIONS

A. **Scope of Regulations**

No structure or part thereof shall be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained; nor shall any structure of land be utilized or designed to be utilized unless in full compliance with the provisions of this Ordinance.

B. **Minimum Requirements**

The provisions of this Ordinance shall be held to be minimum standards and requirements within each District and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Planning Commission and Township Board to attain the intent of this Ordinance.

C. **Non-Abrogation of Other Ordinances or Agreements**

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. **Vested Right**

Nothing in this Chapter shall be interpreted as or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

E. Continued Conformity With Yard and Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

Yards, setbacks, and open space requirements may not be counted “twice” for structures and buildings on the same lot or parcel.

F. Unlawful Buildings, Structures, Site Designs and Uses

A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

SECTION 19.02 ACCESSORY STRUCTURES AND USES

Except as otherwise permitted in this Ordinance, all accessory structures and uses shall be subject to the regulations that follow:

A. General Requirements

1. Timing of Construction

No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land, except for permitted accessory agricultural buildings, structures or uses.

2. Site Plan Approval

If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

3. Nuisances

Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance. These restrictions shall not be construed to limit or prevent farm operations otherwise permitted under the Michigan Right to Farm Act.

4. Conformance with Lot Coverage Standards

Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

5. **Location in Proximity to Easements or Rights-of-Way**

Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

6. **Use of Accessory Structures**

Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation, except a permitted home occupation. Except for a permitted home occupation as defined in Chapter 3, an accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is an accessory.

7. **Applicability of Other Codes and Ordinances**

Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

8. **Accessory buildings and structures shall be located a minimum of ten (10) feet from the principal building or structure, unless otherwise permitted in this Ordinance.** (Rev. 12/5/02)

B. **Attached Accessory Buildings**

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purpose of determining conformance with area, setback, height, and bulk requirements.

C. **Accessory Structures**

1. **General Requirements**

Accessory structures (for example, swimming pools, tennis courts, wind generators, antennae) shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.

2. **Exceptions to Accessory Structure Standards**

Antennae and wind generators shall comply with the height standards specified in Section 19.14. Children's play equipment shall be located at least three (3) feet from any property line.

3. **Solar Panels**

Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to setback requirements for accessory buildings.

SECTION 19.03 LAWFUL USE OF A STRUCTURE AS A DWELLING UNIT

A. Incompletely Constructed Structures

Any incompletely constructed structure which does not meet the requirements of the Township Building Code or this Ordinance shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure.

B. Caretaker Residence

Except as otherwise specifically provided herein, no dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and one other person.

SECTION 19.04 RESIDENTIAL DESIGN STANDARDS

A. Scope

The purpose of this Section is to establish standards governing the design and appearance of all residential structures, including manufactured dwellings and manufactured housing, when developed on individual lots or home sites in Gun Plain Township. It is the intent of these regulations to allow a mix of housing types and living styles in a manner which will not adversely affect existing neighborhoods. Any residential structure shall be erected or constructed only if in compliance with the following residential design standards.

B. General Requirements

1. Area and Bulk Regulations

Any residential structure, including any manufactured dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Manufactured dwellings shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.

2. Foundation

Any residential structure, including a manufactured dwelling, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of the Township. A manufactured dwelling shall be securely anchored to its foundation in order to prevent displacement during

windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a manufactured dwelling to its permanent foundation.

3. Other Regulations

Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances, including the Michigan State Construction Code. Manufactured dwellings shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Manufactured dwelling Construction and Safety Standards (24CFR3280), as amended.

4. Location

For the purposes of this Ordinance a manufactured dwelling or other manufactured housing type may be located on an individual lot in any of the zoning districts which allow for the development of single family residential structures, subject further to the regulations contained herein.

5. Flood plain

No dwelling unit, including manufactured dwellings, shall be located within a one-hundred (100) year flood plain.

6. Use

Manufactured dwellings and other structures shall be used only for the purposes permitted in the zoning district in which they are located.

7. Attachments

Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of the Township.

8. Services

Any residential structure shall be connected to a waste treatment and potable water supply system approved by the Allegan County Health Department.

C. Design Compatibility Requirements

To insure the compatibility in appearance with existing homes in the Township, dwelling units erected after the effective date of this Ordinance shall comply with the general requirements set forth above in Section 19.04.B., and with the following design and site standards:

1. Roof Drainage

Dwellings shall be designed with a minimum 6 inch roof overhang on all sides or an eave with a roof drainage system that will collect and concentrate the roof discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphaltic or other shingles or other materials commonly used in standard residential

construction in the vicinity, and meet the snow load standards for this portion of the State of Michigan, as specified by the applicable construction code requirements.

2. Exterior Materials

The exterior siding of a manufactured dwelling shall consist of materials that are generally acceptable for existing housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

3. Dimensions

A dwelling shall be located on the lot so that the minimum width of the front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet. Each dwelling unit shall have a minimum usable floor area of eight hundred sixty-four (864) square feet on the main floor.

4. Perimeter Foundation Wall

Every dwelling shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that a manufactured dwelling is installed pursuant to the manufacturer's setup instructions, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.

5. Exterior Doors

Dwellings shall have no less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.

D. Manufactured Dwelling Compliance

Manufactured dwellings which do not conform to the above mentioned standards shall not be used for dwelling purposes within the Township unless located within a licensed manufactured dwelling park, or unless used for temporary residential purposes as outlined in Section 19.05 herein.

E. Accessory Structures

Detached accessory structures, as permitted in this Ordinance shall be built to the State of Michigan Building Code. If the accessory structure is attached to the house it shall be similar in material and integrity and meet the construction standards of the HUD National Manufactured Housing Construction and Safety Standards Act of 1974 or the Michigan Construction Code, as applicable.

F. Permits

No manufactured dwelling unit shall be delivered to any lot in Gun Plain Township until it is shown that the requirements of Section 19.04.B. and 19.04C. can be met. Prior to the installation of a manufactured dwelling or manufactured house on a residential lot, the individual shall obtain a building permit from the Township.

SECTION 19.05 TEMPORARY BUILDINGS, STRUCTURES AND USES

- A. This section shall not permit the location of a portable office, manufactured, or temporary dwelling upon a residential or agricultural parcel where an existing home is located or is planned for construction. No temporary structure shall be used for dwelling purposes upon the lot or parcel of a dwelling under construction.
- B. Upon application, the Township Zoning Administrator shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for two (2) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to the construction activity at the site in which it is located.
- C. Upon application, the Township Zoning Administrator shall 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 permit shall specify the location of the office and shall be valid for a period of not more than six (6) calendar months and may be renewed by the Township Zoning Administrator for two (2) additional successive periods of six (6) 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. The new subdivision or housing project shall have a valid building permit, approved site plan, and shall be continually under construction until full completion.
- D. All temporary buildings shall comply with the setback requirements for the zoning district in which they are located.
- E. The Township may require a performance guarantee to insure the appropriate location and eventual removal of the temporary structure. A performance guarantee of not less than \$1,000 shall be provided to the Township to insure removal of the temporary structure at the termination of the permit period. The guarantee shall be valid for a period of ninety (90) days beyond the date of the permit expiration.

SECTION 19.06 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT

A. General Requirements

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:

1. Determination of Compatibility

In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of services offered, types of goods produced, methods of operation, and building characteristics.

2. Conditions by Which Use May be Permitted

If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

SECTION 19.07 GENERAL YARD AND BULK REGULATIONS

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

A. Minimum Lot Size

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance, shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No land use permit shall be issued for the construction of a building which does not comply. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance, nor shall any such yard be counted, calculated or used to satisfy yard requirements pertaining to any other building.

B. Corner And Double Frontage Lots

Lots which abut on more than one public road or private road shall provide the required front yards along every such road or easement.

C. Waterfront Lots

Lots which abut on a lake, pond or stream shall provide the required minimum yard as defined in Greenbelt Overlay District, Chapter 13.

D. Setbacks and Building Location

All front yard setbacks shall be measured perpendicularly from the right-of-way line of any abutting public or private road and/or from the water line of any private or public body of water or stream which abuts, adjoins, is contiguous to or located upon the lot.

All side and rear yard setbacks shall be measured perpendicularly from the side or rear lot line as appropriate.

E. Clear Vision Area

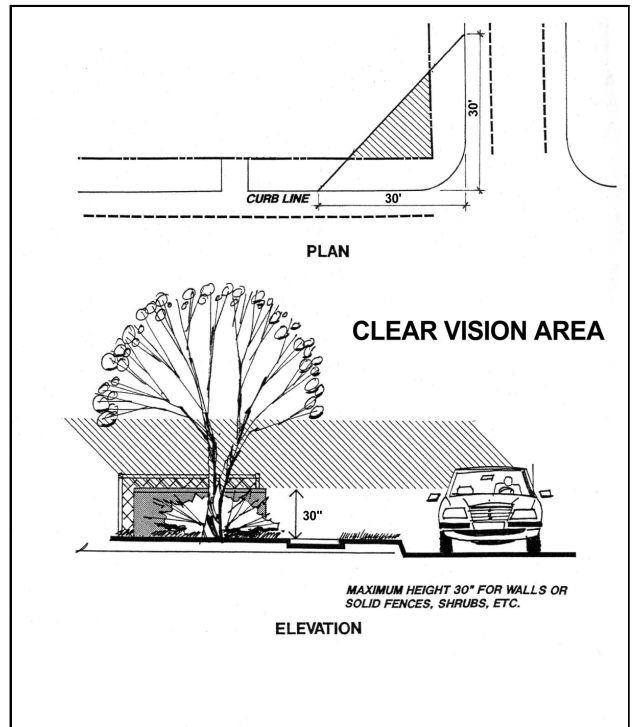
No structure, wall, fence or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads. Fences, walls, structures, or plantings located in the triangular area described below shall not obstruct vision between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s).

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the clear vision area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet to the edge of any driveway or road pavement within the triangular area.

The unobstructed triangular area is described as follows: the area formed at the corner intersection of two road right-of-way lines; the two (2) sides of the triangular area being thirty (30) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides.

F. Relocation of Buildings To Be Moved

No existing building or structure shall be relocated upon any parcel or lot in Gun Plain Township unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.



G. Number of Principal Buildings and Uses Per Lot

1. Only one (1) principal building shall be placed on a lot of record or parcel in the single family districts, except as otherwise specifically permitted herein. In a single family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Chapter 3.
2. Not more than one (1) single family residential dwelling unit shall be permitted on any one (1) parcel or lot of record in the single family zoning districts, except as specifically permitted herein, and as permitted under the Michigan Condominium Act, P.A. 59 of 1978, as amended.
3. Where permitted in single family districts, not more than one (1) two-family structure shall be erected on any one (1) parcel or lot of record, except in the case of a planned development subject to the provisions of Chapter 15, or as may be permitted in the multiple family residential or manufactured dwelling park districts.

SECTION 19.08 GRADING, REMOVAL AND FILLING OF LAND

A. Scope of Requirements

Any grading which changes site elevation by more than three (3) feet or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products shall not be permitted in any zoning district except in accordance with an approved site plan. Such plan shall be at an appropriate scale to show existing and proposed grades, topographic features and other pertinent data as required under this Ordinance for site plan approval. Plan approval may be conditioned upon the applicant's submission of a performance guarantee in a form and amount acceptable to the Township sufficient to rehabilitate the property upon default of the operator or such other reasonable expenses. This regulation shall not apply to normal soil removal for basement, drain fields, or foundation work when land use permit has previously been duly issued by the Township, nor shall it be construed to prohibit site changes for farming purposes.

B. Grading Standards

1. Slope Away From Buildings

All buildings and structures shall be constructed at an elevation which provides a sloping grade from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course.

2. Runoff Onto Adjacent Properties

New grades shall not be established that would permit an increase beyond the agricultural rate, in the runoff of surface water onto adjacent properties, except through established drainage courses.

3. **Stockpiling**

Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, approved use in an industrial district or on a farm as defined in this Ordinance. Aside from these exceptions, all material brought onto a site in Gun Plain Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDEQ-monitored or federally authorized clean-up of contaminated soil.

4. **Clean Fill**

Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste.

5. **Removal of Soil, Sand, Clay, Gravel and Similar Material by a Commercial Operation**

Businesses engaged in the removal of soil, sand, clay, gravel, and similar materials, rather than the moving, grading, or leveling of soil, sand, clay, gravel or similar materials on a site for the purposes of preparing the site for building construction or another permitted use shall comply with the regulations set forth for such uses in Section 19.09.

6. **Excavations or Holes**

The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonable likely to constitute a danger or menace to the public health, safety, and welfare, is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are properly protected with fencing, guard rails, and warning signs. This section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, County of Allegan, Township of Gun Plain, or other governmental agency.

SECTION 19.09 SAND AND GRAVEL MINING

It is the intent of this Section to regulate and provide procedures for sand and gravel mining by permitting the same as a Special Land Use in the "AG" Zoning District. This method is required because sand and gravel mining land uses and their related activities cause significant and adverse impacts upon the natural condition and appearance of the rural pastoral landscape, the serenity and enjoyment of it and also impacts the planned land use developments on the subject property and surrounding areas over extended distances. The impacts are caused by:

1. The methods of extraction used and necessary to the extraction, processing, loading and transporting of sand and gravel,
2. The safety hazards from trucking,
3. The effect of heavily loaded trucking on roads,
4. The high levels of obnoxious noise from mining operations and trucking along access roads,
5. The effect on the air quality on the surrounding area and along truck routes from dust and odors,
6. The threats of excavation practices on the ground water, surface drainage, and water features,

7. Aesthetic deterioration to the natural pastoral landscape,
8. The incompatibility of sand and gravel mining with desirable land use patterns and other preferred land uses in the surrounding area.

Special Land Use procedures will be used to adequately provide for land use planning and development goals while permitting, as best as possible, the extraction of sand and gravel where it is naturally located. Before any mining of sand and gravel commences, complete applications with all supporting documentation required by this Zoning Ordinance must be submitted.

A. Application Procedure

1. Application shall be made to the Township for a Special Use Permit for sand and gravel mining within the "AG" District. The application shall be submitted to the Planning Commission for carrying on its procedure for Special Uses for its approval, approval with conditions, or denial.
2. The application shall contain the following:
 - a. Information
 - aa. Names and addresses of all owners or parties with interest in the proposed mining site, together with their legal or equitable interest in the property.
 - bb. Name and address of applicant.
 - cc. Name and address of person, firm or corporation that will be conducting the actual mining operation, and the name, address and telephone number of the specific person designated by the applicant for the purpose of receiving all notices, correspondence and communications.
 - dd. Location, size and legal description of the proposed mining operation area, as well as the total site and any and all adjoining land owned by the applicant and/or any persons or entities affiliated with the applicant.
 - ee. Location and type of proposed processing plant.
 - ff. Amount of sand and gravel and other materials or resources to be removed, as measured in tonnage and cubic yards.
 - gg. Proposed method of removal and extraction, processing, and/or other procedures to be undertaken prior to transport of sand and gravel from the site.
 - hh. Proposed vehicular access to and from the operation and the generally anticipated haul route.

- ii. Types and amounts of explosives proposed to be used, and the areas to be blasted.
- jj. Estimated period of time to complete operations with number, duration and description of each phase or phases where appropriate.
- kk. Amount and source of water to be utilized in processing and the anticipated means and location of disbursement of such water following use.
- ll. Name and address of the financial institution which is to issue the financial guarantee to be posted by the applicant.
- mm. Sworn statement that the applicant has never defaulted on any previous financial guarantee to insure performance in connection with any previous sand or gravel mining or any related mining and/or construction activity; or, if applicant has defaulted on any such financial guarantee, a brief description of the circumstances surrounding the default, including the name of the financial guarantor, date of default and any remedial action which was taken.
- nn. The name of the mining operator's insurance carrier for public and personal liability and property damage insurance.
- oo. The contemplated period of time following reclamation within which the property will be usable for development, construction and improvement in accordance with the provisions of the zoning ordinance in the district in which the property is situated.

b. Submittal of Report on Proof of Need and Marketability of Sand and Gravel

- aa. The applicant shall submit a report on the economic need of the sand and gravel to be mined from a mining operation in Gun Plain Township in terms of (a) the present market demand, (b) at what rate the applicant plans to extract the sand and gravel on an annual basis, (c) the location of the markets presently in need of sand and gravel and (d) the volume to be extracted from the mining operation annually in terms of tonnage and as a percentage of the total market demand.
- bb. Proof that available supplies of the material to be mined from existing sources and reasonably anticipated other sites do not substantially exceed reasonably foreseeable needs. Consideration should be given to all supplies and needs, whether generated inside or outside of the Township, which are likely to affect the market area which might be served by the site for which special use approval is sought.

c. Vertical Aerial Photography

- aa. Vertical aerial photography, enlarged to a scale of one (1) inch equals four hundred (400) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six-hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees. The vertical photograph shall cover:
 - i. All land anticipated to be mined and used in conjunction with the extraction area together with adjacent land owned by the applicant.
 - ii. All contiguous land which is or has been used by the owner or leasehold application for sand and/or gravel extraction and/or storage, and all contiguous land in which the applicant has a current interest.
 - iii. All lands within one mile of the proposed mining area.
 - iv. All private and public roads providing access to the mining site on the property.
 - v. Boundary of the entire planned mining area by courses, angles and distances.
 - vi. Topography and natural features including location of water courses within the planned mining and adjacent use areas.
 - vii. Means of on-site vehicular access to the proposed mining excavation, processing and loading area(s).

- d. **Area Information Map**
 A map shall be presented on a transparent overlay on the same scale as the vertical aerial photography (1"=400') covering the areas within one (1) mile of the boundaries of the land area included in the permit application showing the existing zoning classifications of all land appearing on the map as shown on the official Township Zoning Map, roads, highways, and all uses of land within the area shown on the map, and the names of roads and highways.

- e. **Topographic Survey**
 Topographic surveys taken from U.S.G.S., and aerial topographic maps or field surveys of the parcel prepared by a registered civil engineer or land surveyor licensed by the State of Michigan shall be submitted as follows:
 - aa. as a transparent overlay on the same scale (1"=400") and covering same area as the vertical aerial photo with minimum contour intervals of ten (10) feet.

- bb. on an aerial map of the parcel to be mined and used in conjunction with the operation on a scale of one (1) inch equals one hundred (100) feet with minimum contour intervals of two feet. The map shall clearly show each area to be mined, and each area to be utilized for stockpiling, processing, plant location, maintenance areas, storage areas and any other proposed on-site uses.
- f. **Geological and Engineering Surveys**
 Geological and engineering surveys and data shall be prepared by a geologist and engineer licensed by the State of Michigan, indicating:
- aa. Quality, quantity, and location of sand and gravel available on site and amount proposed for excavation, and depth to be mined.
 - bb. Level of water table throughout the planned mining area for which a special use permit is sought.
 - cc. Opinion as to the effect of the mining operation on the water table and private wells of property owners within the anticipated area of impact during and subsequent to the mining operation.
 - dd. Location of monitoring wells to assure water quality and water table depth that may impact surrounding wells.
 - ee. Impact of the mining operation on the surface water, ground water and the water shed within the area which will be impacted during and subsequent to the mining operation.
 - ff. Opinion as to whether the exposure of ground water and/or the impoundment of surface waters where planned, will establish a stable water level as proposed as part of the operation, and the extent to which the same will interfere with existing ground water or cause any harm or impairment to the general public.
 - gg. Detailed plan for the disposition of any excess water into existing drains or watercourses or drains or watercourses to be established, demonstrating, among other things, that such drains and/or watercourses shall not be unduly burdened by the introduction of the planned drainage.
- g. **Plan of Operation**
 A plan of operation shall be presented on a transparent overlay (mylar) at the same scale as the topographic survey of 1"=100' as follows:
- aa. Area to be excavated, and if excavation is to be in phases, a delineation of each phase.

- bb. Areas for settling ponds, crushing, sorting and sizing facilities, driers and washing plant, or other facilities.
- cc. Areas for treatment facilities, sand and gravel storage and stockpiling.
- dd. Areas for overburden storage.
- ee. Areas for topsoil storage. (Amount sufficient to cover reclaimed areas to a depth of four (4) inches.)
- ff. Areas for location of buildings and structures and/or other improvements.

To supplement the above, the following shall be submitted:

Description of operation, including a description of all mobile and stationary machinery and equipment to be utilized; methods of treatment of water to be utilized in the operation prior to discharge onto the ground or into the surface water drainage system; and, provisions for potable water supply and wastewater treatment and wastewater disposal systems to be provided on-site.

h. Reclamation Plan

- a. A plan for the reclamation for the site shall be presented on a transparent overlay on the same scale as the topographic survey of 1"=100' and shall be submitted in three (3) parts:
 - i. A general reclamation plan for each ten (10) or more acre phase on a vertical aerial photograph at the same scale.
 - ii. A reclamation contour map at the same scale as (1).
 - iii. A description of the reclamation methods and on-site materials proposed for replacement of a minimum of four (4) inches of topsoil and landscape replanting, including a reclamation schedule indicating the time sequence within which each area mined will be reclaimed as mining operations are concluded on each ten (10) or more acre phase.
- b. The general plan for reclamation shall be presented on the transparent overlay at the same scale as the topographic survey of 1"=100' showing the following:
 - i. Each ten (10) or more acre phase of reclamation, reflecting the sequence and acreage of each phase in relation to all others.
 - ii. Location and shorelines of all permanent water areas and drainage ways.

