

LEIGHTON TOWNSHIP

ZONING ORDINANCE

**Ordinance
#2010-01-01**

**Adopted: January, 2010
As Amended through June 13, 2019**

TABLE OF CONTENTS

	<u>PAGE</u>
CHAPTER 1 - TITLE, PURPOSE, SCOPE AND LEGAL BASIS	1-1
SECTION 1.01 TITLE.....	1
SECTION 1.02 PURPOSE	1
SECTION 1.03 SCOPE AND INTERPRETATION.....	1
SECTION 1.04 LEGAL BASIS.....	1
CHAPTER 2 - DEFINITIONS	2-1
SECTION 2.01 RULES APPLYING TO TEXT	1
SECTION 2.02 GENERAL DEFINITIONS	1
CHAPTER 3 - GENERAL PROVISIONS.....	3-1
SECTION 3.01 THE EFFECT OF ZONING	1
SECTION 3.02 RESTORATION OF UNSAFE BUILDINGS	1
SECTION 3.03 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS	1
SECTION 3.04 ESSENTIAL SERVICE.....	1
SECTION 3.05 REQUIRED YARD OR LOT	2
SECTION 3.06 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS.....	2
SECTION 3.07 TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION.....	2
SECTION 3.08 TEMPORARY USES PROHIBITED.....	2
SECTION 3.09 ACCESSORY USES.....	3
SECTION 3.10 ACCESSORY BUILDINGS AND STRUCTURES, GENERAL, OFF-SITE GARAGES.(Amended by Ord. 2015-08-01 eff. 9-7-15).....	3
SECTION 3.11 ACCESSORY BUILDINGS – SINGLE FAMILY DETACHED RESIDENTIAL.(Amended by Ord. 2015-08-01 eff. 9-7-15).....	4
SECTION 3.12 ACCESSORY BUILDINGS AND STRUCTURES - TWO FAMILY RESIDENTIAL.....	5
SECTION 3.13 ACCESSORY BUILDINGS AND STRUCTURES- MULTIPLE FAMILY AND NON-RESIDENTIAL.....	6
SECTION 3.14 PRINCIPAL BUILDING ON A LOT.....	6
SECTION 3.15 DOUBLE FRONTAGE AND CORNER LOTS	6
SECTION 3.16 GRADES	6
SECTION 3.17 SIGNS	7
SECTION 3.19 MINIMUM STREET FRONTAGE AND LOT WIDTH	7
SECTION 3.20 GOVERNMENTAL IMPROVEMENTS	7
SECTION 3.21 HEALTH DEPARTMENT APPROVAL.....	8
SECTION 3.22 KEEPING OF DOMESTICATED FARM ANIMALS	8
SECTION 3.23 KENNELS AND ANIMAL RUNS-DOG TRAINING FACILITIES.....	8
SECTION 3.24 WILD ANIMALS, KEEPING OF	9
SECTION 3.25 STANDARDS PERTAINING TO DWELLINGS OUTSIDE OF MOBILE HOME PARKS.....	9
SECTION 3.26 SWIMMING POOLS.....	11

SECTION 3.27 HOME OCCUPATIONS	11
SECTION 3.28 LAKE ACCESS	17
SECTION 3.29 WIND ENERGY SYSTEM (WES).....	19
SECTION 3.30 SOLAR PANELS.....	24
SECTION 3.31 PROHIBITIONS ON MEDICAL MARIHUANA DISPENSARIES COLLECTIVES AND COOPERATIVES.	25
SECTION 3.32 FENCES AND WALLS.....	25
SECTION 3.33 SMALL SCALE SOLAR ENERGY SYSTEMS	27
CHAPTER 4 - ZONING DISTRICTS AND ZONING MAP.....	4-1
SECTION 4.01 ZONE DISTRICT	1
SECTION 4.02 ZONING MAP.....	1
SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT.....	2
CHAPTER 5 - AG AGRICULTURAL.....	5-1
SECTION 5.01 DESCRIPTION AND PURPOSE.....	1
SECTION 5.02 PERMITTED USES.....	1
SECTION 5.03 AUTHORIZED SPECIAL LAND USES	2
SECTION 5.04 HEIGHT REGULATIONS	3
SECTION 5.05 AREA REGULATIONS	3
SECTION 5.06 MINIMUM FLOOR AREA.....	4
SECTION 5.07 LAND DIVISIONS AND BUILDING LOTS.....	4
SECTION 5.08 ACCESSORY BUILDINGS.....	4
SECTION 5.09 SIGNS	4
SECTION 5.10 OFF STREET PARKING & LOADING.....	4
CHAPTER 6 - R-1 AGRICULTURAL AND RURAL ESTATE DISTRICT	6-1
SECTION 6.01 DESCRIPTION AND PURPOSES	1
SECTION 6.02 PERMITTED USES.....	1
SECTION 6.03 AUTHORIZED SPECIAL LAND USES	1
SECTION 6.04 HEIGHT REGULATIONS	2
SECTION 6.05 AREA REGULATIONS	3
SECTION 6.06 MINIMUM FLOOR AREA.....	3
SECTION 6.07 ACCESSORY BUILDINGS.....	3
SECTION 6.08 SIGNS	3
SECTION 6.09 OFF STREET PARKING & LOADING.....	3
CHAPTER 7 - R-2 LOW DENSITY RESIDENTIAL DISTRICT	7-1
SECTION 7.01 DESCRIPTION AND PURPOSE.....	1
SECTION 7.02 PERMITTED USES.....	1
SECTION 7.03 AUTHORIZED SPECIAL LAND USES	1
SECTION 7.04 HEIGHT REGULATIONS	2
SECTION 7.05 AREA REGULATIONS	2
SECTION 7.06 MINIMUM FLOOR AREA.....	3
SECTION 7.07 ACCESSORY BUILDINGS.....	3
SECTION 7.08 SIGNS	3
SECTION 7.09 OFF STREET PARKING & LOADING.....	3

CHAPTER 7B - LR LAKE RESIDENTIAL DISTRICT. (Amended by Ord. 2015-08-01 eff. 9-7-15)..... 7B-1

SECTION 7.01 DESCRIPTION AND PURPOSE..... 1
SECTION 7.02 PERMITTED USES..... 1
SECTION 7.03 AUTHORIZED SPECIAL LAND USES 1
SECTION 7.04 HEIGHT REGULATIONS 2
SECTION 7.05 AREA REGULATIONS 2
SECTION 7.06 MINIMUM FLOOR AREA..... 5
SECTION 7.07 ACCESSORY BUILDINGS..... 5
SECTION 7.08 SIGNS 5
SECTION 7.09 OFF STREET PARKING & LOADING..... 5

CHAPTER 8 - R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT 8-1

SECTION 8.01 DESCRIPTION AND PURPOSE..... 1
SECTION 8.02 PERMITTED USES..... 1
SECTION 8.03 AUTHORIZED SPECIAL LAND USES 1
SECTION 8.04 BUFFER YARD 2
SECTION 8.05 AREA, HEIGHT, BULK AND PLACEMENT
REQUIREMENTS..... 2
SECTION 8.06 OFF STREET PARKING AND LOADING 3
SECTION 8.07 LANDSCAPING..... 3
SECTION 8.08 ACCESSORY BUILDINGS..... 3
SECTION 8.09 SIGNS 3
SECTION 8.10 LIGHTING..... 3

CHAPTER 9 - C-1 NEIGHBORHOOD BUSINESS DISTRICT 9-1

SECTION 9.01 INTENT..... 1
SECTION 9.02 PERMITTED USES..... 1
SECTION 9.03 AUTHORIZED SPECIAL LAND USES 2
SECTION 9.04 OPERATIONAL STANDARDS 3
SECTION 9.05 HEIGHT REGULATIONS 4
SECTION 9.06 AREA REGULATIONS 4
SECTION 9.07 SITE DEVELOPMENT STANDARDS..... 4
SECTION 9.08 BUILDING MATERIALS STANDARDS..... 4

CHAPTER 10 - C-2 GENERAL BUSINESS 10-1

SECTION 10.01 INTENT..... 1
SECTION 10.02 PERMITTED USES..... 1
SECTION 10.03 AUTHORIZED SPECIAL LAND USES 3
SECTION 10.04 SPECIAL CONTROLLED USES 4
SECTION 10.05 OPERATIONAL STANDARDS..... 6
SECTION 10.06 HEIGHT REGULATIONS 6
SECTION 10.07 AREA REGULATIONS 6
SECTION 10.08 SITE DEVELOPMENT STANDARDS..... 7
SECTION 10.09 BUILDING MATERIALS STANDARDS..... 7

CHAPTER 11 - I-1 INDUSTRIAL DISTRICT 11-1

SECTION 11.01 INTENT AND PURPOSE 1

SECTION 11.02 USES PERMITTED BY RIGHT	1
SECTION 11.03 AUTHORIZED SPECIAL LAND USES	2
SECTION 11.04 OPERATIONAL STANDARDS	3
SECTION 11.05 HEIGHT REGULATIONS	4
SECTION 11.06 AREA REGULATIONS	4
SECTION 11.07 SITE DEVELOPMENT STANDARDS	4
SECTION 11.08 BUILDING MATERIALS STANDARDS	5
CHAPTER 12 - O/I OFFICE/INDUSTRIAL DISTRICT	12-1
SECTION 12.01 INTENT AND PURPOSE	1
SECTION 12.02 PERMITTED USES	1
SECTION 12.03 AUTHORIZED SPECIAL LAND USES	1
SECTION 12.04 OPERATIONAL STANDARDS	2
SECTION 12.05 HEIGHT REGULATIONS	3
SECTION 12.06 AREA REGULATIONS	3
SECTION 12.07 SITE DEVELOPMENT STANDARDS	4
SECTION 12.08 BUILDING MATERIALS STANDARDS	4
CHAPTER 13 - RIPARIAN AREA PROTECTION OVERLAY ZONE	13-1
SECTION 13.01 INTENT AND PURPOSE	1
SECTION 13.02 APPLICABILITY AND ADMINISTRATIVE ACTION	1
SECTION 13.03 OVERLAY SUB-AREAS: NATURAL VEGETATION ZONES AND TRANSITION ZONES: DEFINITION, INTENT AND DELINEATION	2
SECTION 13.04. DEVELOPMENT STANDARDS. NATURAL VEGETATION ZONE	3
SECTION 13.05 DEVELOPMENT STANDARDS IN THE TRANSITION ZONE (15 FEET LANDWARD OF NATURAL VEGETATION ZONE AND CONTIGUOUS WETLANDS)	4
SECTION 13.06 MINIMUM LOT SIZES & PRINCIPAL STRUCTURE SETBACKS	5
CHAPTER 13A - RURAL CORRIDOR OVERLAY DISTRICT	13A-1
SECTION 13A.01 INTENT AND PURPOSE	1
SECTION 13A.02 APPLICABILITY.	1
SECTION 13A.03 PERMITTED USES	1
SECTION 13A.04 AUTHORIZED SPECIAL LAND USES	1
SECTION 13A.05 LOCATIONAL STANDARDS	2
SECTION 13A.06 OPERATIONAL STANDARDS	2
SECTION 13A.07 HEIGHT REGULATIONS	3
SECTION 13A.08 AREA REGULATIONS	3
SECTION 13A.09 SITE DEVELOPMENT STANDARDS	3
SECTION 13A.10 BUILDING MATERIALS STANDARDS	3
CHAPTER 14 - NON-CONFORMING USES, STRUCTURES, AND LOTS	14-1
SECTION 14.01 INTENT AND PURPOSE	1
SECTION 14.02 NONCONFORMING USES	1
SECTION 14.03 NONCONFORMING BUILDINGS AND STRUCTURES-	

GENERAL	1
SECTION 14.04 NONCONFORMING SINGLE FAMILY RESIDENTIAL HOMES AND USES WITHIN THE C-1, C-2 AND O/I DISTRICTS	2
SECTION 14.05 NONCONFORMING LOTS OF RECORD	2
CHAPTER 15 - SITE PLAN REVIEW	15-1
SECTION 15.01 PURPOSE	1
SECTION 15.02 SITE PLAN REVIEW REQUIRED	1
SECTION 15.03 APPLICATION PROCEDURE	1
SECTION 15.04 SITE PLAN CONTENT	2
SECTION 15.05 REVIEW PROCEDURE AND AUTHORIZATION	3
SECTION 15.06 STANDARDS	5
SECTION 15.07 ISSUANCE OF BUILDING PERMIT	7
SECTION 15.08 AMENDMENT OF APPROVED SITE PLAN	7
SECTION 15.09 MODIFICATION OF PLAN DURING CONSTRUCTION	7
SECTION 15.10 AS-BUILT DRAWINGS	7
SECTION 15.11 PHASING OF DEVELOPMENT	8
SECTION 15.12 PERFORMANCE GUARANTEE	8
SECTION 15.13 FEES	8
SECTION 15.14 VIOLATIONS	8
CHAPTER 16 - SITE CONDOMINIUM SUBDIVISIONS	16-1
SECTION 16.01 PURPOSE AND SCOPE	1
SECTION 16.02 STEP I – SKETCH PLAN REVIEW REQUIREMENTS	1
SECTION 16.03 AGENCY REVIEW	2
SECTION 16.04 STEP II PRELIMINARY PLAN REVIEW BY PLANNING COMMISSION	2
SECTION 16.05 TOWNSHIP BOARD REVIEW AND APPROVAL OF PRELIMINARY PLAN	3
SECTION 16.06 EFFECT OF PRELIMINARY PLAN APPROVAL	4
SECTION 16.07 FINAL PLAN APPROVAL	4
SECTION 16.08 FINANCIAL GUARANTEE	5
SECTION 16.09 SITE CONDOMINIUM SUBDIVISION PLANS	6
SECTION 16.10 SITE CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND REQUIRED IMPROVEMENTS	7
SECTION 16.11 VARIANCES	9
CHAPTER 17 - PARKING AND LOADING SPACES	17-1
SECTION 17.01 PURPOSE	1
SECTION 17.02 SCOPE	1
SECTION 17.03 GENERAL	1
SECTION 17.04 PARKING REQUIREMENTS FOR USES NOT LISTED	3
SECTION 17.05 JOINT USE OF FACILITIES, MIXED OCCUPANCY AND ALTERNATIVE PARKING ARRANGEMENTS	4
SECTION 17.06 LOCATION OF FACILITIES	4
SECTION 17.07 SIZE OF PARKING SPACES AND AISLES	5
SECTION 17.08 GENERAL REQUIREMENTS FOR PARKING AREAS	5
SECTION 17.09 OFF-STREET LOADING SPACES	6

CHAPTER 18 - SUPPLEMENTAL REGULATIONS	18-1
SECTION 18.01 DRIVEWAYS	1
SECTION 18.02 PRIVATE STREETS	3
SECTION 18.03 STREET ACCESS STANDARDS	7
SECTION 18.04 LANDSCAPING, BUFFERS AND SCREENING	12
SECTION 18.05 OUTDOOR LIGHTING – GENERAL.....	18
CHAPTER 19 - PLANNED DEVELOPMENT REGULATIONS	19-1
SECTION 19.01 DEFINITION AND PURPOSE	1
SECTION 19.02 ELIGIBILITY	1
SECTION 19.03 PRE-APPLICATION PROCEDURES	2
SECTION 19.04 APPLICATION AND FINAL PLAN SUBMISSION.....	3
SECTION 19.05 FINAL PLAN CONTENT	3
SECTION 19.06 PUBLIC HEARING REQUIRED.....	4
SECTION 19.07 FINAL PLANNING COMMISSION RECOMMENDATIONS.....	4
SECTION 19.08 FINAL APPROVAL BY THE TOWNSHIP BOARD	4
SECTION 19.09 ADDITIONAL PD PROVISIONS	4
CHAPTER 19-A - PLANNED LAKESIDE DEVELOPMENT DISTRICT.....	19A-1
SECTION 19-A.01 DESCRIPTION AND PURPOSE	1
SECTION 19-A.02 USE REGULATIONS	1
SECTION 19-A.03 UNDERLYING ZONING DISTRICT REQUIREMENTS.....	1
SECTION 19-A.04 OPTIONAL PLD DEVELOPMENT REQUIREMENTS	1
CHAPTER 19-B - MIXED USE PLANNED DEVELOPMENT (MUPD).....	19B-1
SECTION 19-B.01 DESCRIPTION AND PURPOSE	1
SECTION 19-B.02 ELIGIBILITY	1
SECTION 19-B.03 PERMITTED USES	1
SECTION 19-B.04 DEVELOPMENT REQUIREMENTS.....	2
CHAPTER 20 - SPECIAL LAND USES	20-1
SECTION 20.01 INTENT AND PURPOSE	1
SECTION 20.02 SPECIAL LAND USE CLASSIFICATIONS/REVIEW AND APPROVAL AUTHORITY	1
SECTION 20.03 PROCEDURES.....	1
SECTION 20.04 ISSUANCE OF A SPECIAL LAND USE PERMIT	2
SECTION 20.05 PERFORMANCE GUARANTEE.....	2
SECTION 20.06 TIME LIMITS AND EXPIRATION OF PERMIT	3
SECTION 20.07 COMPLIANCE, VIOLATION, REVOCATION OF PERMIT	3
SECTION 20.08 APPEALS.....	4
SECTION 20.09 REAPPLICATION.....	4
SECTION 20.10 VARIANCES	4
SECTION 20.11 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL LAND USES	4
SECTION 20.12 SPECIAL LAND USE DESIGN STANDARDS	5

CHAPTER 21 - SIGNS.....	21-1
SECTION 21.01 DESCRIPTION AND PURPOSE.....	1
SECTION 21.02 DEFINITIONS	1
SECTION 21.03 SIGNS PROHIBITED.....	4
SECTION 21.04 SIGNS EXEMPTED	4
SECTION 21.05 SIGNS NOT NEEDING A PERMIT	4
SECTION 21.06 SIGN PERMITS AND APPLICATION.....	5
SECTION 21.07 DESIGN, CONSTRUCTION AND LOCATION STANDARDS	6
SECTION 21.08 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS	6
SECTION 21.09 BILLBOARDS.....	8
SECTION 21.10 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS NECESSARY TO NONCONFORMING USES.....	9
SECTION 21.11 MEASUREMENT OF SIGNS.....	10
SECTION 21.12 AG AGRICULTURAL DISTRICT AND R-1 AGRICULTURAL AND RURAL ESTATE DISTRICT.....	10
SECTION 21.13 R-2, R-3 RESIDENTIAL PD DISTRICTS.....	12
SECTION 21.14 COMMERCIAL DISTRICTS.....	13
SECTION 21.15 I-1 INDUSTRIAL AND O/I OFFICE/INDUSTRIAL DISTRICTS.....	14
 CHAPTER 22 - OPEN SPACE PRESERVATION PROJECTS.....	 22-1
SECTION 22.01 PURPOSE AND APPLICABILITY	1
SECTION 22.02 REVIEW PROCEDURE.....	1
SECTION 22.03 ITEMS SUBMITTED FOR REVIEW.....	1
SECTION 22.04 DETERMINATION OF NUMBER OF LOTS.....	2
SECTION 22.05 OPEN SPACE REQUIREMENTS	2
SECTION 22.06 DEVELOPMENT REQUIREMENTS	4
 CHAPTER 23 - WIRELESS COMMUNICATION FACILITIES.....	 23-1
SECTION 23.01 PURPOSE	1
SECTION 23.02 PERMITTED USES WITHIN PERMITTED USE OVERLAY ZONES.....	2
SECTION 23.03 SPECIAL LAND USES WITHIN SPECIAL LAND USE OVERLAY ZONES.....	2
SECTION 23.04 SPECIAL LAND USES OUTSIDE OF SPECIAL LAND USE OVERLAY ZONES.....	2
SECTION 23.05 STANDARDS AND CONDITIONS APPLICABLE TO ALL WCF FACILITIES.....	3
SECTION 23.06 STANDARDS AND CONDITIONS APPLICABLE TO SPECIAL LAND USE FACILITIES.....	4
SECTION 23.07 APPLICATION REQUIREMENTS.....	5
SECTION 23.08 CO-LOCATION.....	6
SECTION 23.09 REMOVAL	7
SECTION 23.10 EFFECT AND APPROVAL.....	8
 CHAPTER 24 - CONSERVATION SUBDIVISION PLANNED	 24-1
UNIT DEVELOPMENT OPTION	
SECTION 24.01 PURPOSE	1

SECTION 24.02 PERMITTED USES.....	1
SECTION 24.03 LOCATION PRINCIPLES	2
SECTION 24.04 MINIMUM OPEN SPACE AND AREA REGULATIONS	2
SECTION 24.05 HEIGHT REGULATIONS AND MINIMUM FLOOR AREA REQUIREMENTS.....	3
SECTION 24.06 MAXIMUM BASE DENSITY AND DENSITY BONUS.....	3
SECTION 24.07 DETERMINATION OF NUMBER OF LOTS.....	5
SECTION 24.08 STANDARDS FOR APPROVAL	6
SECTION 24.09 UNIFIED CONTROL	6
SECTION 24.10 COMMON OWNERSHIP OF PRESERVED AREAS	7
SECTION 24.11 PRESERVED AREAS NOT OWNED IN COMMON	7
SECTION 24.12 GENERAL ADMINISTRATIVE REQUIREMENTS	7
SECTION 24.13 SCHEDULED PHASING.....	8
SECTION 24.14 REVISION OF APPROVED PLAN.....	8

CHAPTER 25 - ADMINISTRATION AND ENFORCEMENT 25-1

SECTION 25.01 ZONING ADMINISTRATION	1
SECTION 25.02 ZONING ADMINISTRATOR.....	1
SECTION 25.03 PERMITS, ZONING COMPLIANCE AND CHANGE OF USE.....	1
SECTION 25.04 INSPECTION OF BUILDINGS AND STRUCTURES.....	3
SECTION 25.05 CERTIFICATION OF COMPLIANCE.....	3
SECTION 25.06 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING.....	3

CHAPTER 26 - BOARD OF ZONING APPEALS 26-1

SECTION 26.01 ZONING BOARD OF APPEALS.....	1
SECTION 26.02 VOTING REQUIREMENTS	1
SECTION 26.03 MEETINGS AND QUORUM.....	1
SECTION 26.04 RECORDS	1
SECTION 26.05 DUTIES AND POWERS OF THE BOARD OF APPEALS.	2
SECTION 26.06 APPEALS	2
SECTION 26.07 TIME FOR APPEAL, NOTICE	2
SECTION 26.08 EFFECT OF APPEAL	3
SECTION 26.09 VARIANCES.....	3
SECTION 26.10 HEARINGS	3
SECTION 26.11 DECISIONS.....	3
SECTION 26.12 EXPIRATION OF VARIANCES.....	3
SECTION 26.13 APPLICATIONS	4
SECTION 26.14 REPRESENTATION.....	4

CHAPTER 27 CONDITIONAL ZONING.....27-1

SECTION 27.01 INTENT	1
SECTION 27.02 APPLICATION AND OFFER OF CONDITIONS.....	1
SECTION 27.03 PLANNING COMMISSION REVIEW	1
SECTION 27.04 TOWNSHIP BOARD REVIEW	2
SECTION 27.05 APPROVAL	2
SECTION 27.06 COMPLIANCE WITH CONDITIONS.....	3
SECTION 27.07 TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE ..	3

SECTION 27.08 REVERSION OF ZONING.....	3
SECTION 27.09 SUBSEQUENT REZONING OF LAND.....	3
SECTION 27.10 AMENDMENT OF CONDITIONS.....	4
SECTION 27.11 TOWNSHIP’S RIGHT TO REZONE.....	4
SECTION 27.12 FAILURE TO OFFER CONDITIONS.....	4
CHAPTER 28 - ORDINANCE AMENDMENTS.....	28-1
SECTION 28.01 INITIATION OF AMENDMENTS.....	1
SECTION 28.02 AMENDMENT PETITION PROCEDURE.....	1
SECTION 28.03 AMENDMENT PROCEDURE.....	1
SECTION 28.04 REZONING CRITERIA.....	1
SECTION 28.05 USES NOT LISTED OR ADDRESSED IN THE ZONING ORDINANCE.....	2
CHAPTER 29 - PENALTIES.....	29-1
SECTION 29.01 PENALTIES FOR VIOLATIONS.....	1
SECTION 29.02 PROCEDURE.....	1
CHAPTER 30 - MISCELLANEOUS PROVISIONS.....	30-1
SECTION 30.01 ADMINISTRATIVE LIABILITY.....	1
SECTION 30.02 SEVERABILITY.....	1
SECTION 30.03 REPEAL.....	1
SECTION 30.04 EFFECTIVE DATE.....	1

CHAPTER 1

TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 1.01 TITLE. This Ordinance shall be known and may be cited as the "Leighton Township Zoning Ordinance".

SECTION 1.02 PURPOSE. This Ordinance is based upon the Leighton Township General Development Plan and is designed to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 1.03 SCOPE AND INTERPRETATION. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinance, or regulations, except those repealed herein by specific reference, with private restrictions placed upon properly by covenant, deed or other private agreement, or with restrictive covenant, running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 1.04 LEGAL BASIS. 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.

CHAPTER 2

DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) With the exception of this Chapter the headings which title a chapter section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A "building" or "structure" includes any part thereof.
- (f) The word "person" includes a firm association partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied", as applied to any land or building shall be construed to include the words "intended" "arranged" or "designed to be used" or "occupied".
- (h) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 2.02 GENERAL DEFINITIONS. The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

ACCESS ENVELOPE, LAKE. An area extending over the water surface which sides are formed by lines extending from the property corners of a parcel of property, lot or condominium unit that is immediately adjacent to a lake to a point at the center of the lake which denotes the area limits of certain activities regulated herein.

ACCESS MANAGEMENT (ACCESS CONTROL). A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access. Methods used include construction of frontage roads, service drives, and shared driveways, as well as medians or islands to restrict ingress and/or egress.

ACCESS, PUBLIC. A parcel or property/boat access site that is immediately adjacent to a lake that is owned or operated by a governmental entity, including access from a public road authorized expressly or implied by a governmental entity.

ACCESSORY BUILDING OR STRUCTURE. A subordinate or supplemental building or structure or a portion of a main building, not involving human occupancy, located on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary

to that of the main building. Where an accessory building is attached to a main building, such accessory building shall be deemed a part of the principal building for the purposes of determining compliance with the yard area and setback requirements of the zoning district in which it is located.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the primary use of the land or building.

AGRICULTURE. The production, keeping or maintenance, for sale, lease or personal use of plants and animals useful to man including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any hybrids thereof, including their breeding and grazing; bees and apiary products; fur animals; trees and forest products; fruits, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; aqua-culture; or lands devoted to a soil conservation or forestry management program.

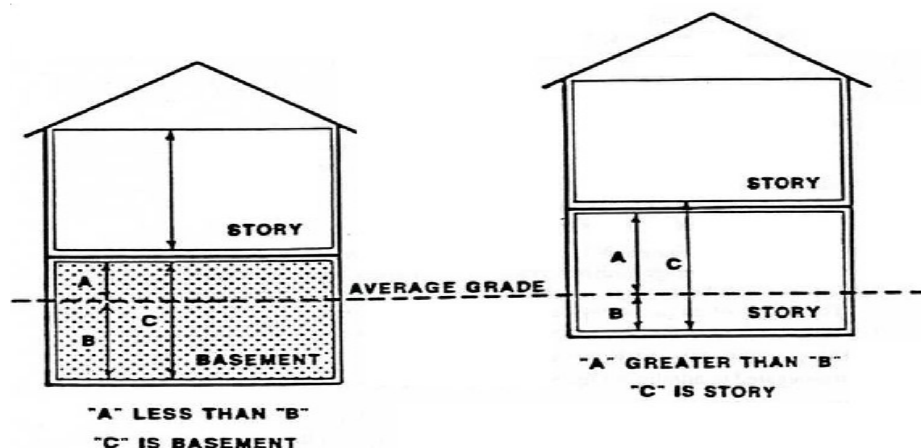
ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building .

AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

AUTOMOBILE REPAIR - MINOR. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair - Major".

BASEMENT. (See Figure 2-1). That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

FIGURE 2-1 - BASEMENT AND STORY



BED AND BREAKFAST ESTABLISHMENT. A private residence that offers sleeping accommodations to lodgers in fourteen (14) or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers; and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than thirty (30) consecutive days.

BERM. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

BILLBOARDS AND SIGNS. Reference Chapter 21

BLUFF. The top of a steep bank rising from the ordinary high water mark on a lot or parcel.

BOAT. Any watercraft, powered or non-powered, that is required by the State of Michigan to be registered.

BOAT ACCESS. The access envelope used for launching, mooring, docking and/or over night anchoring of any boat.

BOAT ACCESS, SINGLE UNIT. The boat access that is provided for not more than one single family residential parcel, lot, family trust, condominium unit or dwelling unit.

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

BUILDING. Any structure, either permanent or temporary, having a roof supported by columns or walls and used for any purpose.

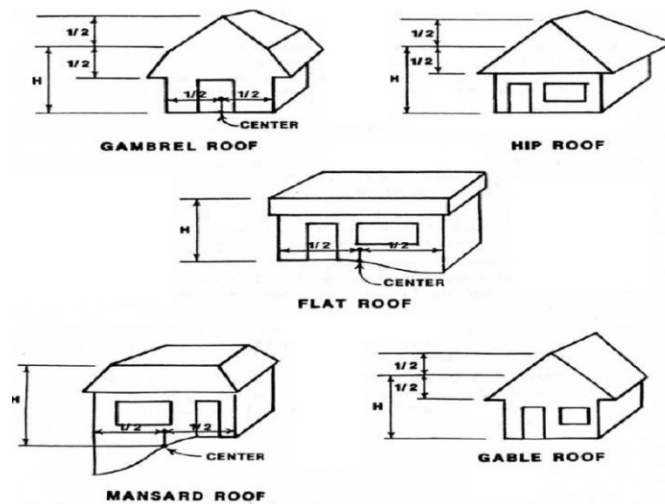
- (a) Farm Buildings - Any building or structure other than the dwelling or dwellings, erected, maintained or moved upon, or used on a farm, essential and necessary to that type of farming to which said land is devoted.
- (b) Garage - Private, On-site. On-site Private garage means a building designed or used primarily for shelter or storage of vehicles or boats, located on the same building site as a single family or duplex residence. This definition shall also include carports used primarily for the storage of vehicles or boats. Where for remuneration, hire or sale, any vehicles or boats are equipped for operation, repaired or kept, the term "private garage" does not apply. The term garage does not include Farm Buildings. The term is one that is included in the definition of "accessory building". (*Amended by Ord. 2015-08-01 eff. 9-7-15*).
- (c) Garage-Private, Off-site. Off-site private garage means a stand-alone building, ancillary to, but not on the same site as, a single family or two family residence, designed or used primarily for the shelter or storage of vehicles, boats and other household or personal belongings, is not designed for human habitation, and not used for remunerative purposes. This term shall not include Farm Buildings or where any vehicles or boats are equipped for operation, are repaired or kept for remuneration, hire or sale. (*Amended by Ord. 2015-08-01 eff. 9-7-15*).
- (d) Garage - Commercial - Any building or premises used for the housing, caring for, servicing or repairing of motor-driven vehicles or other vehicles used in connection therewith for remuneration, hire or sale or used incidental thereto.

(e)

BUILDING ENVELOPE. The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built. A "Building Envelope" can also be a condominium structure (ref. Fig. 2-3).

BUILDING HEIGHT. The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

FIGURE 2-2 - BUILDING HEIGHT



BUILDING SETBACK. The measurement from the property line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered as part of the building or structure and may not be located within the building setback. The "minimum building setback" is the minimum depth of a front, side or rear "yard" necessary to conform to the required yard provisions of this ordinance (ref. definition of "Yard").

BUILDING SETBACK LINE. A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building, deck or porch shall be located from a property line, existing street right-of-way, easement line of an approved private street, or ordinary high water mark. Steps may be located within the building setback line. (Ref. Setback & Yard)

CHILD CARE CENTER. A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than

eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

CONDOMINIUM ACT. Public Act 59 of 1978, as amended. Except as otherwise provided by this Ordinance, the following words and phrases, as well as any other words or phrases used in this Ordinance which are specifically defined in the condominium act, shall conform to the meanings given to them in the Condominium Act: "common elements"; "condominium documents"; "condominium unit"; "contractible condominium"; "convertible area"; "expandable condominium"; and "general common elements".

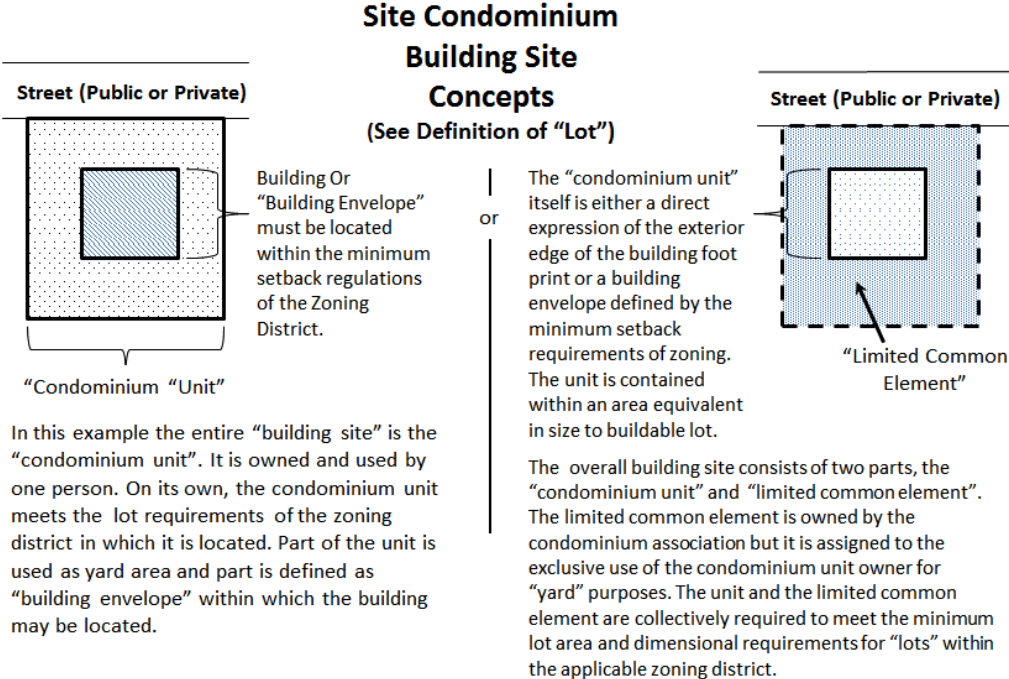


Figure 2-3
EXAMPLES OF SINGLE FAMILY
SITE CONDOMINIUM BUILDING SITES

CONDOMINIUM PROJECT or SITE CONDOMINIUM SUBDIVISION PROJECT. A condominium project developed under Public Act 59 of 1978, as amended, consisting of more than one (1) condominium unit which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

CONDOMINIUM STRUCTURE. The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage. A "Condominium Structure" can also be a "Building Envelope".

CONDOMINIUM SUBDIVISION (SITE CONDOMINIUM). A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

CONSERVATION SUBDIVISION PLANNED UNIT DEVELOPMENT. A single family development option where significant amounts of the project site is permanently preserved in an undeveloped state, dwellings are placed on the remaining land and the ultimate development density including bonuses derived from the dedication of improved open space and design character are established by standards outlined in the zoning ordinance.

DEVELOPMENT. Means any manmade change to improved or unimproved real estate for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation.

DRIVEWAY. A private access way, that provides access to a street or highway for no more than two (2) lots or parcels. A joint driveway is a driveway providing access to a street or highway for two (2) lots or parcels. For the purposes of this ordinance, the term driveway is intended to apply to situations where the number of properties deriving access from the driveway is no greater than two. Any driveway which provides access to three or more lots or parcels which have been created or used for the purpose of non-farm related building or business development is, for the purpose of this ordinance, classified as a private street and regulated under Chapter 18, Section 18.01. A driveway serving two lots (a "joint driveway") will also be subject to the requirements of Section 18.01 if one or more of the lots served does not contain the required minimum lot frontage (lot width) on a public street. Unless otherwise provided, driveways are subject to the provisions of Chapter 18, Section 18.01.

DWELLING. Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins, recreational vehicles, travel trailers or other living accommodations which are used for recreational, transient or commercial purposes.

- (a) Dwelling, Bi-Level - A dwelling consisting of two stories, one of which may be a basement or cellar having a vertical distance from the floor to the ceiling of four (4) feet or more.
- (b) Dwelling, Split Level - A dwelling consisting of more than two levels of living space, any two of which shall be at or seventy-five (75) percent above grade level.
- (c) Dwelling, Single Family - A building designed for use and occupancy by one (1) family only.
- (d) Dwelling, Two Family - A building designed for use and occupancy by two (2) families only.
- (e) Dwelling, Multi Family - A building designed for use and occupancy by three (3) or more families.

DWELLING UNIT. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

EARTH CHANGE. An artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

ERECT. The term erect shall include building, construct, reconstruct, alter, move and any physical operations on the land required for building, including excavations, fillings, drainage and like operations.

FAMILY.

- (a) A person living alone or two or more persons related by blood, marriage, or adoption, including foster children and domestic help living together as a single housekeeping unit in one dwelling unit.
- (b) A group of persons cooking and living together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and which represents a single nonprofit housekeeping unit intended to endure for the indefinite future. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, organization, group of students or other group of persons whose domestic relationship is of a transitory, seasonal or commercial in nature, or is for an anticipated limited duration such as a school term or a period of rehabilitation or treatment.

FAMILY DAY CARE HOME. A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

FARM. A farm is a form of business enterprise intended for the production of raw agricultural products in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of agricultural products, as described herein, for profit, and which provides a major source of income and capital for re-investment. A farm is further defined as all the contiguous, neighboring or associated land, along with the plants, animals, structures, ponds, machinery, equipment and other appurtenances which when taken collectively, functions as a single unit, for the commercial production of agricultural products. Stone quarries, gravel and sand pits, sawmills, retail sales, livestock auction houses, and meat and dairy processing plants are not considered farms or farm uses hereunder.

FARMSTEAD. A farmhouse with the adjoining farm related buildings and land around it, or a portion of a former farm operation consisting of a farmhouse with the adjoining farm related buildings and land around it including barns, commodity sheds, machine sheds, silos, livestock buildings, cribs and similar out-buildings. (*Amended by #2012-01-01, adopted 1-12-12*)

NON-FARM. A parcel or tract of land, or a structure, building, dwelling or other use which is not intended for farm related purposes or which does not meet the definition of farm as defined herein.

FARM HOUSE. A dwelling unit currently or historically associated with a farm operation.

FARM OPERATION. A condition or activity which occurs on a farm in connection with the commercial production of agricultural products and includes, but is not limited to, marketed produce at roadside stands or farm markets, noise odors, dust, fumes, operation of machinery and

irrigation pumps, ground and aerial spraying and seeding, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides and the employment of and use of labor.

FARM/AGRICULTURAL PRODUCTS. Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber, fur or flora.

FILTERED VIEW. The maintenance or establishment of woody vegetation of sufficient density to screen development from the riparian feature, to provide for bank stabilization and erosion control, to serve as an aid to infiltration of surface runoff and to provide cover to shade the water in a manner which still allows a partial view to the water feature.

FLOOR AREA, GROSS. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

FLOOR AREA, HABITABLE AND USABLE. The habitable floor area of a dwelling is the floor area exclusive of garages, porches, utility areas, basements or portions thereof not meeting building code requirements for ingress and egress and attics or portions thereof with clear headroom of less than seven(7) feet. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

FORESTRY OR NATURAL RESOURCES PROFESSIONAL. A person certified by the Society of American Foresters and/or licensed by the State of Michigan and or otherwise recognized by the State of Michigan who is by reason of his or her knowledge of the natural sciences, mathematics and principles of forestry and natural sciences, acquired by education and practical experience is qualified to engage in the practice of forestry.

FOSTER CARE FACILITY. An establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Act No. 139 of the Public Acts of 1956, as amended, or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended.

- (a) Family Home - A facility which provides foster care to six (6) or fewer persons.
- (b) Group Home - A facility which provides foster care to seven (7) or more persons.

GRADE, AVERAGE (See Figure 2-4). 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.

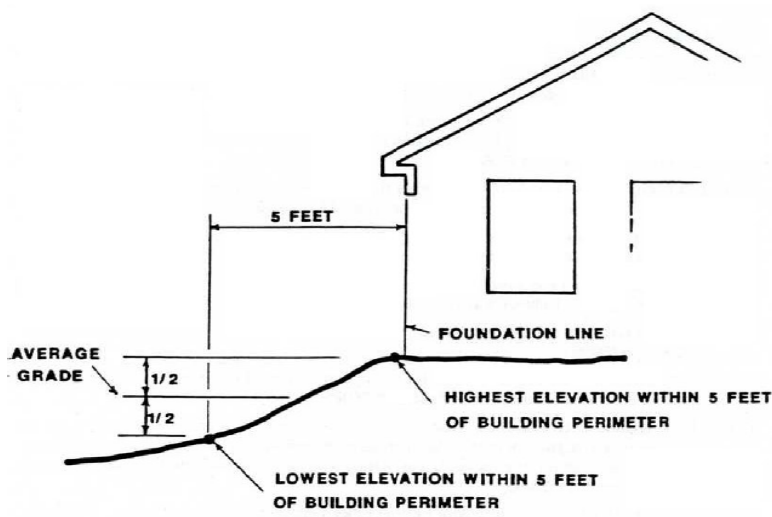


FIGURE 2-4
Average Grade

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.

GROSS SITE AREA. The total area of a development site including flood plains, wetlands, water bodies, and rights-of-way.

GROUP DAY CARE HOME. A private residence in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hour a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

HAZARDOUS SUBSTANCE. Hazardous substance means one or more of the following:

- (a) A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- (b) "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.
- (c) "Hazardous waste" as defined in the Hazardous Waste Management Act, Act No. 64 of the Public Acts of 1979, being Sections 299.501 to 299.551 of the Michigan Compiled Laws.
- (d) "Petroleum" as defined in the Leaking Underground Storage Tank Act, Act No. 478 of the Public Acts of 1988, being Sections 299.831 to 299.850 of the Michigan Compiled Laws.

HOME OCCUPATIONS. A gainful occupation traditionally and customarily carried out in the home or on the residential premise as a use that is incidental to the use of the home and premise as a place of residence.

JUNKYARD/SALVAGE YARD. A place where the business of buying, selling, exchanging, storing, baling, packing, disassembling, sorting, or handling, junk or discarded or salvaged materials, including wrecked or partially dismantled motor vehicles, farm implements and construction equipment, discarded appliances, used building materials, structural steel materials and other manufactured or fabricated goods that are worn, deteriorated or obsolete, is conducted.

KENNEL. Any place where five (5) or more dogs, cats, or other domestic pet animals five (5) months of age or older are kept temporarily or permanently for any reason other than veterinary medicine.

KENNEL, COMMERCIAL. Any lot or premises where five (5) or more dogs, cats, or other domestic pet animals five (5) months of age or older are kept for purposes of breeding for sale or for providing boarding and/or training services to animals owned or contracted to others shall be considered a “commercial kennel”.

LAKE. Any natural or man-made body of water, including the adjacent creeks or canals, to which riparian rights or other access has been extended.

LIGHTING, OUTDOOR-ASSOCIATED TERMS.

Average Illumination Levels: The overall average of all points on the surface of the illuminated area including the brightest and the dimmest points.

Cut-Off-Angle: The angle between the vertical axis of a luminaire and the first line of sight (of a luminaire) at which the light source is no longer visible.

Cut-off Fixtures: Cut-off fixtures control glare by directing light well below the horizon, out of the viewer’s line of sight.

Floodlight: A light fixture designed to light a scene or object to a level greater than its surroundings. The beam of floodlights may range from narrow field angles of 10 degrees to wide angles (more than 100 degrees).

Flush Mounted or Recessed Luminaire: A luminaire that is mounted above a ceiling (or behind a wall or other surface) with the opening of the luminaire level with the surface.

Foot-candle: A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away.

Foot-candle may be measured both horizontally and vertically by a light meter.

Glare: The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.

Illuminating Engineering Society of North America (IESNA): An association of professionals in the field of lighting and related professions.

Luminaire: A complete lighting unit, often referred to as a fixture.

Lumen: A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen levels are slightly lower than initial lumen ratings.

Maximum to Minimum Illumination Ratio: The ratio of the maximum illumination level to the minimum level.

Mounting Height: The vertical distance between the surface to be illuminated and the bottom of the light source.

Uniformity Ratio: The ratio of average illumination to minimum illumination.

LIMITED COMMON ELEMENT. An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use

of less than all of the owners of the site condominium project.

LIVESTOCK. Animals including horses, cattle, elk, bison, sheep, goats, swine, poultry, fowl, fur bearing rodents and other similar animals as may be domesticated for commercial production of food and fiber or breeding and recreational purposes. For the purposes of this ordinance, the name livestock may be used synonymously with the term farm animals, but does not include household or barnyard pets such as dogs and cats.

LOT. A piece or parcel of land abutting on a street, occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. Lot area cannot include any part of a public right-of-way. In the context of a condominium project, lot(s) shall mean the same as Building Site(s) and is that portion(s) of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the Master Deed. Lot shall be further defined as (ref. Fig. 2-3):

- (a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by the Leighton Township Zoning Ordinance as amended; or
- (b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit for the owner(s) exclusive use and which, together with the condominium unit, meets the minimum area and yard requirements for lots as required by the Leighton Township Zoning Ordinance as amended.

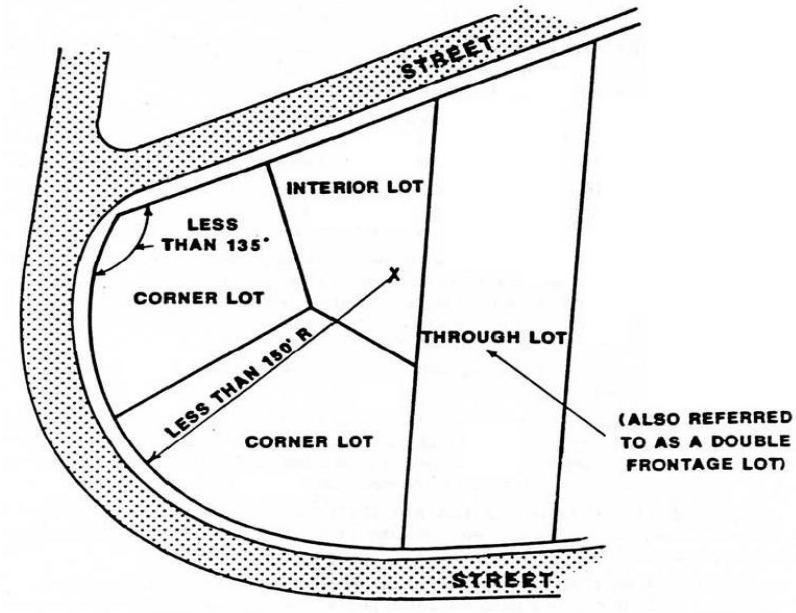
NOTE: A portion of a limited common element that is contiguous to a lot as defined in (a) or (b) above and assigned to the exclusive use of more than one condominium unit may be considered in calculating minimum lot area if the limited common element is dedicated on the Master Deed for the purpose of supporting a driveway serving not more than two site condominium units or for the support of underground utilities used in common by two adjacent site condominium units.

LOT, CORNER. (See Figure 2-5). Any lot having at least two (2) contiguous sides abutting upon one or more streets, public or private, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.

LOT, DEPTH. (See Fig. 2-6). The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the lot lines in the rear.

LOT, THROUGH (also called double frontage). (See Fig. 2-5). An interior lot having frontage on two (2) more or less parallel streets.

FIGURE 2-5 - LOT TYPES



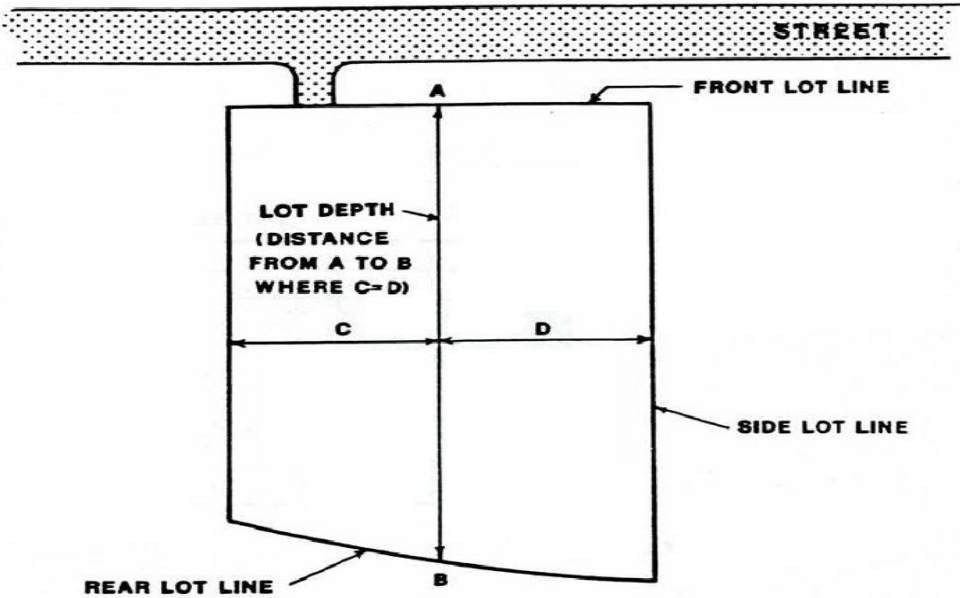
LOT AREA, GROSS. (See Fig. 2-7). The area contained within the lot lines or property boundary excluding street right-of-way.

LOT FRONTAGE. The length of the front lot line as it abuts a public or private road right-of-way.

LOT LINES. The line bounding a lot.

LOT LINE, ALLEY. A lot line separating the lot from an alley.

FIGURE 2-6 - LOT DEPTH



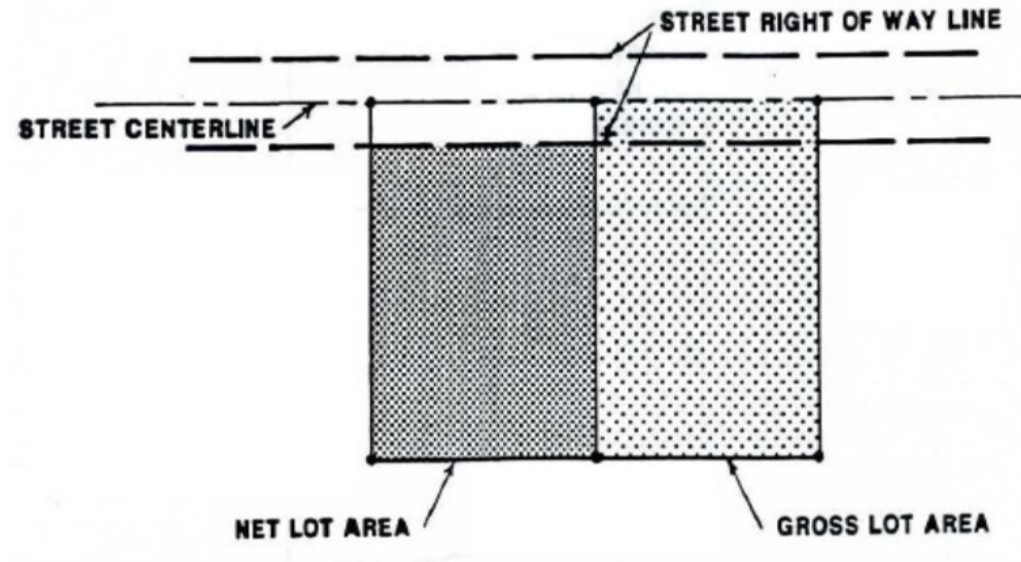


FIGURE 2-7 NET AND GROSS LOT AREA

LOT LINE, FRONT. Front lot line in the case of a lot abutting on only one public or private street shall mean the line separating such lot from the street. For the purposes of applying lot width, lot frontage, lot depth and front yard setback requirements the following shall apply.

- (a) In all cases in which street widths have not been specifically recorded, the front lot line shall be considered to be thirty-three (33) feet from the center of the street.
- (b) In the case of a corner or through lot abutting two minor streets (ref. "street, minor"), the owner may elect either street lot line as the front lot line, provided that such choice, in the opinion of the Zoning Administrator will not be injurious to the existing or the desirable apparent future development of the adjacent properties.
- (c) In the case a corner lot or through lot abutting a major street (ref. "street, major") the front line shall be the line abutting the major street. In the case of a lot abutting two major streets, the lot shall be considered as having two front lot lines and the required building setbacks established accordingly.
- (d) For corner or double frontage lots created subsequent to the lot's initial creation as a single frontage lot (such as where the development of a new public or private side street has resulted in the creation of a new corner lot situation) the minimum front yard depth requirement (e.g. required minimum setback) from the new street right of way shall be that of the previously applicable minimum required side yard or rear yard setback distance.

LOT LINE, REAR. That lot line which is opposite and more distant from the front lot line, so designated. The rear lot line of any irregular, triangular or gore shaped lot shall, for the purpose of this Ordinance, be a line entirely within the lot, at least ten (10) feet long and parallel to and most distant from the front lot line. For corner lots abutting two major streets (where two front yards are designated) the rear lot line may be opposite either street frontage, but only one rear lot line shall be so designated. In such case the owner shall have the privilege of selecting the rear

lot line, provided that in the opinion of the Zoning Administrator such choice does not negatively influence existing or future development of the adjacent properties.

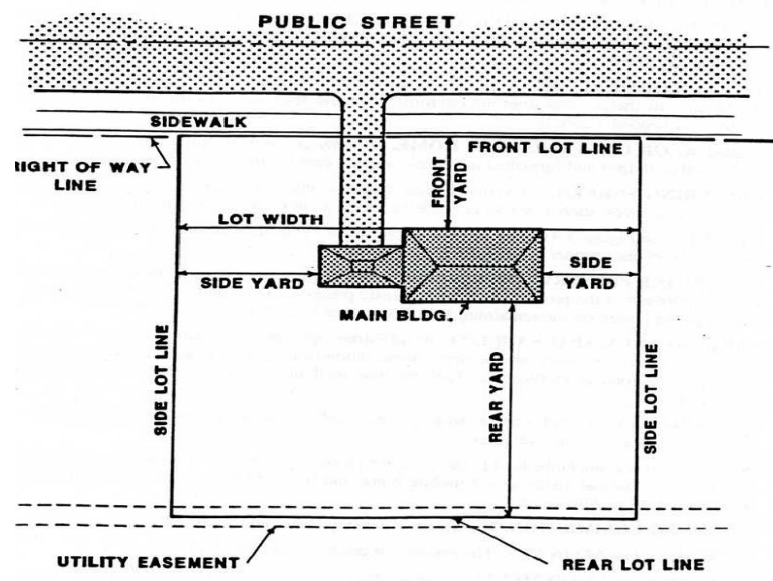
LOT LINE, SIDE. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street shall be called a side street lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

LOT WIDTH. (See Fig. 2-8). The distance between straight lines connecting front and rear lot lines at each side of the lot, provided however, that in determining lot width of odd shaped lots if the lot abuts on the outside curve boundary of a curving street and as a result the side lot lines diverge toward the rear, the measurement of width may be taken at the front building line of the principal building; and provided further that if the lot abuts on an inside curve boundary of a curved street wherein the lot lines converge toward the rear, the lot width measurement may be taken at the rear line of the principal building or thirty (30) feet behind the front setback line, parallel to the street or street chord. Note: Reference the regulations pertaining to “lot width and frontage” contained in Section 3.19.

MANUFACTURED HOUSING. A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

MASTER DEED. The legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

FIGURE 2-8 - LOT LINES AND YARDS



MARIHUANA. This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d) [the “Act”]. “Marihuana” is also

known as “Marijuana” and “Cannabis”. *(Amended by Ord. 2011-03-01)*

MARIHUANA COLLECTIVE OR COOPERATIVE. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed, used, leased or owned by a group, by an association or by individuals in a group acting together as a collective enterprise or by an organization owned or engaged in collectively by members who share in the benefits as a cooperative or in any way structured like a collective, association or cooperative. *(Amended by Ord. 2011-03-01)*

MEDICAL MARIHUANA DISPENSARY OR “DISPENSARY”. “Medical Marihuana Dispensary or Dispensary” means any business, facility, association, collective, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

- (a) A Primary Caregiver (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- (b) A Qualifying Patient (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- (c) Members of the general public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana, or where one or more persons are present and smoking or consuming medical marihuana and such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property or a private residence that is not the residence of a Qualifying Patient.

A medical marihuana dispensary does not include the residence of a Qualifying Patient if the dispensation of medical marihuana at that location is by a Primary Caregiver in full compliance with all applicable Michigan and federal laws and regulations to Qualifying Patient(s) (as defined by Michigan Initiated Law I of 2008, as amended (being MCL 333.26421 *et seq.*, as amended), and so long as the lawful amount of medical marihuana is delivered to only those Qualifying Patients lawfully residing at that location. *(Amended by Ord. 2011-03-01)*

MEDICAL USE OF MARIHUANA. The acquisition, possession, cultivation, manufacture, use, consumption, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d). *(Amended by Ord. 2011-03-01)*

MEDICAL MARIHUANA-PRIMARY CAREGIVER. “Primary Caregiver” or “Caregiver” means a person as defined under MCL 333.7106(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act. *(Amended by Ord. 2011-03-01)*

MEDICAL MARIHUANA-QUALIFYING PATIENT OR “PATIENT”. “Qualifying Patient” or “Patient” means a person as defined under MCL333.7106 (h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act. *(Amended by Ord. 2011-03-01)*

MIXED USE DEVELOPMENT. Mixed-use development refers to a tract of land, structure or group of structures developed under unified ownership and/or development controls having more than one type of use (such as a mix of office, retail, residential, entertainment, cultural, recreation, etc.), all of which are physically and functionally integrated and are mutually supporting. (*Amended by by Ord. 2011-09-01*)

MOBILE HOME. A dwelling unit built to the specifications of the National Manufactured Housing Construction Safety Standards Act of 1974, as amended, manufactured to be transportable in one (1) or more sections and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained herein.

- (a) Single Wide - a mobile home with a longitudinal width of greater than fourteen (14) feet for its full length.
- (b) Double Wide - a combination of two (2) mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

MOBILE HOME CONDOMINIUM PROJECT. A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

MOBILE HOME LOT. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

MOBILE HOME PAD. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures or additions.

MOBILE HOME PARK. A tract of land upon which three (3) or more mobile homes; or similar pre-manufactured structures meeting the Township Building Code are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home or similar structure meeting the Township Building Code and which is not intended for use as a temporary trailer or recreational vehicle park.

MOBILE HOME SUBDIVISION. A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

MODULAR HOME. A dwelling constructed to the Township's adopted building code which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied

by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

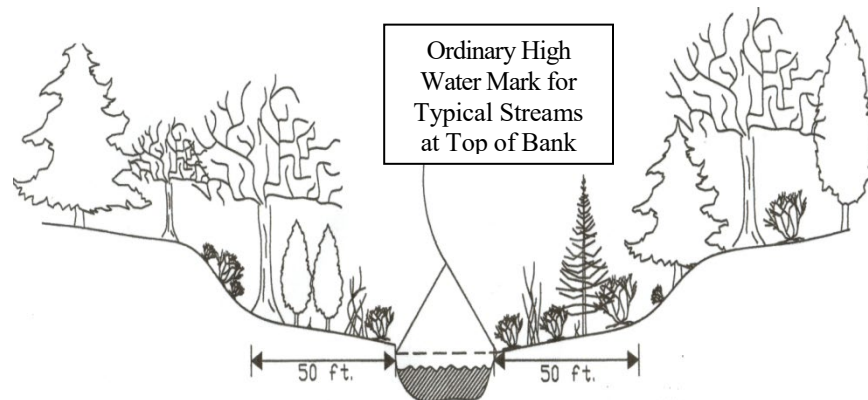
MOTOR VEHICLE. Every vehicle which is self-propelled.

MULTI-UNIT BOAT ACCESS - Any situation involving multiple or divided ownership or interest in the property that is immediately adjacent to a lake or boat access site including but not limited to corporations, condominium associations, and co-ops is considered a multi-unit boat access site and shall be subject to the limitations and regulations for such facilities contained herein.

NON-CONFORMING USE. A use which was lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment thereto, and which now does not conform with the regulations of the district in which it is located.

OPEN SPACE PRESERVATION PROJECT. A single family development option where at least fifty (50) percent of the project site is permanently preserved in an undeveloped state and the dwellings are placed on the remaining land. Open Space preservation projects are a development option promulgated under the provisions of the Zoning Enabling Act.

ORDINARY HIGH WATER MARK. The line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Delineation of the ordinary high water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. (See Figure 2-9). On an inland lake that has a level established by law, it means the high established level.)



**NATURAL VEGETATION ZONE
FIGURE 2-9**

PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as *an accessory use* as accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

PIER. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

PLANNING COMMISSION. The Leighton Township Planning Commission.

PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

PRIVATE STREET. Any street for vehicular traffic which is privately owned and maintained and which provides the principal means of access to three or more lots or parcels which have been created or used for the purpose of non-farm related building or business development. Private streets are subject to the provisions of Chapter 18 Note: A driveway serving two lots (a “joint driveway”) is subject to the requirements of Chapter 18 if one or more of the lots served does not contain the required minimum lot frontage (lot width) on a public street. (ref. also Driveway)

PRIVATE STREET EASEMENT. An irrevocable easement running with the land granted to the owners of adjacent properties which contains or is intended to contain a private street and which is not dedicated for general public use.

PUBLIC UTILITY. Except for Wireless Communication Facilities, any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public: electricity, gas, steam, communications, telephonic, transportation or water.

RIGHT-OF-WAY. A street, alley or other thoroughfare or easement public or private permanently established for passage of persons or vehicles.

ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SETBACK, FRONT, SIDE AND REAR YARD: The distance measured from the respective front, side, and rear yard boundary lines associated with the lot to the respective front, side, and rear of a structure/building envelope.

SETBACK, REQUIRED. The minimum unoccupied distance between a front, side, or rear lot line and the principal and accessory buildings, as required herein. Steps may be located within the building setback. Porches are considered as part of the building or structure and may not be

located within the building setback.

SIGN. Reference Chapter 21, Section 21.02.

SITE CONDOMINIUM SUBDIVISION PLAN. The drawings attached to the master deed for a site condominium subdivision which describe the size, location, area, horizontal, and vertical boundaries and volume of each site condominium unit contained in the site condominium subdivision, as well as the nature, location, and size of common elements.

SITE CONDOMINIUM UNIT. A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

SITE PLAN. A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

SOLAR ENERGY COLLECTOR OR SYSTEM: A system or facilities (including solar collector surfaces, panels and/or ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and/or distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Property Owner Or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, possession, care, or control of any premises, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the Allegan County Register of Deeds to be the owner of a particular property shall be presumed to be the person who owns or is in control of that property.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Building-Mounted Solar Energy Collector: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or other element in whole or in part of a building. This also includes building-integrated photovoltaic systems ("BIPV").

Ground-Mounted Solar Energy Collector: A solar energy collector that is not attached to and

is separate from any building on the lot on which the solar energy collector is located.

Small-Scale Solar Energy Collector: A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of the following: building-integrated photovoltaic systems (“BIPV”), ground-mounted solar energy collectors, and/or building-mounted solar energy collectors.

Photovoltaic System: A collection of solar panels and related equipment and components used to convert light or heat into electrical power.

Utility Scale Solar Energy System: A solar energy system that meets one or more of the following:

- (a) It is primarily used for generating electricity for sale and/or distribution off site to an authorized public utility or other firm for use in the electrical grid;
- (b) The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
- (c) It is not considered an accessory use or structure by the Township Zoning Administrator.

SPECIAL LAND USE. A use of land which may be permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special land use permit be obtained after review of a site plan and a public hearing.

STABLE, COMMERCIAL. A building in the nature of a private stable to be used for the housing and caring of horses or any other domestic animals, for hire.

STABLE, PRIVATE. An accessory building used or to be used for the housing of horses or other domestic animals owned or used by the occupant of the premises, on which it is located, and by his immediate family.

STORY. (See Fig. 2-1) That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREAM BANK. The portion of the stream channel cross section that restricts the lateral movement of water at normal bank-full levels often exhibiting a distinct break in slope from the stream bottom.

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

STREET, ARTERIAL/PRIMARY. Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic. Arterial streets include all county primary roads as shown on the Official Road Map of the Allegan County and may include County local roads of extended length. Existing Arterial Roads in Leighton Township include the following:

Division Street
7th Street

12th Street (North of 144th St.)
Kalamazoo Drive.

Patterson Rd.	137 th (Between Kalamazoo and Division Ave.).
146 th Ave. (West of 7 th St.)	144 th Ave. (West of Kalamazoo Dr.)
142 nd Ave.	2 nd St. (North of 141 st St.)
141 st Ave. (east of 2 nd St.)	136 th Ave. (East of Hayes Rd. intersection)

STREET, COLLECTOR/LOCAL SECONDARY. Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments. Collector streets include most county local roads as shown on the Official Road Map of the Allegan County. The collector/local secondary roads in Leighton Township include:

108 th St.	147 th Ave.
146 th Ave. (East of 2 nd St.)	145 th Ave.
144 th Ave. (East of Kalamazoo Dr.)	143 rd Ave.
140 th Ave.	139 th Ave.
137 th (West of Kalamazoo and East of Division.	136 th Ave.
10 th St.	9 th St.
8 th St.	6 th St.
5 th St.	2 nd St. (South of 141 st Ave.)
Dahlia St.	4 th St.
12 th St.	

STREET, MINOR/LOCAL FEEDER. A street which is intended primarily for access to abutting properties. Existing minor/local feeder streets s in Leighton Township include the following:

East Shore Dr.	Round Lake Drive
West Shore Dr.	138 th St.
North Shore drive	Hacker Dr.
All platted and private streets not otherwise classified or specifically listed	

STREET, MAJOR AND MINOR COUNTY PRIMARY. County primary roads as shown on the Official Road Map of the Allegan County. For the purpose of this ordinance, Division Avenue , 142nd Avenue., 2nd St. between 142nd Avenue and 141st Ave. and 141st Ave. east of 2nd St. and Kalamazoo Drive North of 142nd Avenue are classified as major county primary roads. All other County primary roads are classified as minor county primary roads.

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

TOURISM, AGRICULTURAL. Refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.

TOURISM, RURAL. Recreational experience involving visits to rural settings or rural environments for the purpose of participating in or experiencing activities, events or attractions not readily available in urbanized areas. These are not necessarily agricultural in nature.

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

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. Tower includes the structure thereof and any support thereto.

TOWNSHIP BOARD. The Leighton Township Board.

TOWNSHIP. Leighton Township, Allegan County, Michigan.

TRAILER COACH PARK ACT. Michigan Act 243 of 1959, as amended.

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

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 and which is contiguous to an inland lake, a river or stream.

VARIANCE. A relaxation or modification of the requirements of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and the Zoning Enabling Act, as amended.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

WIRELESS COMMUNICATION FACILITIES. The following four definitions, related primarily to Chapter 14B, shall apply in the interpretation of this ordinance.

- (a) Wireless Communications Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; shore wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- (b) Attached Wireless Communications Facilities shall mean Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (c) Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition

include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- (d) Co-location shall mean the location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

YARD. A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

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

YARD - SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

ZONING ACT. The Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as it may be amended from time to time.

ZONING ADMINISTRATOR/INSPECTOR. The Leighton Township zoning administrator or zoning inspector.

CHAPTER 3

GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts.

SECTION 3.01 THE EFFECT OF ZONING. Zoning applies to every building, structure, and use. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this ordinance.

SECTION 3.02 RESTORATION OF UNSAFE BUILDING. Subject to the provisions of Chapter 14, Nonconforming Uses, nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe. Furthermore, no industrial building, residential building, commercial building, accessory building or otherwise, shall be permitted to become unsafe for the occupants or users thereof or for the general public. It shall be the duty of the Building Inspector from time to time to make a determination of whether or not the buildings in the Township are safe for the occupants, users and general public. In the event that the Building Inspector determines a building to be unsafe, he shall send notice by registered mail of that fact to the owner, and the owner thereafter shall have thirty (30) days within which to correct the deficiency which shall be specified by the Building Inspector. In the event that the owner fails to correct the deficiency specified within said period, the Building Inspector shall report said fact to the Township Board, who may thereupon order said building razed and the cost of the same assessed against the owner thereof. The Zoning Administrator is also authorized to notify the Building Inspector of buildings which may be unsafe. In such cases, the Building Inspector shall follow the procedures as outlined above.

SECTION 3.03 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS.

- (a) Required area or space - A lot or lots in common ownership or a yard court parking area or other space shall not be divided, altered, or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- (b) Height Exceptions - The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed fifty (50) feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

SECTION 3.04 ESSENTIAL SERVICE. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply

systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any Zoning District.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- (b) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 3.05 REQUIRED YARD OR LOT. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the Zoning District in which they are located.

SECTION 3.06 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE VIBRATION AND ODORS. Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

SECTION 3.07 TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION.

- (a) Upon application, the 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 shall be renewed by the Zoning Administrator for four (4) 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 construction at the site where located.
- (b) Upon application, the 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 area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- (c) Temporary Dwellings (mobile homes not meeting the standards of Sec. 3.25). A Special Land Use permit for a mobile home not meeting the standards of Sec. 3.25 may be issued in cases of hardship in accordance with the procedures and general standards contained in Chapter 20.

SECTION 3.08 TEMPORARY USES PROHIBITED. No garage, cellar, basement or other excavation, and no tent or other temporary structure, other than a mobile home as permitted under Sec. 3.07, whether of a fixed or of a moveable nature, shall be used, within the jurisdiction of this Ordinance, for dwelling purposes; nor may any such structure be dug and completed or

erected, altered or moved upon any lot or other land within this Township, for the purpose of using the same, in whole or in part, for dwelling purposes; nor shall any such structure be used for dwelling purposes that does not have the required floor dimensions at the ground level thereof, as hereinafter provided.

SECTION 3.09 ACCESSORY USES. In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot provided, however, that in any residential district such accessory uses shall not involve the conduct of any business, trade or industry.

SECTION 3.10 ACCESSORY BUILDINGS AND STRUCTURES, GENERAL, OFF-SITE PRIVATE GARAGES. *(Amended by Ord. 2015-08-01 eff. 9-7-15)*

- (a) In any Zoning District, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building.
- (b) Detached residential accessory buildings shall not be located closer than five (5) feet to the rear lot line, except that in the case of a waterfront lot, the rear yard setback requirements for accessory buildings shall be the same as the requirements for principle buildings on waterfront lots (ref. also Sec. 7.05(c)). Also, in the case of a waterfront lot, a pump house may be located not less than fifteen (15) feet of the water's edge, may not exceed three (3) feet in height) and shall not occupy more than twenty (20) square feet of yard area. Pump houses shall not be closer to any side lot line or front lot line than the principal building is permitted. (Amended by Ord. No. 2012-12-01)
- (c) The distance between a detached residential accessory building and any single or two family residential building shall not be less than ten (10) feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
- (d) In the R-2 District, a garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance, if it is an accessory building and not a principle building, and if it is located not less than ten (10) feet from the street right of way. In the LR District, accessory buildings and off-site private garages shall comply with the front yard requirements applicable to principle buildings *(Amended by Ord. 2015-08-01 eff. 9-7-15)*.
- (e) Accessory buildings or structures shall not include living quarters for human beings.
- (f) No building or structure ancillary to a principle use shall be constructed on any parcel on which there is no principal building; provided, however, in the LR District, and under the following provisions, an Off-Site Private Garage may be located on a lot having no other principal use building, in the following circumstances only: *(Amended by Ord. 2015-08-01 eff. 9-7-15)*.
 - (1) If the lot is not more than 200 feet on either side of the street from a lot improved with a dwelling and to which the off- site private garage is accessory, and both lots have access to the same street; or
 - (2) Not more than one off-site garage building may be located on a lot that has no principal residential building.