- iii. Distances of all reclamation areas and surface water features from the property boundary upon which the mining operation is located.
- c. A reclamation plan showing the final grading represented at two (2) foot contour intervals shall be prepared to the same base as required above, to indicate the grade and slopes to which excavated areas shall be reclaimed, and in indication of the distance of such reclaimed areas from the property boundaries. Such grade and slope designations shall include areas proposed to be beneath the surface of permanent surface water features.
- d. A description of the methods and the type of materials proposed for reclamation shall include top soiling and the amount and type of plantings by species.
- e. No more than forty (40) acres, all of which must be contiguous, including land used for processing, weighing, administration and excavation at any one time; subject however to the following limitations:
- f. No more than twenty (20) contiguous acres for mining.
 - i. No more than ten (10) contiguous acres for stripping for future mining operation.
 - ii. No less than ten (10) acres for reclamation.
- g. The general plan for reclamation shall contain a date by which all reclamation shall be completed for the entire site, lot or parcel upon which the mining operation is located.

i. **Application Fee**

An application fee shall be paid to the Gun Plain Township Clerk in an amount prescribed by the Township Board.

B. Procedures for Reviewing Applications for Sand and Gravel Mining shall be as follows:

1. Upon receipt of and determination of a complete application, the Township Clerk shall forward copies to the Township Planning Commission, Township Planner and Township Engineer.
2. The Planning Commission shall review and study the application, together with its supporting information, hold a public hearing on the application following all procedures and providing public notice in compliance with Chapter 22.
3. The Township Planning Commission may approve, approve with conditions or deny the application.

C. The Content of the Special Use Permit shall include the following:

1. The name and address of the receiver of the special use permit, the name and address of the landowner, if different from that of the receiver of the permit. In addition, the permit shall also include the name, address and phone number of the person(s) designated as the agent(s) for all notices, correspondence and communications.
2. The legal description of the property to which the special use permit will apply.
3. The period for which the permit will be valid, including its annual renewal and final expiration dates.
4. The allowable hours of operation, but not to extend before 7:00 A.M. nor after 6:00 P.M. Monday through Friday; Saturday 7:00 A.M. through 1:00 P.M. except that there shall be no mining operations conducted on Sundays or New Year's Day, Thanksgiving Day, Christmas Day and the days celebrating the Fourth of July, Memorial Day, and Labor Day.
5. The number of feet from all the property lines, and right-of-way within which no cuts or excavations shall be made.
6. The steepest horizontal to vertical grade on finished slopes where excavations have been made, but not to exceed one (1) foot rise to four (4) feet horizontal distance.
7. A statement to the effect that: "This permit may be suspended or revoked after a hearing by the Township Board, with notice by regular mail of said hearing to the applicant, based upon a failure to comply with one or more of the requirements of the Township Zoning Ordinance, the approved special use permit, the approved Special Use Site Plan or other applicable law, ordinance or regulation, and/or the terms and conditions of the Special Use Permit, or upon grounds that a use or activity constitutes a nuisance or danger to the public health, safety and/or welfare".
8. A statement to be signed by the applicant corresponding to the following: "the undersigned landowner and sand and gravel mining operator has read this permit and understands and agrees that, incorporated by reference as a part of the terms and conditions hereof, are all the statements and contents of the application for the permit as approved by the Gun Plain Township Planning Commission, the terms and conditions of the Township Zoning Ordinance, as amended, and of any other applicable law, ordinances or regulations, and further, that Gun Plain Township employees and agents are permitted access upon the premises at any reasonable time for the purpose of inspecting, monitoring and/or administering the excavation, processing, loading, storage and transporting of sand and gravel on the site, lot or parcel where the mining operation is located".

9. Any additional reasonable conditions deemed appropriate by the Township Planning Commission.
10. A statement to the effect that in no event shall the total area being mined and un-reclaimed at any one time be more than forty (40) contiguous acres, twenty (20) acres under excavation, ten (10) acres for stripping for future mining operation and no less than ten (10) acres under reclamation.
11. Statement of machinery, equipment and methods used in operation.
12. The applicant shall provide the Township with a recordable affidavit, to be recorded with the Allegan County Register of Deeds, binding the applicant, and all heirs, successors, assigns and transferees of the applicant to the terms and conditions of the Special Use Permit.

D. Annual Special Use Permit Renewal

1. A Special Use Permit shall be renewed annually from the date of issuance. In order to continue uninterrupted operations, application for renewal of a Special Use Permit shall be made to the Township Clerk no less than thirty (30) days and no more than sixty (60) days, prior to the expiration of the Special Use Permit. The application for renewal shall be made on the form provided by the Clerk.
2. As part of the annual renewal application, the applicant shall submit:
 - a. A vertical aerial photograph, on a scale of one (1) inch equals one hundred (100) feet, of the property approved in the Special Use Permit. Photograph shall be dated not more than thirty (30) days prior to the date of application.
 - b. Topographic survey prepared from an aerial or field survey of the parcel showing existing conditions shall be presented on a transparent overlay at the same scale as the current vertical aerial photograph at two foot contour intervals. The map shall clearly show each area mined, and each area utilized for stockpiling, processing, plant location, maintenance areas, storage areas and any other on-site uses.
3. Upon receipt of a renewal application, the Clerk shall refer it to the Gun Plain Township Planning Commission, who upon the recommendation of the Zoning Administrator that all aspects of the approved application are in compliance, shall approve the renewal of the Special Use Permit for one (1) more year.

E. Period of Validity of the Special Use Permit

The maximum duration of the proposed Special Land Use shall be fifteen (15) years. The period of the initial permit, and/or any renewal permit, shall be for one (1) year or such other period of time the Township Planning Commission deems appropriate based upon all of the relevant facts

and circumstances. Should the Special Use Permit not be used for continuing the sand and gravel mining operation for the initial one (1) year period, the Special Use Permit shall be voided. Should a one (1) year renewal of the Special Use Permit not be used for continuing the sand and gravel operation, the Special Use Permit shall be voided. Upon voidance of the Special Use Permit and the non-reapplication for it within ninety (90) days of its voidance the reclamation of the mining site shall be completed within six (6) months thereafter.

F. Financial Guarantees for Compliance and Reclamation

Mining operations shall not commence until a financial guarantee to assure compliance with the Zoning Ordinance, the approved application operational plan and reclamation plan shall have been filed with the Township Clerk as approved and required by the Township Planning Commission. The form and the amount of the financial guarantee shall be determined by the Township Planning Commission.

No less than twenty-five (25) percent of the total financial guarantee shall be in the form of cash or an irrevocable letter of credit issued by a financial institution licensed to do business in the State of Michigan, making the Township the beneficiary thereof.

The balance of the guarantee, as determined by the Township Planning Commission, may be in the form of a corporate surety bond issued by a company licensed for such purposes in the State of Michigan. The conditions of such financial guarantees (letter of credit and surety bond) shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the Special Use Permit, the surety bonds shall be returned to the applicant, otherwise the Township shall have a right to use the cash or proceeds of the irrevocable letter of credit to the extent necessary to reclaim the property and to cover the cost of enforcing and bringing about compliance with the approved application, including reasonable attorney's fees, and the corporate surety bond shall serve to guarantee payment for all other reclamation and enforcement and compliance requirements.

Any financial institution guaranteeing a corporate surety bond or issuing an irrevocable letter of credit in satisfaction of these requirements is subject to approval of the Township Planning Commission.

The cash or irrevocable letter of credit shall remain with the Township until the parcel or parcels have been reclaimed, and all equipment, machinery, materials, buildings and other commercial improvements removed as required by this Zoning Ordinance and/or by the Special Use Permit.

In the establishment of the amount of the performance bond, the Township Planning Commission shall take into account the size and scope of the proposed operation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. The Township Planning Commission, in considering any application to renew the Special Use Permit, may at its discretion, increase or decrease the

amount of the financial guarantee, based upon increased costs, new information, or partial reclamation.

G. Liability Insurance Requirements

Insurance shall be a precondition to commencement of operations, and maintenance in full force and effect of insurance shall be a precondition to the right to continue operations. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times during which any mining operation is underway and reclamation is left to be done, and during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site. This insurance shall be carried in amounts no less than one million dollars (\$1,000,000) for personal injury, and not less than one million dollars (\$1,000,000) for injury and damage to more than one person's property arising out of a single occurrence. This insurance shall cover injury or damage occurring upon the site of the operation, as well as upon injuries or damage occurring upon surrounding property as the result of conditions or activities conducted upon the subject property. The applicant shall include Gun Plain Township in the coverage for claims that might be brought against the Township as related to the mining operation and permits issued for the facility.

H. Operation and Development Requirements, Standards and Required Improvements

1. Fencing

All mining excavation areas shall be fenced prior to the commencement of extractive operations and prior to the placement on the site of machinery or buildings. The fence shall completely surround the borders of the mining site, provided, however, for good cause shown in relation to the protection of public safety in view of the operations conducted, the Township Planning Commission may, at its discretion, modify the precise location of fencing. Gates will be double drive, twenty (20) foot in width. Gates shall be locked when plant is not operating.

2. Posting of Mining Site

The perimeter of any mining extraction site shall be conspicuously and adequately posted with signs sufficient to indicate the danger of trespassing in the area. In no event shall such signs be more than one hundred (100) feet apart, and the same shall be constructed of a weather resistant rigid and sturdy material, and shall be maintained and replaced as needed.

3. Visual Screening

All buildings, structures, fuel storage, active excavation areas, mining operations and storage of equipment shall be visually screened from view from all adjacent public highways and adjacent parcels. Construction of a raised earth berm along the boundary lines of the site shall be required. At least a twenty (20) foot wide landscape buffer strip shall be required between the property line and the base of the berm. Such berm shall screen all activities and

processing equipment from the view of a person standing at ground level on any adjacent parcel of land. When constructed along public highways, the berm shall be of a sufficient height to screen all activities and processing equipment from the view of the general public using the highway.

All berms shall be designed to prevent soil erosion, encroachment and water runoff. During the next planting season following the placement of the berm, and as often as may be necessary thereafter to insure the continued existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area, and for soil conditions, so as to provide vegetation to check erosion and to provide a visible ground cover substantially similar to or better than the vegetation cover previously located on the property and/or adjacent property. Topsoil shall be spread as needed to sustain growth of vegetation. The crown of the berm shall be planted with two (2) rows of evergreen trees or shrubs at least four (4) feet high, spaced six (6) feet apart. Rows shall be staggered to provide effective screening. Where the topography and existing vegetation of the area acts as a natural screen, the Zoning Board of Appeals may waive the berm requirement. The berm shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal distance.

4. Hours of Operation

- a. Activities involving the sale of sand, gravel and/or any other removal of sand and gravel and/or any other activity involving ingress and egress by large vehicles and/or equipment, shall be carried on exclusively between the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday; Saturday 7:00 A.M. and 1:00 P.M.
- b. Activities involving the mining and extracting of sand and gravel, processing and stockpiling of sand and gravel and/or any other operation of motor-driven vehicles and/or equipment shall be limited to the hours of 7:00 A.M. through 6:00 P.M. Monday through Friday; Saturday 7:00 A.M. and 1:00 P.M.
- c. Equipment maintenance and repair may be carried on at any time between the hours of 7:00 A.M. and 7:00 P.M. provided, however, that emergency repairs may be made during other hours with the condition that the Zoning Administrator shall be given advance notice of, and shall approve, such activities.
- d. No activities on the property shall occur on Sundays, Thanksgiving Day, Christmas Day, New Years Day, and the days celebrating the Fourth of July, Memorial Day, and Labor Day with the exception of emergency repair activity required to permit the commencement of operations on the following morning, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 A.M. or later than 6:00 P.M.
- e. The use of explosives or crushers of any kind shall only be permitted if authorized in the permit issued under the Special Use Permit, and in addition, shall only be

authorized with fourteen (14) days advance written notice to the Zoning Administrator. Explosives shall be used in accordance with the "Regulations for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan, and in accordance with any other applicable ordinance, law or regulation.

5. Access to Major Thoroughfare

All sites being mined under the provisions of this Zoning Ordinance shall have direct access to a designated all weather (Class A) road, which roadway shall be improved to the specifications of the County Road Commission.

6. Transportation Routes

The transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible. The Planning Commission will review, approve, modify or deny proposed routes.

7. Prevention and Removal of Material from Roadways

Truck license plates shall be clearly visible. Truck undercarriage and wheels shall be sprayed to prevent sand, gravel or mud from being deposited on roadway. In the event the operation of a mined area shall cause any mined material, overburden and/or similar materials to be deposited upon the public highway in Gun Plain Township, it shall be the responsibility of the operator to remove such materials within twelve (12) hours of receipt of notice from the Zoning Administrator. This requirement shall not waive any other higher or more restrictive requirements by any other governmental entity or agency.

8. Dust Control Along Roadways

All roads within the sand and gravel mining site shall be maintained by the operator at all times in a dust controlled condition by the use of hard surface paving material, or the application of other dust suppressants. Any private access road to the mining site shall be paved from a distance of three-hundred (300) feet from its intersection with any public access road.

9. Sound, Vibration and Dust

- a. All equipment and facilities used in the excavation, processing, loading or transporting of sand and gravel shall be constructed, maintained and operated in such a manner as to eliminate sounds, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding property and will be within the limits set by the performance standards (Section 19.19). At a minimum, all equipment, processing and loading equipment shall be located completely below the perimeter of the area being excavated, or located behind a berm which completely screens the excavation, processing and loading equipment and the operations shall conform to all performance standards set forth in the Gun Plain Zoning Ordinance, except as

specifically modified herein. The processing plant and accessory equipment shall be situated below the lowest grade of the surrounding area so as to effectuate screening from sight, sound, dust and vibration.

- b. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one inch measured anywhere outside the lot line of its source, or ground vibration which can be readily perceived by a person standing anywhere outside the lot line of its source.

10. Lighting

All sources of lighting used to illuminate the property and operation, and each and every portion thereof, shall be directed away from surrounding property. Shielding shall be required where lighting would otherwise be directed toward adjacent properties and/or roads.

11. Protection of Public Health and Safety; Drainage

No aspect of a mining operation, including without limitation, mining, storage and/or transportation of sand and gravel shall result in a danger to the public health or safety, and/or impairment and/or pollution of the ground water, surface water and/or watershed; and, surface water shall at all times be directed in such a manner so as not to interfere with the adjoining property owners, provided, however, that maintenance of the direction and volume of the natural flow of surface water shall not be deemed an interference. Proper drainage shall be provided at all times to prevent the collection and stagnation of water, except in conformance with the reclamation plan as approved as part of the Special Use Permit.

12. Excavations: distance requirements from roadways and property lines

Activities in connection with the mining operation shall not create slopes and/or a pit or depression in the earth closer than three-hundred (300) feet from the right-of-way line of the nearest road or highway, and five hundred (500) feet from any residentially zoned or used property, provided, however, the Township Board may as part of the permit, prescribe greater distance requirements in order to insure sub-lateral support to surrounding property as reasonably required, or where the Township Board reasonably finds the same to be necessary for the protection of the public health, safety or welfare from a particular danger, including situations constituting possible attractive nuisances. This setback may also be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land uses.

13. Machinery, equipment and methods of operation

Machinery, equipment and methods of operation on the mining site shall be limited to those specified in the Special Use Permit application.

14. Portland cement concrete batching plants and asphalt concrete mixing plants

These plants are not included in any form as a part of the sand and gravel operation and are not permitted. No batch plants or transit mix operations will be conducted on premises.

15. Off-Site Materials

Substances mined on other sites shall not be brought onto the site for purposes of storage, processing, redistribution, refinement, or any purpose intended to add value to such mined material that does not originate from the site.

I. Operational and Development Standards for Reclamation of Mined Area

1. Scope

The standards set forth herein shall be considered minimum standards, and stricter standards may be required by the Township Planning Commission, if and to the extent such stricter standards are demonstrated to be necessary to protect the environment and/or the public health, safety and/or welfare.

2. Permanent Water Areas

In such cases as the reclamation plan provides for a permanent water area, excavations shall be made to a depth of at least ten (10) feet below the low water mark, for at least eighty (80) percent of the entire water area.

3. Areas not permanently submerged

The surface area of all land not to be permanently submerged under water shall be graded and back filled as necessary so as to reduce peaks and depressions , and so as to produce a gently rolling surface that will minimize erosion due to rainfall, and which will produce a natural appearance in relation to the property as it existed prior to the commencement of mining operations and in relation to property in the area of the subject property.

4. Sloping of banks

Slopes shall be graded to permanent water areas, if any, and to the pit floor in connection with an operation without permanent water areas, and shall not be graded to the exterior areas of the property so as to create the potential of flooding on adjoining properties and roads. In no event shall a reclaimed slope have a grade in excess of a minimum ratio of one (1) foot vertical to four (4) feet horizontal. Moreover, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal.

5. Vegetation

Vegetation shall be reclaimed by the use of sufficient overburden minimum of four (4) inches of topsoil and by appropriate seeding of perennial grasses and ground cover and/or planting of shrubs or trees in all parts of the reclaimed mining area not to be submerged under water, or within twenty five (25) feet of the shoreline of a permanent water area. Reclamation with appropriate turf, vegetation, soil, overburden, shrubs and trees shall be implemented in a manner so as to prevent washout and erosion. In the event of a disagreement between the operator and the Zoning Administrator with respect to the meaning and interpretation of this Section, the Township Zoning Board of Appeals shall make a final determination.

6. Cessation of operations

Upon cessation of mining operations as provided for in the Special Use Permit, or as a result of any earlier termination, voluntary or involuntary, the applicant, within the dates stated in the Special Use Permit, or within one hundred eighty (180) days after the termination of the operation (not including days in the months of December through March, inclusive) shall complete the reclamation on the property in accordance with the approved reclamation plan. Moreover, within a reasonable period of time, not to exceed the time stated in the permit, or within one hundred eighty (180) days after termination, whichever period is shorter, the applicant shall remove all buildings, structures, machinery, equipment, vehicles and stockpiles, provided, it shall not be necessary to remove buildings and structures which may lawfully be used in the zoning district in which the property is situated. The Township Planning Commission may permit materials which have been mined, processed and stockpiled during the mining period to be sold during the reclamation period if and to the extent such activity does not interfere with the reclamation, and not thereafter, and such stockpiles shall in all events be removed within the time provided for reclamation.

SECTION 19.10 USE OF YARD SPACES AND OTHER OPEN AREAS FOR STORAGE

A. Outside Storage

There shall be no outside storage of unlicensed or inoperable vehicles, which are required to be registered by law, permitted on any lot. This shall not be applicable to new or used car lots and junk yards. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without a current license, shall be stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property.

SECTION 19.11 LANDFILLS AND DUMPING

A. General Requirements

Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the MDEQ, and other regulatory agencies and the Allegan County Solid Waste Management Plan.

B. Landfills and Dumping

1. Intent

These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.

2. Scope of Application

No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including but not limited to cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.

3. Permit Required

A land use permit shall be required in all instances where landfill or dumping activity is proposed in the Township. Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for Special Land Uses in Chapter 22. Permits for such uses shall be issued by the Township Planning Commission for up to a one (1) year period. Permits may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.

4. Exceptions

These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area. Additionally, nothing included herein shall prevent a resident from composting household waste for use on the resident's private property.

SECTION 19.12 SOIL EROSION

All development in Gun Plain Township except as may be exempted by Allegan County shall comply with the standards and specifications for soil erosion and sedimentation control as adopted by Allegan County.

SECTION 19.13 FLOOD PLAIN REGULATIONS

The specific location and boundaries of land(s) subject to periodic flooding shall be determined by reference to the State Coordinator, National Flood Insurance Program, Surface Water Division, and the Michigan Department of Environmental Quality. Any other provision of this Ordinance notwithstanding, land(s) subject to periodic flooding shall be utilized only in accordance with the construction requirements specified for the National Flood Insurance Program.

SECTION 19.14 RECEPTION ANTENNA FACILITIES

In all zoning districts, the installation of individual reception antenna facilities shall be permitted as an accessory use, subject to the provisions in this Section.

A. Purpose

The purposes of this section are as follows:

1. To provide reasonable regulations for the placement of reception antenna facilities.
2. To promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which may become dislodged and fall from building or structural mountings due to wind load, snow load or other forces.
3. To require screening of ground-mounted facilities and to minimize the visibility of roof or structure mounted facilities to maintain architectural integrity and aesthetic qualities of the Township and to maintain and preserve property values.

B. Ground-Mounted or Tower-Mounted Antennas

Ground-mounted or tower-mounted antennas shall be subject to the following conditions:

1. The maximum height of any part of a ground-mounted or tower-mounted antenna shall be twenty (20) feet. Taller antenna structures may be permitted by special approval of the Planning Commission.
2. Ground-mounted or tower-mounted antennas shall comply with the setback requirements for the district in which they are located. Any guy wires or tie downs shall meet one half the setback required.
3. Antennas located in the R2, R3 and R4 districts shall not be located in front yards. However, an antenna may be located in the front yard if suitable reception cannot be achieved in any other location on the site, and provided that the antennas in the front yard are screened as noted in the following sub-section 4, below.
4. Ground-mounted antenna and bases of tower-mounted antennas in the R2, R3 and R4 districts shall be obscured from view from adjacent properties and from any public road by a screen wall, fence, evergreen plantings, or a combination thereof in compliance with Township ordinances, provided that screening shall not be required that would unreasonably prevent reception.