- (3) An off-site private garage shall be limited to ancillary residential storage and parking use and shall not be used for commercial storage use, or other business use.
 - (4) Unless constructed to fully comply with the requirements for a principle dwelling, an off-site private garage shall not be used as, or improved for, secondary residence or for accessory dwelling purposes, including, but not limited to, sleeping, and cooking, whether for short term or long term purposes.
 - (5) The lot upon which the off-site garage building is constructed, and the improved lot and dwelling to which it is accessory, shall be held in common ownership. A restrictive covenant confirming the common ownership, and prohibiting the separate conveyance by way of sale or lease of either lot, shall be recorded with the Allegan County Register of Deeds. The deed instrument and evidence of the recording must be submitted to the Township prior to the issuance of a building permit or installation of any such building.
 - (6) The required yard areas and setbacks off-site private garages shall be the same as for principal buildings within the LR District.
 - (7) The character of the off-site private garage shall be compatible and similar to that of the dwelling to which it is accessory and to other nearby principal residential dwellings, by way of its form and the use of similar exterior wall and roof materials.
 - (8) Vehicle parking shall be restricted to parking spaces that conform to the parking requirements for on-site parking spaces of this ordinance.
 - (9) The outdoor storage of trailers, boats, boat docks, shore stations, and the like, is permitted only in the side yard and rear yard areas, may not extend closer to the road than the front of the building, and may not impair the ability of emergency personnel to access the rear yard.
 - (10) The size limitations and procedures authorizing off-site private garage buildings shall be the same as those for detached accessory buildings contained in Section 3.11. For the purposes of this Section, Section 3.11 sub. (a), par. (2) and Section 3.11 (b), the total lot area used in determining the allowable size and authorization procedure, shall be the combined gross lot area of both lots (ref. "gross lot area" definition, Chapter 2). *(Amended by Ord. 2015-08-01 eff. 9-7-15).*
- (g) If a detached accessory building and principal building are to be erected concurrently, a building permit for the accessory building shall not be issued until such time that construction of the principal building has been at least ten (10) percent completed.

SECTION 3.11 ACCESSORY BUILDINGS – SINGLE FAMILY DETACHED RESIDENTIAL.

Unless specifically approved under the terms of this zoning ordinance, attached and detached accessory buildings on single family detached residential lots shall not directly involve any business, trade, occupation, or profession. In addition, the following regulations shall apply:

- (a) Accessory Buildings Permitted by Right:
 - (1) One customary private garage - Subject to the following limitations, one customary private garage consisting of a garage attached to a principal residential dwelling or a detached garage is permitted on any single-family residential lot.
 - a) The maximum size of an attached or detached private garage shall be limited to 832 square feet for the first 1,300 square feet of habitable floor area contained in the residence. In addition, for each whole increment of

five (5) square feet that the floor area of the dwelling exceeds 1,300 square feet, the floor area of the attached or detached garage may be increased by one (1) square foot.

- (2) Detached accessory buildings- In addition to the above attached or detached private garage, one or more detached accessory buildings, including an off-site private garage in the LR District (ref. sec. 3.10(f)), are permitted in accordance with the following table:

Lot Area	Maximum percentage of lot area	Not to exceed	Dimensions (example)
Less than 10,000 sq ft	15%	768 sq ft	24'x32'
10,000-20,000 sq ft	8%	1,080 sq ft	30'x 36'
More than 20,000 sq ft	5.5%	3,200 square feet	40'x80'

- (b) Accessory Buildings Permitted by Special Land Use Permit: Other than the one attached or detached private garage permitted under Section 3.11 (a) (1) above, any accessory building, or buildings, including an off-site private garage in the LR District (ref. Sec. 3.10(f), having a total exterior ground floor area exceeding the limitations of the above table shall only be authorized as a Class I Special Land Use under the provisions of Chapter 20. *(Amended by Ord. 2015-08-01 eff. 9-7-15).*
- (c) Lot Coverage Limitation: In residential districts no accessory building may be authorized as a permitted use under this Section, or as a Special Land Use under Chapter 20, if the building causes the total lot coverage to exceed the total lot coverage limitation of the applicable zoning district, as follows:
 - (1) R-2 - Residential District- thirty percent (30%).
 - (2) LR - Lake Residential District-*(Amended by Ord. 2015-08-01 eff. 9-7-15)*
 - a) For lots and parcels 5,000 Square feet or greater in size, 60% of lot area or 3,600 square feet, whichever is the lessor amount of coverage.
 - b) For Lots and parcels less than 5,000 square feet in lot area, there is no maximum lot coverage limitation. Accessory building are required to meet the same required, front, side and rear yard areas as applied to the principal building.
 - (3) R-3 - Medium Density Residential – twenty (20%) percent.

SECTION 3.12 ACCESSORY BUILDINGS AND STRUCTURES - TWO FAMILY RESIDENTIAL. Attached and detached accessory buildings associated two family residential dwellings may not directly involve any business, trade, occupation, or profession. In addition, the following regulations shall apply:

- (a) Private Garage-Customary: A customary private garage consisting of a garage attached to each dwelling unit, or in its place, a detached garage located at or behind the front line of the principle structure is permitted subject to the following limitations.
 - (1) The maximum size of an attached private garage shall be limited to 832 square feet for the first 1,300 square feet of habitable floor area contained in each dwelling. In addition, for each whole increment of five (5) square feet that the floor area of the dwelling exceeds 1,300 square feet, the floor area of the attached garage may be increased by one (1) square foot.

- (b) Additional Detached Accessory Buildings: Limitations: One additional detached accessory building not exceeding 250 square feet shall be permitted for each dwelling unit provided that it shall be located in the rear or side yard, behind the front line of the dwelling structure.
- (c) Lot Coverage Limitation: No accessory building may be authorized as a permitted use under this Section if the building causes the total lot coverage to exceed twenty percent (20%).

SECTION 3.13 ACCESSORY BUILDINGS AND STRUCTURES- MULTIPLE FAMILY AND NON-RESIDENTIAL.

- (a) No accessory building or structure shall exceed the permitted height for main buildings in the district in which it is located.
- (b) Location Requirements.
 - (1). Except for canopy roofs, as regulated herein, accessory buildings or structures are not allowed in any front yard.
 - (2). Accessory buildings are allowed in the side or rear yard provided that the total floor area of all accessory buildings on the lot or parcel does not exceed twenty-five percent (25%) of the applicable required rear yard.
- (c) Setbacks. The following setback requirements must be met:
 - (1) Accessory buildings and structures shall meet all setback requirements for the zone district in which they are located.
 - (2) A detached accessory building shall not be located closer than twenty-five (25) feet to any main building or closer than eighteen (18) feet to another accessory building.
- (d) Canopy roofs: Canopy roofs for commercial, industrial, and multi-family uses shall be limited as follows:
 - (1) Canopy roofs such as those for gas pump islands accessory to automobile service stations, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of fifteen (15) feet is maintained from any property line.
 - (2). The canopy roof clearance shall not exceed fourteen (14) feet and the canopy shall be open on all sides.
 - (3) The colors and design of the canopy shall be compatible with the main building on the parcel or lot.
 - (4) Lighting on, or within the canopy shall comply with the requirements of Chapter 18.
 - (5) Signs on the canopy shall comply with the wall sign provisions of Chapter 21.

SECTION 3.14 PRINCIPAL BUILDING ON A LOT. In the R-1 and R-2 Residence Zoning Districts, no more than one (1) principal building shall be placed on a lot.

SECTION 3.15 DOUBLE FRONTAGE AND CORNER LOTS. Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.

SECTION 3.16 GRADES.

- (a) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls

of the building. There shall be a sloping grade beginning at the finished grade line at the front of the building to the front lot line. However, this shall not prevent the maintenance of natural existing grades or the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties.

- (b) When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent properties. A minimum grade of eighteen (18") inches shall be established above the crown of the road for all dwellings.
- (c) Final grades shall be approved by the Building Inspector. The Building Inspector may require the developer to submit a written opinion of a registered civil engineer or land surveyor concerning grading for proper drainage around the building or structure in question.

SECTION 3.17 SIGNS. Reference Chapter 21

SECTION 3.18 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO MAJOR STREETS. Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on land abutting a street defined and designated in Chapter 2 and a Street Classification Map as may be contained herein, as a major or minor county primary road, as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- (a) Major County Primary - one hundred (100) feet
- (b) Minor County Primary - eighty (80) feet

SECTION 3.19 MINIMUM STREET FRONTAGE AND LOT WIDTH. After the effective date of this amendment, every lot or parcel supporting a building or non-farm principal use shall have direct, continuous frontage on a public street, or in the alternative, a private street easement as defined and regulated herein. Street frontage and minimum lot width shall be provided along the public street right-of-way line or private street easement except that minimum street frontage may be reduced in the following instances:

- (a) If the lot has frontage on a cul-de-sac, or a curve having an arc with a radius of less than two hundred (200) feet, the lot frontage at the right-of-way or easement line may be reduced to forty (40) percent of the minimum frontage otherwise required in the zoning district. The measurement will be made along the chord of the arc running between the side property lines at the points of intersection with the R.O.W./easement line.

In each instance where a lot frontage reduction has been allowed under (a) above, minimum lot width must be met at the front building line of the principal building or within 150 feet of the street right-of-way or easement line, whichever is the lesser distance.

In all cases, minimum lot width shall be maintained between the front and rear building lines of the principal building, or 30 feet behind the front line of the building, whichever is the greater distance.

SECTION 3.20 GOVERNMENTAL IMPROVEMENTS. The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

SECTION 3.21 HEALTH DEPARTMENT APPROVAL. No permit shall be issued for the constructions of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Allegan County.

SECTION 3.22 KEEPING OF DOMESTICATED FARM ANIMALS. These provisions shall not prohibit or regulate the keeping of ordinary household pets. Within any Residential or Agricultural Zoning District the keeping or raising of domesticated livestock and fowl may be permitted on the same lot or parcel where a residence is located, provided that:

- (a) A structure or fence is used to enclose and confine the animals to the premise. The enclosed area must be located and managed to avoid adverse environmental, health and nuisance affects (both on and off the premises), associated with the animals and animal waste.
- (b) All buildings or structures in which the animals are housed and all feeding and waste handling facilities or areas must be located at least 100 feet from all residential dwellings, streams, lakes and other water bodies and 50 feet from property lines and street rights-of-way.
- (c) Within any zoning district in which single family residential use is permitted the keeping of domesticated farm animals for pleasure or enjoyment on residential parcels (parcels that are not part of or in support of a commercial farming operation) is subject to the following provisions.
 - (1) Cattle, horses, elk, and bison: A minimum lot area of two acres is required and there shall be no more than one animal for the first two (2) acres and one additional animal for each additional acre. Adherence to the best management practices for the keeping of such animals as proscribed by the Michigan Department of Agriculture is required.
 - (2) Deer, llamas, goats, sheep, and hogs: A minimum lot area of one acre is required and there shall be no more than two animals for the first two (2) acres and one additional animal for each additional one half acre.
 - (3) Rodents, poultry, and fowl: A minimum lot area of one acre is required and there shall be no more than 20 animals for the first acre and 50 animals for each additional acre.
 - (4) Within any Open Space Preservation project authorized under Chapter 22 or any Conservation Subdivision approved under the provisions of Chapter 23, the keeping of domestic animals shall be governed by the standards of this Section unless at the time of the project's approval, alternative terms or conditions are specified relative to the use of common or preserved open space
- (d) The provisions of this Section do not apply commercial kennels, to keeping of homing pigeons which are exempted from regulation by state statute or the keeping of wild animals or ordinary household pets (ref. Sections 3.22 and 3.23).
- (e) The keeping of domesticated farm animals within a Commercial or Industrial District is prohibited unless it is associated with a legal non-conforming single family residence and is otherwise kept under the terms of this section.

SECTION 3.23 KENNELS AND ANIMAL RUNS-DOG TRAINING FACILITIES. Non-commercial and commercial kennels, fenced animal runs and dog training facilities are permitted

uses in the AG district subject to the provisions outlined in Section 5.02.f. Such uses are permitted uses in the C-2 district if they are completely enclosed, and Special Land Uses, if not enclosed. Such uses are classified as Special Land Uses in the R-1 and I-1 districts. Where classified as special land uses the uses are subject to the standards of Section 20.12(h) and the requirements of Chapter 20.

SECTION 3.24 WILD ANIMALS, KEEPING OF. The term "wild animals" as used herein shall include but not necessarily be limited to lions, tigers, lynx, bobcats, bears, poisonous fish, poisonous insects, poisonous arachnids, large or poisonous reptiles, and any other life form that is incapable of being completely domesticated.

Notwithstanding the provisions of Section 3.22, it is the intent of this Section to prohibit the keeping, selling, boarding, housing, possession, and maintenance of wild animals within the Township, either temporarily or permanently except under one or more of the conditions enumerated below.

- (a) The keeping of the animal or animals is carried out by a veterinarian licensed in the State of Michigan for the treatment of injuries or to temporarily harbor an animal until permanent quarters are found.
- (b) The keeping of the wild animals is within a commercial game breeding operation, or public or private wildlife park or preserve, or hunting preserve as may be licensed or authorized by the Michigan Department of Natural Resources and as authorized under the provisions of this zoning ordinance.
- (c) The keeping of the animals is a part of a special event such as a circus or carnival as appropriately licensed by the State of Michigan

SECTION 3.25 STANDARDS PERTAINING TO DWELLINGS OUTSIDE OF MOBILE HOME PARKS. It is the intent of this Section to provide specific conditions and standards, which must be met by single and two family dwellings located outside of manufactured home parks or other developments regulated by the Manufactured Home Commission of the State of Michigan. These standards are considered necessary to assure compliance with minimum structural standards and the reasonable compatibility of a dwellings exterior appearance with other dwellings in the same vicinity, whether constructed on or off site.

- (a) All of the requirements of the zone district within which the lot is located shall be met and no dwelling shall be erected, installed or located upon any lot or parcel of land unless it meets all specifications of the adopted Township Building Code pertaining both to the structure itself and to the manner in which it is affixed upon the lot or parcel of land.
- (b) Exterior Dimensions. The minimum width of any dwelling shall be twenty four (24) feet which shall extend at least two thirds (2/3) of the length of the dwelling.
- (c) There shall be a minimum habitable floor to ceiling height of seven one-half feet.
- (d) All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code adopted by the Township and any space between the grade elevation of the lot and structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home the dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall contain a perimeter skirting wall as required in subsection.
- (e) The dwelling shall have no fewer than two exterior doors to provide a means of ingress

- and egress from the dwelling.
- (f) All dwellings shall be provided steps designed to enable safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade. All steps and/or porches shall be securely attached to a permanent foundation and shall be constructed in conformance with the Township Building Code.
 - (g) If the dwelling is a mobile home, each mobile home shall be installed with the wheels removed. No dwelling shall be sited having any exposed towing mechanisms, undercarriage or chassis.
 - (h) If the dwelling is a mobile home, each mobile home shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. The skirting shall compliment the appearance of the main walls of the mobile home and consist of the same material or materials of equal or greater durability as those customarily used on the exterior walls of mobile homes. Brick or concrete block wall construction shall be permitted as skirting. The skirting shall be securely attached and sealed to the mobile home body and shall contain a rat proof wall or slab to prevent the entrance of rodents and other animals underneath the mobile home. A minimum of one (1) access door shall be required in the skirting and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more than twenty (20) feet so as to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times. Unprotected flammable materials including hay bales or newspaper shall not be allowed as skirting for mobile homes.
 - (i) All dwellings shall meet or exceed all applicable roof snow load and strength requirements shall otherwise comply with all pertinent building and fire codes adopted by the Township. In the case of a mobile home, all construction and all plumbing, electrical and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development.
 - (j) Building additions attached to the dwelling shall meet all the requirements of this ordinance and the applicable building, health, electrical and mechanical codes.
 - (k) All dwellings shall be connected to a public sewer system and public water supply system as required by the Township or to such private sewer and water facilities as approved by the Allegan County Health Department.
 - (l) A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Building Inspector.
 - (m) Prior to issuance of a building permit for any dwelling unit, construction plans at a scale of no less than one quarter inch (1/4") to one foot (1'), including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.
 - (n) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party

may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of mobile home parks within seven hundred fifty (750) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

SECTION 3.26 SWIMMING POOLS.

- (a) No swimming pool (referred to as "pool" in this section) shall be constructed, erected or installed on any lands in the Township unless a building permit therefore has first been obtained from the Zoning Administrator.
- (b) The outside edge of the pool wall shall not be located nearer than four (4) feet to any lot line; provided, however, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.
- (c) Any pool constructed of poured concrete shall have a bottom not less than six inches thick and walls not less than eight inches thick, such walls and bottom to be reinforced with metal reinforcing rods. Liner type pools, whether above ground or below ground, may be constructed or installed if (1) the liner used is made and finished by a manufacturing concern which, as a part of its business, regularly makes swimming pool liners out of plastic, rubber, fiberglass, steel or any other such product and (2) the bottom and walls of such liner type pool are constructed in accordance with the specifications of the manufacturer of the liner.
- (d) Each pool shall be enclosed by a fence or wall of a height of at least six (6) feet, which is constructed in such manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated; provided, however, that no fence may be erected closer to a street than a building may be erected in the Zoning District in which the pool is located. If the pool is a permanent, above ground type with a wall height of at least four (4) feet above the surrounding ground surface and if the pool is of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder or other means of access to the pool.
- (e) All gates and doors which permit access to the pool area shall be capable of being locked and shall be locked at all times when no person is present on the lot of which the pool is located. All gates and doors which permit access to the pool area shall be of a self-closing, latch type, with the latch on the inside of the gate or door; in addition, each such gate or door shall have lock located on the inside thereof.

SECTION 3.27 HOME OCCUPATIONS.

- (a) For purposes of this section, a home occupation is a gainful occupation traditionally and customarily carried out in the home or on a residential premise, as a use that is incidental to the use of the home and premise as a place of residence. A home occupation may be conducted entirely within a residential dwelling and/or an attached garage accessory to the dwelling. A home occupation may only be allowed to involve a detached garage or other detached accessory building if approved as a Special Land Use. (ref. Sub. Sec. (f), Sub. (8)).

- (b) A home occupation may be permitted in the AG, R-1, R-2, R-3, or PD Districts in association with any dwelling in accordance with this section.
- (c) Type I Permitted Home Occupations. The following home occupations shall be permitted:
- (1) Architecture and interior design work.
 - (2) Beauty salons and barber shops.
 - (3) Bookkeeping, accounting and financial planning.
 - (4) Cabinet making and carpentry work.
 - (5) Computer programming and other computer related work.
 - (6) Consulting and counseling services.
 - (7) Drafting and illustration services.
 - (8) Dressmaking, sewing and tailoring.
 - (9) Furniture upholstery.
 - (10) Gun dealer and gun repair service.
 - (11) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making.
 - (12) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
 - (13) Office of minister, priest or other member of the clergy.
 - (14) Office of building contractor or building trades persons.
 - (15) Office of a sales person, sales representative or manufacturer's representative.
 - (16) Painting, sculpturing and writing.
 - (17) Private tutoring.
 - (18) Secretarial services.
 - (19) Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like.
 - (20) Television and other small appliance repair.
 - (21) Telephone answering service and telephone solicitation work.
 - (22) Travel booking service.
 - (23) Watch repair.
 - (24) Medical Marihuana Primary Caregiver (ref. Sec.3.27(i)). *(Amended 3-10-11 by #2011-03-01)*
- (d) Minimum Conditions for Type I Permitted Home Occupations. The following minimum conditions and requirements shall apply to all permitted home occupations except that the minimum conditions and requirements that apply to Medical Marihuana Primary Caregivers shall be as listed in Section 3.27(i) *(Amended 3-10-11 by #2011-03-01)*:
- (1) Home occupations involving the use of a detached accessory building are only allowed if approved as a Special Land Use under the provisions of subsection (f) contained herein.
 - (2) It shall be carried on only by the residents of the dwelling and not more than one other person.
 - (3) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes, and the appearance of the structures shall not be altered, nor shall the occupation be conducted in any manner that would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.

- (4) Within the AG District, one sign, not exceeding eight square feet may be used to identify home occupations therein. For home occupations permitted within the R-1, R-2, R-3, or PD Districts, signs identifying the use shall not be permitted.
 - (5) The maximum floor area devoted to the home occupation shall be limited to 400 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
 - (6) There shall be no selling of goods, merchandise, supplies, or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.
 - (7) No storage or display shall be visible from outside the dwelling or an accessory building.
 - (8) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
 - (9) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
 - (10) As a result of a home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for residential use in the zoning district in which the use is located.
 - (11) There shall be adequate off-street parking spaces. On street parking, or parking within the street right of way is prohibited.
 - (12) Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.
- (e) Non-listed, but similar home occupations. In addition to the above permitted home occupations, home occupations which are similar in nature and effect to those specifically listed in this section may also be permitted.
- The determination whether a proposed home occupation is sufficiently similar in nature and effect to a home occupation specifically listed in this section may be made by the Zoning Administrator, but in the discretion of the Zoning Administrator, such determination may be made by the Planning Commission at a public meeting.
- In determining whether a proposed home occupation is sufficiently similar to one listed in this section, the Zoning Administrator or the Planning Commission, as the case may be, shall consider and make findings based upon the following standards:
- (1) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
 - (2) Whether the nature of the home occupation is substantially in keeping with the residential use of the property.
 - (3) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar home occupations that are specifically permitted in this section.
 - (4) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- (f) Type II Home Occupations Approved as Class II Special Land Uses. The following home occupations may be allowed in the AG, R-1, R-2, and R-3 District or an approved PD

District if approved by the Planning Commission as a Class II Special Land Use under Chapter 20 of this ordinance.

- (1) Physician's office or clinic, dentist's office or clinic.
 - (2) Offices for contractors and building tradesmen, including the outdoor storage of contractor's equipment and vehicles in the AG District only.
 - (3) Photography studio.
 - (4) Gymnastics and dance instruction.
 - (5) Bed and breakfast establishments.
 - (6) Veterinarian's office or clinic in the R-1 and AG District, but only if located on parcels of land of at least 3 acres in area and not including outdoor kennels.
 - (7) Child or adult day care *or foster care* for more than 6 but not more than 12 unrelated individuals.
 - (8) Any home occupation involving the use of a detached accessory building.
- (g) Type II Standards. In considering any such home occupation for approval as a Class II Special Land Use, the Planning Commission shall consider and make findings upon the following standards:
- (1) Notwithstanding the floor area limitations of subsection (d) paragraph (5), whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
 - (2) Whether the nature of the home occupation is substantially in keeping with the residential or other permitted use of the property such as farming.
 - (3) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and occurring in the district and similar home occupations that are specifically permitted in this section.
 - (4) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- (h) Conditions. In approving any such Type II Home Occupation, the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:
- (1) Whether the use is located in a dwelling and/or an accessory building.
 - (2) The floor area of the use.
 - (3) The area, height, bulk and location of any accessory building.
 - (4) Whether the storage or display of goods, inventory or equipment will be visible from outside the dwelling or an accessory building.
 - (5) Whether combustible toxic or hazardous materials will be used or stored on the premises.
 - (6) Whether there will be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line, or whether there will be machinery or electrical activity that will interfere with nearby radio or television reception.
 - (7) Effects on motor vehicle and/or pedestrian traffic.
 - (8) The amount of off-street parking provided, and the location thereof.
- (i) Medical Marihuana. The operations of a Primary Caregiver shall be allowed as a Type I permitted home occupation only in a detached single family dwelling located in the residential and agricultural districts (AG, R-1, R-2 and R-3) and approved detached single family residential Planned Developments (PDs) pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, PA 208, Initiated Law, MCL 333.26421, et. seq. and the

requirements of this section. As a permitted home occupation, a Primary Caregiver operation shall be at all times subordinate and incidental to the use of the dwelling as a residence. Any other provision of this Section 3.27 notwithstanding, the requirements for the operations of a Medical Marihuana Primary Caregiver as a Type I permitted home occupation shall be as follows:

- (1) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act ("Act") and the Administrative Rules of the Michigan Department of Community Health, ("Administrative Rules") as they may be amended from time to time. As such[₂] the Primary Caregiver may grow and process marihuana in compliance with the Act within the residential dwelling where the Primary Caregiver lives and is the Primary Caregiver's residence pursuant to Michigan law. No such residential dwelling of the Primary Caregiver shall be located within an apartment building, multi-family residential building cooperative building or similar housing building or development, commercial building or multi-use building, but rather, shall occur only within a detached lawful single-family residential dwelling.
- (2) A Primary Caregiver operation must be located outside of a one-thousand (1,000) foot radius from any real property comprising specifically of: any licensed daycare facility; any church, synagogue or other place of religious worship; any recreational park, public community center, library, private youth center, playground, public swimming pool, video arcade facility; any public or private pre-school, elementary school, middle school, high school, community college, vocational or secondary school; any public or private college, junior college, university; any and all other schools that have different name references but serve students of the same age; or housing facilities owned by a public housing authority.
- (3) Each Primary Caregiver operation must be located outside of a one-thousand (1,000) foot radius from any other real property from which a Primary Caregiver operates or resides.
Note: For the purposes of above paragraphs (2) and (3), the measurement of the above-stated isolation-distance requirement shall be made by extending a straight line from the exterior wall of the Primary Caregiver's dwelling structure to the nearest property line occupied by a use for which isolation is required.
- (4) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for single family residential purposes and the appearance of the structures shall not be altered, nor shall the operation be conducted in any manner that would cause the premise to differ from its single family residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.
- (5) The maximum floor area devoted to the home occupation shall be limited to 400 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
- (6) Not more than one (1) Primary Caregiver within a single-family dwelling shall be permitted to service Qualifying Patients who do not reside with the Primary Caregiver.
- (7) All medical marihuana shall at all times be contained inside the main residential structure except when being delivered by the Primary Caregiver to a Qualifying Patient off site. No part of an attached or detached accessory structure shall be

utilized. No part of the growing operation shall be visible or identifiable from the exterior of the dwelling and the room(s) in which the medical marihuana is cultivated, processed or stored shall be enclosed from floor to ceiling on all sides, windowless to the outside and without skylights and otherwise inaccessible unless from the inside of the principle dwelling structure. All rooms and facilities containing Medical Marihuana shall be equipped with locks and other security devices that permit access only by the registered Primary Caregiver.

- (8) No smoking, consumption, or use of marihuana shall occur outdoors.
- (9) No sign identifying the dwelling as being a place where medical marihuana is grown, sold, processed, kept, or distributed shall be visible outside of the dwelling or within any of the windows of the dwelling.
- (10) Prior to the commencement of any marihuana cultivation operation, all necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.
- (11) No equipment or process shall be used in growing, processing, or handling medical marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receiver off the premises or causes fluctuation of line voltage off the premises. The dwelling of the Primary Caregiver shall meet all building, housing, fire and local and state codes and ordinance requirements.
- (12) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- (13) No other home occupation shall occur on the premises and no sale of merchandise and no distribution of merchandise or products, apart from the distribution of medical marihuana itself, shall be conducted on, within or from the dwelling or residential premises (including the lot or parcel involved) of the Primary Caregiver. Patients or their agents may not, as a function of the home operation, visit the premises; rather, the Primary Caregiver must personally deliver any medical marihuana to a Qualifying Patient at the residence of that Qualifying Patient.
- (14) Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana not in strict compliance with the "Michigan Medical Marihuana Act" and its Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery, or transfer of marihuana to treat or alleviate a Qualifying Patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Ordinance. Furthermore, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal

law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act. *(Amended 3-10-11 by #2011-03-01)*

SECTION 3.28 LAKE ACCESS.

The following restrictions are intended to limit and regulate the number of users and types of uses of lake frontage in order to preserve the qualities of the waters, minimize conflicting land uses, promote safety and minimize boating and water related accidents, minimize overcrowding and pollution and help preserve the quality of recreational use of lands and waters within the Township.

(a) Development Parcels

In all zoning districts, for any new lot created after the effective date of this ordinance amendment, there shall be at least (100) one hundred feet of water frontage by 100 feet of depth for a boat access. A straight line that intersects each side lot line as it intersects the waters edge shall be used to measure frontage and the side lot line shall be used to measure depth. Each lot or parcel shall otherwise meet the minimum dimensional requirements for such lots in the zoning district in which it is located.

(b) Access (Keyhole) Parcels

(1) In any zoning district where there is a parcel of record existing on or before the effective date of this ordinance amendment having water frontage of less than one hundred (100) feet, which by its dimensional or physical limitations will not support building development, such parcel or lot may be used or conveyed as not more that one (1) single boat access.

(2) In any zoning district where there is an intent to create and use a new lot, condominium unit parcel, easement or common area for the purpose of providing riparian rights or other access rights to the lake, the new lot, condominium unit parcel, easement or common area shall have at least one hundred (100) lineal feet of water frontage and a depth of at least 100 feet. The number of parcels, lots, condominium units, dwelling units or apartments permitted to have deeded boat access over the lot, parcel, easement or common area shall be one (1) for the first one hundred (100) feet of water frontage, plus one (1) additional access for each one hundred (100) feet of frontage that the parcel has on the body of water. Deeded general common areas for condominium units, apartments, co-op etc shall not have a boat access.

(c) No single unit boat access site or parcel or lot and no multi-unit boat access site shall accommodate the launching, anchoring, docking, dry docking or mooring of more than six (6) boats or vessels.

(d) No boat dock or mooring facility may be located or extend a distance of greater than 100 feet from the shoreline of the associated boat access site or parcel unless a greater distance or length is needed to achieve a water depth necessary for normal and safe vessel docking operations without the need of dredging or other measurable disruption to the lake bottom. Any dock or mooring proposed to extend greater than 150 feet from shore shall require review and approval as a Class I Special Land Use.

(e) All boat access facilities, (boats, boat ramps, shore stations, docks, and boat launches) extending into the lake shall be located entirely within the confines of an envelope that extends into the water which sides are formed by lines extending from the subject

- property corners, to a point at the center of the lake. Such facilities shall be designed, located and operated within the envelope to avoid or minimizes conflict with adjacent access envelopes.
- (f) In all zoning districts, no lake or boat access site, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or non-residential uses or purposes unless such use complies with the requirements of the zoning district in which it is located and is first reviewed and approved as a Class II Special Land Use.
- (g) In addition to the above limitations, no easement, private park, common area, or property abutting or adjoining a lake that is created after the effective date of this amendment shall be used to permit access to the lake for more than one (1) single-family property, dwelling unit, condominium unit, site condominium unit or apartment unit condominium arrangement, lake or boat access device or facility or lot or boat access site unless such access site, device or facility is also approved as a Class II Special Land Use.
- (h) No new channel or canal shall be created abutting, enlarging or tied into a lake, nor shall existing canals or channels be enlarged. Canals or channels which touch or abut a lake and were lawfully in existence as of the date of enactment of this ordinance may be cleaned and maintained in accordance with applicable laws of the State of Michigan so long as they are not enlarged beyond their original dimensions.
- (i) The restrictions of this Section shall apply to all lots, condominium units and parcels on or abutting any lake, regardless of whether access to the lake shoreline or waters shall be by easement, park, trust, common-fee ownership, single-fee ownership, condominium arrangement, license, lease or other method
- (j) No one, other than a person owning or residing on a property, parcel, lot or unit that is immediately adjacent to a lake may moor or anchor a watercraft in excess of 3 consecutive nights within an access envelope or in the waters adjacent to an access envelope. Nor shall any person enter into an agreement to permit anyone to use the shoreline (or boat access) or water unless such person is leasing a residence on the property and is in possession of the entire property.
- (k) The nonconforming use provisions of Chapter 14 of this Zoning Ordinance shall be applicable to this Section except the following shall be permissible notwithstanding the provisions of Chapter 14:
- (1) Any lot of record on or before the effective date of this ordinance amendment having frontage on a body of water may have one (1) boat access even though the lot has less than one hundred (100) feet of frontage on the water. This Section shall not be construed to prevent docks, even if docks have not been installed, where recorded vested rights were granted prior to the adoption of this zoning ordinance amendment.
 - (2) No easement, park, common area or Public property having frontage on a lake which lawfully exists as of the date of the adoption of this Section, or in the future, shall have a boat access unless such boat access existed prior to the date of this amendment or permission was granted by a court of competent jurisdiction.
 - (3) If a given property, easement, park, common area or access property has a right to have a boat access under this Section, that right to utilize a boat dock or other boat access structure shall continue even if the boat access structure is seasonal in nature, or has to be repaired or replaced. No boat dock or other boat access structure in existence on the effective date of this amendment, or that was in existence on 09-01-2005, that is classified as non-conforming for reasons of

length, size or location may be repaired, replaced or extended in a manner that increases its non-conformity. The use of a boat dock or structure that is non-conforming for reasons of length, size or location and that has been left unused for a period of three consecutive years may not be recommenced unless it is modified or replaced so as to conform to the standards of Section 3.28(c),(d) and (e).

- (m) Nothing in this ordinance shall be interpreted to grant any individual or entity the right to use any property that is owned, operated or controlled by Leighton Township or any other government entity, or act to waive or release any right of Leighton Township or any other governmental entity from terminating any individual's or entities existing or future usage of any property owned, operated or controlled by Leighton Township or any other governmental entity.

SECTION 3.29 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.
- (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 Leighton 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 certify and provide written assurance that the WES shall not be abandoned in place and shall be removed within one (1) year of decommissioning.
- (c) Wind Energy Systems Which Require A Type II Special Land 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 Type II Special Land 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 Uses as contained in Chapter 20 of this Zoning Ordinance:
- (1) Site Plan Requirements – For those WES for which a Type II Special Land 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 15.
 - 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 Land 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.
 - (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 Land 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, Pubic 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 Leighton 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.

SECTION 3.30 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 than 5-feet above the roof surface of a flat roof or the deck of a mansard roof.

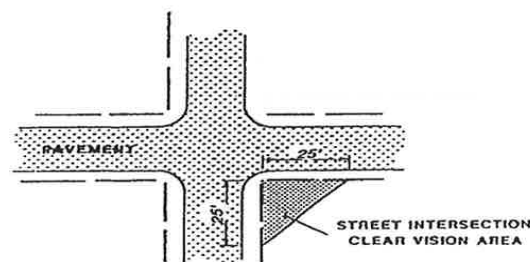
SECTION 3.31 PROHIBITIONS ON MEDICAL MARIHUANA DISPENSARIES COLLECTIVES AND COOPERATIVES.

No Medical Marihuana Dispensary, Collective or Cooperative shall be commenced, conducted, operated or utilized in any zoning district or on or from any property within the Township. The lawful cultivation and distribution of medical marihuana by registered Primary Caregivers may only be conducted in compliance with the conditions and requirements contained in Section 3.27 of this Ordinance. *(Amended 3-10-11 by #2011-03-01)*

SECTION 3.32 FENCES, WALLS AND SCREENS. *(Added by Ord. 2011-10-01)*

(a) General Construction.

- (1) All fences and walls shall be of sound construction and shall be properly maintained.
- (2) The use of razor/concertina wire is prohibited in all zoning districts unless specifically authorized by the Planning Commission on a site plan authorizing a principal business, industrial, public, or institutional use.
- (3) In any district where it is permitted, the strands of barbed, razor/concertina wire or electrically charged fence may not extend outward from the base or vertical line of the main portion of the fence.
- (4) In any zoning district, fences or walls greater than six feet in height may not be of a solid or opaque construction.
- (5) In all zoning districts a fence or wall shall be erected so that the finished side of the fence or wall faces adjacent properties. Post, braces, and supports shall be located on the inside of the fence or wall.
- (6) Any fence constructed on the front or side of a lot fronted by a sidewalk shall be located at least eighteen (18) inches from the inside edge of the sidewalk.
- (7) Private fences or barriers are prohibited within a public right of way.
- (8) In all districts, at any street intersection no fence, wall or screen shall be established which will obstruct the view if a vehicle driver approaching the intersection. The unobstructed vision area consists of a triangular area formed by the intersecting street right of way lines and a line connecting them at points twenty five (25) feet from the intersection of the right of way lines. Fences, walls or shrubs which are less than 30 inches in height above the curb line or shoulder of the road are permitted. (See Figure 3.1).

**FIGURE 3.1****STREET INTERSECTION CLEAR VISION AREA**

(b) Fence Standards Specific to Certain Districts and Locations.

- (1) Standards applicable to the R-2 and R-3 Residential Districts.
 - a) Only decorative or ornamental fences not exceeding forty-two (42) inches in height may be permitted in front yards. A fence of this height may be permitted from the front building line of a residence to within eighteen (18) inches of the sidewalk provided that the fence may not violate the street intersection clearance requirements.
 - b) No fence or wall along a rear or side property line or within a rear or side yard shall exceed six (6) feet in height as measured from the average grade within six feet of the fence line, except as may be permitted in subparagraph (c) below.