C. Roof-Mounted Antennas

Antennas mounted on a roof of a building shall be subject to the following regulations:

1. The maximum length and width of the antenna facility itself shall be eight (8) feet. Antennas mounted on a roof shall not extend higher than six (6) feet above the highest point of any part of the roof within ten (10) feet of the antenna, provided that in no case shall an antenna extend higher than the maximum height permitted in the district in which it is located.

2. Roof antennas shall comply with the setback requirements for the district in which they are located.

D. General Requirements

All antennas shall comply with the following regulations:

1. Antennas shall not be solid sheet or panel construction and shall not be used as a sign or message board. Antennas shall be painted a color to minimize visibility. Bright or pastel colors shall not be used in any instance.
2. Permits required by the applicable building or electrical code shall be obtained prior to construction of an antenna.
3. All wiring to the antenna shall be installed underground except for roof mounted antennae.
4. In the event that approval is requested for an antenna that is higher than the minimum standards specified in this Section, or if other variations from the required standards are proposed, documentation shall be provided demonstrating that for such variations are necessary in order to achieve adequate reception.
5. Notwithstanding the setback requirements specified previously in this section, antennas with a wind resistance surface of seven (7) square feet or less and all open element and monopole antennas shall be set back from all property lines a minimum distance equal to thirty percent (30%) of the height of the antenna.

E. Variance

If a practical difficulty exists on a particular lot or parcel of land such that compliance with the provisions of this Ordinance is impossible because reception signals are blocked, then a variance may be sought from the Zoning Board of Appeals to the extent necessary to permit reasonable reception.

SECTION 19.15 ESSENTIAL SERVICES

Essential services, as defined in Chapter 3, shall be permitted as authorized and regulated by state, federal, and local ordinances and laws, it being the intention hereof to exempt such essential services from only those regulations governing area, height, placement, and use of land in the Township with which it would not be practical or feasible for them to comply.

Although exempt from certain regulations, proposals for construction of essential services buildings, enclosures, storage yards, and shelters of essential service equipment shall still be subject to site plan

review and special use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or operation of said services and shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan.

SECTION 19.16 WATER SUPPLY AND WASTEWATER DISPOSAL

A. Water Supply and Sewage Disposal Required

All developments in all zoning districts must be served by an approved public or common water supply and sanitary sewer facilities or utilize on-site systems that can be demonstrated to be appropriate to the specific location chosen and the level of utilization envisioned.

B. Fire Hydrants

All developments having access to public or common water systems shall be required to provide fire hydrants in accordance with the Gun Plain Township Fire Ordinance.

C. Approval

In all cases where an on-site water or sewage system is proposed, plans, drawings and/or other background materials shall be presented to the appropriate county or state agency for their review and approval as appropriate.

D. Maintenance Provisions

In all instances in which on-site sewer or water systems are utilized, the developer shall provide for mandatory and perpetual maintenance of such systems through the use of deed restrictions or other appropriate legal devices which shall provide for participation in said maintenance costs by each owner of the projected development.

SECTION 19.17 VOTING PLACE

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

SECTION 19.18 ANIMALS/PETS

A. Family Pets

1. The keeping of family pets, including fish, birds, hamsters, and other animals generally regarded as household pets is permitted in any zoning district which permits residential

dwellings. Family Pets, as defined in Chapter 3 shall be differentiated from Exotic Animals and Domesticated Animals.

2. All household pets shall be maintained and accommodated in a manner so as to not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.

B. Farm Animals

1. The keeping of farm animals and livestock shall be permitted only in the AG Agricultural District and R1 Very Low Density Residential District.
2. Kennels shall meet the standards contained in Chapter 17 of this Ordinance.
3. It is unlawful for a person to possess, breed, exchange, buy or sell Exotic Animals as defined in Chapter 3. Excepted individuals and organizations shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums; wildlife sanctuaries; nature preserves; circuses; bona fide scientific, medical, or educational research facilities.
4. Horses may be kept in the AG or R-1 zoning district upon parcels exceeding five (5) acres in size.
5. All lots shall be properly fenced in such a manner that no horses, livestock, poultry or other animals will run at large in any zoning district in which they are permitted.
6. No animal waste shall be accumulated or be stored within one hundred (100) feet of a property line.
7. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.

SECTION 19.19 IMPACT ASSESSMENT

A. Intent

The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. The Township reserves the right to hire experienced professionals to evaluate an applicant's Impact Assessment, and if necessary, prepare additional analysis with the cost borne by the applicant.

B. Assessment Issues

Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel (in the determination of the Township) to complete the Impact Assessment, which shall address the following issues, at minimum:

1. **Qualifications of Preparer**

Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.

2. **Site Description**

An area plan or aerial photograph illustrating the entire site and nearby properties.

3. **Description of Use**

Narrative of the proposal, describing operating characteristics and standards.

4. **Overall Site Conditions**

Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, soil types, 100 year floodplains, drainage ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and within one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity, historic and archeological significance of the site and adjacent properties.

5. **Wetlands**

Documentation by a qualified wetland specialist shall be required wherever the Township determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.

6. **Conceptual Site Plan**

Illustration of the very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing. For Planned Developments the required PUD concept plan shall meet this requirement.

7. **Land Use Impacts**

Description of the types of proposed uses and other manmade facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.

8. **Environmental Impact**

Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall

be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.

9. Impact on Public Facilities and Services

Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.

10. Utility Impacts

Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site.

11. Drainage

Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Allegan County Drain Commissioner shall be attached indicating their concerns and suggestions.

12. Storage and Handling of Waste and Hazardous Materials

Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.

13. Traffic Impacts

Impact of the proposed use on traffic and any affected public transit systems. A detailed traffic impact study shall be submitted where the proposed use

- a. generates at least 50 peak hour trips per hour in the peak direction; or
- b. the required Level of Service as defined by the 1985 Highway Capacity Manual will be impacted by the proposed use.

C. Applicability of Other Standards and Ordinances

Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, state or federal law or regulation.

SECTION 19.20 CONDOMINIUM DEVELOPMENT STANDARDS

A. Intent

The intent of this Section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership within a zoning district. This article is not intended to prohibit or treat a proposed or existing condominium project differently than a project or development under another form of ownership.

B. Submittal Requirements

For all condominium projects within the Township, concurrently with notice required to be given to the Township pursuant to Section 71 of Michigan Public Act 59 of 1978, as amended (MCL 559.171), a person, firm, corporation or other legal entity intending to develop a condominium project, shall file with the Township Clerk, the information required for site plan review, a copy of the proposed Master Deed and all information required by the Condominium Act.

C. Area, Height and Bulk Requirements

The areas and setbacks required for condominium buildings shall be based on the provisions contained herein for the zoning district in which the parcel is located.

D. Review and Approval

All condominium plans shall be reviewed under the following procedure:

1. Preliminary Approval

A full site plan and impact assessment, meeting the requirements of Section 20.02, Site Plan Review, shall be submitted for preliminary condominium site plan approval by the Township Board, based upon a recommendation by the Planning Commission.

Prior to making its review and recommendation, the Planning Commission shall hold an advisory Public Hearing on the preliminary plan. The hearing shall be noticed and held in accordance with the notice requirements and procedures outlined in Section 26.06.

The Planning Commission shall review the site plan following the procedures of Section 20.02, and make a recommendation to the Township Board to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan.

An application for final condominium site plan must be submitted within one (1) year after the date of preliminary condominium site plan approval by the Township Board, or such preliminary approval shall be deemed null and void. The proprietor may be granted one six (6) month extension with approval from the Township Board.

No installation or construction of any improvements or land balancing or grading shall be made or begun until the final condominium site plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes. (Amended 4/22/09)

2. **Agency Reviews**

Upon receipt of preliminary site plan approval, the proprietor shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by local and state regulations.

3. **Final review and Approval: Planning Commission and Township Board**

Subsequent to the submittal of the final condominium site plan and accompanying documentation to the Planning Commission, The Planning Commission shall determine if the final plan is consistent with the preliminary site plan and fully complies with Township and State of Michigan condominium development requirements.

The Planning Commission shall make its findings and forward a recommendation to the Township Board to approve or deny the request for final approval of the condominium plan. If the information submitted for final approval is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the information for further consideration.

After receipt of a recommendation from the Planning Commission, the Township Board shall hold a Public Hearing on the final condominium plan in accordance with the notice requirements and procedures of Section 26.06. The Township Board shall review the final site plan and related documents and approve, approve with conditions or deny the request for final approval. If the required information is incomplete, the Township Board may table the request and direct the applicant to prepare additional information or revise the information for further consideration. The following information shall be submitted by the applicant:

- a) Final site plan and impact assessment meeting the requirements of Section **20.02**. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.
- b) Applicable county and state permits.
- c) Condominium master deed and bylaws. (Amended 4/22/09)

E. **Requirements for Roads and Easements**

Condominium projects with private roads shall comply with all street requirements found in the Township regulations pertaining to private roads and driveways and shall include all necessary easements granted to the Township for constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including but not limited to conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and filling ditches and trenches necessary for the location of said structures.

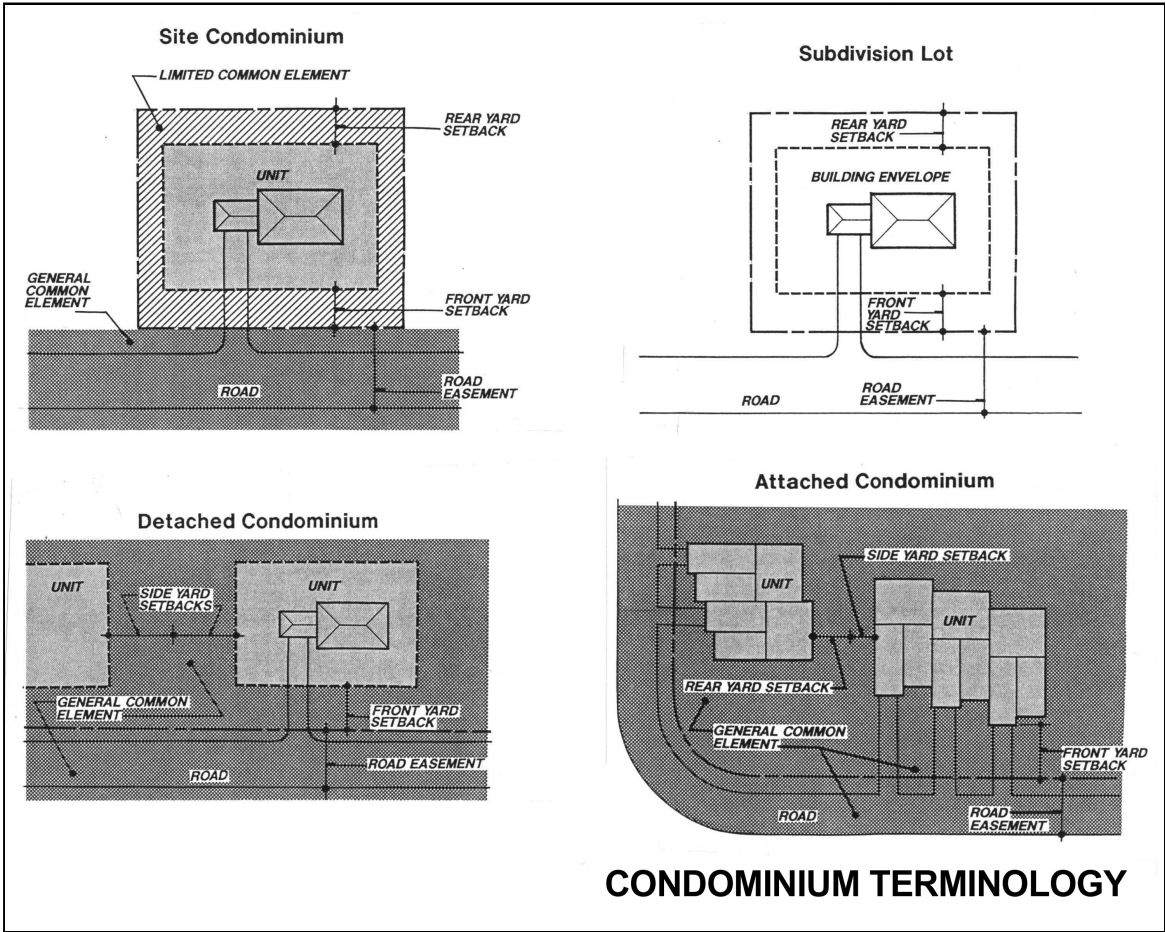
F. Site Condominium Design Standards

All site condominium projects shall comply with the design standards contained in the Gun Plain Township Subdivision Regulations Ordinance and are herein incorporated by reference. The intent of this section is to require that condominium subdivisions (site condominiums) meet design standards similar to those required for projects developed as a subdivision plat.

G. Condominium Design Standards

All condominium projects that are not being developed as site condominiums shall comply with the design standards applicable to multiple family residential.

H. Definition of Condominium Terminology



SECTION 19.21 FLAG POLE LOT STANDARDS

Parcels defined as “flag pole” lots (see Chapter 3 definitions) in existence at the time of adoption and effective date of this Ordinance shall be considered legal non-conforming lots of record. As legally non-conforming lots, the following standards shall apply to the use and development of said lots:

1. No more than one single family home may be constructed per lot.
2. The width of the “pole” side of the lot shall not be less than 66 feet.
3. One driveway may be constructed to service a single dwelling.
4. The width of the “flag” portion of the lot parallel to the road shall meet the requirements for lot width in the zoning district in which it is located (i.e., 300 feet in the AG District)
5. Any further division of existing “flag pole” lots shall require the use of a private road built to Township standards as outlined in Chapter 14 of this Ordinance.

SECTION 19.22 FENCES

Fences between parcels are permitted in all districts provided:

1. All fences shall be constructed so that both sides may be maintained without entering adjacent lots.
2. Barbed wire, razor wire or other similar materials are not permitted in the R-2, R-3 and R-4 Districts.

SECTION 19.23 WIND ENERGY SYSTEM (WES)

The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

(a) **Definitions:**

- (1). Wind Energy System (WES) – shall mean any combination of the following:
 - a). A mill or machine operated by wind acting on oblique vanes or sails that radiate from a vertical or horizontal shaft;
 - b). A surface area such as a blade, rotor or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 - c). A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator or other electricity-producing device;
 - d). The generator, alternator or other device to convert the mechanical energy of the surface area into electrical energy;

- e). The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- f). A windmill traditionally used to pump water shall not be considered a Wind Energy System.
- g). Anemometer towers (MET) used to conduct wind assessment studies for possible installation of wind energy conversion facilities. **Amended 6-2-2011**
Ord.#150

- (2). On Site Use Wind Energy System – A WES the purpose of which is to provide energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.
- (3). Single WES for Commercial Purposes – A single WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
- (4). Wind Farm – Clusters of two or more WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
- (5). Utility Grid Wind Energy Systems – A WES designed and constructed to provide electricity to the electric utility grid.
- (6). Structure Mounted WES – A WES mounted or attached to an existing structure or building.
- (7). Interconnected WES – A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
- (8). WES Height – The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.
- (9). WES Setback – The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
- (10). Nacelle - In a wind turbine, the nacelle refers to the structure that houses all of the generating components, gearbox, drive train and other components.
- (11). Shadow Flicker – Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.
- (12). Applicant- The person, firm, corporation, company, Limited Liability Corporation or other entity that applies for Township approval under this section, as well as the applicant’s successor(s), assign(s) and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall

be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different from the owner.

(b) **Wind Energy Systems Allowed As a Permitted Use:** Any On Site Use Wind Energy System including structure mounted WES which is 65 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:

- (1) The maximum height of any WES shall be 65 feet. The height of the WES having horizontal shafts shall be measured with the blade in vertical position.
- (2) A WES shall be set back from all lot lines a distance which is at least equal to the height of the WES as measured from the lot line to the base of the tower and portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
- (3) A structure mounted WES shall have a distance from the nearest property line that is at least equal to the height of the WES, as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position. The blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of eight feet.
- (4) A permit from Gun Plain Township shall be required to construct and operate an On Site Use WES that is 65 feet or less in total height. A permit shall be issued after an inspection of the WES by an authorized agent of the Township where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements and all manufacturers' installation instructions.

The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

- (5) An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.
- (6) Decommissioning and Removal Required - The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned. The system shall be removed within one (1) year of decommissioning.

(c) **Wind Energy Systems Which Require A Special Use Permit :** Any WES including a structure mounted WES which is greater than 65 feet in height, Wind Farms, Single WES for Commercial Purposes, and Utility Grid Wind Energy Systems may be allowed as a Special Use only within the ***AG Agricultural*** Zoning District subject to the following regulations and requirements of this Section and the procedures and general standards for special land as contained in Chapter 20 of this Zoning Ordinance:

- (1) Site Plan Requirements – For those WES for which a Special Use permit is required the following items shall be included with or on the site plan:
 - a). All requirements for a site plan as contained in Chapter 14A.
 - b). A location map of the proposed WES sufficient to show the character of the area surrounding the proposed WES.
 - c). Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
 - d). Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
 - e). Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
 - f). Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.
 - g). Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.
 - h). Land uses within 300 feet of the parcel.
 - i). Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
 - j). All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
 - k). Security measures proposed to prevent unauthorized trespass and access.
 - l). Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state and federal building, structural and electrical codes.
 - m). The applicant shall perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.
 - n). Additional information as required by this Ordinance, or as may be required by the Planning Commission.
- (2) Height.-The height of a WES for which a Special Use is required shall be determined by compliance with the requirements of this Section.

- (3) Setbacks - No part of a WES including guy wire anchors shall be located within or above any required front, side or rear yard setback. The setback for a WES shall be at least equal to the height of the WES. A reasonable set back shall be maintained from overhead electrical transmission lines.
- (4) Rotor or Blade Clearance - Blade arcs created by a WES shall have a minimum of 20 feet of clearance over and from any structure, or tree or ground surface.
- (5) Lighting - A WES shall be provided with lighting as may be required by the FAA.
- (6) Maintenance Program Required – The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
- (7) Decommissioning Plan Required - The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned. The system shall be removed within one (1) year of decommissioning.
- (8) Siting Standards and Visual Impact.
 - a) A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
 - b) A WES project with more than one WES structure or tower shall utilize consistent design, size, color, operation and appearance throughout the project.
- (9) Inspection – Upon approving any WES, the Township shall have the right to inspect the premises on which the WES is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant’s cost.
- (10) Insurance – The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be determined at the time of approval and shall be stipulated as a condition of approval.
- (11) Performance Guarantee – If a Special Use permit is approved pursuant to this section, the Planning Commission may require a security to be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. The security shall be in the form of a cash deposit, surety bond, or irrevocable letter of credit as specified by the Planning Commission in an amount, time duration and with a financial institution deemed acceptable to the Planning Commission.

(d) Standards For All Wind Energy Systems: All WES Shall Comply With The Following:

- (1) Sound Pressure Level.
 - a) On Site wind energy systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).

- b) Utility Grid Systems and Wind Farms shall be subject to the above standards but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of each property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.

(2) Construction Codes and Interconnection Standards -

- a) All applicable state construction and electrical codes and local building permit requirements;
- b) Federal Aviation Administration requirements.
- c) The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
- d) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
- e) Private landing strips in or adjacent to Gun Plain Township
- f) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.

(3) Safety.

- a) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
- b) To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
 - 1. Tower climbing apparatus shall not be located within 12 feet of the ground.
 - 2. A locked anti-climb device shall be installed and
 - 3. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
- c) All WES shall have lightning protection.
- d) If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors
- e) The minimum height of the lowest position of the rotor or blade shall be at least 20 feet above the ground.

(4) Signs.

- a) Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
 - 1. The words "Warning: High Voltage
 - 2. Emergency phone numbers.

- b) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.
- (5) Electromagnetic Interference – WES shall be designed, constructed and operated so as not to cause radio and television interference.
- (6) Maintenance –Each WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
- (7) All distribution lines from the WES to the electrical grid connection shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive this requirement for off-site distribution lines if the Planning Commission determines that the installation or maintenance of such underground distribution lines would be impractical or unreasonably expensive.
- (8) Unless it is a structure mounted WES, a WES may be located on a lawful parcel or parcels, which do not have frontage on a public or private road if reasonable access is provided by means of appropriate ingress, egress and utility easements. **Amended 4-1-2010 Ord.#143**

SECTION 19.24 SOLAR PANELS

- (a) Solar panels (or arrays thereof) exceeding four (4) square feet in area are not permitted in any front or side yard or on any wall or face of a building or structure facing a street unless such panel(s) is integrated with the ordinary construction of the building or structure, and/or is fully screened from view of the adjacent street (except roof-mounted solar panels as set forth below).
- (b) Ground-mounted solar panels shall:
 - (1) Be located in a side or rear yard only.
 - (2) Not exceed sixteen (16) feet in height above the ground.
 - (3) Be fully screened at all times from view at adjacent property lines and street lines by structures, fencing or a combination of evergreen and deciduous plantings.
- (c) Roof-mounted solar panels. Roof-mounted solar panels are permitted and may include “integrated” solar panels that are either integrated architecturally as part of the roof structure or as part of the surface layer of the roof structure causing no apparent change in relief or projection, as well as separate "flush" and "tilt mounted” solar panel systems attached to the roof surface as follow
 - (1) An integrated solar panel may not cause the height of a building or structure to exceed the height limitations of the district in which the building or structure is located.
 - (2) “Flush” and” tilt mounted” solar panels shall be located on a rear-yard or side-yard facing roof, as viewed from any adjacent street.
 - (3) “Flush” and “tilt mounted” solar panels installed on a pitched roof surface shall not project vertically above the ridgeline of the roof to which it is attached,
 - (4) “Flush” or “tilt mounted” solar panels located on a mansard or flat-roofed building shall be set back at least 6-feet from the edge of the deck or roof on all elevations and shall be exempt from district height limitations provided that the panels shall not project more then 5-feet

SECTION 19.25 OUTDOOR FURNANCES

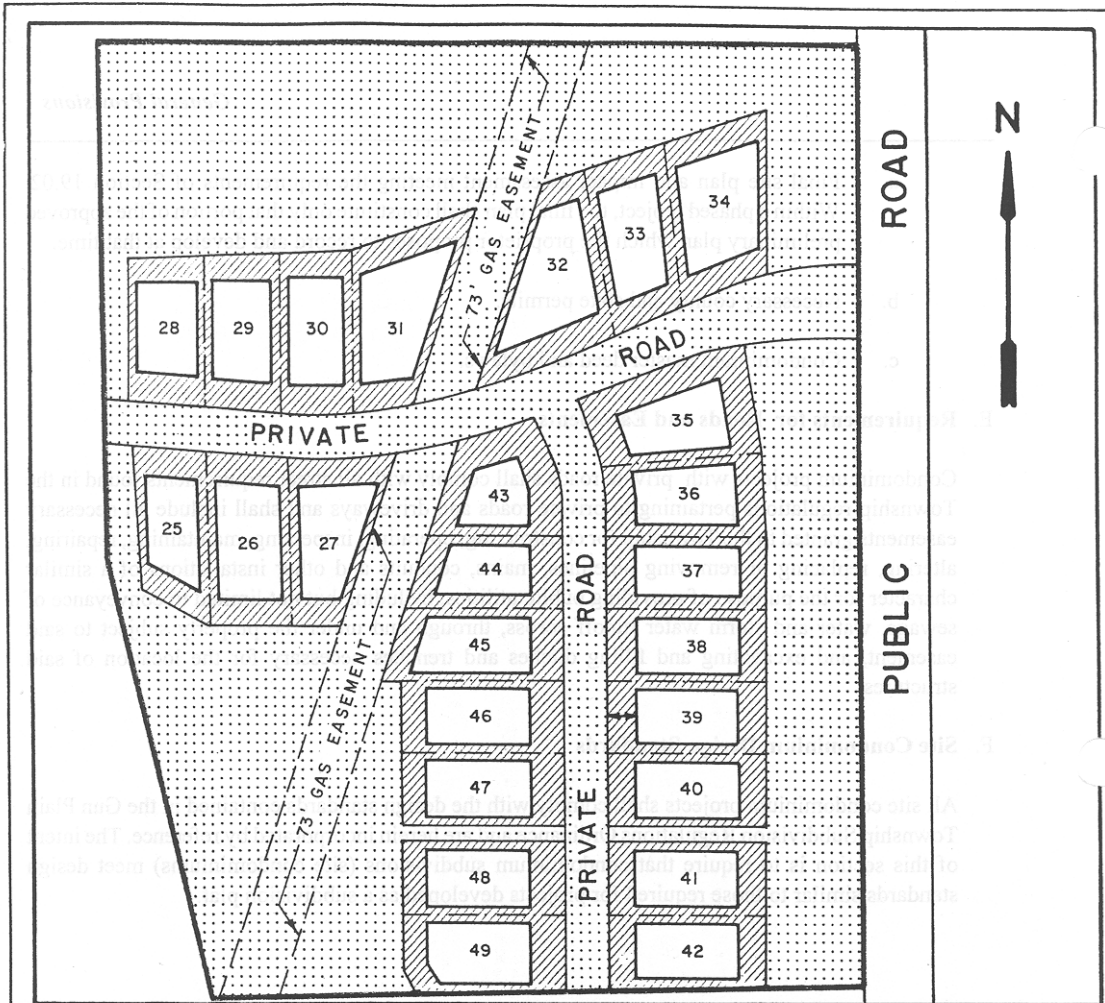
SECTION 1 Purpose. The purpose of this ordinance is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the Charter Township of Gun Plain so as to secure and promote the public health, safety and welfare of the Township and its inhabitants.

SECTION 2 Outdoor Furnaces Defined. For purposes of this ordinance, the term “outdoor furnace” shall mean a furnace, stove or boiler that is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat and/or hot water for such building or structure.







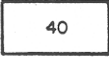


SECTION 3 Regulations. An outdoor furnace shall not be permitted within the Township unless it complies with each of the following:

- Outdoor furnaces are permitted by right only in AG; R-1; and R-2 (minimum of five (5) acres) Zoning Districts.
- Minimum side yard setback of twenty (20) feet; rear yard setback of fifty (50) feet; not permitted in the front yard.
- The following materials are specifically prohibited in outdoor furnaces.
 - A. Rubbish or garbage, including but not limited to food waste, food wraps, packages, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - B. Waste oil or other oily wastes.
 - C. Asphalt and products containing asphalt.
 - D. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - E. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic film and plastic containers.
 - F. Rubber, including tires and synthetic rubber-like products.
 - G. Newspaper, corrugated cardboard, container board or office paper
- Permit. The owner of an outdoor furnace shall obtain a permit from the appropriate Township authorities, and shall adhere to all manufacturers’ specifications.

- Outdoor furnaces shall be treated as accessory buildings according to the Zoning Ordinance and shall adhere to those restrictions. **Amended 9-2-2010 Ord.#146**

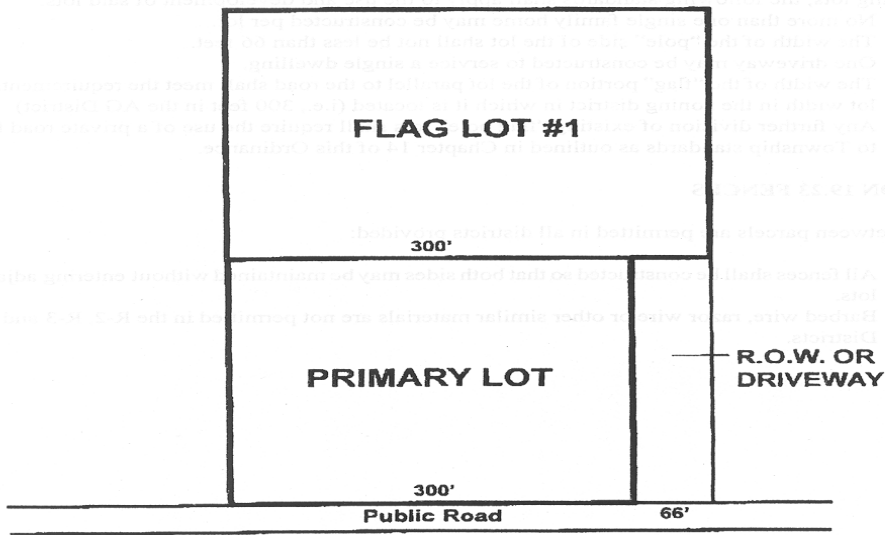


SITE CONDOMINIUM TERMS

- | | | | |
|---|--|---|------------------------------------|
|  | RIGHT-OF-WAY LINE |  | EASEMENT LINE |
|  | LOT LINE |  | SETBACK |
|  | LIMITS LINE OF LIMITED COMMON ELEMENT FOR UNIT |  | LIMITED COMMON ELEMENT (YARD AREA) |
|  | CONDOMINIUM UNIT |  | GENERAL COMMON ELEMENT |
|  | BUILDING SITE | | |

NOTE: ALL LIMITED COMMON ELEMENT AREAS ARE CONVERTIBLE AREAS

19-40



Flag Lot Standards

CHAPTER XX

SITE PLAN REVIEW PROCEDURES

SECTION 20.01 PURPOSE

The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Township in order to accomplish the developer's objectives in harmony with the existing and prospective use and development of adjacent properties. It shall be the further purpose of this Section to insure that each proposed development and its components, appearance, and function is in compliance with this Ordinance, other Township ordinances, and State and Federal laws. These purposes apply to development of previously unimproved sites; to the redevelopment, expansion, contraction or alteration of existing sites; and to the alteration or replacement of existing uses.

Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, environmental and ecological protection, emergency access, effective drainage, vehicular and pedestrian safety and conveniences; prevention of air, water and noise pollution; and limitation of obnoxious odors, glare, and exposure to toxic substances and wastes.

The site plan review procedures and standards in this Section are intended to provide a consistent and uniform method of review for proposed development plans. Through the application of the following provisions, the attainment of the Gun Plain Township Master Land Use Plan will be assured, and the Township will develop in an orderly fashion.

SECTION 20.02 WHEN A SITE PLAN AND REVIEW BY THE PLANNING COMMISSION IS REQUIRED

A. **Site Plan Required.** Submission of a site plan shall be required for any of the following:

1. Any development or use for which submission of a site plan is required by provisions of this Ordinance.
2. Any proposal to construct, move, relocate, convert or structurally alter a building, including accessory buildings, except as noted in Section 20.02 of this Ordinance. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. This shall include alterations to construct or relocate pedestrian entrances or windows. This requirement shall in no way permit the expansion of a nonconforming structure so as to become more nonconforming or increase the area already in violation of the provisions of this zoning code.
3. Any proposal to change, replace with a different use, add or recommence a use on an existing site, including expansions in area, volume or intensity of an existing use unless otherwise permitted by this Ordinance.

4. All condominium developments (including “site condominium” developments).
 5. Any proposal to build, expand or decrease an off-street parking lot; or to resurface an off-street parking lot when construction includes resurfacing, drainage alterations, or addition or replacement of base or sub-grade.
 6. Any other change in use or development that could affect compliance with the standards set forth in this Ordinance.
 7. Any proposal to create, expand or alter a use or structure which involves using, storing, or generating hazardous substances.
 8. Special Land Uses in all districts.
 - a. Wireless communication facilities.
- B. **Site Plan Not Required.** Submission of a site plan shall not be required in the following circumstances:
1. Single and two-family dwelling units on individual lots
 2. Residential accessory buildings.(Rev. 12/5/02)
 3. Agricultural accessory buildings located in agricultural zoning districts
- C. Site plans for additions to existing buildings of no greater than ten (10) percent of the useable square foot area or one thousand (1,000) square feet, whichever is less, may be reviewed by the Zoning Administrator instead of the Planning Commission. The same criteria as in section 20.05 shall be used by the Zoning Administrator for granting site plan approval. (Rev. 12/5/02)

SECTION 20.03 PRELIMINARY SITE PLAN CONSIDERATION /PRE-APPLICATION MEETING

- A. **Preliminary Site Plan Consideration.** Applicants for site plan review are encouraged to submit a conceptual or preliminary site plan for discussion and consideration by the Planning Commission. The intent of the Preliminary Site Plan Review is to minimize errors, miscalculations, or misconceptions prior to the submission for formal Site Plan Review. This procedure is intended for informational purposes only and shall not necessarily bear directly upon later reviews. Proposed new construction on parcels of land which are undeveloped or are to be redeveloped, or which will be developed in phases, *are encouraged to seek this review prior to the submission for final Site Plan Review.* The purpose of this is to indicate the general design, intent, and layout of the project and to introduce and provide an overview of the development to the

Planning Commission and community in general. This review shall be provided at no charge to the applicant when conducted during a regularly scheduled monthly Planning Commission meeting.

- B. **Pre-application Conference with Township Staff.** A pre-application conference may take place to review a generalized site plan presented by a prospective applicant for consideration of the overall idea of the development. The purpose of the conference is to discuss basic questions regarding use, density, integration with and impacts on existing development in the area and the availability of public infrastructure. Also, the applicant may be presented with the applicable procedures required by this Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. The conference may be scheduled by a prospective applicant with the Township Superintendent and such other Township representatives, as appropriate, including one member of the Planning Commission. Township staff may not confer an interpretation of Township Ordinances nor imply Planning Commission approval of the applicant's proposed site plan or project.

SECTION 20.04 APPLICATION PROCESS

Application for site plan review shall be made to the Township by filing of not less than ten (10) copies of an application form and detailed site plan with the office of the Township at least thirty (30) calendar days in advance of the regularly scheduled Planning Commission meeting at which the plan is to be first considered. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township at the time the application is made.

The Township Superintendent shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the applicant. If it is complete and appears to comply with the requirements of the Zoning Ordinance, it shall be processed in accordance with this Ordinance.

- A. **Application Form.** Each submittal for site plan review shall be accompanied by a completed application form furnished by the Township and shall include the following information:
1. The applicant's name, address, and phone number.
 2. The address and parcel number of the property.
 3. A signed statement that the applicant is the owner of the property or has a legal financial interest in the property (i.e. purchase agreement).
 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).

5. Project description, including the total project title, number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, and other pertinent information.
6. The gross and net acreage of all lots or parcels in the project.
7. Existing zoning classification, land uses, and structures on the subject parcel.
8. Name and address of developer (if different from the applicant), engineer, architect and/or land surveyor.
9. Project completion schedule/development phases.
10. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.

B. Site Plan Information. Each submittal for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing, showing the entire site and all land within 150 feet of the site. The scale of the site plan shall be not less than 1 inch = 50 feet if the subject property is less than 3 acres, and 1 inch = 100 feet if three acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. If there is an accurate site plan for the lot on file with the Township, the Township Superintendent may waive the requirement for a site plan. The following information shall be included:

1. Name of development and general location sketch.
2. Name, address and phone number of owner(s), developer, engineer, architect and/or designer.
3. North arrow, scale, and date of original drawing and revisions.
4. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, Registered Land Surveyor or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. A site plan for an alteration or addition to an existing structure may be prepared by the builder or contractor.
5. A legal description and address of the property in question.
6. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way.

7. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.
8. Existing topographic elevations at two foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions. Indicate direction of drainage flow.
9. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands.
10. Location and type of existing vegetation, including location of all existing trees over five (5) inches in diameter.
11. Any significant site amenities and unique features.
12. Existing land uses and zoning classification of the subject parcels and adjacent parcels.
13. All required minimum setbacks from the existing or proposed right-of-way and from adjacent lots.
14. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
15. The location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, alleys, and driveway locations to abutting streets.
16. With residential proposals, a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage.
17. With non-residential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
18. Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements) and type of surfacing.
19. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.

20. Proposed traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carports.
21. Proposed finish grade of buildings, driveways, walkways, and parking lots.
22. Proposed type of building materials, roof design, projections, canopies and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
23. Proposed water service including any proposed tap ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains.
24. Proposed sanitary sewer facilities and the location of all existing utilities, easements and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
25. Proposed storm water management plan including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and/or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
26. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
27. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
28. Soil erosion and sedimentation control measures.
29. Detailed landscaping plan indicating location, types and sizes of material.
30. All proposed screening and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
31. The dimensions and location of all signs, both wall signs and free-standing signs and of lighting structures and shielding.
32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

33. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
34. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
35. Notation of any variances which have been or must be secured.
36. Notation of performance guarantees to be provided including amounts, types, and terms.
37. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.
38. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township 's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
39. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
40. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
41. Plans depicting existing and proposed building elevations.
42. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan need be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
43. Building elevations of the proposed structure(s) from each direction shall be shown.

SECTION 20.05 CRITERIA FOR GRANTING SITE PLAN APPROVAL

Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved. The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- A. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- B. The site plan shall comply with the zoning district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in this Ordinance.
- C. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- D. The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials.
- E. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- F. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- G. All streets shall be developed in accordance with the Township Subdivision Regulations and the Allegan County Road Commission design specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to accommodate the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that as specified by the Township. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.
- H. Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent lots or the capacity of

the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. In addition, special attention shall be given to the installation of appropriate fencing and other safety measures adjacent to and surrounding stormwater retention and detention areas. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Where possible and practical, drainage design shall recognize existing natural drainage patterns. Final grades may be required to conform to existing or future grades of adjacent properties.

- I. All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts or public thoroughfares, shall be screened by walls, fencing or landscaping of effective height as required within the landscape provisions of this Ordinance.
- J. Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjacent lots and so that it does not impede vision of drivers along adjacent streets. All exterior lighting shall be recessed within the fixture or structure in which it is attached.
- K. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- L. Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- M. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.
- N. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the Township and with the Township Master Plan.

- O. A major objective shall be to retain, enhance and protect the quality, value and privacy of all residential land uses.
- P. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.
- Q. All sites shall be designed to comply with state and local barrier- free requirements and to reasonably accommodate the handicapped and elderly.

SECTION 20.06 REVIEW AND APPROVAL Site Plans shall be reviewed in accordance with the following procedures:

- A. **Department Review.** The Township Superintendent may secure comments from the Township Building Inspector, Allegan County Road Commission, Sheriff’s Department, and the Township or consultant Engineer and Planner, and forward all comments to the Planning Commission for its review. The Planning Commission shall review the plans and may solicit further comments from an Engineer, Planning Consultant and other agencies, groups or persons, as appropriate.
- B. **Site Plan Approval.** The Township Planning Commission is hereby authorized to review and approve, with or without conditions or to review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and other applicable ordinances. When the Planning Commission approves a site plan with conditions from the applicant, the Township Superintendent shall require a revised site plan with a revision date, indicating said conditions on the site plan.
- C. **Record of Action.** Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the Gun Plain Charter Township Planning Commission. A final copy of the approved site plan shall be so marked and placed on file with the Township Clerk’s office.
- D. **Final Site Plan.** When a site plan approval is required, no building permit shall be issued until three copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Planning Commission, the Township Superintendent or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Township Clerk, Zoning Official and the Applicant.

SECTION 20.07 ISSUANCE OF BUILDING PERMIT AFTER SITE PLAN APPROVAL

A copy of the site plan which has been approved and stamped or signed by the appropriate township official or board chairperson shall be submitted for review to the Building Official and, as applicable, the Township Engineer along with complete construction plans including component phases. Upon review and finding that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the Township, the Building Official shall issue a building permit for said construction.

Site plan approval shall be valid for one year from the date of approval. If an applicant does not obtain a building permit within one year after site plan approval, the site plan approval expires and is of no force or effect, unless extended by a vote of the Planning Commission. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner and/or applicant.

SECTION 20.08 MODIFICATION OF AN APPROVED SITE PLAN

Once site plan approval has been granted by the Planning Commission, changes to the approved site plan shall require a re-submission and payment of the required application fee.

SECTION 20.09 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this Ordinance and subject to the sanctions of Chapter 25.

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner/applicant shall submit to the Township Superintendent two copies of an "as built" site plan, certified by an engineer or architect, at least one week prior to the anticipated occupancy of any building. A Certificate of Occupancy shall be withheld by the Building Official in any case where the site plan and major conditions as approved by the Planning Commission have not been complied with. Any minor variations may be approved by the Building Official, and shall be reported within 30 days to the Planning Commission after the issuance of Certificate of Occupancy.

CHAPTER XXI

LANDSCAPING REQUIREMENTS

SECTION 21.01 INTENT

The intent of this Chapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping is viewed as an important element contributing to the aesthetics, development quality, stability of property values, and the overall character of new and expanding development in the Township.

The standards of this Chapter are also intended to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flows at driveways and within parking areas, and minimize negative impacts of stormwater runoff.

The landscape standards of this Chapter are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

SECTION 21.02 REQUIREMENTS AND TIMING OF LANDSCAPING

A. **Plan Required.**

Landscaping shall be included with all non-residential (commercial, office, and industrial), multiple family (three or more units) developments, and manufactured housing park developments plan applications reviewed by the Township. A separate landscaping plan shall be submitted at a minimum scale of one (1) inch equals fifty (50) feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications, clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.

B. **Installation and Inspection.**

Wherever this Ordinance requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Planning Commission may require a performance guarantee in a form acceptable to the Township, to cover the costs of landscaping prior to the issuance of a building permit.

Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described and shall be protected from vehicular encroachment and snow removal operations.

In the event a performance guarantee is being held, the Zoning Inspector will within three (3) months of receiving written notification of installation, conduct an inspection to verify said installation and authorize release of the guarantee.

C. Plant Material Standards.

It is the intent of this Chapter that a diverse mixture of plantings be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this Chapter. These standards may be varied by the Planning Commission where the established minimums, in the judgement of the Commission, will not serve the purpose and intent of this Chapter.

1. Plant Quality.

Plant materials permitted in required landscaped areas shall be hardy to the climate of Michigan, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.

2. Plant Size Specifications.

a. Trees.

Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this Chapter.

i. Deciduous Trees.

Two and a half (2 ½) inch caliper minimum trunk measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.

ii. Evergreen Trees.

Six (6) feet in height, with a minimum spread of three (3) feet and the size of the burlapped root ball shall be at least ten (10) times the caliper of the tree measured six (6) inches above the grade.

iii. Deciduous Ornamental Trees.

One (1) inch caliper minimum at three (3) feet off the ground, with a minimum height of six (6) feet above grade when planted.

b. Shrubs.

Minimum twenty-four (24) inches in height above planting grade.

c. **Hedges.**

Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.

d. **Vines.**

Minimum of thirty (30) inches in length after one (1) growing season.

e. **Ground Cover.**

Planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

f. **Grass.**

Planted in species normally grown as permanent lawns in the south-central Michigan area. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or other suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.

g. **Mulch Material.**

Minimum of four (4) inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.

h. No plant materials used to satisfy these standards shall be comprised of non-living materials, such as plastic plants.

i. Ground covers shall be planted in such a manner so as to present a finished appearance and reasonably complete coverage after one complete growing season, at a rate of at least three plants per square foot.