- c) Barbed wire, spire tips, sharp objects, or above ground electrically charged fences up to a maximum of seven (7) feet of height may be erected in the R-2 or R-3 district when used for protection of public utility facilities or as animal enclosure on a farm, as defined in Chapter 2.
 - d) When not used to enclose animals, barbed wire, spire tips, sharp objects, and electrically charged strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet.
 - e) Any fence which existed in or abutted any R-2 or R-3 district, as of the date of adoption of this Section, may be maintained, repaired, or replaced in whole or in part with a fence of the same type of construction if it is damaged or accidentally destroyed.
 - f) Fencing with respect to non-residential special land uses that may be permitted in the R-2 and R-3 Districts is subject to site plan approval as provided in Section 3.32(b)(3) below.
- (2) Standards applicable to the LR Lake Residential District.
- a) Only decorative or ornamental fences not exceeding forty-two (42) inches in height may be permitted in front yards (street side). A fence of this height may be permitted from the front building line of a residence to within eighteen (18) inches of the sidewalk provided that the fence may not violate the street intersection clearance requirements.
 - b) For lots having frontage on a lake, only decorative or ornamental fences not exceeding forty-two (42) inches in height may be permitted in rear yards (lake side). A fence of this height may be permitted as follows:
 - 1) For dwellings located forty (40) or fewer feet from the ordinary high water mark, fence may extend into the rear yard (lake side) a distance equal to fifty percent (50%) of the distance between the lake and the dwelling.
 - 2) For dwellings located more than forty (40) feet from the ordinary high water mark, a fence may extend into the rear yard (lake side) up to twenty-five (25) feet from the ordinary high water mark.
 - c) Any fence constructed in the rear yard (lake side) of a lakefront lot shall not be a solid barrier which completely obstructs view; rather, any such fence shall allow at least seventy percent (70%) visibility through the fence.
 - d) For properties within the LR district that do not have frontage on a lake, the requirements of subsection (b)(1) above shall apply.
 - e) A zoning compliance permit pursuant to Section 25.03 is required for fences and walls within the LR district.
- (3) Standards applicable to the all other zoning districts and non-residential special land uses.
- a) All fences or walls in the AG, R-1, C-1, C-2, O/I and I-1 zoning districts shall be limited to a maximum height of ten feet.
 - b) The use of barbed wire, spire tips, sharp objects or above ground electrically charged fences is permitted provided the fence strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade unless the fence is used as an animal closure.

- c) Subject to a determination of the Zoning Administrator, within the C-1, C-2, O/I and I-1 Districts and for any special land use, fence and wall construction may be subject to site plan approval as a minor site plan change if it is determined that the fence or wall will significantly alter an existing development site or alter a landscape plan, circulation pattern or drainage plan previously authorized as part of an official site plan on file with the Township.

SECTION 3.33 SMALL-SCALE SOLAR ENERGY SYSTEMS

Applicability. This section applies to any system of small-scale solar energy collector systems. This section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and mounted less than five (5) feet above the ground, nor does this section apply to the larger utility scale solar energy collector systems, which are regulated in Section 20.12(p). Nothing in this section shall be construed to prevent the sale of limited excess power through a net billing or net-metering arrangement.

(a) General requirements.

- (1) Permit Required. No small-scale solar energy collector system shall be installed or operated except in compliance with this section. A zoning permit shall be obtained from the Zoning Administrator prior to the installation of a small-scale solar energy system.
- (2) Applications. In addition to all other required application contents as listed in Section 25.03, equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from all lot lines and adjacent structures shall be submitted along with the zoning permit application for review by the Zoning Administrator.
- (3) Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. Such collectors shall not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.
- (4) Installation.
 - a) A small-scale solar energy collector shall be permanently and safely attached to the ground or a structure or building. Solar energy collectors, and their installation and use, shall comply with all building codes and all other applicable Township and state requirements.
 - b) Small scale solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's specifications. Upon request, a copy of such specifications shall be submitted to the Township prior to installation.
- (5) Power Lines. On-site power lines between solar panels and inverters shall be installed and maintained underground pursuant to applicable building and electrical codes.
- (6) Abandonment and Removal. A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months or more will be considered abandoned unless the responsible party with an ownership interest in the system provides substantial evidence to the Township every six (6) months (after the twelve (12) months of no energy production) of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all

equipment and facilities and restore the lot to its condition prior to the installation of the system within one (1) year of abandonment.

- (b) Building-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.
- (1) Maximum Height. The maximum height of the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three (3) feet by such collectors.
 - (2) Obstruction. Building-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.
- (c) Ground-Mounted Solar Energy Collectors. These systems are permitted in all zoning districts subject to the following conditions.
- (1) Rear and Side Yards. The equipment and collectors may be located in the rear yard or the side yard but shall be subject to the setbacks for accessory structures.
 - (2) Front Yard. The equipment and collectors may be located in the front yard only if located no less than one hundred fifty (150) feet from the front lot line.
 - (3) Obstruction. Ground-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.
 - (4) Vegetation. All vegetation underneath solar energy infrastructure shall be properly maintained so as to not block access to solar collectors.
 - (5) Maximum Number.
 - a) Residential uses. There shall be no more than one (1) ground-mounted solar energy collector system per principal building on a lot.
 - b) Agricultural, Commercial, and Industrial uses. There shall be no limit to the number of ground-mounted solar energy collectors on a lot.
 - (6) Maximum Size.
 - c) Residential uses. There shall be no more than one percent (1%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, of collector panels on a ground-mounted solar energy collector system unless a larger system is approved pursuant to Section 20.12(p) of this Ordinance.
 - d) Agricultural, Commercial, and Industrial uses. There shall be no more than ten thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved pursuant to Section 20.12(p) of this Ordinance.
 - (7) Maximum Height.
 - e) Residential uses. The maximum height shall be six (6) feet, measured from the natural grade below the equipment or collector to the highest point at full tilt.
 - f) Agricultural, Commercial, and Industrial uses. The maximum height shall be sixteen (16) feet, measured from the natural grade below the equipment or collector to the highest point at full tilt.
 - (8) Minimum Lot Area. One (1) acre shall be the minimum lot area to establish a ground-mounted solar energy collector system.
 - (9) Screening. Screening shall be required in cases where a ground-mounted solar energy collector impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.

- (10) Limits. Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not regularly exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved by the Planning Commission if greater electricity need is demonstrated to power on-site buildings and uses.

CHAPTER 4

ZONING DISTRICTS AND ZONING MAP

SECTION 4.01 ZONE DISTRICT. The Township of Leighton is hereby divided into the following Zoning districts:

- (a) AG Agricultural District
- (b) R-1 Agricultural and Rural Estate District
- (c) R-2 Low Density Residential District
- (d) LR Lake Residential Zoning District(amended 9-7-15)
- (e) R-3 Medium Density Residential District
- (f) C-1 Neighborhood Business District
- (g) C-2 General Business District
- (h) I-1 Industrial District
- (i) O/I Office and Industrial District
- (j) PLD Planned Lakeside Development District
- (k) PD Planned Development District
- (l) WCF Wireless Communications Facility Overlay Zones
 - (1) Permitted Use Overlay
 - (2) Special Land Use Overlay
 - (3) Airport Hazard Overlay
- (m) RAP- Riparian Area Protection Overlay Zone
- (n) RCD-Rural Corridor Overlay District (*Amended by #2012-01-01 adopted 1-12-12*)

SECTION 4.02 ZONING MAP. The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Leighton Township, Allegan, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (d) Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, as in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
- (e) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
- (f) Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey shall be construed as following such property lines, section lines, or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 4.03 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 in the AG Zoning District.

CHAPTER 5

AG AGRICULTURAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural, or other agricultural activities. In order to conserve the agricultural base, residential and other non-farm related activities are considered permissible secondary activities and are highly regulated in terms of allowable density. The existence of naturally productive agricultural soils, natural soils limitations on development, on-going productive farming activity and the amount of relatively un-fragmented land parcels suitable for farming activity are the principal parameters used in defining the general boundaries of the AG Agricultural District.

SECTION 5.02 PERMITTED USES. *(Amended by Ord. 2011-10-01)* No building or part of a building in this District shall hereafter be used, erected, altered or converted, or land used in whole or in part except for:

- (a) General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. In accordance with the standards of Section 5.05, any building or structure may be located thereon and used for the day to-day operation of the farm activities including;
 - (1) The storage or preservation of crops or animals and farm products.
 - (2) The collection and distribution of crops, animals, and products.
 - (3) The processing of farm products into a value-added farm product and its storage and distribution provided not less than 50 percent of any value added product, must be produced by the farm operator.
 - (4) Farm markets/roadside stands provided that not less than 50 percent of any stored, processed, marketed, or merchandised farm product must be produced by the farm operator. In this district, farm markets must be located on land under the same ownership or control (e.g. leased) as the farm operator, but the roadside stand, or market does not have to be located on the same property where their production occurs.
- (b) Farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory farm labor, provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state, and/or local regulating agency having jurisdiction.
- (c) Incidental sales of seed and feed when in direct association with a bona fide farm operation.
- (d) Single family detached dwellings.
- (e) Type I home occupations as regulated in Section 3.27
- (f) Kennels, animal runs, dog training facilities, private, and commercial provided that:
 - (1) The minimum lot area shall be three (3) acre.
 - (2) Buildings where the animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential use, or building used by the public.
 - (3) All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.

- (4) Noise shall be minimized through the combined use of screening, site isolation, and sound dampening materials.
- (5) All kennels shall make environmentally sound provisions for the handling and management of liquid and solid animal wastes and shall be operated in conformance with all applicable County and State regulations
- (g) Veterinary offices and large animal hospitals when located on a minimum of five (5) acres. Facilities on less than five (5) acres shall require the issuance of a Special Land Use permit.
- (h) Private and public parks and nature preserves not exceeding five (5) acres in size provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (i) Open Space Preservation Projects as regulated by Chapter 22.
- (j) Wind Energy Systems 65 feet or less in total height in accordance with the standards of Section 3.29.
- (k) Hunting preserves and riding stables.

SECTION 5.03 AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the AG District. Such uses are subject to the standards included or referenced in this Chapter, to the procedures and general standards of Chapter 20 and to any specific standards applicable to the use contained in Chapter 20.

- (a) Type II Home occupations only in association with a detached single family home and as regulated under Chapter 2, Section 3.28.
- (b) Churches and other places of religious assembly. When considering such authorization, the Planning Commission shall consider the general standards of Chapter 20 and following:
 - (1) The size, character, and nature of the use and building(s);
 - (2) The proximity of the use and building(s) to adjoining properties;
 - (3) The off-street parking which is to be provided for the use;
 - (4) The potential traffic congestion and hazards which will be caused by the use;
 - (5) The degree with which the building(s) harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
 - (6) The effect of the use on adjoining properties and the surrounding neighborhood.
- (c) Cemeteries and mausoleums.
- (d) Public or private athletic grounds (not operated as commercial enterprises). The use shall be conducted on property of at least 10 acres in size and all buildings shall be located at least 50 feet from any adjoining lot line.
- (e) Parochial and private non-profit schools (not operated as commercial enterprises), and parochial and private for-profit colleges and universities, provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (f) Private and public parks and nature preserves larger than five (5) acres in size, provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (g) State-licensed, group day-care homes, adult foster-care homes and foster-care group homes when authorized as a Type II home occupation under the provisions of Section 3.27.
- (h) Temporary Dwellings (mobile homes not meeting the standards of Section 3.25)
- (i) Removal and processing of topsoil, sand, gravel or other such minerals.
- (j) Veterinarians offices, large or small animal clinics not operated as home occupations when located on less than 5 acres and a minimum of three (3) acres.

- (k) Roadside stands.
- (l) Golf Courses and Country Clubs.
- (m) Commercial Outdoor Recreation Facilities and Rural or Agricultural related tourism activities, events, or attractions (excluding archery and fire arm shooting ranges and motorized sports facilities).
- (n) Motorized Sports Facilities and Archery and Fire Arm Shooting Ranges
- (o) Public or Private Campgrounds, retreats and outdoor conference centers
- (p) Farm Related Service and Repair Facilities.
- (q) Wind Energy Systems greater than 65 feet in total height in accordance with the standards of Section 3.29.
- (r) Wireless Communication Facilities/Antenna and Towers Exceeding 50 feet in accordance with the standards of Chapter 23.
- (s) Conservation Subdivision Planned Developments as regulated under Chapter 19.
- (t) Concrete and asphalt production and or processing and recycling plants (Ref. Sec. 20.12 (c) and (d)).
- (u) Utility scale solar energy systems, subject to the requirements of Section 20.12(p)

SECTION 5.04 HEIGHT REGULATIONS. No principal or accessory residential building or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights (Ref. Sec. 3.03 (b) Height Exceptions).

SECTION 5.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- (a) Lots created with frontage access to existing public streets.
 - (1) Front Yard - There shall be a front yard building setback of not less than fifty (50) feet.
 - (2) Side Yard - For residential buildings and structures, there shall be total side yards of not less than thirty (30) feet; provided, however, that no side yard shall be less than ten (10) feet. For all other buildings, there shall be two (2) side yards of not less than thirty (30) feet each.
 - (3) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
 - (4) Lot Area and Lot Frontage - The minimum lot area and frontage for parcels and lots created after the effective date of this amendment, being March 3, 2003. shall be two (2) acres (87,120 square feet), excluding street right of way and one hundred fifty (150) feet, respectively. Lots of record on or before March 3, 2003 shall be considered conforming if the lot area excluding street right-of-way and lot frontage equals or exceeds 43,560 square feet respectfully.
 - (5) Lot Depth and Width - The maximum lot depth shall be no greater than four (4) times the lot width.
- (b) Lots created with frontage access to new minor/local feeder streets and private streets.
 - (1) Front Yard - There shall be a front yard building setback of not less than thirty (30) feet.
 - (2) Side Yard - For residential buildings, there shall be a side yard setback of not less than seven (7) feet, provided that there shall also be a minimum separation distance of twenty (20) feet between dwelling units on adjoining lots. For all other buildings, there shall be a minimum side yard of thirty-five (35) feet.
 - (3) Rear Yard - There shall be a rear yard of not less than twenty five (25) feet.

- (4) Lot Areas and Lot Frontages - The minimum lot area for dwellings shall be not less than forty thousand (40,000) square feet. Lot frontage shall be a minimum of forty (40) feet.
 - (5) Lot Width - Minimum lot width at the front building line or within one hundred (100) feet of the street right of way line, whichever is the lesser distance, shall be one hundred (100) feet and thereafter maintained.
 - (6) Lot Depth to Width - The maximum lot depth shall be no greater than five (5) times the lot width.
- (c) For the purpose of this section, “existing public street” shall mean an arterial/primary road, collector/local secondary road, or as defined in Chapter 2, in existence on the effective date of this Ordinance amendment. A “new minor/local feeder street or private street” shall mean a street constructed to the standards for platted residential streets as adopted by the Allegan County Road Commission or a private street constructed to the private street standards contained in Chapter 18 and which has been constructed and dedicated subsequent to the effective date of this Ordinance (March 3, 2003).

SECTION 5.06 MINIMUM FLOOR AREA. Each dwelling unit shall have a minimum of nine hundred sixty (960) square feet of usable floor area, exclusive of porches, garages, basements or utility areas. In the case of a dwelling unit of more than one story, the minimum area shall be one thousand two hundred (1,200) square feet of usable floor area and the minimum square footage on the ground floor shall be six hundred fifty (650) square feet. In determining the minimum ground floor area for dwelling units, the calculation may include the floor areas contained on more than one level provided that the levels are separated by no more than three feet of elevation difference and the lowest level is not considered a basement.

SECTION 5.07 LAND DIVISIONS AND BUILDING LOTS. The maximum number of parcels created for building purposes within the AG District shall be limited to the number of divisions and exempt splits allowed per parent parcel under Sections 108 and 109 of the State Land Division Act as amended. The term parcel shall mean the same as parent parcel or tract as defined in State Land Division Act as amended. The subdivision of land into platted lots not exempted by the Land Division Act or the creation of building sites under the State Condominium Act (Act 59 of 1978) which results in more building sites from a parent parcel than otherwise permitted under Section 108 of the Land Division Act is prohibited.

SECTION 5.08 ACCESSORY BUILDINGS. Accessory buildings may be permitted as regulated by Sections 3.10 and 3.11.

SECTION 5.09 SIGNS. Signs shall be in accordance with Chapter 21.

SECTION 5.10 OFF STREET PARKING & LOADING. Off street parking and loading shall be provided in accordance with Chapter 17.

CHAPTER 6

R-1 AGRICULTURAL AND RURAL ESTATE DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSES. This Zoning District is intended for large rural residential estates and farming.

SECTION 6.02 PERMITTED USES. *(Amended by Ord. 2011-10-01)* No building or part of a building in this District shall hereafter be used, erected, altered, or converted or land used in whole or in part except for:

- (a) General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. In accordance with the standards of Section 5.05, any building or structure may be located thereon and used for the day to-day operation of the farm activities including;
 - (1) The storage or preservation of crops or animals and farm products.
 - (2) The collection and distribution of crops, animals and products.
 - (3) The processing of farm products into a value-added farm product and its storage and distribution provided not less than 50 percent of any value added product, must be produced by the farm operator.
 - (4) Farm markets/roadside stands provided that not less than 50 percent of any stored, processed, marketed or merchandised farm product must be produced by the farm operator. In this district, farm markets must be located on land under the same ownership or control (e.g. leased) as the farm operator, but the roadside stand, or market does not have to be located on the same property where their production occurs.
- (b) Incidental sales of seed and feed when in direct association with a bona fide farm operation.
- (c) Single family detached dwellings.
- (d) Type I home occupations as regulated in Section 3.27.
- (e) Keeping of livestock and farm animals-in accordance with the provisions of Section 3.22
- (f) Open Space Preservation Projects as regulated by Chapter 22.
- (g) Private and public parks and nature preserves not exceeding five (5) acres in size provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (h) Wind Energy Systems 65 feet or less in total height in accordance with the standards of Section 3.29.
- (i) Hunting preserves and riding stables.

SECTION 6.03 AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the R-1 district. Such uses are subject to the standards included or referenced in this Chapter, to the procedures and general standards of Chapter 20 and to any specific standards applicable to the use contained in Chapter 20.

- (a) Type II Home occupations only in association with a detached single family home and as regulated under Chapter 3, Section 3.27.

- (b) Churches and other places of religious assembly. When considering such authorization, the Planning Commission shall consider the general standards of Chapter 20 and following:
 - (1) The size, character and nature of the use and building(s);
 - (2) The proximity of the use and building(s) to adjoining properties;
 - (3) The off-street parking which is to be provided for the use;
 - (4) The potential traffic congestion and hazards which will be caused by the use;
 - (5) The degree with which the building(s) harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
 - (6) The effect of the use on adjoining properties and the surrounding neighborhood.
- (c) Cemeteries and mausoleums.
- (d) Public or private athletic grounds (not operated as commercial enterprises). The use shall be conducted on property of at least 10 acres in size and all buildings shall be located at least 50 feet from any adjoining lot line.
- (e) Parochial and private non-profit schools (not operated as commercial enterprises), and parochial and private for-profit colleges and universities, provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (f) Private and public parks and nature preserves larger than five (5) acres in size, provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (g) State-licensed, group day-care homes, adult foster-care homes and foster-care group homes when authorized as a Type II home occupation under the provisions of Sec. 3.26.
- (h) Temporary Dwellings (mobile homes not meeting the standards of Sec. 3.25).
- (i) Removal and processing of topsoil, sand, gravel or other such minerals.
- (j) Veterinarians offices, small animal clinics not operated as home occupations when located on a minimum of three (3) acres.
- (k) Large animal clinics or hospitals not operated as home occupations when located on a minimum of five (5) acres.
- (l) Kennels, animal runs, dog training facilities, private and commercial (ref. Sec. 20-12 (h)).
- (m) Roadside stands.
- (n) Golf Courses and Country Clubs.
- (o) Motorized Sports Facilities and Archery and Fire Arm Shooting Ranges
- (p) Commercial Outdoor Recreation Facilities and Rural or Agricultural related tourism activities, events or attractions (excluding archery and fire arm shooting ranges and motorized sports facilities).,
- (q) Public or Private Campgrounds, retreats and outdoor conference centers
- (r) Wind Energy Systems greater than 65 feet in total height in accordance with the standards of Section 3.29.
- (s) Wireless Communication Facilities/Antenna and Towers Exceeding 50 feet in accordance with the standards of Chapter 23.
- (t) Conservation Subdivision Planned Developments as regulated under Chapter 19.
- (u) Concrete and asphalt production and or processing and recycling plants (Ref. Sec. 20.12 (c) and (d)).
- (v) Utility scale solar energy systems, subject to the requirements of Section 20.12(p)

SECTION 6.04 HEIGHT REGULATIONS. No principal or accessory residential building or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights. (Ref. Sec. 3.03 (b) Height Exceptions).

SECTION 6.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements:

- (a) Front Yard - There shall be a front yard of not less than fifty (50) feet.
- (b) 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 unless otherwise specified in this ordinance.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Lot Area and Lot Width - The minimum lot area and width for all uses shall be two (2) acres (87,120 square feet), excluding street right-of-way and one hundred fifty (150) feet, respectively; provided, however, that the water and sewer facilities of such lots which are not served by public water and/or sewer are approved by the Allegan County Health Department.
- (e) Lot Depth and Width - The maximum lot depth shall be no greater than four (4) times the lot width.

SECTION 6.06 MINIMUM FLOOR AREA. Each dwelling unit shall have a minimum of one thousand forty (1,040) square feet of usable floor area, exclusive of porches, garages, basements or utility areas. In the case of a dwelling unit of more than one story, the minimum area shall be one thousand three hundred (1,300) square feet of usable floor area and the minimum square footage on the ground floor shall be six hundred fifty (650) square feet. In determining the minimum ground floor area for dwelling units, the calculation may include the floor areas contained on more than one level provided that the levels are separated by no more than three feet of elevation difference and the lowest level is not considered a basement.

SECTION 6.07 ACCESSORY BUILDINGS. Accessory buildings may be permitted as regulated by Sections 3.10 and 3.11.

SECTION 6.08 SIGNS. Signs shall be in accordance with Chapter 21.

SECTION 6.09 OFF STREET PARKING & LOADING. Off street parking and loading shall be provided in accordance with Chapter 17.

CHAPTER 7

R-2 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for low density residential uses together with required recreational, religious and educational facilities.

SECTION 7.02 PERMITTED USES. No building or part of a building in this District shall hereafter be used, erected, altered, or converted or land used in whole or in part except for:

- (a) Single family detached dwellings.
- (b) Private and public parks, athletic ground and nature preserves not exceeding five (5) acres in size provided that the use shall not be operated as a commercial enterprise. All buildings shall be located at least 50 feet from adjoining lot lines.
- (c) Wind Energy Systems 65 feet or less in total height in accordance with the standards of Section 3.29.
- (d) Type I Home occupations as regulated under Chapter 3, Section 3.27.
- (e) Signs as regulated by Chapter 21.

SECTION 7.03 AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the R-2 district. Such uses are subject to the standards included or referenced in this Chapter, to the procedures and general standards of Chapter 20 and to any specific standards applicable to the use contained in Chapter 20.

- (a) Type II Home occupations only in association with a detached single family home and as regulated under Chapter 2, Section 3.27.
- (b) Churches and other places of religious assembly. When considering such authorization, the Planning Commission shall consider the general standards of Chapter 20 and following:
 - (1) The size, character, and nature of the use and building(s);
 - (2) The proximity of the use and building(s) to adjoining properties;
 - (3) The off-street parking which is to be provided for the use;
 - (4) The potential traffic congestion and hazards which will be caused by the use;
 - (5) The degree to which the building(s) harmonizes, blends with, and enhances adjoining properties, and the surrounding neighborhood; and
 - (6) The effect of the use on adjoining properties and the surrounding neighborhood.
- (c) Private and public parks, athletic grounds and nature preserves exceeding five (5) acres provided that the use shall not be operated as a commercial enterprise. All buildings shall be located at least 50 feet from any adjoining lot line.
- (d) Parochial and private non-profit schools (not operated as commercial enterprises), and parochial and private for-profit colleges and universities, provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (e) State-licensed, group day-care homes, adult foster-care homes and foster-care group homes.
- (f) Retirement homes, assisted living, and long term care facilities.
- (g) Public and private libraries, museums, and art galleries.
- (h) Cemeteries.
- (i) Country clubs and golf courses.
- (j) Essential services.
- (k) Wind Energy Systems greater than 65 feet in total height in accordance with the

standards of Section 3.29.

- (1) Wireless communication facilities/antenna and towers exceeding 50 feet in accordance with the standards of Chapter 23.

SECTION 7.04 HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2-1/2) stories. All other buildings and structures shall not exceed their usual and customary heights (ref. Sec. 3.03(b) Height Exceptions).

SECTION 7.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements.

- (a) Front Yard - There shall be a set-back line of not less than thirty-five (35) feet from the front lot line; provided, however that the required setback may be adjusted based upon application of the following criteria as applicable:
 - (1) Where a uniform set-back line has been established or observed on one side of the street between two intersecting streets or for a distance of four hundred (400) feet on both sides of the lot in question, no building hereafter erected, altered or moved upon said land shall project or be made to project beyond the minimum set-back line so established; or
 - (2) Where twenty-five (25) percent or more of all the property (according to front feet abutting upon one side of a street) between two intersecting streets, or for a distance of four hundred (400) feet on both sides of the lot in question, is built up with buildings having an average setback of more or less than one hundred (100) feet from the established centerline of the street, no building hereafter erected or structurally altered, shall project beyond the average set-back line so established.

In the case of corner lots, the front lot line requirements shall also apply to both street frontages.

- (b) 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. The minimum required side yards for legal lots of record having less than the required lot width may be reduced by the amount that is equal to the percentage of non-conformity of the lot to the lot width requirements of Section 7.05 (d); except that no side yard shall be less than five (5) feet. Example: Assume a lot of record that is 80 feet wide. Also assume that the required lot width is 100 feet. The 80 foot wide lot is non-conforming by 20 percent. Each of the required side yards may thus be reduced by 20 percent. In this example, both sides combined will total 16 feet and required side yard for the least side will be reduced to 5 feet 6 inches. Note: The determination of lot width shall be made in accordance with the procedure included in the definition of "Lot Width" found in Chapter 1 of this ordinance. *(Sub. b amended by Ord. #2012-12-01. Adopted 12-13-12)*
- (c) Rear Yard -
 - (1) For lots not having frontage on a lake there shall be a rear yard of not less than twenty-five (25) feet.
 - (2) On lake front lots where lots on either side of a lot have average rear yard depths of less than fifty (50) feet (as established by the measurements made from the ordinary high water mark to the nearest wall of the principal buildings that face the lake), no building hereafter erected or structurally altered on the lot in question, may be located to create a rear yard depth that is less than the average rear yard depths established on lots on either side, except that the yard depth may

not be less than 25 feet.

- (3) On lake front lots where a rear yard has not been established by buildings located on at least one adjacent developed lakefront lot, the rear yard shall be not less than fifty (50) feet. *(Sub. c amended by Ord. #2012-12-01, Adopted 12-13-12)*
- (d) Lot Area and Width - The minimum lot area and width for a single family dwelling shall be twenty five thousand (25,000) square feet and one hundred (100) feet, respectively; provided, however, that the minimum frontage for lots served with public sewer may be reduced to eighty-five (85) feet on the building line and the lot areas may be reduced to 12,000 square feet. Notwithstanding the lot frontage reduction allowable for lots having public utilities, the width of lots as measured along any lakefront shall be one hundred (100) feet.
- (e) Lot Coverage - All buildings, including accessory buildings and yard exceptions allowed under subsection (c) paragraph (1) shall not cover more than thirty (30) percent of the total lot area. *(Sub. e amended by Ord. #2012-12-01, Adopted 12-13-12)*

SECTION 7.06 MINIMUM FLOOR AREA. Each single family dwelling shall have twelve hundred (1,200) square feet of total gross floor area with a minimum of six hundred fifty (650) square feet of usable floor area on the ground floor. In determining the minimum ground floor area for dwelling units, the calculation may include the floor areas contained on more than one level provided that the levels are separated by no more than three feet of elevation difference and the lowest level is not considered a basement.

SECTION 7.07 ACCESSORY BUILDINGS. Accessory buildings may be permitted as regulated by Sections 3.10 and 3.11.

SECTION 7.08 SIGNS. Signs shall be in accordance with Chapter 21.

SECTION 7.09 OFF STREET PARKING & LOADING. Off street parking and loading shall be provided in accordance with Chapter 17.

CHAPTER 7B**LR-LAKE RESIDENTIAL DISTRICT**

(Entire Chapter added by ord. 2015-08-01, effective 9-7-15)

SECTION 7B.01- DESCRIPTION AND PURPOSE. It is acknowledged that the prevention and control of overcrowding along the shoreline and the surface waters of Green Lake and Round Lake is important and necessary for the protection of the lake resource, the avoidance of user conflict, safe recreational use, and the protection of property values.

This zoning district is intended for much of long established lake related single family residential areas and uses directly bordering or close to. The District encompasses most of the early twentieth century platted and un-platted resort sized waterfront lots and nearby land-side lots supporting a mixture of both traditional resort style cottages and more modern seasonal and year round homes. It is the intent of these regulations to enable the preservation and modernization of the housing stock as well as infill and redevelopment within the pattern and density of existing lots and parcels. In the creation of the district, attention has been given to minimizing the number of existing properties classified as non-conforming and to enabling substantial zoning compliance through the application of dimensional standards appropriate to the existing size and pattern of lots.

SECTION 7B.02- PERMITTED USES. No building or part of a building in this District shall hereafter be used, erected, altered, or converted or land used in whole or in part except for:

- (a) Single family detached dwellings.
- (b) Private and public parks, athletic grounds and nature preserves not exceeding five (5) acres in size provided that the use shall not be operated as a commercial enterprise. All buildings shall be located at least 50 feet from adjoining lot lines.
- (c) Wind Energy Systems 65 feet or less in total height in accordance with the standards of Section 3.29.
- (d) Type I Home occupations as regulated under Chapter 3, Section 3.27.
- (e) Off-Site Private Garages subject to the provisions of Section 3.10(f)
- (f) Signs as regulated in Chapter 21.

SECTION 7B.03 - AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the R-2 district. Such uses are subject to the standards included or referenced in this Chapter, to the procedures and general standards of Chapter 20 and to any specific standards applicable to the use as contained in Chapter 20.

- (a) Type II home occupations only in association with detached single family homes and as regulated under Chapter 2, Section 3.27.
- (b) Churches and other places of religious assembly. When considering such authorization, the Planning Commission shall consider the general standards of Chapter 20 and following:
 - (1) The size, character, and nature of the use and building(s);
 - (2) The proximity of the use and building(s) to adjoining properties;
 - (3) The off-street parking which is to be provided for the use;
 - (4) The potential traffic congestion and hazards which will be caused by the use;
 - (5) The degree with which the building(s) harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and

- (6) The effect of the use on adjoining properties and the surrounding neighborhood.
- (c) Private and public parks, athletic grounds and nature preserves exceeding five (5) acres, provided that the use shall not be operated as a commercial enterprise. All buildings shall be located at least 50 feet from any adjoining lot line.
- (d) Parochial and private non-profit schools (not operated as commercial enterprises), and parochial and private for-profit colleges and universities, provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (e) State-licensed, group day-care homes, adult foster-care homes and foster-care group homes.
- (f) Retirement homes, assisted living, and long term care facilities.
- (g) Public and private libraries, museums, and art galleries.
- (h) Cemeteries.
- (i) Essential services.
- (j) Wind energy systems greater than 65 feet in total height in accordance with the standards of Section 3.29.
- (k) Wireless communication facilities/antenna and towers exceeding 50 feet in accordance with the standards of Chapter 23.
- (l) Off-Site Private Garages subject to the provisions of Section 3.10(f)

SECTION 7B.04 - HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2-1/2) stories. All other buildings and structures shall not exceed their usual and customary heights (ref. Sec. 3.03(b) Height Exceptions).

SECTION 7B.05 - AREA REGULATIONS. All lots, all principal buildings, all accessory buildings and structures, and any enlargement thereof, shall be hereafter created, erected, and maintained, in conformance with the following yard, lot area, width and building coverage requirements.

- (a) Front Yard - There shall be a required front yard having a depth of not less than thirty-five (35) feet as measured from the front lot line; provided, however that the required minimum depth may be adjusted to an alternative depth of less than thirty five feet, based upon application of the following criteria, as applicable. Note: In the case of corner lots, the front yard provisions shall apply to both street frontages:
 - (1) Where a uniform front set-back line has been established or observed on one side of the street between two intersecting streets, or for a distance of four hundred (400) feet on both sides of the lot in question, the setback line so observed shall serve as the alternative minimum front yard depth. No building hereafter erected, altered or moved upon said land may project or be made to project closer to the street than the observed uniform set-back line so established, except that in no case shall a building be erected closer than eight (8) feet to the front property line, or;
 - (2) Where a uniform front set-back line has not been established or observed as described above, but there exists two immediately adjacent lots (one on each side of the subject lot), each supporting a building, the required alternative front yard depth is the average of the front setbacks of the two adjacent buildings, but not less than eight (8) feet.
- (b) Side Yards – Required minimum side yards shall be established as stated below and as indicated in the Table 7B-1:

Lot Width Tier A: For lots 75 feet or greater in width, there shall be one side yard of not less than seven (7) feet and two side yards totaling not less than twenty (20) feet.

Lot Width Tier B: For lots that are less than seventy five feet wide (74.99 or less), to not less than sixty six (66.00) feet in width, one side yard shall be not less than six (6) feet and the combined width of both side yards shall be not less than ten feet, plus one additional foot for each foot of width that the lot exceeds sixty five (65) feet.

Lot Width Tier C: For lots less than sixty six (65.99) feet in width, there shall be two side yards totaling not less than ten (10) feet with each being not less than five (5) feet).

Table 7B-1

LR Lake Residential District

MINIMUM SIDE YARD REQUIREMENTS

Tier A- <i>If lot width is seventy five (75.00) feet or greater:</i>	Minimum width of one side yard		Minimum total feet for both sides yards	Feet of corresponding opposite side yard:
	7 feet		20 feet	13 feet
Tier B- <i>If lot width is less than seventy five feet (74.99 or less) but sixty six (66.00) feet or more:</i>	Lot width & Number of feet greater than 65	Minimum feet for one side yard	Total feet for both sides yards: <i>Ten (10) feet plus the number of feet greater than 65 feet, plus the six (6) feet minimum for one side.</i>	Feet of corresponding opposite side yard: <i>Total of two side yards, minus the six (6) feet minimum for one side yard.</i>
	75	7	20	
	74.99 /9	6	19	13
	73 /8	6	18	12
	72 /7	6	17	11
	71 /6	6	16	10
	70 /5	6	15	9
	69 /4	6	14	8
	68 /3	6	13	7
	67 /2	6	12	6
	66.00 /1	6	11	5
65.99	5	10	5	
Tier C- <i>If lot width is less than sixty six feet (65.99 or less):</i>	Minimum width of one side yard		Minimum total feet for both sides yards	Minimum width of corresponding opposite side yard
	5 feet		10 feet	5 feet

Note: The determination of lot width shall be made in accordance with the procedure included in the definition of “Lot Width” found in Chapter 1 of this ordinance.

(c) Side Yard Projections, Improvements And Obstructions.

- (1) In any side yard, any projection from the structure, a fence, wall, tree, article or other obstruction that reduces the effective passageway through the side yard from front to back, to less than (three (3) feet is prohibited.
- (2) In any side yard of less than seven (7) feet, the following projections, improvements and obstructions are prohibited unless stated otherwise:
 - a) Decks, porches and sheds.
 - b) Air Coolers, air conditioning units. Exceptions: Individual air coolers or air conditioning units located in a window or wall opening.
 - c) Chimneys, Ventilation Ducts: Exceptions: Chimney or duct enclosures may project into a required side yard if the side yard is not reduced to less than five (5) feet and is in accordance with fire and mechanical codes.
 - d) Electrical meter boxes and gas meters are permitted to project no more than 18 inches into a required side yard.
 - e) Planters or flower boxes below the second floor.
 - f) Bay window or garden type window, canopies, cornices and balconies.
 - g) Eaves may project 30 inches into a five foot side yard, in accordance with fire codes.
 - h) Portions of a basement, cellar door, stairways (up or down).