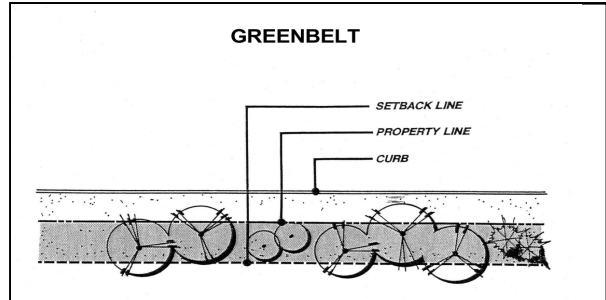
j. All plant materials shall be well-formed, sound, vigorous, healthy and free from disease, sun scald, wind burn, abrasion, and harmful insects at the time of planting.

k. The following plant materials are not permitted for planting (in a public right-of-way or as required by the minimum landscaping standards of this Ordinance) due to their tendency and susceptibility to storm damage, their roots are known to clog drains and sewers, they are known to be susceptible to disease or insect pests, or other undesirable characteristics: Silver Maple, Box Elder, Honey Locust (thorned), Ginko (female), Mulberry, Poplar, Black Locust, Willow, American Elm, Siberian Elm, Slippery Elm (Red Elm), and Chinese Elm, Horse Chestnut, Poplar, Ailanthus, Catalpa, Osage Orange, Cottonwood, and European Barberry.

SECTION 21.03 SPECIAL PROVISIONS FOR EXISTING SITES

Special provision is made for applying these standards to developed sites which existed prior to the effective date of this Ordinance. Therefore, when an existing site is undergoing improvement, a change in use, or expansion that requires the submittal of a development plan, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this Chapter in relation to the extent or change on a site.

When reviewing plans for a change in use or expansion which requires development plan review, the Zoning Inspector or body reviewing the plan shall require an upgrade in landscaping, using the following as guidelines:



A. General Requirements.

Each building expansion requiring development plan review shall provide at least 10% of the landscaping requirements for a new development for every 10% of expansion.

B. Street and Parking Lot Requirements.

Each building expansion requiring development plan review should provide landscaping along public streets and within parking areas, with landscaping along public streets as the priority. Where parking lot landscaping cannot be reasonably provided, additional landscaping along the street or in any required buffer areas should be considered.

SECTION 21.04 REQUIRED LANDSCAPING ALONG PUBLIC RIGHT-OF-WAYS.

One (1) of the following street landscaping options is required on land abutting public streets or where otherwise referenced.

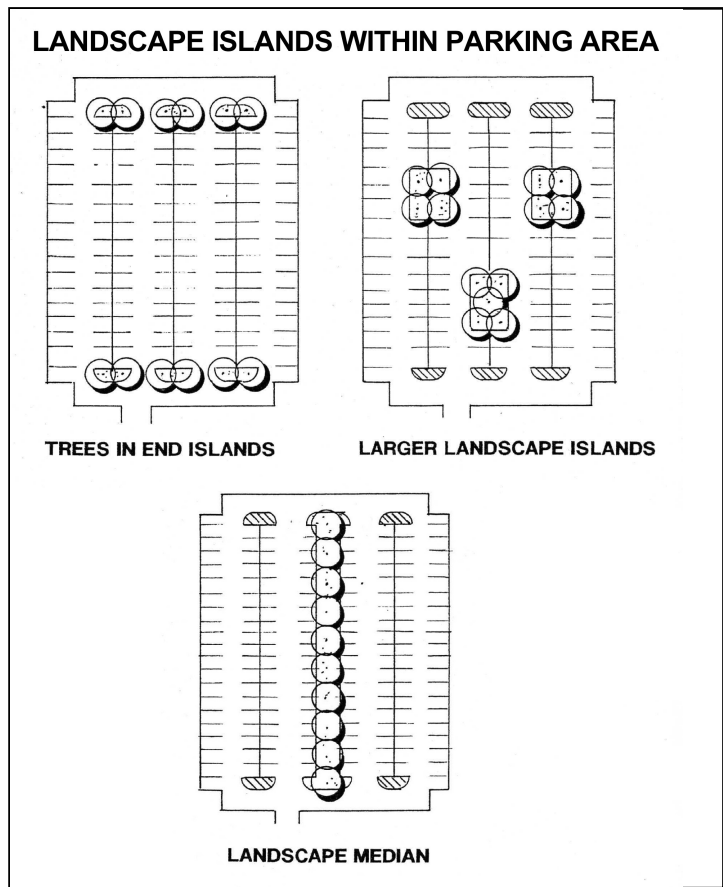
A. Greenbelt.

1. Minimum width of ten (10) feet. The Planning Commission may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a ten (10) foot width. In such cases, the greenbelt requirement may be met through the provision of street trees or the provision of landscaping as required below.
2. At least one (1) deciduous tree and four (4) shrubs per each thirty (30) lineal feet of street frontage. Location of the trees and shrubbery is discretionary.
3. The greenbelt area shall contain grass, vegetation ground cover, mulch, or crushed stone on a weed barrier, and be curbed or edged.

4. Where headlights from parked vehicles will shine into the roadway, the Planning Commission may require the use of a totally obscuring hedge with a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.

B. Berm.

1. Minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this Chapter is met and an appropriate screen is provided.
2. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.
3. At least one (1) deciduous tree shall be provided for each thirty (30) feet of lineal berm length.
4. At least one (1) minimum shrub shall be provided for each one-hundred (100) square feet of berm surface area, as calculated from a plan view.
5. Berm slopes shall be protected from erosion by sodding or seeding. If the slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established by a straw mulch, hydro-mulching, or netting specifically designed to control erosion.



C. Buffer Strip.

1. Minimum width of ten (10) feet.
2. All trees shall be evergreens and the planting shall be staggered or off-set.

3. The buffer planting area shall contain grass, vegetation ground cover, mulch, or crushed stone on a seed barrier, and be curbed or edged as necessary.

SECTION 21.05 PARKING LOT LANDSCAPING

Within every parking area containing ten (10) or more proposed spaces, at least one (1) deciduous tree and ornamental tree with at least one-hundred (100) square feet of planting area shall be used for every ten (10) parking spaces, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- A. Landscaping shall be dispersed throughout the parking area in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
- B. Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, nor interfere with adequate motorist sight distance.
- C. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the development plan. Minimum width of such areas shall be ten (10) feet.

SECTION 21.06 WASTE RECEPTACLE AND MECHANICAL EQUIPMENT SCREENING

Waste receptacles shall be located and screened in accordance with the standards of this Ordinance including those standards identified in Chapter 21 Landscaping, or other Township ordinances. Ground mounted mechanical equipment shall be screened with plant materials or a wall, when visible from a public-right-of-way or parking area.

SECTION 21.07 GENERAL LAYOUT AND DESIGN STANDARDS

A. Plant Health and Maintenance.

Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy and growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Zoning Inspector, or within an extended time period as specified in said notice.

B. Removal of Support Material. Tree stakes, guy wires, and tree wrap are to be removed after one (1) year.

C. Irrigation.

All landscaped areas shall be provided with a readily available and acceptable water supply to facilitate continued maintenance.

D. Visibility.

Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants, and shall not interfere with or obstruct the view of public viewsheds and sight lines from rights of way and public property to streams, lakes, and other waterways.

E. Species Tolerance.

Cul-de-sacs, site entrances, and boulevard medians shall be landscaped with species tolerant of roadside conditions common to the area.

F. Public Safety.

Plantings within ten (10) feet of a fire hydrant shall be no taller than twelve (12) inches at maturity.

SECTION 21.08 INCENTIVES TO PRESERVE EXISTING TREES

The Township of Gun Plain encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the development plan and be protected during construction through the use of a fence around the drip line. Tree species, location, and caliper must be shown on the landscape plan. Tree protection measures must be shown and noted on the landscape plan.

To obtain credit, the preserved trees shall be of a high quality and at least two and one half (2 ½) inches caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission. Any tree over twelve (12) inches in caliper to be removed shall be noted on the landscape plan. The credit for preserved trees shall be as follows:

Caliper of Preserved Tree (in inches)	Number of Trees Credited
over 12	3
8 to 12	2
2 ½ to 8	1

Note: Caliper measurements for existing trees is the diameter at a height of four and one-half (4 ½) feet above the natural grade.

Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the landowner with trees otherwise required by this Ordinance. A credit may be given up to fifty (50) percent of the required landscaping for existing trees.

SECTION 21.09 WALLS AND BUFFER STRIPS BETWEEN USES

In those instances where the following conditions occur, the need for a wall, a berm, or similar type of landscaped buffer strip shall be determined by the Planning Commission.

A. Zoning Districts and Land Uses.

For developments within the R-3 and C-1, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or a current residential use, a masonry wall or wooden privacy fence six (6) feet in height, (except as otherwise required).

For developments within the C-2, and I-1, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or current residential use, a greenbelt, a berm, or a buffer strip, (except as otherwise required) sufficient to provide full screening from the commercial or industrial use.

For residential plats, subdivisions, PUD developments, multiple family, and all single family residential developments adjacent to the U.S. 131 right-of-way, there shall be provided and maintained on those sides abutting or adjacent to the U.S. 131 right-of-way a berm (max. slope of 1:3) not less than five (5) feet in height planted with a continuous planting of evergreen trees no less than six (6) feet in height and no less than fifteen (15) feet on center in alternating parallel rows the entire width of the subject property. This requirement may be waived if existing vegetation or site topography accomplish the affect of screening the development by creating a natural buffer no less than twenty-five (25) feet in width from the highway.

For non-residential land uses within residential zoning districts, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or a current residential use, an obscuring wall six (6) feet in height, decorative wooden privacy fencing, a greenbelt, a berm, or a buffer strip (except as otherwise required).

B. Location.

Required walls, greenbelts, berms, or buffers strips shall begin on or at the property line, except where underground utilities interfere.

C. Materials.

Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided for in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, rustproof, and easily maintained. Materials for walls shall be compatible with surrounding building materials. Materials for the greenbelts, berms, or buffer strips shall be in accordance with the standards identified in this Chapter unless specified elsewhere.

D. Alternatives.

The Planning Commission may approve a landscaped berm as an alternative to a wall upon finding the landscaped berm will provide a similar screening effect.

SECTION 21.10 WAIVER OR MODIFICATION OF STANDARDS FOR SPECIAL SITUATIONS

The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscape and screening requirements of this Chapter, the following may be considered:

- A. Extent that existing natural vegetation provides desired screening.
- B. There is a steep change in topography which would limit the benefits of required landscaping.
- C. The presence of existing wetlands.
- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the Township for a use other than residential.
- F. Building heights and views.
- G. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

CHAPTER XXII

SPECIAL LAND USE PERMIT REVIEW PROCEDURES

SECTION 22.01 SPECIAL LAND USE REVIEW

The Planning Commission shall have the following specific powers and duties concerning special use approvals.

A. Statement of Intent.

The procedures and standards set forth in this Chapter are intended to provide a consistent and uniform method for review of proposed plans for special land uses.

In hearing and deciding upon special use permit requests, the Planning Commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the Township into districts, within each district the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. Application.

The application for special land use review shall be made according to the guidelines provided by the Township. Each application shall be accompanied by the following:

1. A special use application form supplied by the Township which has been completed in full by the applicant.
2. A site plan which shall include all the information required by this Ordinance in Chapter 20.
3. A letter describing the proposed use of the property and a statement with regard to compliance with the criteria required for approval as outlined in Section 22.01 (e) of this Ordinance.
4. Other information which the Planning Commission may reasonably deem necessary for adequate review.

The application shall be submitted by the owner having an interest in land for which the special land use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.

C. Notice of Public Hearing

Upon receipt of a complete application, site plan and attachments, if any, the Township shall schedule a Public Hearing on the request. The Public Hearing shall be noticed and held in accordance with the provisions of Section 26.06. (Amended 4/22/09)

D. Planning Commission Determination.

Following the public hearing, the Planning Commission shall review the application for the special land use permit, together with the public hearing findings and reports and recommendations of Township staff, consultants and other reviewing agencies. The Planning Commission is authorized to deny, approve, or approve with conditions, requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to the approval.

Performance guarantees may be required by the Planning Commission, in accordance with Section 22.02, to insure compliance with special approval conditions.

E. Standards for Granting Special Use Approval.

Approval of a special land use permit shall be based on the determination that the proposed use will comply with all requirements of this ordinance, including site plan review criteria set forth in Chapter 20. In addition, the following standards shall be met:

1. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
2. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Township as a whole.
3. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Gun Plain Charter Township Master Plan and shall promote the intent and purpose of this Ordinance.
4. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
5. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
 - The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.

- The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
6. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
- Proximity and access to major thoroughfares.
 - Estimated traffic generated by the proposed use.
 - Proximity and relation to intersections.
 - Location of and access to off-street parking.
 - Required vehicular turning movements.
 - Provision for pedestrian traffic.
7. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
9. The proposed use shall be compatible with the natural environment.
- F. **Recording of Planning Commission Action.** Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.
- G. **Effective Duration of Special Use Approval.** Special use approvals shall run with the owner/operator granted permission and may be issued for specified periods based upon the impacts of the proposed use to surrounding property. The sale, transfer or conveyance of the property on which the special land use is located shall nullify the special use approval. Any new proposed owner or operator shall be required to submit and be approved by the Township Planning Commission for a new special use permit in order to continue said operation or activity
- H. **Amendments to Special Land Uses.** When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special approval of land use. The denial of an application to amend an existing Special Use Permit shall not nullify or cause to prohibit the

applicant from continuing to operate in compliance/conformance within the specifications of the original (existing) Special Use Permit approval.

- I. **Revocation of Special Land Use Approval.** Approval of a special land use permit and site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Township Superintendent shall place the special land use on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

SECTION 22.02 PERFORMANCE GUARANTEES

- A. **Purpose.** To insure compliance with the provisions of this Ordinance and any conditions imposed there under, the Planning Commission or Zoning Board of Appeals may require that a performance guarantee be deposited with the Township to insure the faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/deceleration lanes, traffic control devices, sewer or water line expansion, storm water retention areas and land reclamation activities. (Amended 4/22/09)
- B. **Scope of Requirement.** The performance guarantee can apply only to those specific features and actions which the Planning Commission or Zoning Board of Appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission or Zoning Board of Appeals.
- C. **General Requirements.** A performance guarantee shall be required by the Planning Commission on the applicable portion(s) of a site plan under any of the following circumstances:
 1. To meet the costs of improvements required to be made by the applicant to public facilities owned by the Township as a condition of site plan approval.
 2. To ensure the completion of the common elements of site plan affecting two or more parties.
 3. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.

The Planning Commission or Zoning Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the Township or the health, safety, or welfare of residents, project users, or the general public.

- D. **General Conditions.**

1. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related Township approval shall be issued unless the Township Superintendent is satisfied that the guarantee is in full compliance with this Chapter.
2. The performance guarantee shall be in the form of:
 - A cash deposit or deposit by certified check drawn on a bank authorized to do business in the State of Michigan, or
 - An irrevocable letter of credit issued on behalf of the Township by a bank authorized to do business in the State of Michigan, or
 - A surety bond in a form and manner acceptable to the Township Attorney. The costs of the review of a surety bond by the Township Attorney shall be paid by the applicant as part of the issuance of a permit.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval or zoning variance has been obtained. Accordingly, the applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The Township Superintendent shall review the submitted costs for reasonableness and shall determine an accurate amount for the performance guarantee. In determining the amount, the Township Superintendent may consider signed contracts or sub-contracts supplied by the applicant or the Township Superintendent may secure or require that the applicant secure a sealed statement from a licensed architect or engineer verifying the estimates.
4. Cash funds or a certified check made payable to the Township shall be deposited by the Township into a non-interest bearing account in a financial institution with which the Township regularly conducts business.
5. In the case of a guarantee exceeding \$2000, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements, provided that a minimum of ten (10) percent shall be retained on each element until the satisfactory completion of the entire project. The amount of work completed shall be based upon an inspection and determination by the Township Superintendent.
6. An amount not to exceed the actual cost of the installation of landscape materials may be retained by the Township for at least one (1) year following the installation of said materials to insure proper maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the Township Superintendent that all landscape materials are being maintained in good condition.

7. The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the appropriate Township officials and a positive determination by the Zoning Administrator that the required improvements have been satisfactorily completed and that all other requirements of this Chapter are met.

E. **Unsatisfactory Completion of Improvements.** When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this Ordinance or as agreed upon between the applicant and the Planning Commission or Zoning Board of Appeals, the Zoning Administrator may order the improvements completed by the Township or by an independent contractor, or may order that the site be returned to its original condition.

The Zoning Administrator shall order the completion of the improvements and so notify the applicant by certified mail at least thirty (30) calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the Township.

All costs incurred by the Township for the completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee including any interest accrued on any funds deposited in escrow.

F. **Subdivision Improvements.** This Chapter shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited with the Township by the applicant pursuant to the Subdivision Control Act (P.A. 288 of 1967, as amended).

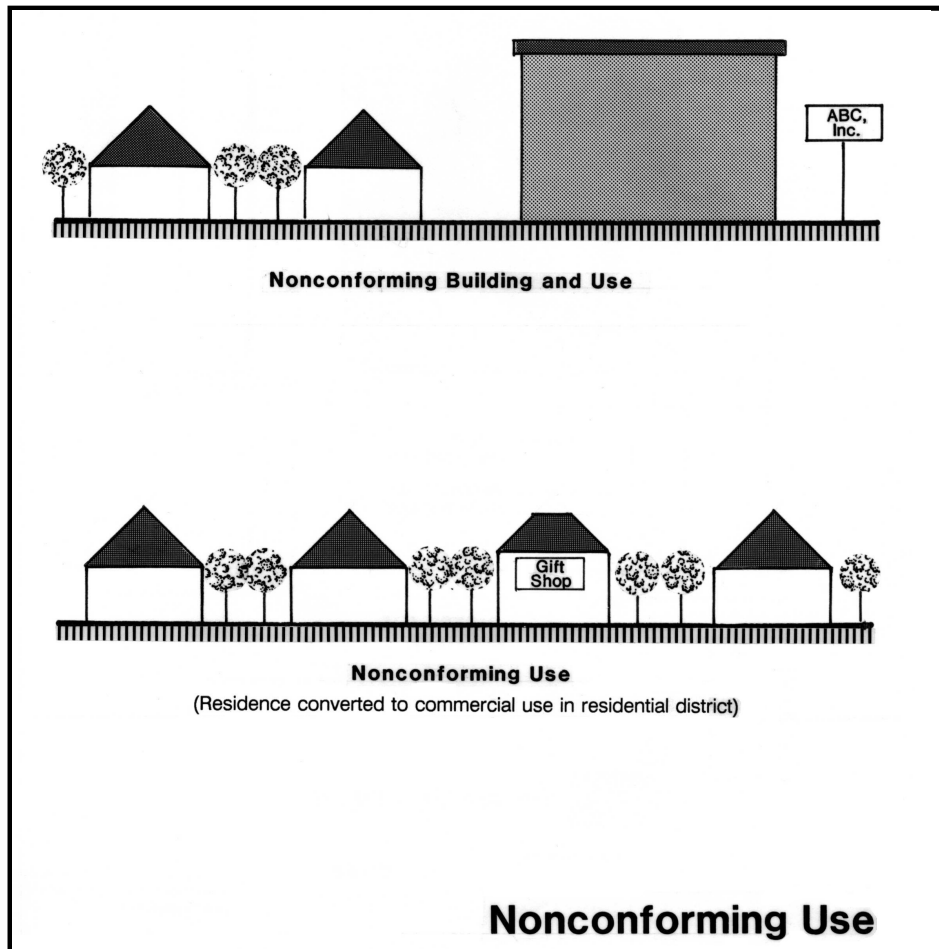
CHAPTER XXIII

LEGAL NONCONFORMING LOTS, USES AND STRUCTURES

SECTION 23.01 INTENT

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located.

Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.



SECTION 23.02 CONFORMING USES OF LAND

A nonconforming use of land occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

Where, on the effective date of this Ordinance, or the effective date of an amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. **Expansion of Use.** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. **Moving.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. **Discontinuation of Use.** If such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. In applying this Section to seasonal uses, the time during the off-season shall not be counted, provided that the off-season time for such uses is reported to the Township.

SECTION 23.03 NONCONFORMING STRUCTURE

A nonconforming structure exists when the height, size, minimum floor area, or lot coverage of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Expansion of Structure.** Structures, or uses nonconforming by reason of height, yards, area, or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height, yard, area or parking provisions are occasioned thereby.
- B. **Moving.** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is relocated after it is moved.

SECTION 23.04 NONCONFORMING LOTS

A nonconforming lot is a lot of record or a lot described in a deed or land contract existing at the effective date of this Ordinance that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. The following regulations shall apply to any nonconforming lot:

- A. **Use of Nonconforming Lot.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located.

- B. **Single Family Dwellings.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the structure is in conformance with all other applicable yard and lot requirements for the district in which it is located.

SECTION 23.05 ALTERATIONS, REPAIRS AND MAINTENANCE

Protecting Public Safety. Repairs or maintenance deemed necessary by the Township to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Township, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

Damage by Fire or other Natural Disaster. Any nonconforming structure or building, but not a nonconforming use, that is damaged by fire, flood, wind or other natural means may be restored, provided that no greater than fifty (50) percent of the structure was destroyed. The conforming use or occupancy of such building or structure, or part thereof, which existed at the time of such destruction may be continued or resumed, provided that such restoration is started within a period of one year after the time of such damage or event and is diligently prosecuted to completion.

Enlargement and Extension Beyond Present Building Confines. No nonconforming use of land, except residential dwellings, shall hereafter be enlarged or extended beyond its present building confines. A nonconforming use of land may however, be expanded or extended within its present building confines. A residential nonconforming use may be expanded or extended up to twenty-five (25) percent of the ground floor area of the existing residence.

SECTION 23.06 TOWNSHIP REMOVAL OF NONCONFORMING USES AND STRUCTURES.

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Township may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of the nonconformity as provided under the Michigan Zoning Enabling Act, as amended. (Amended 4/22/09)

SECTION 23.07 CHANGE IN TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

SECTION 23.08 ENCUMBERING LAND REQUIRED TO SATISFY REGULATIONS

No portion of a lot that is needed and required to meet the setback and area requirements for a building or structure under this Ordinance shall be split, sold, or otherwise transferred to be used as the required setback or area of another lot or parcel for the purpose of constructing or locating another building or structure on it.

SECTION 23.09 UNLAWFUL NONCONFORMITIES

No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

SECTION 23.10 RECORDING OF NONCONFORMING USES AND STRUCTURES

The Township Superintendent shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Township with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

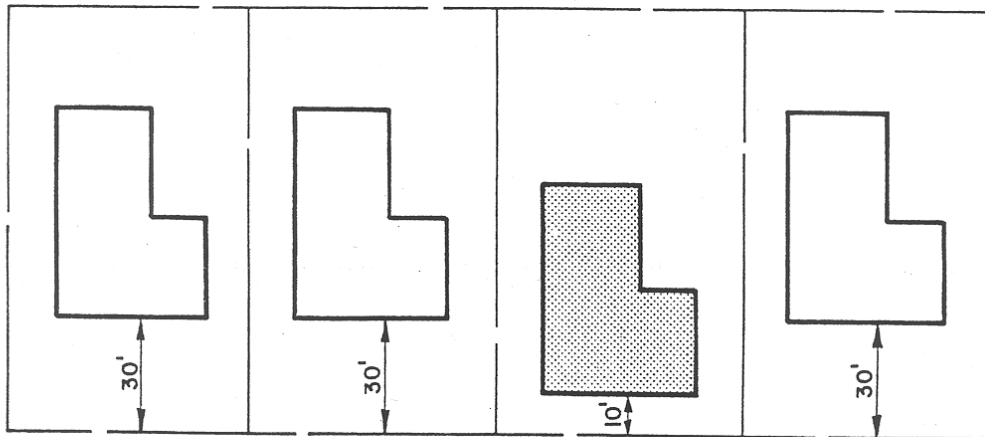
SECTION 23.11 PLANS ALREADY FILED

Where plans for a building have been filed which would conform with the zoning regulations then effective, but not with subsequently enacted regulations, and where a Building Permit for such building has been issued, such building may be erected provided construction is begun within three (3) months and diligently pursued to completion.



MAXIMUM HEIGHT PERMITTED IS 20 FEET

(NOTE: INTENDED FOR ILLUSTRATION PURPOSES ONLY)



MINIMUM FRONT YARD REQUIREMENT IS 30 FEET

EXAMPLES OF NON-CONFORMING STRUCTURES

CHAPTER XXIV

ZONING BOARD OF APPEALS

SECTION 24.01 CREATION

It is hereby created under the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, The Gun Plain Township Zoning Board of Appeals, referred in this Ordinance as the “Zoning Board of Appeals.” The Zoning Board of Appeals shall be constituted and appointed as provided by Michigan Zoning Enabling Act and shall be comprised of five (5) members and up to two (2) alternate members. Three members shall be appointed as “at large” members with one member each representing the Township Board and Planning Commission.

A member of the zoning board of appeals who is also a member of the, the planning commission, or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the planning commission, or the Township Board. Such member may, however, consider and vote on other unrelated matters involving the same property. (Amended 4/22/09)

SECTION 24.02 INTENT

The purpose of this Chapter is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

SECTION 24.03 ADOPTION OF RULES AND PROCEDURES

The Zoning Board of Appeals shall establish fixed rules and regulations governing its procedures, meetings, operations, and actions. Said rules shall be made available to the public and shall be in conformance with this Ordinance and the Michigan Zoning Enabling Act. (Amended 4/22/09)

SECTION 24.04 JURISDICTION OF THE ZONING BOARD OF APPEALS

A. General Authority

The ZBA shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have the authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.

B. Administrative Review

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance.

C. Interpretation

The ZBA shall have authority to hear and decide appeals or requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map and boundary interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance. Such authority shall include interpretation of whether a use is permitted in a given zone, or determination of off-street parking and loading requirements for any use not specifically listed.

D. Variances

The ZBA shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance. Such authority shall be exercised in accordance with the following standards:

1. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
 - a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance conformity unnecessarily burdensome.
 - b. The variance will do substantial justice to the applicant, as well as to other property owners; or whether a lesser variance than requested would give substantial relief to the applicant and/or be consistent with justice to other property owners.
 - c. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - d. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

2. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may be required to provide information, testimony and/or evidence on a variance request.

E. Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to achieve any of the following:

1. To insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. To protect the natural environment and conserve natural resources and energy.
3. To insure compatibility with adjacent uses of land.
4. To promote the use of land in a socially and economically desirable manner.

Conditions imposed shall meet the following requirements.

- a. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, of the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case. The breach of any such conditions shall automatically invalidate the permit granted.

SECTION 24.05 APPLICATION AND NOTICES

A. Application

All applications to the ZBA shall be filed with the Township Superintendent, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. The office of the Township Superintendent shall transmit the application and information to each member of the Zoning Board of Appeals and to the Zoning Administrator within five (5) days of the filing date. Furthermore, the meeting date shall be set within ten (10) days of notification of the Chairman of the ZBA. Applications shall include a completed application form, fee, all plans, studies and other information and data to be relied upon by the applicant.

B. Plot Plan

A plot plan shall be required with all variance requests and shall be to scale and include all property lines and dimensions; setbacks; bearings of angles correlated with the legal description and a north arrow; all existing and proposed structures and uses on the property and abutting lots and parcels, dimensions of the structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this Ordinance. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Chapter 20 shall satisfy the requirements of this section.

The ZBA shall have the authority to require a land survey prepared by a registered land surveyor or registered engineer when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

C. Application Involving an Appeal of Administrative Order

In a case involving an appeal from an action of an administrative official or entity, the administrative official or the clerk or secretary of the administrative entity, as the case may be, shall transmit to the ZBA, copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

D. Consent of Property Owner Required

Application to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question, acknowledged by the owner(s) on the application. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

E. Notice and Public Hearings

When a request for a variance or an appeal has been filed in proper form with the Zoning Board of Appeals, the secretary or designee of the secretary shall immediately place such request for appeal on the calendar for hearing and shall cause notice to be provided in the manner specified in Section 26.06 of the zoning ordinance. (Amended 4/22/09)

F. Stay of Proceedings

An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property. If such certification is made, proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

G. Decision by the Zoning Board of Appeals

The concurring vote of at least three (3) members of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the enforcement of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a variance from the terms of this Ordinance. A decision shall be made upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned.

SECTION 24.06 DISPOSITION AND DURATION OF APPROVAL

A. ZBA Powers

The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

B. Decision Final

A decision by the ZBA shall not become final until the expiration of ten (10) days from the date of entry of such order and service of the same upon the parties concerned unless the ZBA shall find the immediate effect of such order is necessary for the preservation of property or personal rights or public safety and shall so certify on the record. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.

C. Period of Validity

Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual, on-site improvement of property in accordance with the approved plan and

the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.

D. Record of Proceedings

The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be the responsibility of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval. The official records of the ZBA proceedings shall be filed in the Township Hall and shall be public records.

E. Appeal of a ZBA Decision

Appeals of a ZBA decision may be taken to Allegan County Circuit Court at the discretion of the applicant.

F. New Application for Variance

If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of 365 days, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

G. Site Plan Requirements

If an application or appeal to the Zoning Board of Appeals involves a development project which requires a recommendation of site plan approval by the Planning Commission, the applicant or appellant shall first apply for site plan approval as set forth in Chapter 20, "Site Plan Review". The Planning Commission shall review the site plan and shall determine the layout and other features required before granting a recommendation of approval of the site plan. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Zoning Board of Appeals.

SECTION 24.07 MEETINGS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

SECTION 24.08 FEES

Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is

taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect thirty (30) days after adoption of such change.

CHAPTER XXV

ZONING ADMINISTRATION

SECTION 25.01 RESPONSIBILITIES

The Township Superintendent , or his/her duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following Township entities:

- A. Township Board
- B. Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Enforcement Officials, which shall include the Township Superintendent and his duly authorized assistants or representatives.

The purpose of this article is to set forth the scope of authority of these entities.

SECTION 25.02 TOWNSHIP BOARD

The Township Board shall have the following responsibilities and authority pursuant to this Ordinance.

- A. Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction.
- B. Setting of Fees.** The Township Board shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the Township Supervisor shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- C. Approval of Planning Commission Members.** In accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. (Amended 4/22/09)

SECTION 25.03 TOWNSHIP PLANNING COMMISSION

A. Creation. The Township Planning Commission is created pursuant to the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended. The Planning Commission shall further have all the powers and duties provided for zoning commissions created pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

B. Jurisdiction. The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. Formulation of Zoning Ordinance and Amendments. The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board.
2. Site Plan Review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Chapter 20. As provided for in Chapter 20, the Planning Commission shall be responsible for making a determination to grant approval, approval subject to revisions, or denial of submitted site plans.
3. Special Land Use Review. The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Chapter 22 of this Ordinance to grant approval, approval subject to revisions, or denial of approval of a submitted special land use application.
4. Planned Unit Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned unit development in accordance with Chapter 15. The Planning Commission shall be responsible for making recommendations to the Township Board for granting approval, approval with conditions, or denial of a Planned Unit Development proposal.
5. Formulation of a Basic Plan. The Planning Commission shall be responsible for formulation and adoption of a basic plan (i.e., the Gun Plain Township Master Plan) as a guide for the development of the Township, in accordance with the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended.
6. Review of Public Works. In accordance with the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, whenever the Planning Commission shall have adopted a master plan for the Township or of one or more major sections or districts thereof; no street, square, park, playground, or public way, ground, or other open space, or public building structure or utility, shall be constructed or authorized for construction in the Township or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the commission. The Planning Commission shall submit its reasons for approval or disapproval to the body having jurisdiction over the authorization or

financing of the project. If the Planning Commission disapproves, the body having jurisdiction may overrule the Planning Commission by a majority vote of its membership. If the Planning Commission fails to act within 35 days after submission of the proposal to the Planning Commission, the project shall be considered to be approved by the Planning Commission.

7. Review of Plats. The Planning Commission shall review all plat proposals as submitted under the provisions of the Land Division Act, P.A. 288 of 1967, as amended, and recommend appropriate actions to the Township Board.
8. Review of Matters Referred by the Township Board. The Planning Commission shall be responsible for review of matters relating to land development referred to it by the Township Board. The Planning Commission shall recommend appropriate regulations and action on such matters.
9. Publicity and Education. The Planning Commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education. The Planning Commission shall, from time to time, recommend to the appropriate public officials, programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the plan. (Amended 4/22/09)

SECTION 25.04 ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall act on all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning districts map. The Zoning Board of Appeals shall also hear and decide appeals from any order, requirements, decision, or determination made by an administrative official or body charge with enforcement of this Ordinance; and shall hear and decide matters referred to it or upon which it is required to pass under this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change zoning district classification of any property. The creation responsibilities, and limitations of power of the Zoning Board of Appeals are further specified in Chapter 24 of this Ordinance.

SECTION 25.05 ZONING ENFORCEMENT OFFICIALS

- A. **Establishment of Enforcement Officials.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Township Superintendent or his/her duly authorized assistants or representatives. In carrying out designated duties, enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of this Ordinance.

B. **Responsibilities of the Zoning Administrator.** The Zoning Administrator shall be appointed by the Township Board. The Township Zoning Administrator may have the following responsibilities:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.
2. Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
3. Review all applications for site plan review, special land use review, planned development proposals, and take any action required as outlined in this Ordinance.
4. Forward to the Planning Commission all applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this Ordinance, and other applications which must be reviewed by the Planning Commission.
5. Forward to the Zoning Board of Appeals, all materials related to applications for appeals, variances, of other matters on which the Zoning Board of Appeals is required to act.
6. Forward to the Township Board, all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
7. Periodically report to the Planning Commission on the status of Township zoning and planning administration.
8. Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.
9. Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.
10. Perform other related duties, as specified by the Township Board.

C. **Conformance with this Ordinance.** It shall be unlawful for the Zoning Administrator to approve any plans or issue any zoning permits or certificates of occupancy until he has inspected such plans in detail and found them to conform with this Ordinance.

CHAPTER XXVI

AMENDMENTS, ENFORCEMENT AND PENALTIES AND PUBLIC HEARING NOTICE REQUIREMENTS

SECTION 26.01 ZONING AMENDMENTS

The Township Board may amend or supplement the Zoning District boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more of the property owners of the property in question in Gun Plain Charter Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before transmittal to the Township Board.

A. Amendment Procedure

1. The procedure for amending this ordinance shall be in accordance with Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of Michigan of 2006, as may be amended from time to time.
2. After initiation amendments to this ordinance shall be considered in accordance with the requirements of the Michigan Zoning Enabling Act, as it may be amended from time to time. Notice of the public hearing required before the Planning Commission, and any other associated public hearings to be held concerning an amendment, shall be given in accordance with the provisions of Section 26.06 of this zoning ordinance. (Amended 4/22/09)

B. Information Required

1. If a petition involves an amendment to the Zoning Map, the petitioner shall submit the following information:
 - a. A legal description of the property, including a street address and the tax code number(s).
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The name and address of the petitioner.
 - d. The petitioner's interest in the property. If the petitioner is not the fee simple owner(s) or owner(s) of record, the owner(s) signed consent to the petition shall be provided.

- e. Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information.
 - f. Identification of the Zoning District requested and the existing zoning classification of the property.
 - g. A vicinity map showing the location of the property, north arrow, and adjacent land uses and zoning classifications.
 - h. Any additional information deemed appropriate by the Planning Commission.
2. If a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:
 - a. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
 - b. Name and address of the petitioner.
 - c. Reasons for the proposed amendment.

C. Zoning Map Amendment Criteria

In considering any petition for an amendment to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

1. Consistency with the goals, policies and future land use map of the Gun Plain Charter Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted under the current zoning.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

5. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety and welfare” of the Township.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
8. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.
9. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Township’s perspective than another zoning district.
10. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?
11. The requested rezoning will not create an isolated and unplanned spot zone.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
13. Other factors deemed appropriate by the Planning Commission and Township Board.

D. Zoning Ordinance Text Amendment Criteria

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner’s request to amend the ordinance text.

1. The proposed amendment would correct an error in the Ordinance.
2. The proposed amendment would clarify the intent of the Ordinance.
3. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the Ordinance.
4. The proposed amendment would address changes to state legislation.

5. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
6. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.
7. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and enhance the overall quality of life in Gun Plain Charter Township.

E. Effective Date and Publication

Following the Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Gun Plain Charter Township. The notice of adoption shall include the following information:

1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
2. The effective date of the amendment, the date of the public hearing, the date of Township Board action, and the date of publication.
3. The place and time where a copy of the Ordinance may be purchased or inspected.

Unless a notice of intent to request a referendum is filed, a Zoning Ordinance amendment shall take effect seven (7) days after such publication.

F. Referendum

Upon the filing of a notice of intent to request a referendum, the effective date of an amendment shall be either thirty (30) days after publication, if a petition is not filed or the petition lacks adequate signatures, or after approval by the electors if an adequate petition is filed.

Within thirty (30) days following the adoption of an amendment to the Zoning Ordinance, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of Gun Plain Charter Township equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected may be filed with the Office of Township Clerk requesting therein for the submission of

the amendment to the electors residing in the unincorporated portion of Gun Plain Charter Township for their approval.

G. Conformance to Court Decree

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

SECTION 26.02 PERMITS

No building or structure, or part thereof, shall be hereinafter located, erected, constructed, reconstructed, altered, converted, enlarged or moved unless a building permit has first been issued for such work, nor shall any change be made in the use of any building or land without a permit having been obtained from the Zoning Administrator, Building Inspector or other persons designated by the Township Board.

All building/zoning permit applications submitted to the Township Zoning Administrator shall adhere to the following provisions:

- A. All applications for land use permits shall be accompanied by plans and specifications including a plan, in triplicate, drawn to scale, showing the following:
 - 1. The shape, location and dimensions of the lot.
 - 2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
 - 3. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - 4. The drainage pattern and grading of the site shall be sufficient to determine that the use will not cause undue runoff onto neighboring property or overloading of water courses in the area.
 - 5. Such other information concerning the lot or adjoining lots as may be essential in determining whether the provisions of this Ordinance are being observed.
 - 6. Evidence that the lot or parcel in question is a lot of record and is legally platted or split.
- B. The application shall be signed by the owner of the premises or his agent.
- C. Whenever the buildings, structures and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue an applicant a zoning permit withing ten (10) days of the filing therefor. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning

Administrator shall issue such permit promptly following such action. In any case, where a permit is refused, the cause shall be stated in writing to the applicant.

- D. Any permit under which no work is done within one (1) year after the date of issuance shall expire by limitation and fees forfeited, but shall be renewable upon re-application and upon payment of the fee, subject, however, to the provisions of all Ordinances in effect at the time of renewal.

SECTION 26.03 FILING FEES

All applications shall be accompanied by a filing fee which shall be established by resolution of the Township Board, in accordance with Section 406 of Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of Michigan of 2006, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the Township for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reported services, or similar services. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, the administrative officials charged with enforcement of the Ordinance shall suspend further review of the application.

Any deposit toward the cost of any consultants shall be credited against the expense to the Township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within thirty (30) days of final action on the applications.

A schedule of the current filing fees and deposit requirements shall be made available in the office of the Township Clerk.

There shall be no fee in the case of an application filed in the public interest by a municipal department or Township Official.

SECTION 26.04 VIOLATIONS AND PENALTIES

A. Public Nuisance

Buildings erected, altered, raised, or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

B. Violation Defined

Any person, firm, corporation, or agent, or employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement official, shall be deemed in violation of this Ordinance.

C. Penalties

Any violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense.

Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, any violation of the Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall be assessed against the violator.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. The duly authorized attorney for Gun Plain Charter Township is hereby empowered to prosecute violations of this Zoning Ordinance.

D. Procedures for Addressing Violations

The following procedures shall be followed in addressing potential violations:

1. Report of Violation

Any and all buildings or land use activities considered possible violations shall be reported to the Township Superintendent or his/her appointed delegate.

2. Investigation

The Township Superintendent and/or Zoning Administrator shall inspect each alleged violation. If a violation has occurred, the Zoning Administrator shall issue an order to correct the violation to the offender within ten (10) days of the inspection.

3. Remedial Plan

All violation notices shall be responded to by submitting a remedial plan and timetable for correction of the violation to the Township within ten (10) days after the notice is issued. If the Township rejects the remedial plan or the timetable, revisions must be submitted to the Township Superintendent or Zoning Administrator within five (5) days of notification of the rejection.

4. Prosecution

A remedial plan and timetable not approved or not submitted within the required timetable shall be reported to the Township Board, who may initiate prosecution proceedings.

E. Authority to Pursue Court Action

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain to prevent any noncompliance with or violation of any of the provisions of this ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

F. Other Remedies

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceeding in an appropriate court of law to restrain or prevent any non-compliance with any provisions of this Ordinance, or to correct, remedy, or abate such noncompliance.

G. Rights and Remedies Preserved

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution of violations of this Ordinance.

SECTION 26.05 RECORDS

The Township shall keep accurate records of all decisions on all permit applications, amendments, and enforcement actions submitted pursuant to this Ordinance.

SECTION 26.06 NOTICE OF PUBLIC HEARING-PUBLICATION AND DELIVERY

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered according to the requirements of this Section.

- A. The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use, special controlled uses and site condominium projects applications a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:

1. The applicant;
 2. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and
 3. The occupants of all structures within 300 feet of the property that is the subject of the application.
- C. If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.
- D. If the request is to the Zoning Board of Appeals and does not involve a specific parcel of property, notice need only be published as provided in Section 25.06 E below and given to the applicant as provided in Section 25.06 (b) above.
- E. The notice of public hearing shall include the following information:
1. A description of the nature of the application or request.
 2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
 3. A statement of when and where the application or request will be considered.
 4. Identify when and where written comments will be received concerning the application or request." (Amended 4/22/09)

SECTION 26.07 CONDITIONAL REZONING

It is recognized that there are certain instances where it could be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, when certain conditions are voluntarily proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405.(1) of the Michigan Zoning enabling Act by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

A. APPLICATION AND OFFER OF CONDITIONS.

1. An owner of land may voluntarily offer conditions in writing relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

B. PLANNING COMMISSION REVIEW. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 26.01 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

C. TOWNSHIP BOARD REVIEW. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Chapter 26 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board may refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.