(d) Rear Yard

- (1) For lots not having frontage on a lake, there shall be a rear yard of not less than ten (10) feet.
 - (2) On lake front lots where lots on either side of a lot have average rear yard depths of less than twenty five (25) feet (as established by the measurements made from the ordinary high water mark to the nearest wall of the principal buildings that face the lake), no building hereafter erected or structurally altered on the lot in question, may be located to create a rear yard depth that is less than the average rear yard depths established on lots on either side, except that the yard depth may not be less than ten (10) feet.
 - (3) On lake front lots where a rear yard has not been established by buildings located on at least one adjacent developed lakefront lot, the rear yard shall be not less than twenty five (25) feet.
- (f) Lot Area and Width – The minimum lot area and lot width for legal lots of record that existed on or before the effective date of this ordinance amendment, but which had less than 12,000 square feet of area and or 85 feet of lot width, shall be the established lot area and lot width as recorded on or before that date. Such lots may not be further divided or diminished in size. Two or more such lots may be combined, to create a larger parcel however, even though the parcel does not conform to the lot area width requirements for new lots as required below.
- (g) No new lots shall be created and no lots or parcels of record on before the effective date of this ordinance amendment shall be diminished unless the minimum lot area and width shall be twenty five thousand (25,000) square feet and one hundred (100) feet, respectively; provided, however, that the minimum frontage for newly created lots served with public sewer may be to eighty-five (85) feet on the building line and the lot areas may be to 12,000 square feet. Notwithstanding the lot frontage reduction allowable for lots having public utilities, the width of lots as measured along any lakefront shall be one hundred (100) feet.

- (h) Lot Coverage - All buildings, including accessory buildings, and yard exceptions allowed under Section 3.10, shall be limited in aerial extent such that total lot coverage shall not exceed the following:
- (1) For lots and parcels 5000 square feet or greater in size, sixty (60) percent of lot area, or 3600 square feet, whichever is the lessor amount of lot coverage.
 - (2) For lots and parcels less than 5000 square feet in area, there is no maximum lot coverage percentage. Building coverage shall be limited by the required minimum yard areas and building setbacks.

SECTION 7B.06 - MINIMUM FLOOR AREA. Each single family dwelling shall have twelve hundred (1,200) square feet of total gross floor area with a minimum of six hundred fifty (650) square feet of usable floor area on the ground floor. In determining the minimum ground floor area for dwelling units, the calculation may include the floor areas contained on more than one level provided that the levels are separated by no more than three feet of elevation difference and the lowest level is not considered a basement.

SECTION 7B.07 - ACCESSORY BUILDINGS. Accessory buildings may be permitted as regulated in Sections 3.10 and 3.11.

SECTION 7B.08 - SIGNS. Signs shall be in accordance with Chapter 21.

SECTION 7B.09- OFF STREET PARKING & LOADING. Off street parking and loading shall be provided in accordance with Chapter 17. Note: Unless provided within an attached garage, an on-site detached garage, or an approved off-site “private garage”, each lot supporting a single family home shall provide not less than two (2) exterior parking spaces.

SECTION 7B.10 - FENCES. Fences and walls may be permitted as regulated in Section 3.32.

CHAPTER 8

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for medium density one and two family and low density multi-family residential and related uses.

SECTION 8.02 PERMITTED USES. No building or part of a building in this District shall hereafter be used, erected, altered, or converted or land used in whole or in part except for:

- (a) Single and two family dwellings.
- (b) Attached three-plex, four-plex and multi-family dwellings including apartments, townhouses, garden apartments.
- (c) Private and public parks, athletic grounds and nature preserves not exceeding five (5) acres in size provided that the use shall not be operated as a commercial enterprise. All buildings shall be located at least 50 feet from adjoining lot lines.
- (d) Mobile home parks developed in conformance with the Mobile Home Commission Act, P.A. 96 of 1987, as amended, and the Mobile Home Commission Rules and Regulations of the Michigan Department of Commerce and subject to preliminary site plan approval of the Planning Commission. A mobile home park does not include a mobile home sales lot or other retail sales of mobile homes except the incidental transfer from one owner to another of a mobile home already located in a regulated mobile home park.
- (e) Type I Home occupations as in Section 3.27.
- (f) Wind Energy Systems 65 feet or less in total height in accordance with the standards of Section 3.29.

SECTION 8.03 AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the R-3 district. Such uses are subject to the standards included or referenced in this Chapter, to the procedures and general standards of Chapter 20 and to any specific standards applicable to the use contained in Chapter 20.

- (a) Type II Home occupations only in association with a detached single family home and as regulated under Section 3.27.
- (b) Churches and other places of religious assembly. When considering such authorization, the Planning Commission shall consider the general standards of Chapter 20 and following:
 - (1) The size, character and nature of the use and building(s);
 - (2) The proximity of the use and building(s) to adjoining properties;
 - (3) The off-street parking which is to be provided for the use;
 - (4) The potential traffic congestion and hazards which will be caused by the use;
 - (5) The degree with which the building(s) harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
 - (6) The effect of the use on adjoining properties and the surrounding neighborhood.
- (c) Private and public parks, athletic grounds and nature preserves exceeding (5) five acres provided that the use shall not be operated as a commercial enterprise. All buildings shall be located at least 50 feet from any adjoining lot line.
- (d) Parochial and private non-profit schools (not operated as commercial enterprises), and parochial and private for-profit colleges and universities, provided that all buildings shall be located at least 50 feet from adjoining lot lines.
- (e) State-licensed, group day-care homes foster-family group homes and adult foster-care

- small group homes.
- (f) Retirement homes, assisted living, and long term care facilities.
- (g) Public and private libraries, museums, and art galleries.
- (h) Cemeteries.
- (i) Country clubs and golf courses.
- (j) Essential services.
- (k) Wireless communication facilities/antenna and towers exceeding 50 feet in accordance with the standards of Chapter 23.
- (l) Wind Energy Systems greater than sixty five (65) feet in total height in accordance with the standards of Section 3.29.

SECTION 8.04 BUFFER YARD. With the exception of detached single family, two family and duplex dwellings and their associated permitted accessory buildings, every use permitted in the R-3 District shall provide abutting developed or vacant lots or parcels which are zoned for single family residential use and any lot which is occupied by a single family dwelling with a buffer yard that contains a green belt as defined in landscape provisions of Chapter 18.

SECTION 8.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Unless otherwise specified, area, height, bulk, and placement standards are as provided in the following table.

Table 8-1
Standards Relating to the
R-3 Medium Density Residential District

Maximum lot coverage:	<ul style="list-style-type: none"> • One and Two Family Dwellings – All buildings, including accessory buildings, shall not cover more than 20 percent of the total lot area. • Three, four and multi- family dwellings All buildings, including accessory buildings, shall not cover more than 30 percent of the total lot area
Minimum lot area and lot width:	<ul style="list-style-type: none"> • The minimum lot width for a detached single family dwelling shall be eighty-five (85) feet and the minimum lot area shall be 12,000 square feet. • The minimum lot area and width for an attached two family dwelling shall be fifteen thousand (15,000) square feet and one hundred (100) feet, respectively. • Lots supporting multi-family buildings (three or more dwelling units) shall have a minimum lot width of one hundred (100) feet and contain a minimum of 50,000 square feet of area plus 4,500 square feet for each dwelling unit over three. • Where the lot is not served by public sewer and/or public water, additional site area, based on a factor of four times the minimum area required by the Allegan County Health Department to support the on-site well and septic systems shall be required. Such area is required in addition to the above minimum lot area requirements and shall be held in reserve for septic and/or well use.
Minimum dwelling unit size:	<ul style="list-style-type: none"> • Efficiency units: 500 square feet • One bedroom units: 650 square feet • Two bedroom units: 750 square feet • Three bedroom units: 900 square feet • Four bedroom units: 1,050 square feet • Detached, semi-detached single family, two family and duplex units: 960 square feet, each dwelling unit.

**Table 8-1
Standards Relating to the
R-3 Medium Density Residential District
-Continued-**

Maximum building height:		Lesser of 35 feet or 3 stories																							
Front, side and rear yard requirements applicable to detached and semi-detached single family, two family and duplex dwellings as the sole principle building on the lot:		The provisions of Section 7.05, sub-sections (a), (b) and (c) shall apply.																							
Yard area and setback requirements applicable to residential uses having multiple principal buildings and all principle non-residential buildings authorized as special land uses unless specified elsewhere in this ordinance.	Minimum building setbacks from driveways, parking areas and public or private street right of way lines:	<ul style="list-style-type: none"> Distance from public and private street right of way or easement lines: 50 feet Distance from internal parking areas and driveway edges: 20 feet 																							
	Minimum building setbacks/yard areas from property lines not classified as right of way lines:	<table border="0"> <tr> <td></td> <td align="center"><u>1 story</u></td> <td align="center"><u>2 or 3 story</u></td> </tr> <tr> <td>• Side yard of building:</td> <td align="center">30 feet</td> <td align="center">40 feet</td> </tr> <tr> <td>• Front or rear yard of building:</td> <td align="center">40 feet</td> <td align="center">50 feet</td> </tr> </table>		<u>1 story</u>	<u>2 or 3 story</u>	• Side yard of building:	30 feet	40 feet	• Front or rear yard of building:	40 feet	50 feet														
		<u>1 story</u>	<u>2 or 3 story</u>																						
• Side yard of building:	30 feet	40 feet																							
• Front or rear yard of building:	40 feet	50 feet																							
Minimum principle building to principle building spacing:	<table border="0"> <tr> <td></td> <td align="center"><u>Orientation</u></td> <td align="center"><u>Feet</u></td> </tr> <tr> <td>• Side to side:</td> <td></td> <td align="center">25</td> </tr> <tr> <td>• Front to front:</td> <td></td> <td align="center">50</td> </tr> <tr> <td>• Rear to rear:</td> <td></td> <td align="center">80</td> </tr> <tr> <td>• Front to side:</td> <td></td> <td align="center">50</td> </tr> <tr> <td>• Corner to corner:</td> <td></td> <td align="center">25</td> </tr> <tr> <td>• Front to rear:</td> <td></td> <td align="center">60</td> </tr> <tr> <td>• Rear to side:</td> <td></td> <td align="center">50</td> </tr> </table>		<u>Orientation</u>	<u>Feet</u>	• Side to side:		25	• Front to front:		50	• Rear to rear:		80	• Front to side:		50	• Corner to corner:		25	• Front to rear:		60	• Rear to side:		50
	<u>Orientation</u>	<u>Feet</u>																							
• Side to side:		25																							
• Front to front:		50																							
• Rear to rear:		80																							
• Front to side:		50																							
• Corner to corner:		25																							
• Front to rear:		60																							
• Rear to side:		50																							

(Amended March 10, 2011)

SECTION 8.06 OFF STREET PARKING AND LOADING. All driveways and off-street parking and loading areas constructed in the R-3 District shall be of hard surface construction and in accordance with Chapter 17 of this Ordinance.

SECTION 8.07 LANDSCAPING. Landscaping shall be provided in accordance with Chapter 18.

SECTION 8.08 ACCESSORY BUILDINGS. Accessory buildings may be permitted as regulated by Sections 3.10, 3.11, 3.12 and 3.13 as applicable.

SECTION 8.09 SIGNS. Signs shall be in accordance with Chapter 21.

SECTION 8.10 LIGHTING. Site lighting shall be in accordance with Chapter 18.

CHAPTER 9

C-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 9.01 INTENT. This Zoning District is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

SECTION 9.02 PERMITTED USES. Within the "C-1" Neighborhood Business District, unless otherwise authorized under the provisions of this ordinance, no building or part thereof in the shall be used, erected, altered, or converted or the land used in whole or in part unless it is for the following or similar types of retail and service uses. Single tenant retail and wholesale stores and multi-tenant shopping centers in excess of 20,000 square feet are not permitted in this district and unless specifically authorized by the Planning Commission as a Special Land Use, all business, service or processing shall be conducted wholly within a completely enclosed building.

- (a) Single and Multi-tenant retail and service buildings not exceeding 20,000 square feet of floor area.
- (b) Food service establishments including:
 - (1) Restaurants with or without drive-in or drive-through service.
 - (2) Cafes, delicatessens, food catering establishments.
 - (3) Enclosed car washes (automatic or manual).
- (c) Retail sales establishments including:
 - (1) Convenience stores except gasoline sales unless authorized as a Special Land Use.
 - (2) General merchandise stores such as department and variety stores.
 - (3) Food and grocery stores not exceeding 20,000 square feet of floor area, butcher shops and fish markets, fruit and vegetable markets dairy products stores, candy, nut, and confectionery stores and retail bakeries.
 - (4) New automobile parts and accessory stores.
 - (5) Apparel and accessory stores.
 - (6) Furniture and home furnishings, and home and office supply stores selling items such as floor coverings, drapery and upholstery, household appliances, radios, televisions, and electronics, computers and software, videos, records, tapes and discs, musical instruments and office supplies.
 - (7) Miscellaneous retail stores for items such as used merchandise, hunting and sporting goods and bicycles, books, stationery, jewelry, art, hobbies, crafts, toys, and games, cameras and photographic supplies, gifts, novelties, and souvenirs, luggage and leather goods, sewing, needlework, catalog and mail-order, tobacco products and accessories, and news dealers.
 - (8) Pet shops.
 - (9) Flower shops without green houses.
 - (10) Drug stores including drive up or drive through.
 - (11) Resale shops pawn shops and excluding outdoor storage and display.
 - (12) Hardware, building materials stores such as paint, glass, wallpaper, electrical and plumbing supplies, excluding outdoor storage yards.
- (d) Personal service establishments including:
 - (1) Beauty and barbers shops, travel agencies, fitness, tanning and manicure salons, tailor and dress making shops, shoe-repair shops, taxidermy shops.

- (2) Funeral parlor or Mortuary without residential living quarters.
- (3) Laundry/Dry Cleaning including pickup and drop-off.
- (4) Dance, art, music and other professional studios.
- (5) Fitness centers.
- (6) Medical clinics.
- (e) Business and miscellaneous services including:
 - (1) Advertising agencies, adjustment and collection services, credit reporting services, direct mail services, photocopying and duplicating services, commercial art and graphic design, secretarial and court reporting, disinfecting and pest control services, building maintenance services, employment agencies, computer programming services, data processing, messenger/telegraph-service stations and parcel-delivery stations.
 - (2) Repair services such as for radios, television, computers and similar electronics, household and business appliances and furniture, watches, clocks, locksmiths and jewelry.
- (f) Offices including:
 - (1) Banks, credit unions, and other financial institutions including drive thru facilities and ATM facilities.
 - (2) Real estate, insurance and title offices.
 - (3) Professional offices of doctors, dentists, lawyers, architects, engineers, or other professionals, and corporate, executive, administrative or sales offices of any business.
- (g) Governmental and institutional uses including:
 - (1) Post offices.
 - (2) Churches and other places of religious assembly.
 - (3) Public libraries, museums, community centers, service organizations and similar institutional uses.
 - (4) Government administration offices and social service buildings.
 - (5) Fire stations, police offices.
 - (6) Business, trade and technical schools.
 - (7) Lodges, fraternal organizations.
- (h) Essential services.
- (i) Outdoor display or sales of merchandise not exceeding a total of 500 square feet of area when accessory to a principle business conducted indoors.
- (j) Wind Energy Systems 65 feet or less in total height in accordance with the standards of Section 3.29.

SECTION 9.03 AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the C-1 General Business District if approved by the Planning Commission as provided under the procedures Chapter 20 and subject to all general and specific standards applicable to the use contained therein.

- (a) Single and Multi-tenant retail and service buildings not exceeding 20,000 square feet of floor area.
- (b) Automobile service stations for the performance of services such as tire changing, greasing, mechanical repairs, and car washing, provided all work is conducted wholly within a completely enclosed building.
- (c) Outdoor display, sales or storage of merchandise not authorized as principal use.
- (d) Gasoline stations.

- (e) Commercial kennels, animal hospitals animal shelters, veterinary clinics including boarding provided that all animal runs shall be totally enclosed.
- (f) Automobile, truck, farm equipment, RV sales, new or used.
- (g) Enclosed car washes (automatic or manual).
- (h) Essential service structures such as electrical sub-stations, water treatment and storage structures.
- (i) Funeral homes and mortuaries.
- (j) Private elementary and secondary schools, public libraries, museums, community buildings and similar public institutions.
- (k) Wireless communications facilities including antennas and towers exceeding 35 feet in height and all associated transmitters, receivers, relays and equipment shelters subject to the provisions of Chapter 23.
- (l) Business, trade and technical schools.
- (m) Child day-care centers, adult day-care centers.
- (n) Self-service storage facilities within converted agricultural buildings.
- (o) Wind Energy Systems greater than 65 feet in total height in accordance with the standards of Section 3.29.
- (p) Uses not listed as determined by the Planning Commission in accordance with the provisions of Section 28.05 (*Amended by Ord. #20-10-11*).

SECTION 9.04 OPERATIONAL STANDARDS.

- (a) Outdoor Activities: All permitted activities, other than parking, loading and storage shall be conducted wholly within enclosed buildings unless specifically authorized by the Planning Commission as a Special Land Use.
- (b) Outdoor Storage: The outdoor storage of fuel, raw materials, product freighting and packaging material or equipment shall not be located in any yard abutting a street and shall only be permitted in areas approved in advance as part of the site plan approval. All goods or materials stored outside which are visible from a public road, or which are located less than 100 feet from another zoning district shall be screened from view by an approved landscaped screen, wall, or solid fence. No such storage shall constitute a fire hazard, obstruct on-site vehicle circulation, or fire fighting capabilities.
- (c) Fire Apparatus Accessibility: Each use shall be provided with 20 feet wide fire lanes within at least one side yard and at the rear of each building site. The fire lanes shall be capable of enabling fire apparatus accessibility to within 200 feet of all exterior points of a building and shall be positioned no closer to the building than 1.5 times the height of the adjacent building wall. Fire lanes located on adjacent property may be considered as meeting this standard when there is a reciprocal provision for such with respect to each of the properties.
- (d) Odor, Fumes, Dust, Glare, Vibration, or Heat: No activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration or heat that will adversely affect permitted uses on an adjacent property.
- (e) Noise: No permitted activity shall emit noise that is readily discernable to the average person in any adjacent residential zone district providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.

- (f) Electromagnetic Radiation: No permitted use shall emit electromagnetic radiation which would adversely affect the operation of equipment beyond the confines of the building producing the effect.
- (g) Hazardous Material Management Plan: Any permitted activity that may present danger of fire, explosion or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the Fire Department and the Township Engineer and shall not represent any danger to property or persons beyond the property lines.
- (h) Other Requirements: All uses shall conform to all other Township, County, State and Federal regulations pertaining to its operations.

SECTION 9.05 HEIGHT REGULATIONS. Unless otherwise provided for in this ordinance, no building or structure shall exceed three (3) stories or forty-five (45) feet, whichever is the lesser height.

SECTION 9.06 AREA REGULATIONS. Unless otherwise stipulated in this ordinance, no building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) Front Yards:
 - (1) Arterial/Primary and Collector Streets (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than seventy (75) feet. The first 20 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
 - (2) Minor/Local Streets (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than fifty (50) feet. The first 10 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
- (b) Side Yards: Each side yard shall be not less than fifteen (15) feet. In cases where a side yard abuts a Residential, Agriculture or Commercial District there shall be a side yard of not less than twenty (25) feet.
- (c) Rear Yard: There shall be a rear yard of not less than ten (10) feet except that in cases where a yard abuts a Residential or Agriculture District there shall be a rear yard of not less than twenty five (25) feet.
- (d) Lot Area and Width: The minimum lot area shall be twenty five thousand (25,000) square feet and the minimum lot width shall be one hundred fifty (150) feet.

SECTION 9.07 SITE DEVELOPMENT STANDARDS.

- (a) Parking shall be provided in accordance with the requirements of Chapter 17.
- (b) Signs shall be regulated in accordance with the requirements of Chapter 21.
- (c) Site landscaping shall be installed and maintained in accordance with the provisions of Chapter 18.
- (d) Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- (e) Site access shall be regulated under the provisions of Chapter 18, Section 18.03.
- (f) Accessory buildings and structures may not be located in the front or side yard and shall otherwise be regulated in accordance with the requirements of Section 3.13.

SECTION 9.08 BUILDING MATERIALS STANDARDS. The first floor wall area of all office facades facing a street shall be constructed of brick, stone, fluted block, glass or similar decorative material. At least 25 percent of the surface of balance of any first floor (or its

equivalent height of 12 feet) facing a street, other than an office facade, shall be constructed of brick, stone, fluted block, glass or similar decorative material. Wood may be utilized for decorative and non-structural porticos, canopies and other attachments. All building exteriors shall be adequately protected from damage by vehicles and internal operations.

In recognition of developing technologies in building materials, the Planning Commission may approve other materials in consideration of the following standards:

- (a) Whether or not the finished treatment is compatible with surrounding properties in terms of color and overall image.
- (b) The relative scale of the building in terms of height and area.
- (c) The extent to which the building is setback from the street frontage(s) and the amount and quality of landscaping on the street frontage(s) and along the building.
- (d) Appeals of facade determinations may be made to the Zoning Board of Appeals.

CHAPTER 10

C-2 GENERAL BUSINESS DISTRICT

SECTION 10.01 INTENT. This district is established to provide adequately sized and located areas in the Township where the principal uses of the land may be devoted to high activity commercial uses. Such uses provide retail-shopping opportunities and both personal and business services to the community and highway-oriented markets. The wide range of service and retail uses allowed are expected to have larger land area requirements, extended hours and higher traffic generation rates than similar businesses serving more localized and neighborhood markets.

SECTION 10.02 PERMITTED USES. Within the "C-2" General Business District, unless otherwise authorized under the provisions of this ordinance, no building or part thereof shall be erected, altered, or converted or the land used in whole or in part unless it is for the following or similar types of retail and service uses.

- (a) Hospitality and food service establishments including:
 - (1) Motels and hotels, bed and breakfast and other lodging establishments.
 - (2) Restaurants, including outdoor/patio seating and drive up or drive-through service.
 - (3) Cafes, delicatessens, food catering establishments.
- (b) Automobile related retail (except auto sales) and service establishments, including:
 - (1) Automobile service stations for the sale of gasoline or accessories and the performance of incidental services such as tire changing, greasing, mechanical repairs, and car washing, provided all work is conducted wholly within a completely enclosed building.
 - (2) Enclosed car washes (automatic or manual).
 - (3) Automobile repair shop or garage, auto-body and shops if all operations are conducted within a completely enclosed building.
 - (4) Automobile rental.
 - (5) New automobile parts and accessory stores.
- (c) Retail and wholesale sales establishments including:
 - (1) General merchandise stores such as department and variety stores.
 - (2) Food and grocery stores such as butcher shops and fish markets, fruit and vegetable markets dairy products stores, candy, nut, and confectionery stores and retail bakeries.
 - (3) Apparel and accessory stores.
 - (4) Furniture and home furnishings, and home and office supply stores selling items such as floor coverings, drapery and upholstery, household appliances, radios, televisions, and electronics, computers and software, videos, records, tapes and discs, musical instruments and office supplies.
 - (5) Miscellaneous retail stores for items such as used merchandise, hunting and sporting goods, bicycles, books, stationery, jewelry, art, hobbies, crafts, toys, and games, cameras and photographic supplies, gifts, novelties, and souvenirs, luggage and leather goods, sewing, needlework, catalog and mail-order, tobacco products and accessories, and news dealers.
 - (6) Pet shops, not including boarding.
 - (7) Flower shops with or without accessory green houses.

- (8) Drug stores including drive up and drive through service.
- (9) Resale shops, pawn shops and auction houses (except livestock), excluding outdoor storage and display.
- (10) Lumber and other building materials stores such as paint, glass, wallpaper, hardware stores, electrical and plumbing supplies, excluding outdoor storage.
- (d) Personal service establishments including:
 - (1) Beauty and barbers shops, travel agencies, fitness, tanning and manicure salons, tailor and dress making shops, shoe-repair shops, taxidermy shops.
 - (2) Funeral parlor or Mortuary without residential living quarters.
 - (3) Laundry/Dry Cleaning including pickup and drop-off.
 - (4) Dance, art, music and other professional studios.
 - (5) Fitness centers.
 - (6) Medical clinics.
 - (7) Commercial kennels, animal shelters, animal hospitals, veterinary clinics including boarding provided that all animal runs shall be totally enclosed unless authorized as a Special Land Use.
- (e) Business and miscellaneous services including:
 - (1) Advertising agencies, adjustment and collection services, credit reporting services, direct mail services, photocopying and duplicating services, commercial art and graphic design, secretarial and court reporting, disinfecting and pest control services, building maintenance services, employment agencies, computer programming services, data processing, messenger/telegraph-service stations and parcel-delivery stations.
 - (2) Repair services such as for radios, television, computers and similar electronics, household and business appliances and furniture, watches, clocks and jewelry, tools and gauges.
 - (3) Sign painting and repair services, locksmiths, vending machine service.
 - (4) Packaging services, frozen food lockers, self-service storage facilities.
- (f) Offices including but not limited to:
 - (1) Banks, credit unions and other financial institutions including drive thru and ATM facilities.
 - (2) Real estate, insurance and title offices.
 - (3) Professional offices of doctors, dentists, lawyers, architects, engineers, or other professionals, and corporate, executive, administrative, or sales offices of any business.
 - (4) Laboratories: dental and medical.
 - (5) Showrooms, offices and base operations for plumbers, heating, cooling contractors, electricians, decorators, and similar trades provided that operations are conducted within a completely enclosed building.
- (g) Amusement, recreational and institutional uses including but not limited to:
 - (1) Bowling alleys.
 - (2) Theaters, except drive-in.
 - (3) Nature centers.
 - (4) Indoor archery and firearm practice ranges.
- (h) Governmental and institutional uses including:
 - (8) Post offices.
 - (9) Churches and other places of religious assembly.

- (10) Public libraries, museums, community centers, service organizations and similar institutional uses.
- (11) Government administration offices and social service buildings.
- (12) Fire stations, police offices.
- (13) Business, trade and technical schools.
- (14) Lodges, fraternal organizations.
- (j) Outdoor display or sales of merchandise not exceeding a total of 500 square feet of area when accessory to a principle business conducted indoors.
- (k) Multiple tenant retail, office and personal service building containing less than 20,000 square feet of gross floor area.
- (l) Wind energy systems 65 feet or less in total height in accordance with the standards of Section 3.29.

SECTION 10.03 AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the C-2 General Business District if approved by the Planning Commission as provided under the procedures Chapter 20 and subject to all general and specific standards applicable to the use contained therein.

- (a) Automobile, truck, farm equipment, recreation vehicle and boat sales, new or used.
- (b) Outdoor display, sales or storage of merchandise not authorized as principal use.
- (c) Moto-cross/auto/animal racing.
- (d) Hospitals and state-licensed residential care and tenant facilities.
- (e) Resorts, seasonal cabins.
- (f) Essential services buildings, municipal garages and storage yards and essential service structures such as electrical sub-stations, water treatment and storage structures
- (g) Wireless Communication Facilities/antenna and towers exceeding 35 feet and all associated transmitters, receivers, relays and equipment shelters in accordance with the standards of Chapter 23.
- (h) Private elementary and secondary schools.
- (i) Colleges and universities.
- (j) Child day-care centers, adult day-care centers.
- (k) Sand and gravel mining, commercial sod-and- topsoil removal.
- (l) Solid waste transfer, composting and recycling stations located at least five hundred (500) feet from residentially-zoned property.
- (m) Junk yards/auto salvage yards.
- (n) Self-service and mini storage facilities including those within converted agricultural buildings.
- (o) Amusement parks, go cart rides and miniature golf.
- (p) Excavating and trade contractors yards.
- (q) Multiple tenant retail offices and personal services buildings or shopping centers containing more than 20,000 square feet.
- (r) Conference centers, educations camps and retreats.
- (s) Roadside stands.
- (t) Outdoor animal runs.
- (u) Outdoor archery and firearm practice ranges.
- (v) Public and private correction facilities.
- (w) Wind Energy Systems greater than 65 feet in total height in accordance with the standards of Section 3.29.

- (x) Uses not listed as determined by the Planning Commission in accordance with the provisions of Section 28.05 (*Amended by Ord. # 20-10-01*).

SECTION 10.04 SPECIAL CONTROLLED USES. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone or community and neighborhood shopping areas, thereby having a deleterious effect upon such areas. It is also recognized that the controlled uses have legitimate rights under the United States constitution as well as locational needs similar to many other retail establishments. Special regulation of these uses within the C-2 District is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's existing and future retail areas. At the same time, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this Ordinance or various other local, state and federal statutes.

- (a) Uses subject to these controls are as follows:

- (1) Adult Motion Picture Theaters.
- (2) Adult Book and Video Stores.
- (3) Adult Cabarets.
- (4) Nude Artist and Photography Studios.

- (b) Definitions: As used in this section, the following terms shall have the indicated meanings:

- (1) Adult Motion Picture Theaters - Any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.
- (2) Adult Book or Video Store - Any establishment or part thereof having as a substantial or significant portion of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- (3) Specified Sexual Activities - Specified sexual activities are defined as:
 - a) Human genitals in a state of sexual stimulation or arousal;
 - b) Acts of human masturbation, sexual intercourse or sodomy;
 - c) Fondling or other erotic touching of genitals, pubic region, buttock or female breast.
- (4) Specified Anatomical Areas - Specified anatomical areas are defined as:
 - a) Less than completely and opaquely covered:
 - 1) Human genitals, pubic region, and
 - 2) Female breast below a point immediately above the top of the areola; and
 - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- (5) Cabaret - A cafe, restaurant or bar where patrons are entertained by performers who dance or sing or play musical instruments.
 - (6) Adult Cabaret - A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators or similar entertainers.
 - (7) Nude Artist and Photography Studios - Any building, structure, premises or part thereof which offers as a principal or secondary activity the providing of models to display "specified anatomical areas" as defined herein for artists, photographers or other persons for a fee or charge.
- (c) Permitted Use: Any of the regulated uses enumerated herein are permitted only after a finding has been made by the Planning Commission at a public hearing, with notice provided in the manner set forth in Section 15.06, that the following conditions exist:
- (1) The property is located within only the C-2 District.
 - (2) The property is located a minimum of 200 feet outside the boundary of a residential district and 200 feet from a residential use. This requirement may be waived if the applicant requesting the waiver files with the Township Clerk a petition which indicates approval of the waiver by 51 percent of those adult residents and owners residentially zoned property within 300 feet of the property line of the proposed location. The petition form shall be one that is provided by the Township and the applicant shall also submit a list of addresses at which no contact was made.
 - (3) The property is located a minimum of 1000 feet from the property line of any public or private primary or secondary school, public park, library or museum, any public or licensed private day care or nursery school or any religious site of assembly, worship or school.
 - (4) The use is not located within 1000 feet of any other such use except that such restriction may be waived, if the following findings are made:
 - a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - b) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - c) That the establishment of such use, or an additional use regulated under these provisions, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
 - d) That all applicable state laws and local ordinances will be observed.
- (d) Conditions and Limitations: Prior to the granting of any waiver as herein provided, the Township Board, upon the recommendation of this Planning Commission may impose any such conditions or limitations upon the establishments' location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will act to immediately terminate any permit or license given.
- (e) Limit on Reapplication: No application for such a use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

SECTION 10.05 OPERATIONAL STANDARDS.

- (a) Outdoor Activities: All permitted activities, other than parking, loading and storage shall be conducted wholly within enclosed buildings unless specifically authorized by the Planning Commission as a Special Land Use.
- (b) Outdoor Storage: The outdoor storage of fuel, raw materials, product freighting and packaging material or equipment shall not be located in any yard abutting a street and shall only be permitted in areas approved in advance as part of the site plan approval. All goods or materials stored outside which are visible from a public road, or which are located less than 100 feet from another zoning district shall be screened from view by an approved landscaped screen, wall or solid fence. No such storage shall constitute a fire hazard, obstruct on-site vehicle circulation or fire fighting capabilities.
- (c) Fire Apparatus Accessibility: Each use shall be provided with 20 feet wide fire lanes within at least one side yard and at the rear of each building site. The fire lanes shall be capable of enabling fire apparatus accessibility to within 200 feet of all exterior points of a building and shall be positioned no closer to the building than 1.5 times the height of the adjacent building wall. Fire lanes located on adjacent property may be considered as meeting this standard when there is a reciprocal provision for such with respect to each of the properties.
- (d) Odor, Fumes, Dust, Glare, Vibration or Heat: No activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration or heat that will adversely affect permitted uses on an adjacent property.
- (e) Noise: No permitted activity shall emit noise that is readily discernable to the average person in any adjacent residential zone district providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.
- (f) Electromagnetic Radiation: No permitted use shall emit electromagnetic radiation which would adversely affect the operation of equipment beyond the confines of the building producing the effect.
- (g) Hazardous Material Management Plan: Any permitted activity that may present danger of fire, explosion or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the Fire Department and the Township Engineer and shall not represent any danger to property or persons beyond the property lines.
- (h) Other Requirements: All uses shall conform to all other Township, County, State and Federal regulations pertaining to its operations.

SECTION 10.06 HEIGHT REGULATIONS. Unless otherwise provided for in this ordinance, no building or structure shall exceed three (3) stories or forty-five (45) feet, whichever is the lesser height.

SECTION 10.07 AREA REGULATIONS. Unless otherwise stipulated in this ordinance, no building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) Front Yards:
 - (1) Arterial/Primary and Collector Streets (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than seventy (75) feet. The first 20 feet of such

yard area as measured from the street right of way line shall be devoted to greenbelt.

- (2) **Minor/Local Streets** (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than fifty (50) feet. The first 10 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
- (b) **Side Yards:** One side yard shall be not less than twenty five (25) feet and a second side yard equal to or greater than 20 feet plus 1.5 times the height of the adjacent exterior building wall (ref. 10.04 (c)). The Planning Commission may allow 25 foot setbacks in each side yard if the requirements of 10.04 (c) are met by alternative arrangements. Alternative arrangements may include joint use and emergency access agreements with adjacent properties. In cases where a side yard abuts a Residential, Agriculture or Commercial District there shall be a side yard of not less than twenty (20) feet
- (c) **Rear Yard:** There shall be a rear yard of not less than ten (10) feet except that in cases where a yard abuts a Residential or Agriculture District there shall be a rear yard of not less than twenty five (25) feet.
- (d) **Lot Area and Width:** The minimum lot area shall be forty thousand (40,000) square feet and the minimum lot width shall be two hundred (200) feet.

SECTION 10.08 SITE DEVELOPMENT STANDARDS.

- (a) Parking shall be provided in accordance with the requirements of Chapter 17.
- (b) Signs shall be regulated in accordance with the requirements of Chapter 21.
- (c) Site landscaping shall be installed and maintained in accordance with the provisions of Chapter 18.
- (d) Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- (e) Site access shall be regulated under the provisions of Chapter 18.
- (f) Accessory buildings and structures may not be located in the front or side yard and shall otherwise be regulated in accordance with the requirements of Section 3.13.

SECTION 10.09 BUILDING MATERIALS STANDARDS. The first floor wall area of all office facades facing a street shall be constructed of brick, stone, fluted block, glass or similar decorative material. At least 25 percent of the surface of balance of any first floor (or its equivalent height of 12 feet) facing a street, other than an office facade, shall be constructed of brick, stone, fluted block, glass or similar decorative material. Wood may be utilized for decorative and non-structural porticos, canopies and other attachments. All building exteriors shall be adequately protected from damage by vehicles and internal operations.

In recognition of developing technologies in building materials, the Planning Commission may approve other materials in consideration of the following standards:

- (a) Whether or not the finished treatment is compatible with surrounding properties in terms of color and overall image.
- (b) The relative scale of the building in terms of height and area.
- (c) The extent to which the building is setback from the street frontage(s) and the amount and quality of landscaping on the street frontage(s) and along the building.
- (d) Appeals of facade determinations may be made to the Zoning Board of Appeals.

CHAPTER 11

I-1 INDUSTRIAL DISTRICT

SECTION 11.01 INTENT AND PURPOSE. It is the intent of this Chapter to provide for the development of a variety of warehousing, industrial, and manufacturing uses that can be characterized by low land coverage and the absence of offensive levels of noise, smoke, odor, dust, gasses or vibration, glare, heat fire hazard, and traffic. Regulations contained in this district are therefore designed to encourage the development of industrial areas which will be compatible with one another and with adjacent or surrounding districts. These regulations are also designed to protect existing industrial uses located in the district and to discourage the establishment of retail sales oriented uses that are more suitably provided for in other districts.