D. APPROVAL.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise

as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Allegan County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the Township with the Allegan County Register of Deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an affidavit or memorandum giving notice thereof shall be filed by the Township and with the Allegan County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

E. COMPLIANCE WITH CONDITIONS.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

- F. TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE.** Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- G. REVERSION OF ZONING.** If the approved development and/or use of the rezoned land does not occur within the time frame specified under Section 26.07 F. above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- H. SUBSEQUENT REZONING OF LAND.**
When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 26.07 G above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Allegan County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- I. AMENDMENT OF CONDITIONS.** During the time period for commencement of an approved development or use specified pursuant to Section 27.07 F. above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- J. TOWNSHIP RIGHT TO REZONE.** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act .
- K. FAILURE TO OFFER CONDITIONS.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance. (Amended 4/22/09)

CHAPTER XXVII

SEVERABILITY, REPEAL, EFFECTIVE DATE, ADOPTION

SECTION 27.01 SEVERABILITY

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgement shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, building, or structure in the Township, unless otherwise stated in the judgement.

SECTION 27.02 REPEAL

The Zoning Ordinance text and maps adopted by the Charter Township of Gun Plain in October, 1992, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

SECTION 27.03 EFFECTIVE DATE

This ordinance is adopted pursuant to the terms of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as it may be amended from time to time. And was originally adopted by the Township Board of the Charter Township of Gun Plain, Allegan County, Michigan on June 6, 2002 and became effective and in full force seven(7) days following publication of the notice of adoption by the Township Clerk in a newspaper of General Circulation in the Township, pursuant to the provisions of the Michigan Zoning Enabling act(formerly Sections 1 and 11a of Michigan Public Act 184 of 1943, as amended. (Amended 4/22/09)

SECTION 27.04 ADOPTION

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the Gun Plain Charter Township Board of Trustees on June 6, 2002.

- A. Public Hearing by Planning Commission: February 20, 2002.

- B. Resolution of Planning Commission to Approve Zoning Ordinance Text and Map and Recommend Township Board Adoption: February 20, 2002.
- C. Resolution of Township Board to Adopt Zoning Ordinance Text and Map: June 6, 2002.
- D. Date Ordinance Shall Take Effect: June 13, 2002.

CHAPTER XVIII

ACCESS MANAGEMENT REGULATION

SECTION 28.01 INTENT AND APPLICABILITY

The provisions of this Chapter are intended to promote safe and efficient travel along the major roadways within Gun Plain Charter Township; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; to implement the Township Master Plan recommendations; ensure reasonable access to properties, though not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation and/or the Allegan County Road Commission, as applicable. These provisions shall apply to all lands that abut the highway right of way of all state highways and all Allegan County primary roadways, within Gun Plain Township as defined and classified by the Allegan County Road Commission.

SECTION 28.02 ONE ACCESS PER PARCEL

- A. **Parcels having less than 300 feet of Street frontage:** Unless otherwise authorized under the provisions of Sections 28.03, 28.04 or 28.05, each parcel or lot having a single tax code number as of the effective date of this ordinance which has frontage of 300 feet or less along the right-of-way of a state highway, or county primary road may have one (1) driveway or road access *point*. Furthermore:
1. No subsequent land divisions of a parcel may increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment, unless approved by the Township under the provisions of this Chapter.
 2. Parcels subsequently divided from a parent parcel, either by metes and bounds descriptions, or by platting under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall be restricted from having direct access to the existing public road and shall be required to have access by one of the following means:
 - a. By a platted and dedicated subdivision street
 - b. By another dedicated public road meeting the standards of the Allegan County road Commission,
 - c. By a private road that meets the requirements of the Township Private Road Ordinance, or;
 - d. By a shared driveway or by a service drive meeting the requirements of Section 28.04.
- B. **Parcels having more than 300 feet of Street frontage:** Parent parcels with more than 300 feet of frontage on a public road or highway shall meet the requirements of 28.02A.1 and 28.02A.2 above, except that whether subsequently divided or not, the parent parcel or lot may be granted one (1) additional driveway for each 300 feet increment of public road frontage, when the

responsible road authority determines that topographic conditions on or near the site, curvature of the road, or sight distance limitations demonstrate a second driveway is safe and the nature of the land use to be served warrants the additional driveway(s) and such is approved by the Township under provisions of this Chapter. If the parcel is a corner lot and a second driveway is warranted, the second driveway shall have access from the intersecting street having the lower functional classification.

SECTION 28.03 APPLICATION REVIEW, APPROVAL AND COORDINATION PROCESS

A. Standards of Road Authorities Apply

All standards of the applicable road authority (either the Michigan Department of Transportation or the Allegan County Road Commission, or both) shall be met prior to approval of an access proposal under this Chapter.

B. Applications, Review and Approval Process - Single Family Residences, Farm Buildings, or Buildings Which are Accessory to Single Family Residences.

Applications for driveway permits for single family residences, farm buildings; or buildings which are accessory to single family residences shall be made on a form prescribed by the Allegan County Road Commission and/or the Michigan Department of Transportation as applicable.

C. Applications for Uses and Development Requiring Township Planning Commission and/or Township Board Approval.

1. Applications for driveway permits or access approval shall be made on a form prescribed by the Allegan County Road Commission and/or the Michigan Department of Transportation (MDOT) as applicable and as available from the Allegan County Road Commission or the applicable the MDOT permit agent.
2. For any land use or developments required to undergo site plan review and approval, site condominium subdivision approval, PUD approval or private road approval or other approval by the Planning Commission or Township Board under this Ordinance, separate driveway permits and access applications are not required. Access approval required by this Chapter shall be processed concurrently with the application for site plan review or final development plan approval. Conditions applied to any driveway permit/access application authorized by the Road Commission and/or Michigan Department of Transportation shall be incorporated as conditions of site plan or final development plan approval issued by the Township.
3. The site plan relating to each access approval request required under this subsection shall be required to include details of the proposed access showing the following items:
 - a. Location and size of all structures proposed on the site.
 - b. Size and arrangement of parking stalls on aisles.
 - c. Proposed plan of routing vehicles entering and leaving the site (if passenger vehicles are to be separated from delivery trucks indicate such on drawing).
 - d. Driveway placement.
 - e. Property lines and right-of-way lines.

- f. Intersecting roads, streets, and driveways within 300 feet either side of the property on both sides of the street.
- g. Width of right-of-way.
- h. Width of road surface.
- i. Type of surface and dimensions of driveways.
- j. Proposed inside and outside turning radii.
- k. Existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
- l. Professional traffic analysis and trip generation survey results, obtained by a licensed traffic engineer(P.E.) or an experienced transportation planner for all uses or developments estimated to generate over 100 directional vehicle trips per peak hour as determined utilizing actual data from comparable developments, the Trip Generation Manual, Institute of Traffic Engineers or other published and nationally accepted sources.
- m. Design dimensions and justification for any alternative or innovative access design.

D. Review and Approval Process: Driveways and access serving all uses other than single family homes, farm buildings and residential accessory buildings.

The following process shall be completed to obtain access approval:

1. An Access Application or site plan meeting the requirements of this chapter shall be submitted to the Zoning Administrator and on or near the same day to the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable.
2. The completed application must be received by the Gun Plain Township Zoning Administrator at least 15 days prior to the Planning Commission meeting where the application will be reviewed.
3. The applicant, the Zoning Administrator and representatives of the Allegan County Road Commission, the Michigan Department of Transportation and the Planning Commission may meet prior to the Planning Commission meeting to review the application and proposed access design.
4. The Planning Commission shall review and recommend approval, or denial, or request additional information. They shall also forward their recommendation (and other relevant project information) to the Allegan County Road Commission and/or Michigan Department of Transportation for their review as applicable.
5. The Allegan County Road Commission and/or Michigan Department of Transportation, as applicable, shall review the access application and any comments, conclusions or recommendations of the Planning Commission. One of three actions may result;
 - a. If the Planning Commission and the Road Commission, and/or the Michigan Department of Transportation, as applicable, approve the application as submitted, the access application shall be approved.
 - b. If either the Planning Commission, Road Commission, and/or Michigan Department of Transportation, as applicable, table the requests for additional information, or does not concur with the approval conditions or denial of the other agency, there

shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and staff of the Allegan County Road Commission, and/or the Michigan Department of Transportation, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.

- c A final site plan containing the road access plan as approved by the applicable road authority shall be submitted to the Planning Commission for final disposition. No site plan will be considered approved unless a permit has been issued by Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable. Conditions may be imposed on the site plan by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.
6. The Zoning Administrator and Township Clerk shall keep records of each application that has been submitted, including the disposition of each one. This record shall be a public record.
 7. Approval by the Township remains valid for a period of one year from the date it was authorized in accordance with Section 20.07. An approval may be extended for a period not to exceed the period approved by the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable.
 8. The applicant shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
 9. Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application and site plan has been submitted and approved as specified in this Section.
 10. Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
 11. When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as set forth in this Ordinance prior to the issuance of a zoning or occupancy certificate, and pursuant to the procedures of this section.
 12. Gun Plain Township and the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, may require a cash deposit or bank letter of credit in any sum not to exceed \$750.00 for each such approach or entrance to insure compliance with an approved application. Such surety shall terminate and any unused portion of the deposit will be returned to the applicant when the terms of the approval have been met or when the authorization is canceled or terminated.

SECTION 28.04 DRIVEWAY AND RELATED ACCESS STANDARDS

A. Access Location Standards

1. Factors on Location of Driveway Access – At a minimum, the following factors shall be considered prior to making a decision on the location of a driveway or other access point:
 - a. The characteristics of the proposed land use;
 - b. The existing traffic flow conditions and the future traffic demand anticipated by the proposed development on the adjacent street system;
 - c. The location of the property;
 - d. The size of the property;
 - e. The orientation of structures on the site;
 - f. The minimum number of driveways or other access points needed to accommodate anticipated traffic based on a traffic analysis, as determined by the community and road agency. Such finding shall demonstrate traffic operations and safety along the public street would be improved (or at least not negatively affected), and not merely that another access point is desired for convenience;
 - g. The number and location of driveways on existing adjacent and opposite properties;
 - h. The location and functional classification of abutting street or roads and the carrying capacity of nearby intersections;
 - i. The proper geometric design of driveways;
 - j. The spacing between opposite and adjacent driveways and from any nearby intersection;
 - k. The internal circulation between driveways and through parking areas;
 - l. The size, location and configuration of parking areas relative to the driveways; and
 - m. The speed of the adjacent roadway.
2. Access Point Location – If applicable, each access point location shall conform with access management plans or corridor improvement plans that have been adopted by Gun Plain Charter Township, the Allegan County Road Commission, and/or the Michigan Department of Transportation.
3. Relationship to Lot Line /Access Points within Right-of-Way – No part of a driveway shall be located closer than ten (10) feet from a lot line unless it is a common or shared driveway and the driveways including the radii (but not including right-turn lanes, passing lanes and tapers), shall be located entirely within the right-of-way fronting the lot, unless otherwise approved by the road agency and upon written certification from the adjacent land owner agreeing to such encroachment.
4. Backing-up from Parking or Loading Area onto a Public Street.
 - a. Driveway access shall not be permitted for any parking or loading areas or driveways that require backing maneuvers into a public street right of way or onto a public street classified as an arterial.
 - b. Driveway access that requires backing maneuvers into a public street right-of-way or onto a public street classified as a collector or local street may be permitted for single family uses only.

- c. Parking or loading areas or driveways for commercial, office, industrial, or multifamily developments that require backing maneuvers into a public street right-of-way or onto a public street shall not be permitted.
5. Existing Driveways – Except for shared driveways, existing driveways that do not comply with the requirements of this Chapter shall be closed when an application for a change of use requiring a zoning permit or a site plan requiring approval under Chapter 20 is submitted and once approval of a new means of access under this Chapter is granted. A closed driveway shall be graded and landscaped to conform with adjacent land and any curb cut shall be filled in with curb and gutter per the standards of the applicable road authority.
 6. Intersection Sight Distance – Driveways shall be located so as not to interfere with safe intersection sight distance as determined by the appropriate road authority.
 7. Adequate Corner Clearance – Driveways shall be located as not to interfere with safe traffic operations at an intersection as determined by Table 28.3 as long as that distance is beyond any clear vision area owned by a road authority.
 8. Traffic Signals – Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.

B. Number of Driveways Permitted

1. Access for an individual parcel, lot, or building site or for contiguous parcels, lots or building sites under the same ownership shall consist of either a single two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
2. One driveway shall be permitted for each single and two-family residential lot or parcel.
3. A temporary access permit may be issued for field entrances per Section 28.06, for cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field-entrance and utility-structure driveways will be revised on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
4. For a parcel, lot, or building site with frontage exceeding 600 feet, or where a parcel, lot, or building site has frontage on at least two streets, an additional driveway may be allowed, provided that conditions warrant an additional driveway and that all driveways meet the spacing requirements.
5. Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for existing motorists. Where possible, these second access points should be located on a side street or service drive, or shared with adjacent uses, or designed for right-turn-in, right-turn-out only movements and shall meet the spacing requirements of this ordinance.
A second driveway on an arterial or collector street may be considered when: combined approach volumes (entering and exiting) a proposed development exceeds 100 directional

trips during the peak hour of traffic. Table 28.1 lists land uses which may warrant consideration of an additional driveway. (Note: Where the development has access to a signalized arterial or collector, the approach volume of driveway traffic shall be double that of un-signalized locations to warrant consideration of a second access.

**Table 28.1
Development that may Warrant
Consideration of an Additional Driveway**

- a. Multiple family development with over 250 units
 - b. A grocery store of over 30,000 square feet (GFA)
 - c. A shopping center with over 40,000 square feet (GFA)
 - d. A hotel or motel with over 400 rooms
 - e. Industrial developments with over 300,000 square feet (GFA) or 350 employees (although a secondary entrance for trucks should be allowed)
 - f. Warehouses of over 750,000 square feet (GFA) or 350 employees
 - g. A mobile home park with over 300 units
 - h. General office building of 150,000 square feet (GFA) or 500 employees
 - i. Medical office building of 60,000 square feet (GFA) or 200 employees
 - j. Fast food restaurant of over 6,000 square feet (GFA)
 - k. Site down restaurant of over 20,000 square feet (GFA)
6. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on an arterial street, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
- a. One (1) standard, two-way driveway;
 - b. Additional ingress/egress lanes on one (1) standard, two-way driveway;
 - c. Two (2), one-way driveways;
 - d. Additional ingress/egress lanes on two (2), one-way driveways;
 - e. Additional driveway(s) on an abutting street with a lower functional classification;
 - f. Additional driveway on arterial street.
 - g. Note: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

C. Access Point Spacing Standards

1. Separation from Other Driveways –

- a. The minimum spacing between un-signalized driveways and other access points shall be determined based upon posted speed limits along the parcel frontage unless the appropriate road authority approves less based on the land use and restricted turns in the driveway design. The minimum spacing indicated below are measured from the centerline of one driveway to the centerline of another driveway. For sites with insufficient road frontage to meet the table below, the Planning Commission shall require one of the following: construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section

28.05. The Planning Commission may grant temporary access approval (See Section 28.06) until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved.

Table 28.2

Posted Speed Limit (MPH)	Access Spacing (in feet) between Adjacent Access	
		Points
25		130
30		185
35		245
40		300
45		350
50		455

- b. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the Planning Commission shall have the authority to modify the driveway spacing requirements or grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved. Such modifications shall be of the minimum amount necessary, but in no case shall driveway spacing of less than 75 feet be permitted by the Planning Commission.
2. Access Point Separation from Intersections – All one and two-family driveways shall be separated from the nearest right-of-way of an intersecting street by at least 50 feet. Driveways for all other land uses shall be separated from the nearest right-of-way of an intersecting street according to Table 28.3 below:

Table 28.3
Minimum Access Point Spacing from Street
and Intersections and Other Crossings

Location of Access Point	Min. Spacing for a Full Movement Driveway or Other Access Point	Min. Spacing for a Driveway Restricting Left-turns (channelized for right-turn-in and right-turn-out only)
Along a primary or state highway from:		
an expressway ramp-	300 feet	300 feet
a railroad crossings-	Contact MDOT for a site specific determination.	Contact MDOT for a site specific determination.
a bridge-	100 feet	100 feet
a median opening-	75 feet	75 feet
Along primary or state highway	300 feet	125 feet

from another intersecting primary or state highway.		
Along an primary or state highway from an intersecting a Local Street	200 feet	125 feet
Along a Local Street from an intersecting primary or state highway	125 feet	75 feet

- a. Access point spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street.
 - b. The minimum distance between an access point and an intersecting street shall be based on Table 28.3.
 - c. If the amount of lot frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage that a future shared use, and/or a frontage road or rear service drive shall be developed as described in Section 28.04.
 - d. For parcels on which an alternative means of access (shared driveway, frontage road, service drive or connected parking lots) is not feasible due to parcel size or existing adjacent development, the Planning Commission may allow a non-channelized, full movement driveway provided that:
 - 1. The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway; and
 - 2. A traffic study conducted by a registered traffic engineer shows a right-turn-in, right-turn-out driveway will not provide reasonable access or desired safety; and
 - 3. A traffic study, conducted by a registered traffic engineer, provides substantial justification that the driveway operation will not create safety problems at the adjacent intersection.
3. Access Alignment – In order to prevent left-turn conflicts, two-way driveways shall be either:
- a. Offset in accordance with the minimum spacing standards in Table 28.3 or
 - b. Perpendicular to the existing public street or an approved private road and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by the median, unless doing so in a particular case is demonstrated by a registered traffic engineer to be substantially unsafe.

D. Temporary and Shared Driveways, Rear Service Drives, Parking Lot Connections and Front Service Drives

- 1. Shared Driveways: Sharing or joint use of a driveway by two or more properties may be required. In cases where access is restricted by the driveway spacing requirements of this Chapter, a shared driveway may be the only access allowed. The shared driveway shall be constructed, as near as practical to straddle the common property line. A written easement

and maintenance agreement shall be provided and legally recorded with the Allegan County Register of Deeds which allows traffic to travel across one parcel to access another, and access the public street.

2. Temporary Driveways: In cases where a parcel is not to be allowed to have permanent direct driveway access onto the arterial due to a planned or a required shared drive, parking lot connection, frontage road or rear service drive, a temporary direct access may be granted if the adjoining parcels are undeveloped. Approval of a temporary driveway permit by the Approving body shall specify the future means and location of the permanent access, as well as when such access will be provided. The property owner shall record with the Township and the Allegan County Register of Deeds, a temporary access agreement noting these items as well as a statement that the temporary driveway will be closed at no cost to the Township at such time as access becomes available through the development of adjoining properties.
3. Rear Service Drives and Parking Lot Connections:
 - a. Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots unless otherwise approved by the planning commission. For developments adjacent to vacant properties, the site shall be designed and graded to provide for a future connection.
 - b. In locations where connections to a side street is available developers may be required to construct a rear service drive. Connecting the parking area to parking areas on adjacent parcels may also be required. For parcels having rear access drives, direct driveway connections to the arterial street may also be allowed if the direct driveways meet the spacing requirements of this Chapter.
 - c. If a parcel with an established commercial or business use is divided to allow for an additional commercial or business use, an additional driveway for that use will only be permitted if the driveway spacing requirements of this Chapter are met. Both the original and the additional use shall be required to construct an adjoining connected parking lot and may be required to construct a connecting rear service drive.
 - d. If two or more existing contiguous parcels with non-commercial uses together comprise less than 300 feet of road frontage, and if any of those parcels converts to a commercial use (or any other use for which site plan review is required), the construction of a rear or front service drive or connected parking lots shall be required. As additional contiguous parcels convert to commercial uses, they shall be required to construct additional segments of the service drive. These parcels shall eventually be served by common driveway access, the placement of which shall be determined by driveway spacing standards contained herein.

E. Service Drive Standards. The standards for all service drives shall be as follows:

1. Front and Rear Service Drives - A front or rear service drive intersection with a side street shall be located in accordance with Table 28.3. Service drives shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed within the required front yard areas. In considering the most appropriate alignment for a service drive, the Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.

2. **Width and Construction Materials** - A service drive shall be placed outside of the public right of way and within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least forty (40) feet wide. A service drive shall have a minimum pavement width of 26 feet measured face to face of curb with a minimum approach width of 39 feet at private intersections. The location and geometrics of rear or front service drive intersections with the public street shall be approved by MDOT or the Allegan County Road Commission as applicable. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet Allegan County Road Commission standards for base and thickness of asphalt or concrete.

3. **Snow Storage and Landscaping Area** - A minimum of fifteen (15) feet of snow storage/landscaping area shall be reserved along both sides of the service drive. Frontage roads shall have a minimum setback of 30 feet from the right-of-way, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge.

4. **Parking** shall be prohibited along two-way service drives. One-way or two-way drive designed with additional width for parallel parking may be allowed if it is demonstrated through traffic studies that on-street parking will not significantly affect the safety or operation of the rear or front service drive. Perpendicular or angle parking along either side of a designated front or rear service drive shall be prohibited.

5. **Curb radii:**
 - a. Driveways shall be designed with minimum 25 foot radii where primarily passenger vehicle traffic is expected.
 - b. For sites where truck traffic is expected, the driveways shall be designed with minimum 35 foot radii.

6. **Deceleration lanes and tapers:**
 - a. Right turn taper, deceleration lane and/or left turn bypass lane may be required to be built according to the standards of the MDOT or the Allegan County Road Commission, as determined as applicable.
 - b. For driveways located along streets without an exclusive left turn lane, a bypass lane may be required. Such a lane shall be determined by and designed to the standards utilized by the MDOT or the Allegan County Road Commission, as determined as applicable.