SECTION 11.02 USES PERMITTED BY RIGHT. Land and/or buildings may be utilized for the following uses by right in the I-1 Industrial district, subject to the site plan approval and adherence to the standards contained or referenced in this chapter:

- (a) Auction houses, auto auctions, automobile and RV sales, equipment sales and similar businesses, if the operation is wholly conducted within an enclosed building. When such use involves the outdoor storage, display, staging or parking of goods, materials, equipment, or vehicles, such outdoor activity and use must be authorized by the Planning Commission as a Special Land Use.
- (b) Manufacture, compounding, fabrication, processing, packaging, treating, and assembling from previously prepared materials (excluding animal slaughtering and animal rendering) in the production of:
 - (1) Apparel and other finished products made from fabrics.
 - (2) Chemical products such as plastics, perfumes, synthetic fibers, except chemical storage (ref. 11.03(n)).
 - (3) Electrical appliances and electrical instruments, including radios, computers and similar items.
 - (4) Engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
 - (5) Food and kindred products, including prepared meats, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, fats and oils, beverage foods.
 - (6) Furniture and fixtures.
 - (7) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
 - (8) Lumber and wood products including millwork, prefabricated structural wood products and containers, excluding saw mills.
 - (9) Paperboard containers, building paper, and building board.
 - (10) Plastic products including, but not limited to, automotive components.
 - (12) Printing, publishing, and bookbinding.
 - (13) Products utilizing the following materials: bone, canvas, cellophane, cork, feathers, felt, fiber, bur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metal or stones, shell, and wire.
 - (14) Metal parts manufacture excluding large vibration emitting presses machine operated drop hammers.
 - (15) Textile mill products including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other textile goods.

- (c) Central dry-cleaning plants.
- (d) Government service maintenance facilities and essential public services/utilities
- (e) Metal bending and welding enterprises.
- (f) Research and development testing and experimental laboratories and manufacturing.
- (g) Offices attached to and appurtenant to a permitted or Special Land Use.
- (h) Retail sales and showrooms incidental to a warehouse or distribution facility or a construction contractor's establishment which requires a retail outlet.
- (i) Tool and die and screw machine shops.
- (j) Construction contractors offices, excluding outdoor yard areas unless authorized as a Special Land Use.
- (k) Towers and Wireless communications facilities as regulated under the provisions of Chapter 23.
- (l) Truck terminals including maintenance and service facilities.
- (m) Warehousing, , distribution, storage or transfer buildings, excluding the storage of bulk petroleum or related products and garbage or rubbish.
- (n) Wholesale establishments for automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- (o) Wind energy systems 65 feet or less in total height in accordance with the standards of Section 3.21.

SECTION 11.03 AUTHORIZED SPECIAL LAND USES. The following uses may be permitted when authorized as Special Land Uses subject to the general and specific requirements and standards of Chapter 20.

- (a) Airport landing fields and heliports.
- (b) Asphalt, concrete and ready mix concrete production plants.
- (c) Archery and firearm ranges, outdoor and indoor.
- (d) Automobile and truck repair, major (engine, body, transmission).
- (e) Banks, credit unions, and other financial institutions including drive thru facilities and ATM facilities.
- (f) Contractor's storage yards.
- (g) Bulk storage, processing, and wholesale and retail sale of landscape materials, such as bark, mulches, wood chips, stones, topsoil, and other materials.
- (h) Child care centers as an accessory use to the principal use.
- (i) Essential service structures such as electrical sub-stations, water treatment and storage structures.
- (j) Manufacturing enterprises involving the use of punch presses, drop hammers, reciprocating hammers located at least five hundred (500) feet from residentially-zoned property.
- (k) Commercial kennels and animal runs, animal shelters, animal hospitals and veterinary clinics.
- (l) Lumberyards and other building material supply establishments.
- (m) Mini- storage/self storage facilities.
- (n) Warehousing, bulk storage and distribution of petroleum, chemicals or natural gas.
(Amended by #2012-01-01 adopted 1-12-12)
- (o) Sawmills, portable or stationary.
- (p) Solid waste transfer, composting, and recycling stations located at least five hundred (500) feet from residentially-zoned property.

- (q) Business, trade and technical schools.
- (r) Truck and equipment sales, rental and leasing of new and used trucks, truck trailers, cranes, excavators, backhoes, forklifts, loaders and construction equipment, tractors and agricultural equipment, and other similar heavy vehicles.
- (s) Truck fueling stations, commercial.
- (t) Truck washing facilities, commercial, freestanding and when not accessory to a trucking terminal.
- (u) Temporary uses such as outdoor auctions and automobile storage not for display.
- (v) Road side stands.
- (w) Uses not listed as determined by the Planning Commission in accordance with the provisions of Section 28.05(*Amended by Ord. #20-10-01 adopted 1-12-12*).
- (x) Wind energy systems greater than sixty five (65) feet in total height in accordance with the standards of Section 3.29.
- (y) Utility scale solar energy systems, subject to the requirements of Section 20.12(p)

SECTION 11.04 OPERATIONAL STANDARDS.

- (a) Outdoor Activities: All permitted activities, other than parking, loading and storage shall be conducted wholly within enclosed buildings unless specifically authorized by the Planning Commission as a Special Land Use.
- (b) Outdoor Storage: The outdoor storage of fuel, raw materials, product freighting and packaging material or equipment shall not be located in any yard abutting a street and shall only be permitted in areas approved in advance as part of the site plan approval. All goods or materials stored outside which are visible from a public road, or which are located less than 100 feet from another zoning district shall be screened from view by an approved landscaped screen, wall or solid fence. No such storage shall constitute a fire hazard, obstruct on-site vehicle circulation or fire fighting capabilities.
- (c) Fire Apparatus Accessibility: Each use shall be provided with 20 feet wide fire lanes within at least one side yard and at the rear of each building site. The fire lanes shall be capable of enabling fire apparatus accessibility to within 200 feet of all exterior points of a building and shall be positioned no closer to the building than 1.5 times the height of the adjacent building wall. Fire lanes located on adjacent property may be considered as meeting this standard when there is a reciprocal provision for such with respect to each of the properties.
- (d) Odor, Fumes, Dust, Glare, Vibration or Heat: No activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration or heat that will adversely affect permitted uses on an adjacent property.
- (e) Noise: No permitted activity shall emit noise that is readily discernable to the average person in any adjacent residential zone district providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.
- (f) Electromagnetic Radiation: No permitted use shall emit electromagnetic radiation which would adversely affect the operation of equipment beyond the confines of the building producing the effect.
- (g) Hazardous Material Management Plan: Any permitted activity that may present danger of fire, explosion or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the Fire Department and the Township Engineer and shall not represent any danger to property or persons beyond the property lines.

- (h) Other Requirements: All uses shall conform to all other Township, County, State and Federal regulations pertaining to its operations.

SECTION 11.05 HEIGHT REGULATIONS. Unless otherwise provided for in this ordinance, no building or structure shall exceed three (3) stories or forty-five (45) feet, whichever is the lesser height.

SECTION 11.06 AREA REGULATIONS. Unless otherwise stipulated in this ordinance, no building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) Front Yards:
- (1) Arterial/Primary and Collector Streets (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than seventy (75) feet. The first 20 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
 - (2) Minor/Local Streets (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than fifty (50) feet. The first 10 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
- (b) Side Yards: There shall one side yard of not less than twenty five (25) feet and a second side yard equal to or greater than 20 feet plus 1.5 times the height of the adjacent exterior building wall (ref. 11.04 (c)). The Planning Commission may allow 25 foot setbacks in each side yard if the requirements of 11.04 (c) are met by alternative arrangements. Alternative arrangements may include joint use and emergency access agreements with adjacent properties. In cases where a side yard abuts a Residential, Agriculture or Commercial District there shall be a side yard of not less than seventy five (75) feet.
- (c) Rear Yard: There shall be a rear yard of not less than fifty (50) feet except that in cases where a yard abuts a Residential or Agriculture District there shall be a rear yard of not less than seventy five (75) feet.
- (d) Lot Area and Width:
- (1) Arterial/Primary and Collector Streets (ref. Chapter 2 Definitions) - The minimum lot area shall be sixty thousand (60,000) square feet and the minimum lot width shall be two hundred (200) feet.
 - (2) Minor/Local Streets (ref. Chapter 2 Definitions) - The minimum lot area shall be forty thousand (40,000) square feet and the minimum lot width shall be two hundred (200) feet. The minimum lot area shall be forty thousand (40,000) square feet and the minimum lot width shall be two hundred (200) feet.

SECTION 11.07 SITE DEVELOPMENT STANDARDS.

- (a) Parking shall be provided in accordance with the requirements of Chapter 17.
- (b) Signs shall be regulated in accordance with the requirements of Chapter 21.
- (c) Site landscaping shall be installed and maintained in accordance with the provisions of Chapter 18.
- (d) Site Plan Review is required for Uses Permitted by Right and for all Special Land Uses.
- (e) Site access shall be regulated under the provisions of Chapter 18, Section 18.03.
- (f) Accessory buildings and structures may not be located in the front or side yard and shall otherwise be regulated in accordance with the requirements of Section 3.13.

SECTION 11.08 BUILDING MATERIALS STANDARDS. The first floor wall area of all office facades facing a street shall be constructed of brick, stone, fluted block, glass or similar decorative material. At least 25 percent of the surface of balance of any first floor (or its equivalent height of 12 feet) facing a street, other than an office facade, shall be constructed of brick, stone, fluted block, glass or similar decorative material. Wood may be utilized for decorative and non-structural porticos, canopies and other attachments. All building exteriors shall be adequately protected from damage by vehicles and internal operations.

In recognition of developing technologies in building materials, the Planning Commission may approve other materials in consideration of the following standards:

- (a) Whether or not the finished treatment is compatible with surrounding properties in terms of color and overall image.
- (b) The relative scale of the building in terms of height and area.
- (c) The extent to which the building is setback from the street frontage(s) and the amount and quality of landscaping on the street frontage(s) and along the building.
- (d) Appeals of facade determinations may be made to the Zoning Board of Appeals.

CHAPTER 12

"O/I" OFFICE AND INDUSTRIAL DISTRICT

SECTION 12.01 INTENT AND PURPOSE. This zoning district is intended to provide for a mixture of office and institutional uses along with compatible service oriented businesses and light industrial uses. The locations of this district recognize the need of most businesses for good highway accessibility. The regulations of this district are based upon recognition that unless controlled, adverse affects of industrial uses may extend beyond the boundaries of the site upon which the use is located. Protections are therefore incorporated in the district's provisions which are intended to minimize potential conflicts between permissible land uses.

SECTION 12.02 PERMITTED USES. Land and/or buildings may be utilized for the following uses by right in the O/I Office and Industrial district, subject to the site plan approval and adherence to the standards contained or referenced in this chapter:

- (a) Auction houses, auto auctions, automobile and RV sales, equipment sales and similar businesses, if the operation is wholly conducted within an enclosed building. When such use involves the outdoor storage, display, staging or parking of goods, materials, equipment or vehicles, such outdoor activity and use must be authorized by the Planning Commission as a Special Land Use.
- (b) Archery and firearm ranges, indoor.
- (c) Banks, credit unions and other finance offices including drive thru facilities and ATMs.
- (d) Business and professional offices, medical and dental offices and clinics.
- (e) Business, trade and technical schools.
- (f) Bus terminals.
- (g) Construction contractor's offices, excluding outdoor yard areas unless authorized as a Special Land Use.
- (h) Essential Public Services.
- (i) Government administration offices such as post offices, fire stations, police offices, and social service buildings.
- (j) Mini-storage and self storage facilities.
- (k) Warehousing, distribution, storage or transfer buildings, excluding the storage of bulk petroleum, minerals, fertilizers or related products and garbage or rubbish.
- (l) Wholesale establishments for automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- (m) Wind Energy Systems 65 feet or less in total height in accordance with the standards of Section 3.29.
- (n) Towers and Wireless communications facilities as regulated under the provisions of Chapter 23.

SECTION 12.03 AUTHORIZED SPECIAL LAND USES. The following uses may be permitted when authorized as Special Land Uses subject to the general and specific requirements and standards of Chapter 20.

- (a) Light Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which as determined by the Planning Commission do not emit significant levels of noise, smoke, odor, dirt, noxious gases, heat or other forms or radiation, vibration or other physiological ill effects

which would pose a health or safety hazard or be a physical or aesthetic nuisance or annoyance to the inhabitants of adjacent premises and which are wholly contained within fully enclosed buildings except that outdoor storage in the rear yard area which shall not exceed twenty percent (20%) of the floor area of the principal building upon the premises.

- (b) Airport landing fields and heliports
- (c) Bulk storage, processing, and wholesale and retail sale of landscape materials, such as bark, mulches, wood chips, stones, topsoil, and other materials
- (d) Child and adult day care centers.
- (e) Essential service structures such as electrical sub stations, water treatment and storage structures.
- (f) Government service maintenance facilities
- (g) Contractors' storage yards.
- (h) Commercial kennels and animal runs, animal shelters, animal hospitals and veterinary clinics.
- (i) Lumberyards and other building material supply establishments.
- (j) Indoor and outdoor commercial recreation facilities such as miniature golf, go carts, batting cages, outdoor archery and firearm ranges.
- (k) Retail sales and showrooms incidental to a warehouse or distribution facility or a building trade contractor's establishment which requires a retail outlet.
- (l) Road side stands.
- (m) New and used automobile, truck and equipment sales, rental and leasing of new and used trucks truck trailers, cranes, excavators, backhoes, forklifts, loaders and construction equipment, tractors and agricultural equipment, and other similar heavy vehicles.
- (n) Towers and Wireless communications facilities as regulated under the provisions of Chapter 23.
- (o) Wind Energy Systems greater than 65 feet in total height in accordance with the standards of Section 3.29.
- (p) Uses not listed as determined by the Planning Commission in accordance with the provisions of Section 28.05(*Amended by Ord. #20-10-01*).

SECTION 12.04 OPERATIONAL STANDARDS.

- (a) Outdoor Activities: All permitted activities, other than parking, loading and storage shall be conducted wholly within enclosed buildings. Unless the use adjoins a similar pre-existing use all loading and docking facilities in support of shipping operations to and from the industrial use shall be located in the rear yard or
- (b) Outdoor Storage: The outdoor storage of fuel, raw materials, product freighting and packaging material or equipment shall be limited to 20% of the rear yard area, shall not be located in any yard abutting a street and shall only be permitted in areas approved in advance as part of the site plan approval. All goods or materials stored outside which are visible from a public road, or which are located less than 100 feet from an office use or other non industrial use or building or zoning district shall be screened from view by an approved landscaped screen, wall or solid fence. No such storage shall constitute a fire hazard, obstruct on-site vehicle circulation or fire fighting capabilities.
- (c) Fire Apparatus Accessibility: Each use shall be provided with 20 feet wide fire lanes within at least one side yard and at the rear of each building site. The fire lanes shall be capable of enabling fire apparatus accessibility to within 200 feet of all exterior points of a building and shall be positioned no closer to the building than 1.5 times the height of

the adjacent building wall. Fire lanes located on adjacent property may be considered as meeting this standard when there is a reciprocal provision for such with respect to each of the properties.

- (d) Odor, Fumes, Dust, Glare, Vibration or Heat: No activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration or heat that will adversely affect permitted uses on an adjacent property.
- (e) Noise: No permitted activity shall emit noise that is readily discernable to the average person in any adjacent residential zone district providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.
- (f) Electromagnetic Radiation: No permitted use shall emit electromagnetic radiation which would adversely affect the operation of equipment beyond the confines of the building producing the effect.
- (g) Hazardous Material Management Plan: Any permitted activity that may present danger of fire, explosion or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the Fire Department and the Township Engineer and shall not represent any danger to property or persons beyond the property lines.
- (h) Other Requirements: All uses shall conform to all other Township, County, State and Federal regulations pertaining to its operations.

SECTION 12.05 HEIGHT REGULATIONS. Unless otherwise provided for in this ordinance, no building or structure shall exceed three (3) stories or forty-five (45) feet, whichever is the lesser height.

SECTION 12.06 AREA REGULATIONS. Unless otherwise stipulated in this ordinance, no building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) Front Yards:
 - (1) Arterial/Primary and Collector Streets (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than seventy (75) feet. The first 20 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
 - (2) Minor/Local Streets (ref. Chapter 2 Definitions) - There shall be a front yard setback of not less than fifty (50) feet. The first 10 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
- (b) Side Yards: There shall one side yard of not less than twenty five (25) feet and a second side yard equal to or greater than 20 feet plus 1.5 times the height of the adjacent exterior building wall (ref. 12.04 (c)). The Planning Commission may allow 25 foot setbacks in each side yard if the requirements of Section 12.04 (c) are met by alternative arrangements. Alternative arrangements may include joint use and emergency access agreements with adjacent properties. In cases where a side yard abuts a Residential, Agriculture or Commercial District there shall be an undeveloped side yard of not less than seventy five (75) feet.
- (c) Rear Yard: There shall be a rear yard of not less than fifty (50) feet except that in cases where a yard abuts a Residential or Agriculture District there shall be a rear yard of not less than seventy five (75) feet.

(d) Lot Area and Width:

- (1) Arterial/Primary and Collector Streets (ref. Sec. 3.57 and 3.58) - The minimum lot area shall be forty thousand (60,000) square feet and the minimum lot width shall be two hundred (200) feet.
- (2) Minor/Local Streets (ref. Chapter 2 Definitions) - The minimum lot area shall be forty thousand (40,000) square feet and the minimum lot width shall be two hundred (200) feet. The minimum lot area shall be forty thousand (40,000) square feet and the minimum lot width shall be two hundred (200) feet.

SECTION 12.07 SITE DEVELOPMENT STANDARDS.

- (a) Parking and loading shall be provided in accordance with the requirements of Chapter 17.
- (b) Signs shall be regulated in accordance with the requirements of Chapter 21.
- (c) Site landscaping shall be installed and maintained in accordance with the provisions of Chapter 18, Section 18.03.
- (d) Site Plan Review is required for uses permitted by right and for all Special Land Uses.
- (e) Site access shall be regulated under the provisions of Chapter 18.
- (f) Accessory buildings and structures may not be located in the front or side yard and shall otherwise be regulated in accordance with the requirements of Section 3.13.

SECTION 12.08 BUILDING MATERIALS STANDARDS. The first floor wall area of all office facades facing a street shall be constructed of brick, stone, fluted block, glass or similar decorative material. At least 25 percent of the surface of balance of any first floor (or its equivalent height of 12 feet) facing a street, other than an office facade, shall be constructed of brick, stone, fluted block, glass or similar decorative material. Wood may be utilized for decorative and non-structural porticos, canopies and other attachments. All building exteriors shall be adequately protected from damage by vehicles and internal operations.

In recognition of developing technologies in building materials, the Planning Commission may approve other materials in consideration of the following standards:

- (a) Whether or not the finished treatment is compatible with surrounding properties in terms of color and overall image.
- (b) The relative scale of the building in terms of height and area.
- (c) The extent to which the building is setback from the street frontage(s) and the amount and quality of landscaping on the street frontage(s) and along the building.
- (d) Appeals of facade determinations may be made to the Zoning Board of Appeals.

CHAPTER 13

RIPARIAN AREA PROTECTION OVERLAY ZONE

SECTION 13.01 INTENT AND PURPOSE. The standards contained in this Chapter govern the use and alteration of land within a specified distance of, rivers, creeks and contiguous wetlands and other riparian features in Leighton Township, in order to accomplish the following objectives:

- (a) Implement the water quality protection, environmental protection and rural character protection goals and policies of the Township's Master Plan.
- (b) Achieve the Township's resource protection and community character goals in a manner that is reasonable and sensitive to local conditions and concerns of property owners
- (c) Protect water quality and habitat quality in the, rivers, creeks, and their contiguous wetlands and other riparian features in Leighton Township, and thereby protect the public health, safety and general welfare, by encouraging filtering of storm water runoff through natural vegetative buffers along stream corridors, and by encouraging and protecting vegetative cover along stream banks to shade the stream, thereby maintaining lower water temperatures and high-quality stream habitat.
- (d) Maintain the integrity and stability of stream banks and protect stream banks against erosion, by providing for effective vegetative buffers adjacent to stream corridors, and by prohibiting excavation and building activities within a specified distance from stream banks and the contiguous to streams wetlands.
- (e) Protect the natural character and appearance of streams, stream corridors and their contiguous wetlands, which contribute to the valued natural character of the community, its quality of life and its property values.
- (f) Permit and encourage property owners to enhance native vegetation along riparian corridors in the Township.

SECTION 13.02 APPLICABILITY AND ADMINISTRATIVE ACTION.

- (a) Applicability: Except as provided in subsection 2 below the standards contained in this section shall be applicable to all land in the Township which is located within specified distances adjacent to:
 - (1) All of the rivers, streams, and creeks located within the "Riparian Area Protection Zone", identified on the map titled "Riparian Area Protection Overlay Zone Map", which is (Map 1) attached to and made a part of this ordinance, a copy of which is on file in the office of the Township Clerk and the wetlands contiguous to the identified rivers, streams and creeks, as defined herein.
 - (2) All of the rivers, streams, and creeks located within the "RAP- Riparian Area Protection Overlay Zone" identified on the Leighton Township Zoning Map as amended, and the wetlands contiguous to the identified rivers, streams, and creeks, as defined herein.
- (b) Exemptions: The standards contained in this Chapter shall not be applicable to:
 - (1) A lot or parcel, of two (2) acres or less in size which was a "lot of record" on or before September 14, 2006.
 - (2) Agricultural operations that are conducted in conformance with best management practices (BMPs) as defined and prescribed by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
 - (3) All activities that are authorized in a permit issued by the Michigan DEQ pursuant

to Parts 31, 301, 303 or 315 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

- (4) Forestry operations that are conducted within the natural vegetation zone when done in conformance with generally accepted forestry management practices (GAFMPs) as defined and prescribed under the auspices of the Right to Forest Act Public Act 676 of 2002. Unless the activity is specifically addressed by guidelines contained within a forest management plan prepared by a forestry or other natural resources professional and/or the activity is a GAFMP officially recognized by the appropriate state agency and approved by Natural Resources Commission of the State of Michigan, the following practices shall not be considered exempt by this ordinance and shall be prohibited within the Riparian Areas Protection zone:
- a) Cutting stream bank trees.
 - b) Unnecessary access roads and skid trails.
 - c) Cording and stacking of wood.
 - d) Excessive soil compaction and rutting by tree harvesting equipment.
 - e) Removal of ground cover or understory vegetation.
 - f) Felling trees into the stream bed or leaving logging debris in the stream.
 - g) Servicing or refueling equipment.
 - h) Mechanical site preparation and site preparation burning.
 - i) Mechanical tree planting.
 - j) Broadcast application of pesticides or fertilizers.
 - k) Handling, mixing, or storing toxic or hazardous materials (fuels, lubricants, solvents, pesticides, or fertilizers).
- (5) The cleaning out, straightening, widening, deepening, or extending, consolidation, relocation, tiling, and connection of Drains established under the provisions of the Michigan Drain Code, Public Act 40 of 1956, as amended.
- (c) Administrative Action: The decision on any application for a zoning approval or a permit for an activity on property subject to the riparian area protection standards of this Chapter shall be made by the Zoning Administrator.

SECTION 13.03 OVERLAY SUB-AREAS: NATURAL VEGETATION ZONES AND TRANSITION ZONES: DEFINITION, INTENT AND DELINEATION.

- (a) Definition and Intent: The land area subject to the riparian area overlay protection standards of this section shall be comprised of two sub-area zones. The definitions and intended purposes of each of these sub-areas are as follows:
- (1) Natural Vegetation Zone - The natural vegetation zone includes all lands located within thirty-five (35) feet of the ordinary high water mark of the stream, and all contiguous wetlands as defined in this ordinance. The natural vegetation zone is intended to provide a functional vegetative corridor along the edge of a stream. Its functions shall be to protect water quality, animal habitat, and aesthetic values of the riparian feature by minimizing erosion, stabilizing the bank, minimizing nutrient flows into the water, shading the water to maintain low water temperatures, and screening man-made structures.
 - (2) Transition Zone - The "transition zone," extends for a distance of fifteen (15) feet beyond the edge of the natural vegetation zone. The transition zone is intended to provide distance between upland development and the natural vegetation zone, in an area outside of the natural vegetation zone where there are fewer restrictions

on disturbance and improvements, but where some restrictions remain necessary to protect water quality, animal habitat and the integrity of the adjacent stream and its contiguous wetlands.

- (b) Delineation of Sub-Area Zones: The limits of the "natural vegetation zone" and the "transition zone" as used and defined in this Chapter is required to be accurately shown on all site plans, land division plans, subdivision plans (plats), site condominium plans, plans for planned unit developments, and all applications for building permits submitted for review by Leighton Township. Any such plans for sites on which is located any protected riparian area subject to these regulations shall include the following statement: "There shall be no clearing, grading, earth change, placement of fill, construction or disturbance of vegetation within the area labeled as being subject to the riparian area protection standards of the Leighton Township zoning regulations, except as permitted by Chapter 13 of the Leighton Township Zoning Regulations."

SECTION 13.04. DEVELOPMENT STANDARDS. NATURAL VEGETATION ZONE.

Land located within the natural vegetation zone shall be subject to the following development standards:

- (a) No dwelling unit or other principal building and no accessory building may be constructed within the natural vegetation zone. The following structures may be permitted:
- (1) Flood control or bank protection structures permitted or constructed by authorized state or federal agencies.
 - (2) Pedestrian or vehicular bridges when designed and constructed in a manner that minimizes impact on the riparian feature.
 - (3) Boardwalk access to or through wetlands when constructed in accordance with a permit issued by the Michigan Department of Environmental Quality.
 - (4) One pump house per lot housing a pump used for irrigation when setback at least fifteen (15) feet from the high water mark, and having a maximum ground coverage of nine (9) square feet.
- (b) On-site sanitary waste treatment systems are prohibited within the natural vegetation zone.
- (c) The area within the natural vegetation zone shall be kept in a predominantly natural condition. Clearing or removal of existing trees shrubs and groundcover shall be limited to the following:
- (1) Removal of isolated diseased or dead trees and damaged trees that are in an unstable condition and that pose a safety hazard. The stumps and root structures of removed trees shall be left in place.
 - (2) Removal of noxious plants and shrubs, including poison ivy, poison sumac and poison oak and other plants regarded as common nuisance in Section 2 of Public Act 359 of 1941 as amended and species that are recognized as highly invasive, as contained on a "List of Invasive Species" maintained on file in the office of the Township Clerk.
 - (4) Planting of native species that are contained on a "List of Native Species" maintained on file in the office of the Township Clerk is permitted.
 - (5) Limited removal of vegetation in order to provide a filtered view of the riparian feature from adjacent property and to provide reasonable private access to the riparian feature. The term "filtered view" connotes the maintenance or establishment of woody vegetation of sufficient density to screen the riparian

feature from adjacent property, while also providing for bank stabilization and erosion control and to serve as an aid to infiltration of surface runoff. The vegetation need not be so dense as to completely block the view of the riparian feature. To that end, the following standards shall apply:

- a) Sufficient live root system and vegetation must be retained to provide for bank stabilization and erosion control, to encourage infiltration of runoff, and to provide shading of the water surface.
 - b) Existing vegetation between a height of three (3) feet above the ground and the ground surface shall remain undisturbed and in a natural condition except as otherwise provided for herein.
 - c) Select pruning and removal of vegetation above a height of three (3) feet shall be permitted.
 - d) Existing vegetation may be removed and/or managed, including maintaining a turf lawn, in an area with a maximum width of fifteen (15) feet to, and ten (10) feet along one or both sides of the riparian feature. Within this corridor a paved or unpaved trail or path with a maximum width of nine (9) feet is permitted.
 - e) Clearing that is required to construct the exempt structures permitted in Section 13.02, sub-section b above, is permitted.
- (d) Prohibited Activities: The following activities are prohibited in the natural vegetation zone:
- (1) Storage of motorized vehicles or petroleum products.
 - (2) Storage or use of toxic or hazardous materials.
 - (3) Storage of herbicides or pesticides.
 - (4) Storage of fertilizer.
 - (5) Placement of fill or dumping of any refuse.
 - (6) Concentrated drainage flow by ditches, under drains or other similar systems.
 - (7) Topsoil, sand and gravel extraction.

SECTION 13.05 DEVELOPMENT STANDARDS IN THE TRANSITION ZONE (15 FEET LANDWARD OF NATURAL VEGETATION ZONE AND CONTIGUOUS WETLANDS). Land located within the transition zone shall be subject to the following development standards and restrictions:

- (a) No dwelling unit or other principal building and no accessory building may be constructed within the transition zone. The following structures may be permitted:
 - (1) Flood control structures constructed by authorized state or federal agencies.
 - (2) Pedestrian or vehicular bridges, when deemed necessary and designed and constructed in a manner that minimizes impact on the riparian feature.
 - (3) One (1) viewing platform deck or gazebo with maximum ground coverage of two hundred (200) square feet.
 - (4) One pump house per lot housing a pump used for irrigation when setback at least fifteen (15) feet from the high water mark, and ground coverage of not more than nine (9) square feet.
- (b) On-site sanitary waste treatment systems are prohibited within the transition zone.
- (c) Except for public or private access and recreational trails not exceeding ten (10) feet in width, the construction of impermeable surfaces such as paved driveways, paved parking areas, tennis courts, and other similar surfaces is prohibited in the transition zone.
- (d) Vegetation within the transition zone may be altered and managed in a manner customary

for the uses permitted in the zoning district applicable to the subject property.

SECTION 13.06 MINIMUM LOT SIZES & PRINCIPAL STRUCTURE SETBACKS.

Within any A-1, A-2, R-2, R-3, C-1, C-2, I-1, O/I or other zoning district affected by the Riparian Area Protection Overlay the minimum lot width and depth for all lots with any part located within this Riparian Area Protection Overlay and created after the effective date of this Chapter shall be as follows:

- (a) Minimum Lot Area: Forty thousand (40,000) square feet.
- (b) Minimum Lot Width: One hundred (100) feet.
- (c) Maximum Lot Depth: The depth of each lot shall be sufficient to accommodate all setbacks and yard requirements of this overlay zone and the underlying district, and shall not have a width to depth ratio of more than 1 to 5.
- (d) Minimum Principal Structure Setback: No principal structure shall be erected closer than (100 feet) from the high water mark of the stream or contiguous wetland except on non-conforming lots of record or where there are steep banks.
 - (1) Non-conforming Lots of Record - A lot of record existing on the effective date of this chapter that is non-conforming by reason of width or depth on may be used and a principal structure and accompanying septic system may be sited closer to the stream than the required setback line, only if after review by the Zoning Board of Appeals it is found that:
 - a) The lot could not be developed in conformance with the requirements of this Section.
 - b) The proposal for use will place the principal structure in a location as nearly in conformance with the setback requirements of both this Chapter and the underlying zoning district as possible.
 - c) Such location does not result in placement within the flood plain or a wetland without appropriate approvals by the Michigan DEQ or its successor agency.

The Zoning Board of Appeals may attach reasonable conditions to its approval.

- (2) Principal Structure Exception for Steep Banks - Where there is a steep stream bank, a principal structure (but not a septic system) may be constructed closer to the riparian feature according to the following schedule:

Where the bank height, at the bluff, is (a) feet as measured in vertical feet from the high water mark, the principal structure may locate no closer than (b) horizontal feet from the bluff or the high water mark, whichever is greater:

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

CHAPTER 13A
RURAL CORRIDOR OVERLAY DISTRICT
Amended by Ord. #2012-01-01

SECTION 13A.01 INTENT AND PURPOSE. The Rural Corridor Overlay District (RCD) is intended to provide opportunities for alternative land uses in certain agricultural areas where the dual effects of supporting the viability of farming and the creation of rural employment opportunities can be achieved. In recognition of the fact that residential uses are also permitted in these areas, the regulations of the Rural Corridor Overlay District will only permit the establishment of non-residential, agricultural related activities where, at the discretion of the Township, an acceptable level of harmony among land uses will be maintained.

SECTION 13A.02 APPLICABILITY. The Rural Corridor Overlay District is directed exclusively to the following rural road segments and extends only over the lands lying within 500 feet of the centerline of the named road segments, provided further that such land is within either the AG Agricultural District or R-1 Agricultural and Rural Estate Zoning District:

- (a) 142nd Ave. east of Division St. to a line 500 feet east of the centerline of 2nd St.
- (b) 2nd St. from 500 feet north of the centerline of 141st. Ave. to a line 500 feet south of the centerline of 142nd. Ave.
- (c) 141st. Ave. between 2nd St. and Patterson St.
- (d) Kalamazoo St. south of 142nd Ave. to the Township line.
- (e) Patterson St. south of the north line of Section 24 (142nd Ave. extended) to the Township line.
- (f) Division St. South of 142nd Ave. to the north line of Section 31 (138th Ave.).

SECTION 13A.03 PERMITTED USES. No building or part of a building in this overlay district may be used, erected, altered, or converted or land used in whole or in part except for those uses established and permitted by the provisions of the underlying AG or R-1 Zoning District, as set forth in Chapters 5 and 6, and those additional special uses outlined in Section 13A.04 below.

SECTION 13A.04 AUTHORIZED SPECIAL LAND USES. The uses of land and structures listed in this Section may be permitted as Special Land Uses within the Rural Corridor Overlay District. The uses are subject to the standards included or referenced in this Chapter, to the procedures and general standards of Chapter 20 and to any specific standards applicable to the use contained in Chapter 20. Where there is conflict with a specific standard in Chapter 20, the specific standards of this Chapter shall apply

- (a) Implement dealers and service.
- (b) Grain elevators, feed, and seed retail operations.
- (c) Retail nursery operations.
- (d) Tack shops.
- (e) Truck and implement vehicle washes.
- (f) Small businesses entailing the re-use of existing farmsteads. The following uses may be permitted when in compliance with the intent and standards of Section 20.12, subsection (o).
 - (1) Antique sales and service, excluding trucks and automobiles.
 - (2) Self-storage or mini storage facilities.

- (3) Retail or service business associated with any aspect of the sales, distribution, service or maintenance of Agricultural Products not otherwise permitted under the provisions of Sections 5.02 or 6.02.
- (4) Other business uses identified as special uses in Section 5.02, Section 5.03, Section 6.02 and Section 6.03 as appropriate.

SECTION 13A.05 LOCATIONAL STANDARDS.

- (a) A Rural Corridor Overlay District special land use shall not be located within 1000 feet in any direction of any other non-farm business or industry authorized in the Rural Corridor Overlay District unless each use is within 500 feet of an intersecting arterial or collector street. Exceptions to these standards may be granted for those uses involving the re-use of an existing Farmstead (ref. Sec. 13A.12(f)).
- (b) The use shall not be located on a public street within a platted or condominium residential development or any private street that serves one or more residential lots.

SECTION 13A.06 OPERATIONAL STANDARDS.

- (a) Outdoor Activities: All permitted activities, other than parking, loading and storage shall be conducted wholly within enclosed buildings unless specifically authorized by the Planning Commission as a Special Land Use.
- (b) Outdoor Storage: The outdoor storage of fuel, raw materials, product freighting and packaging material or equipment shall not be located in any yard abutting a street and shall only be permitted in areas approved in advance as part of the site plan approval. All goods or materials stored outside which are visible from a public road, or which are located less than 100 feet from another zoning district shall be screened from view by an approved landscaped screen, wall, or solid fence. No such storage shall constitute a fire hazard or obstruct on-site vehicle circulation, or firefighting capabilities.
- (c) Fire Apparatus Accessibility: Each use shall be provided with 20 feet wide fire lanes within at least one side yard and at the rear of each building site. The fire lanes shall be capable of enabling fire apparatus accessibility to within 200 feet of all exterior points of a building and shall be positioned no closer to the building than 1.5 times the height of the adjacent building wall. Fire lanes located on adjacent property may be considered as meeting this standard when there is a reciprocal provision for such with respect to each of the properties.
- (d) Odor, Fumes, Dust, Glare, Vibration, or Heat: No activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration, or heat that will adversely affect permitted uses on an adjacent property.
- (e) Noise: No permitted activity shall emit noise that is readily discernable to the average person in any adjacent residential zone district providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.
- (f) Electromagnetic Radiation: No permitted use shall emit electromagnetic radiation which would adversely affect the operation of equipment beyond the confines of the building producing the effect.
- (g) Hazardous Material Management Plan: Any permitted activity that may present danger of fire, explosion or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the Fire Department and the Township Engineer and shall not represent any danger to property or persons beyond the property lines.

- (h) Other Requirements: All uses shall conform to all other Township, County, State and Federal regulations pertaining to its operations.

SECTION 13A.07 HEIGHT REGULATIONS. Unless otherwise provided for in this ordinance, no building or structure shall exceed three (3) stories or forty-five (45) feet, whichever is the lesser height.

SECTION 13A.08 AREA REGULATIONS. Unless otherwise stipulated in this ordinance, no building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) Front Yards: There shall be a front yard setback of not less than one hundred (100) feet. The first 30 feet of such yard area as measured from the street right of way line shall be devoted to greenbelt.
- (b) Side Yards: Each side yard shall be not less than seventy five (75) feet except that where a side yard abuts another approved MU overlay special land use the side yard setback may be reduced to 25 feet.
- (c) Rear Yard: There shall be a rear yard of not less than seventy five (75) feet except that in cases where a yard abuts another approved MU overlay special land use the rear yard setback may be reduced to fifty feet.
- (d) Lot Area and Width: The minimum lot area shall be 5 acres and the minimum lot width shall be three hundred (300) feet.

SECTION 13A.09 SITE DEVELOPMENT STANDARDS.

- (a) Parking shall be provided in accordance with the requirements of Chapter 17.
- (b) Signs shall be regulated in accordance with the requirements of Chapter 21.
- (c) Site landscaping shall be installed and maintained in accordance with the provisions of Chapter 18, Section 18.03.
- (d) Site access shall be regulated under the provisions of Chapter 18, Section 18.03.
- (e) Accessory buildings and structures may not be located in the front or side yard and shall otherwise be regulated in accordance with the requirements of Section 3.13.

SECTION 13A.10 BUILDING MATERIALS STANDARDS. The wall area of all facades facing a street and adjacent residential uses may be constructed of wood, brick, stone, fluted block, glass or metal or similar material but shall be designed to have an appearance commensurate and compatible with the rural agrarian nature of the area. All building exteriors shall be adequately protected from damage by vehicles and internal operations.

In authorizing the exterior appearance of the use, the Planning Commission shall consider the following factors:

- (a) Whether or not the finished treatment is compatible with surrounding properties in terms of color and overall image.
- (b) The relative scale of the building in terms of height and area.
- (c) The extent to which the building is setback from the street frontage(s) and the amount and quality of landscaping on the street frontage(s) and along the building.
- (d) Appeals of facade determinations may be made to the Zoning Board of Appeals.

CHAPTER 14

NONCONFORMING USES, STRUCTURES, AND LOTS

SECTION 14.01 INTENT AND PURPOSE. The intent and purpose of this chapter is to provide regulations concerning land uses, buildings, and structures which were lawful prior to the adoption of this Ordinance, or prior to any relevant amendment thereof.

Under the terms of this chapter, land uses, buildings and structures which were lawful at the time of the adoption of this Ordinance or of any amendment thereto, may continue, even though such land use, building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

SECTION 14.02 NONCONFORMING USES.

- (a) If, on the date of adoption of this Ordinance or on the date of adoption of any relevant amendment thereto, a lawful use of a lot or a parcel of land was occurring, but such use is not permitted under the terms of this Ordinance or under the terms of any relevant amendment, such use may continue so long as it is otherwise lawful.
- (b) A nonconforming use shall not be enlarged, expanded or increased so as to increase or enlarge the nature or extent of the nonconformity, provided however, that in certain circumstances the continuance, expansion, enlargement or reestablishment of a lawful nonconforming residential use in the C-1 and C-2 Commercial districts and the O/I Office/Industrial district is permitted as stated in Section 14.04 of this Chapter.
- (c) A nonconforming use shall not be changed to another nonconforming use, except that the Planning Commission, may approve a Special Land Use permit to change to another nonconforming use, if the Planning Commission determines that the proposed other nonconforming use will be more conforming than the nonconforming use then existing. In granting a Class II Special Land Use Permit for such use, the Planning Commission may impose reasonable terms and conditions on the proposed use.
- (d) A nonconforming use shall not be re-established after it has been changed to a conforming use.
- (e) Except as provided in Section 14.04 a nonconforming use shall not be re-established after it has been discontinued for nine consecutive months.

SECTION 14.03 NONCONFORMING BUILDINGS AND STRUCTURES-GENERAL.

Notwithstanding the provisions of Section of 14.04 pertaining to single family residential homes and uses within the C-1, C-2 and O/I Districts, the following provisions shall apply nonconforming buildings and structures:

- (a) Continuance: If, on the effective date of this Chapter a lawful building or structure exists, but the building or structure is no longer permitted under the terms of this Ordinance or under the terms of any relevant amendment, such building or structure may continue so long as it remains otherwise lawful.
- (b) Maintenance: A nonconforming building or structure may be maintained or repaired to a safe condition, so long as such action does not increase the extent of the nonconformity.
- (c) Expansion: A nonconforming building or structure shall not be enlarged, expanded, or increased so as to increase or enlarge the nature or extent of the nonconformity, except as stated in Section 14.04 of this Chapter.

- (d) Re-establishment After Change: A nonconforming building or structure shall not be re-established after it has been changed to a conforming building or structure.
- (e) Re-establishment After Damage or Destruction. A nonconforming building or structure shall not be re-established in its nonconforming condition after damage or destruction by fire or natural disaster if the replacement cost of the nonconforming building or structure exceeds 50 percent of the fair market value of the building or structure prior to such damage or destruction; provided, however, that the Planning Commission may approve the re-establishment of such nonconforming building or structure damaged beyond fifty (50) percent of replacement cost, as a Class II Special Land Use but only to the extent necessary to provide a reasonable use of the building or structure. In considering the approval of any such re-establishment of a nonconforming building or structure, the Planning Commission may impose reasonable terms and conditions.

SECTION 14.04 NONCONFORMING SINGLE FAMILY RESIDENTIAL HOMES AND USES WITHIN THE C-1, C-2, AND O/I DISTRICTS. Single family homes located on lots within the C-1, C-2 and O/I Districts which were established as of the effective date of this Chapter shall remain eligible for use as a single family dwelling subject to the following provisions:

- (a) Additions to or the repair or reconstruction of such structures and accessory buildings shall be governed by the height and area regulations pertaining to principal and accessory residential buildings located in the R-2 district.
- (b) Any non-conforming single family dwelling or residential accessory building located on any lot or parcel located within the C-1, C-2 or O/I District as of the effective date of this section which is destroyed or damage by fire, wind, act of God or the public enemy, may within a period of not to exceed twenty four (24) months after the date of the event causing the damage or destruction, be repaired or rebuilt and the residential use re-established.

SECTION 14.05 NONCONFORMING LOTS OF RECORD

- (a) Existing Lots of Record Agricultural or Residential Zoning District: Any legal lot in any AG, R-1, R-2, L-R or R-3 Zoning District, which is platted or otherwise of record as of the effective date of this Ordinance, which does not comply with the area and/or width requirements of its Zoning District, may be used for one family use without Special Land Use authorization from the Planning Commission if: *(Amended by Ord. 2015-08-01 eff. 9-7-15)*.
 - (1) The lot has a minimum lot area of 12,000 square feet and if there is compliance with all yard requirements for the zoning district in which the lot is located; or
 - (2) As applicable, there is compliance with a specific exception to the area and/or width requirements of the particular zoning district in which the lot is located.
 - (3) If neither of the above requirements is met, single family residential use may be authorized by the Planning Commission as a Class II Special Land Use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a) The size, character, and nature of the residential building and accessory buildings to be erected and constructed on the lot;
 - b) The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - c) The effect of the proposed use on light and air circulation of adjoining

- properties;
 - d) The effect of any increased density of the intended use on the surrounding neighborhood; and
 - e) Available parking for the intended use.
- (b) Existing Lots of Record – Commercial, Office -Industrial or Industrial District: If a lot in a Commercial or Industrial Zoning District, which is platted or otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of the Commercial or Industrial Zoning District, then such lot may be used for a commercial or industrial use without authorization of the Planning Commission as a Special Land Use if the lot has a minimum area of twelve thousand (12,000) square feet and, if there is compliance with all yard requirements for the applicable Commercial or Industrial Zoning District.
- If neither of the above requirements is met, commercial or industrial use as applicable may be authorized by the Planning Commission as a Class II Special Land Use. In considering such authorization, the Planning Commission shall consider the following factors:
- (1) The size, character, and nature of the principal building and accessory buildings to be constructed on the lot;
 - (2) The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - (3) The effect of the proposed use on light and air circulation of adjoining properties;
 - (4) The effect of increased density of the intended use on the surrounding neighborhood; and
 - (5) The available parking for the intended use.
- (c) Consolidation of Non-conforming Lots: In any zoning district, where two (2) or more non-conforming lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply or are in greater compliance with the minimum requirements of this Ordinance.

CHAPTER 15

SITE PLAN REVIEW

SECTION 15.01 PURPOSE. The purposes of Site Plan Review are as follows: to determine compliance with the provisions of this Ordinance, to promote the orderly development of the Township, to prevent the depreciation of land values through uses or structures which do not give proper attention to siting or area protection, and to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance.

SECTION 15.02 SITE PLAN REVIEW REQUIRED. A site plan shall be submitted for review according to the standards and procedures of this chapter for all proposed land uses except the following:

- (a) Single family and two family dwelling units on individual lots, unless regulated as a Special Land Use.
- (b) Residential and agricultural accessory buildings, not listed as Special Land Uses.
- (c) Construction on or remodeling of an existing permitted use or structure that does not involve a site change or an exterior structural modification.

SECTION 15.03 APPLICATION PROCEDURE.

- (a) Nine (9) copies of an application for site plan review shall be made to the Zoning Administrator along with a fee as required by Township Board resolution. 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, address and phone number of the owner(s) of record if different than - the applicant.
 - (4) The address and/or parcel number of the property.
 - (5) Project description, including number of structures and dwelling units, square footage of each building, number of parking spaces, estimated number of employees, and any unique features of the site or proposed development.
 - (6) Area of the parcel in acres, excluding road right-of-ways.
 - (7) A site plan for the project containing all of the information listed in Section 15.04, below. Notwithstanding the provisions of 15.04, for home occupations not requiring the construction or enlargement of any building, a sketch plan drawn to scale needs only to be provided. The sketch plan shall include the location, dimensions, and area of all structures and parking areas on the site; scale, north arrow, and date of drawing; property owner's name and address; and description of the nature of the home occupation.
- (b) The Zoning Administrator shall forward copies of the application and site plan to the Planning Commission within seven (7) days after the receipt of the application.
- (c) For Special Land Uses and Planned Development, the procedures and standards outlined for approving such uses shall apply.

SECTION 15.04 SITE PLAN CONTENT. Each site plan submitted for review under this chapter shall be drawn at a minimum scale of 1"=200' and, unless specifically waived by the Planning Commission, shall contain the following information:

- (a) Name of development and general location sketch showing major thoroughfares and site location.
- (b) Name, address, and phone number of site owner(s), developer and designer, including professional seal of designer.
- (c) North arrow, scale, and date of original drawing and any revisions.
- (d) The area of the site in .square feet and acres, excluding all existing and proposed rights-of-way. Property lines, dimensions, and building setback distances and dimensions of all structures and lot lines within one hundred (100) feet of the site shall also be indicated. If the parcel is a part of a larger parcel, boundaries of the total land holding shall be shown.
- (f) Existing zoning of the site and all adjacent properties.
- (g) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site. Ground elevations of all existing buildings, drives and parking lots, and any unusual surface conditions shall be provided.
- (h) Direction of storm water drainage and indication as to how storm water runoff will be handled.
- (i) Location of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building.
- (j) Location of abutting railroads, electrical lines, streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within one hundred (100) feet of the site. The centerline of road rights-of-way shall be shown.
- (k) Location and size of all existing and proposed water and sanitary sewer lines, storm drainage lines, wells, fire hydrants, catch basins, septic tanks and drainfields and utility easements.
- (l) Proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas and handicapped access ramps. Also, the method of surfacing such areas shall be noted.
- (m) Location of all sidewalks, bike paths, and other pathways.
- (n) Location and size of any walls, fences, greenbelts, or other screening provisions.
- (o) Landscape plan indicating type and size of all plant material, including all areas to be sodded or seeded for grass. Provide cross sections of all berms.
- (p) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Trees which are to be removed on the site shall be illustrated.
- (q) Building floor plans and architectural wall elevations. The height of all buildings or structures shall be indicated.
- (r) Location of all proposed accessory structures, including outdoor lighting fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, signs, and existing and proposed utility poles. Indicate screening for trash receptacles.
- (s) Location of all outdoor storage areas for materials and the manner in which materials shall be screened or covered.
- (t) If phased construction is to be used, each phase must be noted and each phase must stand on its own.
- (u) Notation of any variances or Special Land Use permits which are required, any legal

nonconforming uses or structures, and any State or Federal permits which have been secured or may be necessary to secure.

(v) In addition, the following requirements shall apply to certain businesses and facilities for the protection of groundwater:

(1) Applicability

These provisions apply to all public and private businesses and facilities which use, store or generate "hazardous substances" in quantities greater than 25 gallons or 220 pounds per month. Hazardous substances include herbicides, pesticides, fungicides, petroleum and other chemicals or materials which are or may become injurious to the public health, safety, or welfare or to the environment.

(2) Site Plan Information Requirements

a) Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.

b) Completion of the "Hazardous Substances Reporting Form for Site Plan Review."

c) Location of existing and proposed service facilities and structures, above and below ground, including:

1) Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.

2) Storage tank locations.

3) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.

d) Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service.

e) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

f) Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a riparian feature, as established by the riparian area protection standards contained in Chapter 13.

SECTION 15.05 REVIEW PROCEDURE AND AUTHORIZATION. All site plans required under this Chapter shall be subject to review as follows:

(a) Site Plan Review Committee: A Site Plan Review Committee shall be appointed to review all developments for which site plans are required under this chapter. The Site Plan Review Committee shall forward a recommendation of approval, approval with conditions or denial of a site plan to the Planning Commission.

(1) The Committee shall consist of the Chairperson of the Planning Commission, the Township Zoning Administrator and the Township Planner. Two alternate members of the Committee shall be appointed by the Chairperson of the Planning Commission from the remaining membership of the Planning Commission. Said appointments shall be made at the first official meeting of the Planning Commission each year.

(2) The Committee shall select from its members its own chairperson and determine its own operating procedures. All members of the Committee shall be present in

order to take any formal action on a site plan submitted for review.

- (3) The Committee shall meet to review site plans within fifteen (15) days after receipt of a complete the site plan application by the Zoning Administrator who shall arrange for such meeting. The Zoning Administrator shall also send a notice of this meeting to all members of the Planning Commission. All meetings of the Committee shall conform to the provisions of the Open Meetings Act being Act 267 of the Michigan Public Acts of 1976 as amended.
- (4) Following a majority vote by the Committee on a site plan, the Committee shall forward its recommendations to the Planning Commission.
- (b) Planning Commission Review And Authorization: The Planning Commission shall upon the recommendation of the Site Plan Review Committee have the power to approve, deny, modify or approve with conditions all site plans submitted to it under this Ordinance. A building permit shall not be permitted until a site plan has been approved as required herein.
- (c) Review Period: The Planning Commission shall render a decision on a site plan within sixty-five (65) days of initial review of the site plan, by the Site Plan Review Committee unless an extension of time is agreed to by the Planning Commission and the applicant.
- (d) Review Standards: The Site Plan Review Committee and Planning Commission shall review each site plan according to the standards for site plan review as contained in Section 15.06 of this chapter and any other applicable regulations of this Ordinance. In addition, the Planning Commission is empowered to seek the review and recommendation of appropriate county, state or federal agencies, the Township Engineer or Planner, or other professionals, consultants, or agencies as the Commission deems necessary to assist it in its review.
- (e) Approval: Upon approval of a site plan, three copies of the plan shall be signed and dated by the Planning Commission. One copy of the plan shall be retained by the applicant, one by the chairperson of the Planning Commission and one shall be submitted to the Zoning Administrator as part of the building permit review process.
- (f) Effect of Approval: Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- (g) Expiration of Approval: Approval of a final site plan shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of the site plan approval. Approval of a final site plan shall expire and be of no effect five hundred thirty-five (535) days following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.
- (h) Administrative Site Plan Review: Minor changes to a site plan and new site plans classified as minor may be reviewed and approved administratively by the Zoning Administrator provided that the site plan complies with all applicable requirements of the ordinance and all other applicable agency regulations. Administrative site plan approval shall be limited in scope to the following:
 - (1) Minor change to an approved site plan involving the addition or relocation of any of the following items provided that the change does not alter a requirement or condition of approval specifically imposed by the Planning Commission as part of

- a previous approval:
- a) Landscape materials (change of type or location)
 - b) Sidewalks
 - c) Refuse containers
 - d) Lighting
 - e) Signs
 - f) Retention/detention ponds
- (2) Decrease in building size from an approved site plan.
 - (3) Moving a proposed building on an approved site plan no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.
 - (4) An increase in building size that does not exceed 1,000 square feet or five (5) percent of the gross floor area, whichever is smaller.
 - (5) A detached commercial or industrial accessory building or structure which does not exceed 800 square feet of gross floor area and which does not require or involve a principal use approved as a Special Land Use.
 - (6) New parking lots with fewer than six (6) car spaces or 1,800 square feet of surface and no additional curb cuts.

SECTION 15.06 STANDARDS.

- (a) General: The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance and conformance with the following general standards:
 - (1) The applicant may legally apply for site plan review.
 - (2) All required information has been provided.
 - (3) The proposed development conforms to all regulations of the zoning district in which it is located.
 - (4) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - (5) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas.
 - (6) Natural resources will be preserved and protected to the maximum feasible extent and organic, wet or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
 - (7) The proposed development will not cause soil erosion or sedimentation problems.
 - (8) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
 - (9) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
 - (10) The plan meets the specifications of the Leighton Township and/or Allegan County for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
 - (11) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the

location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.

- (12) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as suggested by or agreed to by the Township Fire Department.
 - (13) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - (14) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
 - (15) Outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
 - (16) Phases of development are in logical sequence so that any prior phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- (b) Standards for Groundwater Protection:
- (1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, and steep slopes.
 - (2) General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a MDEQ groundwater discharge permit.
 - (3) Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 - (4) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
 - (5) Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - (6) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
 - (7) Secondary containment structures such as out buildings, storage rooms, sheds, and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
 - (8) Areas and facilities for loading/unloading of hazardous substances and polluting

materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.

- (9) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency.
- (10) Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with requirements of the designated State regulatory agency. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.
- (11) Out-of-service, abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the designated State regulatory agency.
- (12) Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
- (13) Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Natural Resources is available indicating that cleanup will proceed in a timely fashion.

SECTION 15.07 ISSUANCE OF BUILDING PERMIT. The Building Inspector shall, upon receipt of notice of approval from the Planning Commission and upon application by the applicant, issue a building permit provided all other applicable Township regulations have been met.

SECTION 15.08 AMENDMENT OF APPROVED SITE PLAN. A site plan may be amended upon application and in accordance with the procedures and requirements provided in Section 15.05 herein. Minor changes to an approved site plan shall be illustrated on a revised site plan drawing(s) submitted to the Planning Commission for purposes of record. In the case of a dispute over what constitutes a minor or major change, the Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Planning Commission shall record its determinations and reasons for allowing amendment in the minutes of the meeting at which the action is taken.

SECTION 15.09 MODIFICATION OF PLAN DURING CONSTRUCTION. All site improvements shall conform to the approved site plan. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk, without any assurances that the Planning Commission or Zoning Administrator will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of any changes. The Zoning Administrator or the Planning Commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

SECTION 15.10 AS-BUILT DRAWINGS.

- (a) The applicant shall provide as-built drawings of all sanitary sewer, water and storm sewer lines and all appurtenances which were installed on a site for which a site plan was approved. The drawings shall be submitted to the Building Inspector.

- (b) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (c) The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

SECTION 15.11 PHASING OF DEVELOPMENT. The applicant may divide the proposed development into two or more phases. In such case, the site plan shall show the entire property involved and shall clearly indicate the location, size and character of each phase. However, complete site plans for all phases of a project need not be provided at once. Subsequent site plans may be submitted for review and approval for each phase as the project proceeds.

Each phase of a project shall stand on its own; no phase shall rely on the completion of any subsequent phases of the project for parking, utilities, landscaping or any other element required by this Ordinance.

SECTION 15.12 PERFORMANCE GUARANTEE. The Planning Commission may require a performance bond, letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, drainage and other required improvements associated with the project. The estimated amount shall be determined by the applicant. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan. If not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Chapter have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and the balance, if any, shall be returned to the applicant.

SECTION 15.13 FEES. Fees for the review of site plans and inspections as required by this Chapter shall be established and may be amended by resolution of the Township Board.

SECTION 15.14 VIOLATIONS. An approved site plan shall become part of the record of approval, and subsequent action relating to a site in question shall be consistent with the approved site plan, unless the Planning Commission agrees to such changes as provided in this Chapter. Any violation of the provisions of this Chapter, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance and shall be subject to all penalties therein.

CHAPTER 16

SITE CONDOMINIUM SUBDIVISIONS

SECTION 16.01. PURPOSE AND SCOPE. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "Lot" for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project's location, any land use permitted by the Leighton Township Zoning Ordinance may be permitted in a site condominium project.

The purpose of this Section is to ensure that plans for developments within Leighton Township proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, shall be reviewed with the objective and intent of achieving the same or comparable essential characteristics as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this Section to ensure that such development is in conformance with the requirements of this Zoning Ordinance, as amended, and other applicable Township Ordinances and state and federal regulations.

SECTION 16.02 STEP I – SKETCH PLAN REVIEW REQUIREMENTS. Application for review and approval of a site condominium subdivision shall be initiated by submitting the following to the Township Clerk (or appropriate designee) who shall then forward it to the Planning Commission, Township Supervisor, Township Planner and Township Engineer.

- (a) A completed application form for Step I – Sketch Plan Review of a site condominium subdivision project along with appropriate fees as required by Township Board resolution. Included on the completed application or attached thereto shall be:
- (1) The developer/applicant's name, address and phone number.
 - (2) The name, address, and phone number(s) of the property owner(s) of record.
 - (3) The legal description of the subject property.
 - (4) A project description including the use, number of building sites, acreage, type of streets, open spaces.
 - (5) Intent with regard to the provision of domestic water supply and sewage treatment.
 - (6) Any intent to pursue variances, Planned Development or Conservation Subdivision approval, or other special zoning, if eligible.
- (b) A sketch subdivision plan drawn to the specifications and content requirements for Step I - Sketch Plans outlined in Section 16.09(a).

At a regular or special meeting of the Planning Commission held subsequent to the receipt of a completed application, the Planning Commission shall review the Step I - Preliminary Plan. Based upon the information at its disposal and the comments from the Township Planner and

Engineer, the Planning Commission shall provide comments and recommendations to the applicant regarding the following:

- (c) Compliance with the general requirements of this section and other applicable provisions of the Zoning Ordinance.
- (d) The appropriateness of street plans and the arrangement of building sites, drainage and open spaces relative to natural features such as topography, soils, water features and significant or unique vegetation.
- (e) The appropriateness of the proposed street layout and lot arrangement in light of planned or anticipated or needed public improvements such as streets, utilities, drainage facilities and parks.
- (f) Existing utility system capabilities and utility improvements that will be required.
- (g) Additional comments and information which may assist the applicant in proceeding in a reasonable manner toward final approval of the project.

Step I Sketch Plan review recommendations are advisory and does not constitute zoning approval or binding commitment on the part of the Township. Step I Sketch Plan review does not authorize the applicant to proceed with construction or to sell or transfer property.

SECTION 16.03 AGENCY REVIEW. Following Step I Sketch Plan review the applicant shall submit the site condominium subdivision plans to the following agencies for their review and comment and, if required, their approval:

- (a) Allegan County Health Department
- (b) Allegan County Road Commission
- (c) Allegan County Drain Commission
- (d) Michigan Department of Natural Resources
- (e) Dorr/Leighton Sewer Authority and/or Green Lake Sewer System Committee
- (f) Michigan Department of Transportation
- (g) Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.
- (h) Gas and electrical utility corporations serving the area.
- (i) The applicable Intermediate School District and the Individual School District affected by the project.

SECTION 16.04 STEP II PRELIMINARY PLAN REVIEW BY PLANNING COMMISSION.

- (a) Submission Requirements: An application for preliminary review of a site condominium subdivision project shall be made to the Township Clerk along with the appropriate fees as required by Township Board resolution. 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, address, and phone number(s) of the owner(s) of record if different from the applicant.
 - (4) The legal description, address, and tax parcel number(s) of the property.
 - (5) Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing etc.
 - (6) Gross and net size of the parcel in acres.
 - (7) Written comments and/or approvals from the above list of agencies resulting from

- their review of the site condominium subdivision plans, as applicable.
- (8) A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
 - (9) A copy of any preliminary agreements which may be required before Final Plan approval is granted.
 - (10) A copy of the proposed Master Deed of the project and the supportive information which is intended to be recorded with the Register of Deeds as required by state law.
 - (11) The applicant shall provide at least fifteen (15) copies of the preliminary site condominium project plan and additional copies if deemed necessary by the Clerk. The plans shall contain the information required for preliminary site condominium plans as required by this Ordinance (Section 16.09(b)).
 - (12) The application and plans shall be submitted at least twenty (20) days before the next regularly scheduled meeting of the Planning Commission.
- (b) Receipt by Clerk – Notification of Public Hearing - Upon receipt of the preliminary site condominium project plans, the Clerk shall forward one copy to each member of the Planning Commission, Township Planner and Township Engineer, for consideration at the next regularly scheduled meeting of the Planning Commission. The Township Clerk shall notify by mail all the members of the Planning Commission that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of the public hearing shall be made as set forth in Section 25.06 of this Ordinance.
- (c) Planning Commission Review - In reviewing the Preliminary Plan, the Planning Commission shall give particular attention to the requirements of Section 16.09, Subsection (b), Subsection (c) contained herein. The Planning Commission shall also review all deed restrictions and covenants for the site condominium project and find that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the Preliminary Plan meets the requirements of this Ordinance and all other applicable local, county, state, and federal regulations, the Planning Commission shall grant its Preliminary Approval. The Planning Commission shall forward one (1) copy of the Preliminary Plan along with a notation indicating Preliminary Approval and any recommendations to the Township Board for review and approval. If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:
- (1) Recommend denial of the Preliminary Plan, setting forth the reasons in writing, or
 - (2) Recommend granting of Preliminary Plan approval contingent upon completion of the revisions as noted.

The Planning Commission shall forward the Planning Commission's recommendations to the Township Board.

SECTION 16.05 TOWNSHIP BOARD REVIEW AND APPROVAL OF PRELIMINARY PLAN. After receipt of the Preliminary Plan and recommendations from the Planning Commission, the Township Board shall consider the Preliminary Plan at its next meeting, or within thirty (30) days from the date of receipt from the Planning Commission. During this time the applicant shall be required to submit complete engineering plans of all proposed improvements outlined and proposed under Section 16.10. These plans shall be forwarded to the Township's Engineer who shall review and comment on the completeness and adequacy of the plan for the Board's consideration.

- (a) The Township Board shall consider the Preliminary Plan along with the recommendations of the Planning Commission. If the plan meets the Preliminary Plan requirements of this Ordinance, the Board shall grant Preliminary Plan approval. The Township Clerk shall sign the plan with the notation that it has received preliminary approval and the applicant shall be so notified. Preliminary Plan approval shall give the applicant the following rights for a two (2) year period from the date of approval:
- (1) That the general terms and conditions under which Preliminary Plan approval was granted will not be changed by the Township.
 - (2) That the building site sizes, number and orientation, and street layout have been approved.
 - (3) If the Preliminary Plan substantially meets the requirements of this Ordinance, the Township Board may grant tentative approval of the Preliminary Plan. This approval shall be conditioned upon the submission of such changes, revisions, or additional material as is determined to be necessary. Upon the submission of such changes, revisions, or additional material to the Township Board, the Preliminary Plan shall be granted unconditional approval and the applicant shall be so notified.
- (b) If the Preliminary Plan cannot meet the requirements of this Ordinance, the Township Board shall deny Preliminary Plan approval and shall notify the applicant along with the reasons for denial.
- (c) No grading or tree removal or construction of improvements may be started until the developer has received Preliminary Plan approval from the Township Board and has entered into the necessary agreements with the Township and other agencies for construction of required improvements and filed with the Township such security as deemed appropriate by the Township to ensure that all improvements will be completed in accordance with the approved plans.
- (d) Construction Schedule. The applicant must submit to the Township a general schedule of the timing and sequence for the construction of required improvements prior to approval of the preliminary plan. The schedule must meet the procedural requirements of Township Board and inspection needs of the Township, County, and State Agencies.

SECTION 16.06 EFFECT OF PRELIMINARY PLAN APPROVAL. Approval of a Preliminary Site Condominium Subdivision project by the Township Board shall serve as conditional authorization to proceed with the project, including the sale of individual building sites on the basis of condominium ownership and the construction of required improvements to the land in conformity with approved project plans. Preliminary Site Condominium Subdivision approval shall not serve as the direct authorization for construction of buildings on individual building sites within the subdivision. Prior to building construction, individual uses shall be subject to the customary provisions of Chapter 25, Section 25.03 and any general or special regulations applicable to the individual structure or use as outlined or referenced in the applicable District regulations of this Ordinance.

SECTION 16.07 FINAL PLAN APPROVAL.

- (a) Within two (2) years from the date of approval of the Preliminary Plan, the applicant shall prepare and submit the necessary copies of the Final Site Condominium Plan to the Township Clerk along with a completed application form and any fee established by the Township Board at least two (2) weeks prior to the next regularly scheduled Board meeting. The applicant shall also submit the following:

- (1) Two (2) copies of as-built plans of all required public improvements which shall be reviewed by the Township Engineer for compliance with applicable Township ordinances.
 - (2) A copy of all final agreements and the Master Deed which is to be recorded with the Allegan County Register of Deeds.
 - (3) Letters of approval from all applicable agencies or utilities listed in Subsection (2) stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance guarantees or other similar surety have been submitted for uncompleted improvements.
- (b) If all submissions are found acceptable, the Clerk shall submit the same to the Township Board at its next regular meeting for approval.
 - (c) The Board shall approve or reject said Final Plan based upon the Plans and other material submitted and the recommendation of the Township Engineer and notify the applicant in writing.
 - (d) If the Final Plan is rejected, the Clerk shall notify the applicant stating the reasons for denial.
 - (e) All provisions of the Site Condominium Subdivision Project Plans which are approved by the Township Board must be incorporated, as approved, in the Master Deed for the condominium project. A copy of the Master Deed as filed with the Allegan County Register of Deeds for recording must be provided to the Township Clerk within ten (10) days after such filing with the County.

SECTION 16.08 FINANCIAL GUARANTEE. In lieu of completion of all required public or private improvements prior to approval of the final plan, the Township Board may permit the developer to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any public agency other than the Township responsible for the administration, operation, and maintenance of the applicable public improvement. Completion of improvements shall be required prior to the issuance of occupancy permits for any dwelling or business establishment.

(a) Cash Deposit, Certified Check, Irrevocable Letter of Credit:

- (1) A cash deposit, certified check, or irrevocable letter of credit shall accrue to the respective public agency responsible for administering the construction, operation, or maintenance of the specific public improvement. These deposits shall be made with the treasurer of the respective unit of government of which the public agency is a part, or deposited with a responsible escrow agent, or trust company, subject to the approval of the respective governmental body.
- (2) The dollar value of the cash deposit, certified check, or irrevocable letter of credit shall be equal to the total estimated cost of construction of the specified public improvement.
- (3) The escrow time for the cash deposit, certified check, or irrevocable letter of credit shall be for a period to be specified by the respective public agency responsible for administering the construction, operation, or maintenance of the specific public improvement.
- (4) In the case of either cash deposits or certified check, an agreement between the respective public agency and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check to the extent of the estimated cost of the completed portion of the public improvement in accordance with the standard practices of the public agency responsible for administering the

specific public improvement.

- (b) Penalty for Failure to Complete the Construction of a Public Improvement: In the event the developer shall, in any case, fail to satisfactorily complete the required construction of a public improvement within such period of time as required by the conditions of the guarantee for the completion of public improvements, the Township Board may declare the developer to be in default and require that all the improvement(s) be installed regardless of the extent of the building development at the time the bond is declared to be in default. The Township Board may obtain sums necessary for the cost and expense of such installation by appropriating the amounts necessary to complete the project from the cash deposit, certified check, or irrevocable letter of credit. Nothing contained herein shall prohibit the Township from the pursuit of any other remedies which may be available for breach of agreement and/or for damages including requests for actual attorney fees and costs.

SECTION 16.09 SITE CONDOMINIUM SUBDIVISION PLANS.

- (a) Required Content - Step I Sketch Plan: Site plans submitted for a Step I Sketch Plan Review shall be prepared in accordance with the following requirements and contain the following data:
- (1) A plan showing the boundary of the subject property and all contiguous properties drawn at a scale of not more than 200 feet to the inch.
 - (2) A location map showing the relationship of the subject property to the surrounding area.
 - (3) The proposed layout of streets and building site.
 - (4) The relationship of proposed streets to adjacent streets and neighboring properties.
 - (5) Existing physical conditions and characteristics including existing structures, topography, flood plains, wetlands, streams and drainage.
 - (6) Proposed grading and an indication of the proposed storm drainage improvements and the location(s) of proposed detention/retention ponds.
 - (7) The land use and existing zoning of adjacent track.
 - (8) Preliminary building site data including number of lots, minimum lot area and lot width.
- (b) Required Content - Preliminary Plan: Site plans submitted for a Site Condominium Subdivision shall be prepared in accordance with the following requirements: The Preliminary Plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:
- (1) The name of the project; the name and address of the developer; the name, address and seal of a registered surveyor or engineer preparing the Plan; and a description of the property to be subdivided.
 - (2) A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
 - (3) North arrow, scale, contour interval, and legend when appropriate.
 - (4) Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
 - (5) Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
 - (6) The location of all existing streets, lots, plats, public utilities, drains, streams or

- bodies of water on/or abutting the property.
- (7) The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:
 - a) Street and stub street right-of-way -- location, width and curve radii.
 - b) Proposed street names.
 - c) Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten (10) square feet.
 - (8) The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
 - (9) The locations and tentative sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
 - (10) Statements regarding:
 - a) Intent to utilize public or private water or sewage facilities.
 - b) Zoning and lot size requirements.
 - c) Zoning requirements for front, side and rear yards.
 - d) Size and type of street in accord with Allegan County Road Commission standards or the Leighton Township private street regulations.
 - e) Intent to install gas, sidewalks, street lights, and shade trees.
 - f) Use of waterways, rivers, streams, creeks, lakes or ponds.
 - (11) The location of all general and limited common elements.
 - (12) The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the Master Deed.
 - (13) An indication of the amount of soil material, if any, that may be removed and/or stockpiled on the site during the development process. If stockpiling is proposed, the location and duration of the stockpiles shall be indicated. Removal of soil material off site is subject to review and approval under the Leighton Township Gravel and Mineral Mining Ordinance, 1-92.
 - (14) Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a riparian feature, as established by the Riparian Area Protection standards contained in Chapter 13.
- (c) Final Plans: The Final Plan for a Site Condominium Subdivision shall include:
- (1) One (1) set of approved as-built or final construction plans for all required improvements to be kept on file by the Township.
 - (2) One (1) copy of the final Master Deed intended for recording.
 - (3) Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights, or shade trees.
 - (4) One (1) copy of any financing arrangements between the Township and the proprietor for the installation of required improvements, if any.

SECTION 16.10 SITE CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND REQUIRED IMPROVEMENTS.