SECTION 28.05 NON-CONFORMING DRIVEWAYS

- A. Driveways that do not conform to the regulations in this Chapter and were constructed before the effective date of this Chapter shall be considered legal nonconforming driveways. Existing driveways granted a temporary access permit are legal nonconforming driveways until such time as the temporary access permit expires.

- B.** Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Chapter .
- C.** When the owner of a property with an existing, nonconforming driveway or driveways, applies for a permit to upgrade or change the use of the property, the Planning Commission will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways.
1. The property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways into conformance with the standards and requirements of this Chapter , to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:
 - a. elimination of driveways,
 - b. realignment or relocation of driveways,
 - c. provision of shared driveways and/or cross parking lot connection,
 - d. access by means of a service drive,
 - e. restriction of vehicle movements (e.g. elimination of left-turns in and out),
 - f. relocation of parking,
 - g. traffic demand management (e.g. a reduction in peak hour trips),
 - h. signalization, or
such other changes as may enhance traffic safety.
 2. The requirements of the retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.
 3. If an applicant is required to retrofit an existing non-conforming driveway with a shared driveway or driveways with an adjoining property, the applicant shall bear the full cost of retrofitting the driveway or driveways even if the improvements are located on the adjoining property unless
- D.** Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this Ordinance, shall be considered illegal nonconforming driveways.
- E.** Illegal nonconforming driveways are a violation of this Ordinance. If constructed, the property owner shall be issued a notice of the violation and an explanation of the driveways nonconforming aspects. Upon subsequent review of the driveway by the Planning Commission and a formal finding of non-compliance with the standards contained or referenced herein, the driveway may be required to be closed and driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. In addition to any fines imposed for the violation pursuant to Chapter XXVI the costs of such removal shall be borne by the property owner.

SECTION 28.06 WAIVERS

Any applicant for access approval under the provisions of this Chapter may apply for a waiver of standards in Section 28.03 and 28.04 if the applicant cannot meet one or more of the standards according to the provisions below:

A Uses involving less than 500 vehicle trips based on rates published in the Trip Generation Manual of the Institute of Traffic Engineers Where the standards in this Chapter cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Chapter may be accepted by the Zoning Administrator, or the approving body (Planning Commission or Township Board) whichever is the approving entity, provided that

1. That apart from the specific waiver or waivers granted, the standards in this Chapter shall otherwise be applied to the maximum extent.
2. The proposed location and design is supported by the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances and at least one of the following apply:
 - a. The use does not have sufficient size to meet the dimensional standards of this ordinance.
 - b. Development under these standards is not possible due to topographic or other physical consideration such as the presence of existing buildings.

B. Uses involving more than 500 vehicle trips based on rates published in the Trip Generation Manual of the Institute of Traffic Engineers. The approving body, shall have the authority to waive or otherwise modify the standards of this Chapter following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Chapter, provided that:

1. That apart from the specific waiver or waivers granted, the standards in this Chapter shall otherwise be applied to the maximum extent.
2. The proposed location and design is supported by the Allegan County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.
3. That at least one of the following two circumstances exist:
 - a. The use does not have sufficient size to meet the dimensional standards of this ordinance.
 - b. Development under these standards is not possible due to topographic or other physical consideration such as the presence of existing buildings.
 - c. That one or both of the following will occur:
 1. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 2. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.

Associated Access Management Definitions

Access - A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Management - The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access Management Plan - A plan establishing the preferred location and design of access for properties along a roadway or the roadways in a community. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

Access Point - a) The connection of a driveway at the right-of-way line to a road. b) A new road, driveway, shared access or service drive.

Acceleration Lane - A speed-changing lane, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.

ADT - The annual average two-way daily traffic volume. It represents the total annual traffic for the year, divided by 365. (Where annual data is not available, data from a shorter period may sometimes be used).

Alternative Means of Access - A shared driveway, frontage road, rear service drive or connected parking lot.

AASHTO - Abbreviation of the American Association of State Highway and Transportation Officials, which conducts research and publishes many national road and non-motorized standards.

Connected Parking Lot - Two or more parking lots that are connected by cross access.

Corner Clearance - The distance from an intersection of a public or private road or street to the nearest access connection, measured from the closest edge of the driveway pavement to the closest edge of the road pavement.

Cross Access - A service road or driveway providing vehicular access between two or more contiguous sites so the driver need not enter the public road system.

Deceleration Lane - A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.

Driveway - Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Driveway Flare - A triangular pavement surface at the intersection of a driveway with a public street or road that facilitates turning movements and is used to replicate the turning radius in areas with curb and gutter construction.

Driveway Offset - The distance between the inside edges of two driveways on opposite sides of an undivided roadway.

Driveway Return Radius - A circular pavement transition at the intersection of a driveway with a street or road that facilitates turning movements to and from the driveway.

Driveway, Shared - A driveway connecting two or more contiguous properties to the public road system.

Driveway Spacing - The distance between driveways as measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.

Driveway Width - Narrowest width of driveway measured perpendicular to the centerline of the driveway.

Egress - The exit of vehicular traffic from abutting properties to a street or road.

Frontage Road or Front Service Drive - A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Grade - The rate or percent of change in slope, in either ascending or descending, from or along the roadway. It is to be measured along the centerline of the roadway or access.

Ingress - The entrance of vehicular traffic to abutting properties from a roadway.

Intersection - The location where two or more roadways cross at grade without a bridge.

Intersection Sight Distance - The sight distance provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersecting roadways to decide when to enter the intersecting roadway or to cross it. The time required is the sum of the perception reaction time plus the time to accelerate and cross or enter the major roadway traffic stream.

ITE - Abbreviation of the Institute of Transportation Engineers, which conducts research and publishes many national road standards.

Lane - The portion of a roadway for the movement of a single line of vehicles which does not include the gutter or shoulder of the roadway.

Nonconforming Access - Features of the access system of a property that existed prior to the effective date of Chapter XVII and that do not conform with the requirements of this Ordinance; or in some cases, elements of approved access that are allowed by means of a temporary permit or on a conditional basis, until alternative access meeting the terms of this Ordinance becomes available.

Reasonable Access - The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road consistent with the purpose and intent of this Ordinance, with any other applicable plans of the Township with Act 200 of 1969, or with other applicable law of the State of Michigan. Reasonable access does not necessarily mean direct access.

Rear Service Drive - A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Taper - A triangular pavement surface that transitions the roadway pavement to accommodate an auxiliary lane.

Temporary Access - Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.

Throat Width - The distance edge-to-edge of a driveway measured at the right-of-way line.

Traffic Conflict - A traffic event that causes evasive action by a driver to avoid collision with another vehicle, bicycle or pedestrian.

Traffic Conflict Point - An area where intersecting traffic either merges, diverges, or crosses.

Trip Generation - The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

**Examples of Land Uses That May
Require Professional Traffic Analysis**

<u>Land Use</u>	<u>100 Peak Hour Directional Trips</u>
Single Family	150 Units
Apartments	245 Units
Condos/Townhouses	295 Units
Mobile Home Park	305 Units
Shopping Center	15,500 square feet
Fast Food Drive-thru Restaurant	5,200 square feet
Convenience Store w/gas	1,300 square feet + 5 pumps
Hotel/Motel	250 Rooms
General Office	55,000 square feet
Light Industrial	115,000 square feet

(Amended 4/22/09)

CHAPTER XXIX
OPEN SPACE PRESERVATION PROJECTS

SECTION 29.01 PURPOSE AND APPLICABILITY

The purpose of this Section is to adopt open space preservation provisions consistent with the requirements of Section 506 of the Michigan Zoning Enabling Act which requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit “open space preservation” developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and placing dwelling lots on the remaining portion. The number of dwelling **structures** and lots cannot be more than the number which would be permitted on the land without the open space preservation regulations, nor may the Township require less than the number of dwelling lots which would be permitted on the land without the open space preservation regulations.

This Section shall only apply to open space preservation projects supporting single family detached residential dwellings in qualifying residential Zoning Districts and where no open space option has been previously exercised.

SECTION 29.02 QUALIFYING CONDITIONS

- A. The option to develop land under the provisions of this Section may be exercised only if each of the following conditions is satisfied:
1. The land is located in the AG, R-1, R-2, R-3 and L-R Zoning Districts, where as of the effective date of these provisions, if the land is not served by a public sewer system, the zoning will permit development at a density equivalent to only two or fewer single family dwelling units per gross acre; or if the land is served by a public sanitary sewer system, the zoning only permits development at a density equivalent to three or fewer single family dwelling units per gross acre.
 2. The open space cluster approach to development of land under this Chapter as defined by the number of dwelling units proposed, shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless conventional development of the land (without the exercise of the clustering option provided by this Chapter) would also depend on such extension; and
 3. The clustering option provided pursuant to this Chapter shall not have previously been exercised with respect to the same land.
- B. If all of the preceding conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions of this Chapter.

SECTION 29.03 PERMITTED USES.

Only single family detached residential dwellings and accessory land uses thereto, as permitted by the zoning district in which the land is located, shall be permitted on land developed or used pursuant to the provisions of this Section.

SECTION 29.04 PRELIMINARY CONFERENCE

Prior to preparing a formal application, the applicant is required to have two (2) preliminary conferences; one with the Township Zoning Administrator, the other with the Township Planning Commission. The purpose of the conferences are to discuss the proposed development and to review the procedures, standards, and requirements of the Township. The applicant is encouraged to present concept plans, site data and other information that will assist in explaining the proposed development. Statements made in the conferences shall not be legally binding to the applicant or Township.

SECTION 29.05 APPLICATION AND REVIEW PROCEDURE; REVIEW BY THE PLANNING COMMISSION

Except as specifically provided in this Chapter, the application requirements and review procedures for land proposed to be developed pursuant to the provisions of this Chapter shall be those governing Site Plans, as outlined in Chapter 20, Site Plan Review Procedures.

A. Required submittals. In addition to the site plan application materials required by Chapter XX, an application for the development of land under the provisions of this Chapter shall include the following:

1. ***Parallel Plan and Determination of Permitted Number of Lots by the Planning Commission.*** The applicant shall prepare a Parallel Plan for the project consistent with the lot width, setback, area requirements and design criteria of the applicable zoning district of the Gun Plain Charter Township Zoning Ordinance in which the property is located. The Parallel Plan is only used to determine allowable density for the project. The Parallel Plan may be conceptual in nature but shall include at least the following information and each lot shown on the Parallel Plan shall contain at a minimum, a concise, unrestricted building footprint area, exclusive of all required setbacks and yards, of at 6,000 square feet or greater:
 - a. Date, north arrow and scale, which shall not be more than 1" = 100. The scale shall be the same as the scale utilized for the site plan illustrating the proposed open space preservation project permitted by this Section.
 - b. Location of existing and proposed streets.
 - c. Location of all lots, illustrating the lot area and width of each lot and in compliance with the minimum requirements of the applicable zoning district.
 - d. General layout of utilities necessary to serve the Parallel Plan development including but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - e. If the use of private wells, septic tanks and drain fields is proposed, the applicant shall submit evidence that the ground water supply and septic tank and drain field locations would be approved, or have been approved, by the Allegan County Health Department.
 - f. All un-buildable land, which for the purposes of this Chapter include slopes of 20% or greater, regulated and unregulated wetlands, public utility easements, 100 year floodplains, and other similar features which limit or prevent construction of buildings or roads.
 - g. The Planning Commission shall review the Parallel Plan design to determine the number of lots that could feasibly be constructed following the parallel design. This number shall

set the maximum density number of dwelling units for the site allowable under the Open Space preservation Project provisions of this Chapter.

2. ***Open space preservation project site plan.*** The site plan for the cluster development option permitted by this Chapter shall include the following minimum information, in addition to that required by Chapter XX of this Ordinance as applicable to the type of development. :
- a. Date, north arrow and scale which shall not be more than 1"=100', and, in all cases, the scale shall be the same as that utilized for the Parallel plan.
 - b. The land area that is proposed to remain in a perpetually undeveloped state and the portions of the land that will be used to support building sites and other improvements.
 - c. The total number of acres and the percentage of each of the following as compared to the total site acreage:
 1. land proposed to remain in a perpetually undeveloped state(open space),
 2. land proposed to be used for residential lot or other building lot development
 3. land proposed to be used for streets
 4. land used for access easements and utility use
 - d. The location of all proposed lots and proposed building envelopes, the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed dwelling lots on the site plan shall not exceed the number of lots on the Parallel plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described in Sub-section F. 10 of this Section
 - e. The location and type of all proposed structures or improvements that are not dwellings.
 - f. The location of all septic tanks and drain fields as applicable. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Allegan County Health Department.

3. ***Conservation Easements and restrictive covenants.*** A draft copy of the proposed conservation easements, plat dedications, restrictive covenants, or other legal instruments that are to run with the land, and that will have the legal effect of preserving the open space required by this Chapter in an undeveloped state, in perpetuity, shall be submitted.

The proposed legal documentation shall, at a minimum:

- a. Indicate the proposed permitted use(s) of the undeveloped open space.
- b. Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such engineered drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Planning Commission.
- c. Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
- d. Provide standards and limitations for maintenance of the undeveloped open space, including pruning and harvesting of dead and diseased trees and new plantings.

4. **Compliance with street standards.** If the development is to be served by public streets the design, layout and construction of the streets will meet the standards of the Alleagan County Road Commission and will be accepted by the Road Commission.. If the streets are to be private, the street shall meet the Private Road standards contained in Chapter IV unless otherwise approved by the Planning Commission.

D. Approvals.

1. Prior to project approval by the Planning Commission, all proposed legal documents shall be reviewed and approved by the township attorney who shall assure the following:
 - a. That the proposed manner of holding title to the preserved open land is acceptable to the Township.
 - b. That the proposed restrictions will adequately preserve the natural features and regulate the use of the open land.
 - c. That the restrictions can be enforced by all property owners and by the Township.
2. If an open space preservation project site plan and all other submittals satisfy all requirements of this section, and all conditions of approval imposed by the Planning Commission pursuant to Chapter XX of this Ordinance, the Planning Commission shall approve the proposed project. If the Open Space Preservation Project option permitted by this Chapter is proposed as a platted subdivision or a site condominium development, the applicant shall be required subsequently demonstrate compliance with all requirements and procedures of the (*ref. platting standards and site condo standards*), as applicable.

SECTION 29.06 DEVELOPMENT REQUIREMENTS

- A. **Required Open Space.** At least 50%, of the land proposed for development under the provisions of this Chapter shall remain in a perpetually undeveloped state (i.e., “open space”) by means of conservation easements, plat dedication, restrictive covenants, or other legal instrument that runs with the land. Such open space may be dedicated to the public, may be held in common in private ownership, or may be privately held by one or more individuals. Each distinct form of open space shall be so designated on the site plan.
- B. **Areas not eligible.** The following areas shall not be calculated in meeting the 50% open space requirement as these areas are considered developed or partially developed;
 1. The area within all public street rights-of-way.
 2. The area within all private street easements.
 3. Any easement for overhead utility lines, unless it is included within or is adjacent to open space.
 4. The area within a platted lot or site condominium unit or metes and bounds parcel occupied or intended to be occupied by a structure not specifically authorized under these provisions to be located in open space.
 5. Off street parking and/or loading areas.
 6. Stormwater detention and retention ponds.
 7. Golf courses.
 8. Community drain fields.
 9. 50% of the area of wetlands, creeks, streams, ponds, lakes or other bodies of water.
 10. 50% of the area of 100 year floodplains and slopes 20% or over.
 11. Areas within building envelopes.

- C. **Standards for Open Space.** The following standards shall apply to the open space required pursuant to this Section:
1. The open space may include a recreational trail, picnic area, children’s play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 2. The open space may be, but is not required to be, dedicated to the use of the public.
 3. At least 50% of the open space shall be either dedicated to the public or held in common and be available for all residents of the development, subject to reasonable rules and regulations.
 4. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
 5. A portion of the open space shall be located along the public street abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help reduce the view of houses on the land from the adjacent roadway and to preserve the rural view.
 6. A portion of the open space held in common shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
 7. Open space dedicated to the public or held in common shall be located to be reasonably accessible by safe, convenient and appropriately located pedestrian access points.
 8. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land. If these types of land features are not present on the land, then the open space shall be located, along the road frontage as indicated in paragraph (5) or as buffer between other adjacent land uses.
 9. Where feasible, open space shall be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- D. **Use of Open Space.** All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

SECTION 29.07 GENERAL PROJECT DESIGN STANDARDS

- A. **Water and Sanitary Sewer.** Open Space Preservation projects shall be served by a public water supply and a public sanitary sewer system or a private community water supply or private sanitary sewer system as determined appropriate by the Township for the specific development OR by private wells and septic systems subject to the approval of the Allegan County Health Department.
- B. **Minimum Lot Sizes and Setbacks.** In order to accommodate both the required open space and the number of lots permitted according to the “Parallel Plan” the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located. The following minimum lot sizes shall be required unless it is demonstrated that a waiver is required:

Minimum Lot Size and Lot Width

Zoning District	Minimum Lot Size¹	Minimum Lot Width¹
R-3 and L-R Districts without public or community sanitary sewer. ³	10,500 square feet ^{2,3}	85 ft.
R-3 and L-R Districts with public or community sanitary sewer	6000 square feet	65 feet
AG, R-1 and R-2 Districts without public or community sanitary sewer ³	1 acre ^{2,3}	125 feet
AG, R-1 and R-2 District with public or community Sanitary Sewer	22,000 square feet	100 feet

¹The Planning Commission may waive the minimum lot size and/or lot width requirements on an "as practical" basis to achieve the required 50% open space allotment and the maximum number of lots allowed as demonstrated on an approved parallel plan.

² Subject to individual septic system and domestic well approval of the Allegan County Health Department.

³ Subject to a Gun Plain Township determination of sanitary sewer availability and utility improvement standards for platted and site condominium subdivisions.

- C. Compliance with Zoning District.** The development of land under this Chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except for the lot size and lot width requirements. The minimum front, side and rear yard setback standards are:

Required Setbacks		
Yard	R-3 and R-L Districts	AG, R-1, R-2 Districts
Front Yard	35 feet	40 feet
Side Yard	8 feet	10 feet
Rear Yard:	25 feet	25 feet
<u>Accessory Buildings:</u> The setback and lot coverage requirements for accessory buildings shall be the same as the requirements established for the underlying District.		

- D. Maximum Number of Lots:** The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Parallel plan approved by the Planning Commission under this Section.

- E. Perimeter Lots:** Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation project be designed and constructed with lot sizes and setbacks or open space buffers on the perimeter that will create transitional net densities reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- F. Sidewalks:** The Planning Commission may in its discretion require sidewalks.
- G. Grading.** Grading shall comply with the following requirements:
1. All graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
 2. All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as specifically approved by the Planning Commission.
- H. Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
- I. Building Envelopes.** The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. Building envelopes shall not be located on steep slopes, or in positions that will negatively impact wetlands or other environmentally sensitive areas.
- J. Non-Dwelling Unit Structures.** Lots containing non-dwelling structures as principal buildings, such as a clubhouse and its related amenities and customary residential accessory buildings, shall be subject to all requirements of this Chapter applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. If principal structures other than dwellings, such as a clubhouse or pool, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:
1. The area of the lot or lots occupied by the non-dwelling structure(s), shall be calculated and then divided by the minimum required lot area for dwellings. If the number derived is a fraction, it shall be rounded up to the nearest whole number.
 2. The number calculated is then subtracted from the lot yield number of dwelling lots permitted (as determined by the approved parallel plan) in the open space preservation project in the absence of the non-dwelling structures to determine the maximum number of dwelling lots permitted along with the non-dwelling structures included.
- K. Private Streets/Driveways.**
1. All streets within an open space preservation project shall be located away from areas of steep slopes.
 2. Private streets within a clustered development shall conform to the private street requirements of this Ordinance. The Planning Commission may, however, following consultation with the Township Fire Chief and other public safety officials as appropriate, allow a reduction in the minimum right-of-way and roadbed width requirements for all or a portion of the street to

minimize the removal of vegetation or alteration of natural slopes. The Planning Commission may require that portions of private streets with reduced widths be designated as one-way only.

3. Provisions for shared driveways by individual units shall be made where appropriate to minimize removal of vegetation or alteration of existing slopes.

- L. Other Laws.** The development of land under this Chapter is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

SECTION 29.08 AMENDMENTS TO AN APPROVED SITE PLAN

- A.** An approved clustered site plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.
- B.** A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially alter the basic design or conditions required for the plan by the Commission.

The following items shall be considered minor changes:

1. Reduction of the size of any building, building envelope or sign.
 2. Movement of buildings or signs by no more than ten feet.
 3. Plantings approved in the landscaping plan may be replaced by similar types of plantings.
 4. Changes requested by the Township for safety reasons.
 5. Changes which will preserve natural features of the land without changing the basic site layout.
 6. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site development plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on the development or on adjacent or nearby lands or the public health, safety and welfare.
- C.** The Zoning Administrator may refer any decision regarding any proposed change in an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the chairperson of the Planning Commission.
- D.** Should the Zoning Administrator determine that a requested change in the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required, and the consideration thereof shall take place in the same manner as for an original application.

SECTION 29.09 DEFINITIONS.

Words and phrases used in this Section, if defined in the Zoning Enabling Act, shall have the same meaning as provided in the Act. (Amended 4/22/09)