- (a) Conformance With Zoning: All land uses and building sites within a site condominium subdivision project shall be subject to the requirements of the Leighton Township Zoning Ordinance for that zoning district in which it is located.
- (b) Streets: All site condominium subdivision lots shall be served by a public road system constructed in accordance with the regulations of the Allegan County Road Commission or with a private road system constructed to the standards for private streets as adopted

by Leighton Township. The master deed shall include provisions which provide for the perpetual private (non-public) maintenance of the private road and easements to a necessary and reasonable standard to serve the several interests involved. These documents shall contain the following provisions:

- (1) A method of financing in order to keep the road in a reasonably good and usable condition.
 - (2) A workable method of apportioning the costs of maintenance and improvements.
 - (3) A notice that no public funds of the Township of Leighton are to be used to build, repair, or maintain the private road, and a statement that the township will be held harmless for any personal or property damage claims stemming from incidents occurring on or in connection with the private road.
 - (4) Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.
 - (5) A provision that the co-owners shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, employees and others bound to or returning from any of the properties having a right to use the road.
 - (6) An agreement stipulating that the developer or condominium association agrees to the creation and imposition of a Special Assessment District to cover the cost of reconstruction of roadways to Allegan County Road Commission Standards should the developer or association, subsequent to final plan approval by the Township, desire to have existing private roads dedicated to the public. Such agreement shall be prepared in such form as shall be necessary, in the reasonable opinion of the Township Attorney to effectuate the purposes of this provision.
 - (7) The master deed shall specify all private road easements and shall further contain easements granted to the Township for the purpose of providing for the installation, operation, inspection, maintenance, alteration, replacement, and/or removal of public and private utilities, including conveyance of sewer, water, storm water, electrical distribution, telephone, natural gas, and cable television.
- (c) Water, Sanitary Sewer, Storm Drainage, and Private Utilities:
- (1) Site condominium subdivisions which cannot reasonably be required to connect to public water and sewer services may at the discretion of the Township Board be allowed to utilize private well and septic systems. Such systems, if allowed, shall adhere to the requirements of the Allegan County Health Department. Private community well and sewage systems, if allowed, shall be constructed to standards for public systems for eventual dedication to the public.
 - (2) All electric, gas and cable television utilities, when provided, shall be installed underground within easements dedicated for such use.
 - (3) Storm drainage collection, retention, and detention facilities shall be constructed to Allegan County Drain Commission standards and recommendations.
- (d) Other Required Improvements:
- (1) Monuments shall be located in the ground at all angles along the boundaries of the site condominium subdivision. These monuments shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.
 - (2) All corners of lots within a site condominium subdivision shall be staked in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in

- diameter or other markers as approved by the Township Building Inspector.
- (e) Law: The requirements, procedures, regulations, and powers set forth in the Condominium Act, Act 59 of 1978, as amended, shall apply except as provided by this Ordinance.
 - (f) Inspection and Specifications: The Township Board may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installation of improvements called for shall be subject to the approval of the Township or its agent, or such other competent persons as designated by the Township. All inspection fees shall be paid by the applicant before the Final Plan is signed by the Township unless adequate sureties or deposits to cover these expenses are given to the Township prior to Final Plan approval.
 - (g) Protected and Uninhabitable Areas: Uninhabitable areas may be set aside for storm water management uses or other uses such as parks or open space preserves. Such area may be included within developable lots provided that such area will not be calculated within the minimum lot area requirements as specified by this ordinance.
For properties affected by the Riparian Area Protection Overlay Zone as delineated on the "Riparian Areas Protection Overlay Map," and the Official Zoning Map of Leighton Township, master deed provisions and restrictive covenants shall include the following statement: "There shall be no clearing, grading, placement of fill, construction or disturbance of vegetation within any lot (unit), out-lot, park or common area labeled "natural vegetation zone" or "transition zone" as it appears on the exhibit (insert letter designation) drawings of this development except as permitted by Chapter 13 of the Leighton Township Zoning Ordinance".

SECTION 16.11 VARIANCES.

- (a) Building Site Area, Width and Depth Regulations: Variances with respect to individual building site width, depth and area regulations governed by the District regulations of the Zoning District in which the site condominium project is located shall be made to the Zoning Board of Appeals pursuant to the procedures, rules, and conditions contained in Chapter 26, unless the proposal is for a Planned Development. In such instances, paragraph (b) below shall apply.
- (b) Planned Developments: Variances with respect to building site dimensions and uses for planned unit developments under the site condominium form of development may be achieved under the procedures and standards contained in the applicable Planned development provisions of Chapters 19, 19A, or 19B.
 - (1) Applications - Applications for any variance or planned development shall be made in writing by the petitioner prior to the time when the Preliminary Plan is filed for the consideration of the Planning Commission. The application shall state fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid the Planning Commission or Zoning Board of Appeals in the analysis of the proposed variance. In the case of a requested Planned Development, the plans submitted shall comply with the provisions of Chapter 19, 19A, and 19B, as applicable.

CHAPTER 17
PARKING AND LOADING SPACES
(Amended in its entirety by Ord. #2011-10-01)

SECTION 17.01 PURPOSE. The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks and trailers in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

SECTION 17.02 SCOPE.

- (a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
- (b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Chapter.
- (c) Parking areas must be in the same zoning classification as the property it serves.

SECTION 17.03 GENERAL. In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

PARKING SPACES

USE	MINIMUM PARKING SPACES REQUIRED
Dwellings	Two (2) for each single or two family dwelling unit, one and one half (1 1/2) for each dwelling unit in a multi-family structure
Lodging, rooming and boarding houses	Two (2) for each three (3) guest rooms or each six (6) beds for guests, whichever amount is greater
Hotels, Motels and tourist homes	One (1) for each guest rooms
Private clubs and lodges	One (1) for each five (5) active members and one (1) for each employee with a minimum of one (1) one for each one hundred (100) square feet of floor area
Hospitals	Two (2) for each patient bed plus one for each staff doctor and one for each two employees other than doctors.
Sanitariums, convalescent or nursing homes	One (1) for each two (2) beds
Homes for senior citizens	One (1) for each dwelling/tenant unit

Theaters, auditoriums, stadiums	One (1) for each four (4) seats
Bowling alleys	Eight (8) for each alley
Private elementary, and junior high schools	Three (3) per classroom plus additional for high school auditorium requirements and one (1) for each three hundred (300) square feet of administrative office area
Senior high school and institutions of higher learning	Seven (7) per classroom plus additional for auditorium requirements and one (1) for each three hundred (300) square feet of administrative office area
Churches and other places of religious assembly	One (1) for each four (4) seats in the main worship unit
Community center	One (1) for each one hundred (100) square feet of assembly floor area
Libraries, museums, and Post Offices	One (1) for each four hundred (400) square feet of floor area
Mortuaries or funeral homes	One (1) for each fifty (50) square feet of floor area used for services
Shopping centers , antique shops, second hand sales and general retail sales except as otherwise specified	1 space/200 sq. ft. floor area
Stores selling furniture and major appliances only	1 space per 500 sq. ft. area
Outdoor markets, flea markets, etc.	1 space for each 200 sq. ft. of sales area, with a minimum of 4 spaces
Restaurants, grills, dining rooms, dairy bar, soda fountain	One (1) for each two seats based on maximum building occupancy under the BOCA Code
Taverns and bars	Two (2) for each three (3) seats but no less than forty (40) spaces in any event
General business and professional offices including all public offices, except as otherwise specified	1 space/250 sq. ft. floor area with a minimum of 4 spaces
Banks Savings and loan and other financial institutions, title companies	1 space/250 sq. ft. floor area PLUS 5 spaces/teller or teller station,
Medical, dental, veterinary offices and clinics	One (1) for each one hundred fifty (150) square feet of floor area

PARKING SPACES –Cont.

Health studios	1 space/100 sq. ft. floor area
Barber shops, beauty and styling	3 spaces per barber or salons stylist, with a minimum of 4 spaces
Auto repair shops, body and fender shops	1 space/400 sq. ft. floor area
Cabinet, plumbing, heating, electrical shops	1 space/500 sq. ft. floor area
Motor vehicle sales	1 space/500 sq. ft. floor area or 1 space/2000 sq. ft. of outdoor sales area, with a minimum of 4 spaces
Self-serve auto washes	2 spaces/stall
Self-serve laundries and dry cleaners	1 space/3 washing machines
"Drive-in" establishments	Six (6) vehicle waiting spaces for each drive in or drive up service area, plus the parking requirements for building occupancy
Marinas	Two (2) for each slip or mooring
Contractor's storage yards	1 space/3000 sq. ft. lot area
Feed yards, fuel yards, material yards, nurseries	1 space/2000 sq. ft. site area PLUS 1 15' x 30' loading space/acre
Industrial, manufacturing, processing	1 space/2000 sq. ft. gross building floor area for warehousing. 1 space/500 sq. ft. of area devoted to manufacturing 1 space/250 sq. ft. floor area devoted to office use.
Research and development and testing facilities and/or similar uses	One (1) per three hundred (300) square feet of floor area (Amended 5/10/94)

SECTION 17.04 PARKING REQUIREMENTS FOR USES NOT LISTED. The minimum parking space requirements for all uses shall be as listed in SECTION 17.03. For uses not specifically listed in SECTION 17.03, the Planning Commission may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed. The Planning Commission may ALSO refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

SECTION 17.05 JOINT USE OF FACILITIES, MIXED OCCUPANCY AND ALTERNATIVE PARKING ARRANGEMENTS.

- (a) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately, except as outlined in Section 28.4(2) (d).
- (b) Shared Parking - Where a mix of land uses in the same building or on the same lot or parcel creates staggered peak periods of parking, shared parking agreements that have the effect of reducing the total amount of needed parking spaces, may be allowed at the discretion of the Planning Commission. Shared parking agreements shall be tied to a specific land use and not the land itself. Retail, office, institutional and entertainment uses may share parking areas. In no case shall shared parking include the parking required for residential uses.
- (c) Joint or collective parking provisions of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission. The lots shall be interconnected for vehicular passage.
- (d) Deferred Parking Construction - In order to avoid excessive amount of impervious surface, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking space will meet the projected parking needs of the project due to:
 - (1) The nature, size, density, location, or design of the proposed development, including the design of the circulation and parking plan;
 - (2) Characteristics of the development which will affect the parking needs, including factors such as non-conflicting peak hours of operation and the sharing of spaces by different uses;
 - (3). Any other factors reasonably related to the need for parking for the proposed development; and
 - (4) The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan shall remain available to provide additional off-street parking space if additional parking space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development.
 - (5) The available land must be of sufficient size to accommodate the full amount of parking required under the Zoning Ordinance for the use, may not count as any type of required open space and shall be permanently reserved for parking as outlined in a signed and recorded agreement.

SECTION 17.06 LOCATION OF FACILITIES. Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve.

- (a) For all residential buildings and for all nonresidential buildings and uses in residential Zoning Districts, required parking shall be provided on the lot with the building or use it is required to serve.

- (b) For commercial and all nonresidential buildings and uses in Commercial and Industrial Zoning Districts, required parking shall be provided within three hundred (300) feet. Parking on lots under different ownership within 300 feet of the building it is intended to serve shall also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties is provided.

SECTION 17.07 SIZE OF PARKING SPACES AND AISLES. Off-street parking spaces and aisles for various parking angles shall be provided in accordance with the minimum dimensions indicated in Table 17-1.

TABLE 17-1

**MINIMUM STANDARDS FOR SIZE
OF PARKING AISLES AND DRIVEWAYS**

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	8.5 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	9.0 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9.0 feet	18 feet	48 feet	60 feet

SECTION 17.08 GENERAL REQUIREMENTS FOR PARKING AREAS. Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (a) The parking lot and its driveways shall be effectively landscaped and screened in accordance with Chapter 18, Section 18.04.
- (b) The parking lot and its driveway shall be: (1) designed to provide adequate drainage; (2) surfaced with concrete or asphalt pavement; and (3) maintained in good condition, free of dust, trash, and debris. In order to reduce the amount of impervious surface and the corresponding storm water runoff as well as improve parking lot aesthetics, the Planning Commission may approve alternate parking lot surfaces for overflow parking or other areas reserved or intended for infrequent light loads and traffic. Such alternate parking lot surfaces may include but shall not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces.
- (c) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- (d) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion, in accordance with Chapter 18, Section 18.03.
- (e) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties, and shall be in accordance with Chapter 18, Section 18.05.

- (f) Unless a greater distance is specified for a particular zoning district, part of any public or private parking area regardless of the number of spaces provided shall be closer than ten (10) feet to the street right-of-way.

SECTION 17.09 OFF-STREET LOADING SPACES. For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses required the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off-street loading spaces in relation to floor areas as follows:

- (a) Up to twenty thousand (20,000) square feet - one (1) space;
- (b) Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces; and
- (c) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any R-1, R-2, or R-3 Zoning District or residential PD.

CHAPTER 18

SUPPLEMENTAL REGULATIONS:

Driveways – Section 18.01

Private Streets – Section 18.02

Street Access Standards – Section 18.03

Landscaping, Buffers And Screening – Section 18.04

Outdoor Lighting – Section 18.05

SECTION 18.01 DRIVEWAYS (Ref. Chapter 2 Definitions). The spacing, geometric design and minimum surface requirements for all driveway entrances within the public right-of-way are subject to the “Rules Regulating Work On And Over County Roads”, as adopted by the Allegan County Road Commission. In addition, driveways serving less than three lots or parcels that are 250 feet in length or greater, or driveways which serve a dwelling or other principle non-farm building situated more than 250 feet from an accessible point on a public or private street, shall be subject to the following standards (Ref. also Section 18.02 Private Streets):

(a) Construction Standards:

- (1) Drainage and Load Support - All driveways shall be constructed and maintained so as to provide good drainage and load support and to allow safe and efficient emergency vehicle access to structures. If a driveway crosses a natural drainage course, stream or other natural body of water, by bridge, culvert or other structure, the Building Inspector may call on the advice of the Fire Chief or his or her assigns to determine the adequacy of the crossing. The Building Inspector shall have the authority to require that any such crossing is certified by a registered professional engineer as to its ability to provide for adequate drainage and /or carry the loads imposed by emergency equipment operated by the Township and those entities providing mutual aid.
- (2) Surface Material - The minimum surface material requirements for driveways used for residential uses (single and two family) are as follows:
 - Gravel, crushed concrete, limestone, cinders or equivalent material - M.D.O.T. 22A, 6 inches thick.
 - Asphalt - M.D.O.T. spec. 1100T, 20AA Bituminous mixture, 1 3/4 inches thick.
 - Concrete - M.D.O.T. spec. 6.09, 4 inches thick.
- (3) Grades and Alignment - Sufficient clear vision and turning radii for emergency equipment and service vehicles shall be provided. Grades in excess of ten (10) percent are discouraged. Average grades in excess of 10 percent over distances in excess of 100 feet are prohibited.
- (4) Width - The minimum width of the driveway surface from the street right of way to any single family dwelling shall be nine (9) feet. The minimum surface width of any driveway serving a two family dwelling or any joint driveway serving two adjoining lots shall be ten (10) feet.
- (5) Turnouts - Lengthy driveways shall include turnouts for two-way vehicle passing. The turnouts shall be provided at a ratio of one for each five hundred (500) feet increment of driveway length. The turnouts shall provide a combined thru and passing lane width of at least twenty (20) feet for a length of at least thirty (30) feet.

- (b) **Joint Driveways:** Joint driveways, or single driveways serving no more than two (2) lots or parcels, are permitted subject to the following limitations and controls:
- (1) **Easement** - The driveway shall be positioned entirely within a driveway easement. The driveway easement shall be at least five (25) feet in width and may be situated on one or both of the parcels being served. The twenty five (25) foot easement may be included in determining compliance with the lot or lots minimum area and street frontage requirements (see Expansion below).
 - (2) **Minimum Street Frontage** - Each lot served by a joint driveway must have the required minimum street frontage (lot width) on a public or private street (ref. Section 3.19). An access serving two lots (a "joint driveway") will be classified as a private street and is subject to the design and construction requirements of Section 18.02 Private Streets if one or both of the lots served does not contain the required minimum lot frontage (lot width) on a public street.
 - (3) **Expansion** - Driveways serving 3 or more parcels as their principal means of access are for the purposes of this ordinance defined as private streets, and are subject to the provisions of Section 18.02. To retain the future option of expanding a joint driveway to a private street, proprietors are advised to utilize sixty six (66) foot easement widths and to establish minimum lot sizes and frontages exclusive of the easement area and easement widths.
- (c) **Applicability:** The above standards shall apply to the construction of all driveways serving structures intended for human occupancy erected after the effective date of this amendment. **A NEW PERMIT WILL ALSO BE REQUIRED FOR EXISTING DRIVEWAYS WHEN ONE OR MORE OF THE FOLLOWING CONDITIONS exist:**
- (1) There is a change in the use of the driveway such as from residential to commercial, or from single use residential access to a joint driveway.
 - (2) The structure was in existence prior to the effective date of this ordinance but the driveway is a new and intended to replace an existing driveway.
 - (3) The travel distance from the public street to the structure is greater than 300 feet and the building permit issued is for the reconstruction or repair of an occupied structure destroyed or damaged by fire or other calamity. If the value of the repairs is less than of 50% of the of the monetary value of structure prior to the calamity and the Fire Chief finds that the existing driveway conditions did not or would not materially hamper emergency operations, permit requirements may be waived by the Fire Chief.
- (d) **Commercial Driveways:** The design, number, placement and construction of any driveway serving a commercial, industrial or multi-family use, or any Special Land Use, is subject to review by the Planning Commission under Chapter 15 Site Plan Review and Chapter 20 Special Land Uses, when applicable. Such driveways are subject to additional conditions as may be imposed under those provisions.
- (e) **Permits, Inspection, and Compliance:** The Building Inspector shall be the inspector of compliance with the aforementioned standards. The Building Inspector may retain professional expertise as is deemed necessary in the review of construction plans, field inspections, testing and in the interpretation of test results. All expenses relating to inspection.

SECTION 18.02 PRIVATE STREETS. All private streets and certain shared or joint driveways (those serving lots not having the required minimum lot frontage on a public street) shall be subject to the following standards (Ref. definition of Private Street).

- (a) Definitions: For purposes of this section, the following terms are defined as follows:
- (1) Existing Private Street - Is a private street or a private street system which is used to provide access to lots, buildings or dwelling units existing as of the effective date of this Ordinance.
 - (2) Existing Lot - Is a lot which, as of the effective date of this Ordinance, meets at least one of the following conditions:
 - a) The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Allegan County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Allegan County Register of Deeds;
 - b) The lot has been assigned its own permanent parcel number by the Allegan County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - c) The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Allegan County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA 59 of 1978, as amended, MCL 559.101 et seq.) and other applicable laws and ordinances.
 - (3) Existing building or an existing dwelling unit is a building or dwelling unit for which a building permit has been issued by the Township as of the effective date of this Section.
- (b) Easements: Private streets shall be situated within a private street easement having a width of sixty six (66) feet (86 feet for commercial and industrial uses). The area of such easement shall not be included in the calculation for determining minimum lot size.
- (c) Lot Requirements and Limitations:
- (1) Minimum Frontage - A lot or parcel having its principal means of access from a private street shall have frontage on the private street easement. This frontage requirement may be satisfied in one of three ways (Ref. Section 3.19 for minimum street frontage requirements):
 - a) The frontage shall be continuous and at least equal to the minimum lot width required for the subject zoning district, or
 - b) If the lot has continuous frontage on a cul-de-sac or a curved street segment having an arc with a radius of less than two hundred (200) feet, the minimum lot frontage at the private street easement line may be reduced to forty (40) percent of the minimum frontage otherwise required in the zoning district.
 - (2) Street Extensions and Lot/Parcel Division - If an existing private street is to be extended or a driveway expanded to a private street, the existing street or driveway segment as well as any new segment shall be improved to meet the standards of this Section.
- (d) Design and Construction Standards: The spacing, geometric design and minimum surface requirements for all private street entrances within the public right-of-way are subject to the "Rules Regulating Work On And Over County Streets", as adopted by the Allegan

County Road Commission. In addition, the following standards shall apply to the construction and maintenance of private streets.

- (1) All private streets shall be located within a private street easement. The easement shall not be less than sixty six (66) feet in width at any point. At any dead end the easement shall widen such that there is a minimum radius of fifty (50) feet.
- (2) Private streets shall not interconnect with the public street network in a manner that will preclude the extension of public streets within areas where the future extension of public streets is necessary to further the logical, orderly and efficient development of the overall public street network. In making such determination, the Township Board shall consider the circulation pattern and traffic volumes on nearby public streets, existing and proposed land use in the general area, the recommendations contained within the Leighton Township Master Plan and if applicable, the Street and Highway Plans of the Allegan County Road Commission and Michigan Department of Transportation.
- (3) All private streets shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private street meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private street adjoins any public street.
- (4) The improved surface of the private street shall be a minimum of fifteen (15) feet from any adjoining lot or parcel which does not have or derive access to or from the easement or private street.
- (5) The maximum grade for any private street shall not exceed ten percent (10%) with the exception that the private street shall have a maximum grade of four percent (4%) for a minimum distance of thirty (30) feet from its intersection with a public street right-of-way or other private street. A minimum grade of 0.5 percent shall be maintained.
- (6) Drainage and Load Support - All private streets shall be constructed and maintained so as to provide good drainage and load support and to allow safe and efficient emergency vehicle access to structures. If a street crosses a natural drainage course, stream or other natural body of water, by bridge, culvert or other structure, the Building Inspector may call on the advice of the Fire Chief or his or her assigns to determine the adequacy of the crossing. The Building Inspector shall also have the authority to require that a registered professional engineer certify that a crossing provides for adequate drainage and is able to carry the loads imposed by emergency equipment operated by the Township and those entities providing mutual aid.
- (7) All improvements installed or constructed as required under the terms of this ordinance shall be made and maintained at the expense of the property owner(s) or developer.
- (8) Maximum Length - The length of a single access or dead end private street shall be limited to 2640 lineal feet of roadway. The measurement shall be made from the point where the centerline of the private street intersects with the public street right-of-way line, then along the centerline of the private roadway to the street end point most distant from the public right of way.
- (9) The maximum number of lots situated on a single access street (dead-end) or cul-de-sac shall not exceed twenty-five (25).
- (10) Turn-Around - Each private street shall provide for the turning around of vehicles,

either by the use of a cul-de-sac having an improved and maintained surface with a minimum outside radius of 40 feet or by use of a continuous loop or circular street layout.

- (11) A private street which is to serve three (3) to ten (10) residential lots or parcels shall be built to meet or exceed the following specifications.
- (a) Width - The minimum cross section width of the private street shall be sixteen (16) feet, consisting of at least twelve feet of travel surface and 2 feet of gravel shoulder on each side of the travel surface.
 - (b) Turnouts - Lengthy streets with an average cross-section width, including shoulders, of less than twenty two (22) feet shall include tapered turnouts for two-way vehicle passing. The turnouts shall be provided at strategic locations at a ratio of one for each five hundred (500) feet increment of street length. The turnouts shall provide a combined thru and by-pass lane width of at least twenty (20) feet for a length of at least thirty (30) feet. The turnouts shall be provided in addition to individual driveway openings but may be situated opposite driveway openings.
 - (c) Base - Twelve (12) inches of sand (granular material class II) compacted in place, or in place natural sand if it is equivalent.
 - (d) Surface Material - The minimum surface material requirements for private streets used for residential uses (single and two family) are as follows:(amended 8-23-02)
 - Asphalt - M.D.O.T. 22-A, 6 inches thick gravel sub-base plus M.D.O.T. spec. 1100T, 20AA Bituminous mixture, 1 3/4 inches thick, or;
 - Concrete - M.D.O.T. 22-A, 6 inches thick gravel sub-base plus M.D.O.T. spec. 6.09 concrete, 5 inches thick.
 - (e) Cross Section - A minimum elevated cross sectional grade (crown) of approximately 1/4 inch (0.02') per foot should be maintained.
 - (f) Curves - The minimum outside turning radius at curves shall be forty (40) feet. The minimum length of a vertical curve shall be forty (40) feet.
- (12) Unless modified or waived as provided herein, a private street which is to serve eleven (11) to fifty (50) residential lots or parcels shall be constructed to the standards for platted residential streets as adopted by the Allegan County Road Commission. The above standard may be waived and all or portions of the street constructed to the Allegan County Road Commission standards for local roads only if one or more of the following conditions will exist:
- (a) If one or both sides of the street or a street segment of greater than five hundred feet (excluding the diameter of a cul-de-sac street end) serves lots or parcels with an average frontage of 250 feet or more,
 - (b) If one or both sides of the street or a street segment of greater than five hundred feet (excluding the diameter of a cul-de-sac street end) serves lots or parcels that utilize joint driveways, as regulated under the provisions of Section 18.01, resulting in an average driveway spacing of 250 feet or greater:
 - (c) If one or both sides of the street or a street segment of greater than 200 hundred feet (excluding the diameter of a cul-de-sac street end) fronts on land area that has been permanently dedicated for open space or will not otherwise derive access to the street,

Approval of a modification as allowed herein shall be granted by the Zoning Administrator or Planning Commission as appropriate under the review procedures contained or referenced in this section.

A waiver of the platted street standard may be applied independently to each side of the street, creating street segments that have valley gutters on one side and shoulders on the opposite side of the street. Waivers may only be applied to both sides of a street if the land fronting on each side meets one or more of the above criteria, (a), (b), or (c).

The standards for platted streets shall apply to cul-de-sac street ends unless the platted standard has been waived for both sides of the street up to the beginning of the radii of the cul-de-sac.

- (13) Any portion of a residential street which provides direct or indirect means of access to more than fifty (50) lots or parcels shall be dedicated to the public and shall be constructed in conformance with the street standards of the Allegan County Road Commission as required for residential plat development.
- (14) The easement width for private streets serving two or more commercial or industrial uses shall be 86 feet. Such streets shall, be constructed to the Allegan County Road Commission standards for platted commercial and industrial streets
- (e) Private Street Maintenance: The applicant(s) and/or owners(s) of a proposed private street shall provide to the Township a recordable or recorded maintenance agreement, access easement agreement, and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such streets and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private street. These documents shall contain the following provisions.
 - (1) A method of initiating and financing of such street and/or easements in order to keep the street in a reasonably good and usable condition.
 - (2) A workable method of apportioning the costs of maintenance and improvements.
 - (3) A notice that if repairs and maintenance are not made to keep the street in safe and good condition, such condition shall be considered in violation of this ordinance.
 - (4) A notice that no public funds of the Township of Leighton are to be used to build, repair, or maintain the private street and that the Township will be held harmless for any personal or property damage claims stemming from accidents occurring on or in connection with the private street.
 - (5) Easements to the public for emergency and other vehicles and for other public services as are necessary.
 - (6) A provision that the owners of any and all of the property using the street shall not prohibit, or unreasonably limit normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the street. This provision shall not be interpreted as prohibiting the use of security gates provided that emergency vehicles and public utility officials are afforded appropriate ability to gain access.
 - (7) Easements granted to the Township for the purpose of providing for the installation, operation, inspection, maintenance, alteration, replacement and/or removal of public and private utilities, including conveyance of sewer, water, storm water, electrical distribution, telephone, natural gas and cable television.
- (f) Procedure for Review of Private Streets:

- (1) Application and Fee - An application shall be filed with the Zoning Administrator along with a fee as set by the Township Board. A private street application shall contain or be accompanied by the following information:
 - (a) The name(s) of the owners and any other parties having any legal interest in the private street and the property across which it is to be constructed.
 - (b) Permanent parcel number or legal description of the property or properties over which the private street is to be constructed.
 - (c) A small scale site location map, which shows the relationship of the street to surrounding properties and other roadways within one-half mile of the site.
 - (d) A scaled drawing showing the location, route, relative elevations, dimensions, specifications and design of the private street and any proposed extensions of the street, the location and distance to any public street which the private street is to intersect and buildings within 100 feet of the proposed private street easement.
 - (e) A street maintenance agreement, access easement agreement, and deed restrictions as described in paragraph (e), shall also accompany the application.
- (2) Additional Standards And Procedures - The design and construction of private streets serving multi-family, Industrial and commercial development is subject to review under Chapter 15, Site Plan review any Planned Development or site condominium project shall be further subject to review under applicable provisions of this ordinance.
- (3) Approval - If the Zoning Administrator finds that the application meets the requirements of this section or any condition imposed by the Planning Commission as part of a site plan approval or other applicable review procedure, he or she shall approve the application and issue a permit for construction. This permit shall contain the signature of the Zoning Administrator and the date of approval. Two copies of the private street plans shall be signed for approval, one copy shall be kept by the applicant, and one by the Township. This construction permit does not authorize the construction of any buildings adjacent to the private street. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private street has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin.
- (g) Compliance: The Building Inspector shall be the inspector of compliance with the aforementioned standards. The building inspector may retain professional expertise as is deemed necessary. All expenses of street construction including inspection will be paid by the builder of the street. No occupancy permit for a building deriving it's sole access from a private street may be granted before the street is completed and all fees paid or a performance guarantee sufficient to cover the cost of completion is deposited with the Township Clerk.

SECTION 18.03 STREET ACCESS STANDARDS. The following provisions shall apply to development occurring along Arterial and Collector streets as defined and classified in Chapter 2. These provisions are necessary for the protection of health and safety and for the preservation of the public roadway capacity and efficiency. The purpose of specific access standards is to promote traffic safety, minimize congestion, provide adequate access, promote community

character and ensure orderly development.

The Planning Commission shall review all site plans, site condominium plans, subdivision plans and PD plans for compliance with this section. If the project is a proposed land division entailing the creation of two or more lots having frontage on an arterial or collector street within a Commercial or Industrial District, such proposal shall also be reviewed under this section prior to it being acted upon by the person charged with approval of land divisions. In the course of such review, the following provisions and standards relating to vehicle access and circulation shall apply:

- (a) The Planning Commission shall have the authority to:
 - (1) Limit the number of driveways per parcel.
 - (2) Require the creation of internal access off a private road perpendicular to the public road.
 - (3) Require a frontage road or service drive for contiguous parcels.
 - (4) Require that parking lots on contiguous parcels be connected.
 - (5) Require that driveways for adjacent parcels be shared, and
 - (6) Stipulate the location of driveways to ensure that they are appropriately aligned with opposing driveways.
- (b) In determining the degree of access control measures necessary, the following factors shall be considered:
 - (1) The type and location of uses on the site.
 - (2) The location, size and design of existing and proposed parking areas.
 - (3) The existing and projected traffic volume on adjacent roadways.
 - (4) Compatibility between adjacent land uses.
 - (5) Land ownership patterns and location of lot lines.
 - (6) Topography and sight distance along adjacent roadways and on the site.
 - (7) Distance from intersections.
 - (8) Location of driveways opposite the site.
 - (9) Width of roadway and number of lanes.
- (c) The following regulations shall apply:
 - (1) A parcel shall not be denied reasonable access.
 - (2) Cross easements connecting parking lots of contiguous parcels and/or front or rear service drives providing access between parcels shall be required where appropriate. Such cross access shall be illustrated on approved site plans/development plans.
 - (3) The number of driveways allotted along the primary or local road to a parent parcel in the creation of more than two residential parcels or for any for a parcel used for business use (commercial or industrial) or Special Land Use shall be permitted based on the amount of road frontage for that parcel as follows, except that the Planning Commission may modify this in the interest of public safety based on consideration of the factors in the preceding section.

<u>FRONTAGE</u>	<u>DRIVEWAYS PERMITTED</u>
Less Than 250 Feet	1
251 To 600 Feet	2
More Than 600 Feet	3

Additional driveways serving a commercial, industrial or Special Land Use shall not be provided upon the dividing of a parcel(s) which has an existing driveway(s) unless anticipated traffic volumes are projected to be more than six hundred (600) vehicles per day and/or anticipated to cause traffic congestion during the morning or afternoon peak hour of roadway travel. Traffic projections and peak hour analysis shall be based on a professional traffic study and accepted trip generation rates.

- (4) A right turn lane and taper may be required for driveways with anticipated right-turn inbound traffic volumes in excess of forty (40) vehicles during the hours of 4:00 p.m. and 6:00 p.m. or one thousand (1,000) vehicles per day. All driveways and turn lanes shall be constructed in accordance with the standards of the Allegan County Road Commission.
- (5) The placement of a driveway shall be determined by the following criteria if it is to be located near an intersecting street.
 - (a) A driveway shall not be located in the clear vision area of an intersection as established by the Allegan County Road Commission or Michigan Department of Transportation.
 - (c) A driveway serving a multi-family, commercial, office, institutional, or industrial use shall be spaced at least two hundred (200) feet from another driveway serving the same or similar uses on the same side of the street and shall be appropriately aligned with opposing driveways to minimize turning conflicts in the street.
- (6) The Planning Commission shall have the authority to waive or modify these requirements when strict adherence to them would result in unreasonable access to the site and when the Allegan County Road Commission is in concurrence.
- (d) Application Review, Approval and Coordination Process:
 - (1) Standards of Road Authorities Apply - Unless a greater standard of the Township is applied, all standards of the Allegan County Road Commission, shall be met as the minimum standards, prior to approval of an access proposal under this Chapter.
 - (2) 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. Unless the driveway entails a use regulated as a Special Land Use by this zoning ordinance, the Allegan County Road Commission shall have sole jurisdiction to review and approve such permits.
 - (3) Applications for Uses and Development Requiring Township Planning Commission and/or Township Board Approval.
 - a) Applications for driveway permits or access approval shall be made on a form prescribed by the Allegan County Road Commission.
 - b) For any land use or developments required to undergo site plan review and approval, site condominium subdivision approval, PD approval. Special Land Use approval, private road approval or other approval by the Planning Commission or Township Board under this Ordinance, access review and approval under this section is required. The access approval form shall be processed concurrently with the application for site plan

review or development plan approval. Conditions applied to any driveway permit/access application authorized by the Road Commission shall be incorporated as conditions of site plan or final development plan approval issued by the Township.

- c) 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:
1. Location and size of all structures proposed on the site.
 2. Size and arrangement of parking stalls on aisles.
 3. Proposed plan of routing vehicles entering and leaving the site (if passenger vehicles are to be separated from delivery trucks indicate such on drawing).
 4. Driveway placement.
 5. Property lines and right-of-way lines.
 6. Intersecting roads, streets, and driveways within 300 feet either side of the property on both sides of the street.
 7. Width of right-of-way.
 8. Width of road surface.
 9. Type of surface and dimensions of driveways.
 10. Proposed inside and outside turning radii.
 11. Existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
 12. 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.
 13. Design dimensions and justification for any alternative or innovative access design.

(e) Review and Approval Process:

The following process shall be completed to obtain access approval for driveways and access serving all uses other than single family homes, farm buildings and residential accessory buildings.

- (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.
- (2) The completed application must be received by the Leighton Township Zoning Administrator at least 15 days prior to the Planning Commission meeting where the application will be reviewed.
- (3) The applicant, the Township Planner or Zoning Administrator and representatives of the Allegan County Road Commission may meet prior to the Planning Commission meeting to review the application and proposed access design.
- (4) The Site Plan Review Committee shall review and recommend approval, or denial, or request additional information. They shall also forward their recommendation to the Planning Commission. The Planning Commission shall make its determination and recommendation and forward its recommendation to

- the Allegan County Road Commission.
- (5) The Allegan County Road Commission 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 approve the application as submitted, the access application shall be approved.
 - b) If either the Planning Commission, or Road Commission, 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 Site Plan review Committee and staff of the Allegan County Road Commission and the applicant or its representative. 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 Road Commission 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. 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 as part of the site plan approval. An approval may be extended for a period not to exceed the period approved by the Allegan County Road Commission.
 - (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) Leighton Township and the Allegan County Road Commission, as applicable, may require a cash deposit or bank letter of credit in any sum not to exceed \$1000.00 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 18.04 LANDSCAPING, BUFFERS AND SCREENING

Landscaping and screening are important elements of the use, development, and preservation of land and are significant factors in preserving and enhancing the value of land and buildings in the Township. The purpose of this chapter is to promote the public health, safety, and general welfare by establishing minimum standards for the design, installation, and maintenance of landscaping in front yards, parking lots, and greenbelts between uses and along roadways.

The standards and requirements of this chapter are intentionally made flexible, so as to encourage innovative and creative landscape design, consistent with the purposes of this chapter. To further improve the function, appearance and value of properties within the Township applicants are also encouraged to provide landscaping in excess of the minimum required.

(a) Applicability of Landscaping Provisions, Variations, and Substitutions:

- (1) Except as otherwise stated herein, the standards and requirements specified in this chapter shall apply to any land use governed under the site plan review provisions of Chapter 15, including Special Land Use as well as any land use undergoing review under the provisions governing planned developments. The requirements for landscaping as outlined in this chapter shall not apply to an individual single family detached dwelling, an individual two-family dwelling or a residential or agricultural accessory building except that residential accessory buildings classified as Class I Special Land Uses may be required to satisfy certain buffer and screening requirements as determined by the approving body (ref. Chapter 20).
- (2) The landscaping and screening requirements of this chapter shall be complied with at the time of site plan or development plan review and approval insofar as they are reasonably applicable. In its review of a landscape plan, the board, or body having final approval authority, may in its sole discretion consider alternatives to the standards and requirements herein and may allow variations and substitutions to the requirements, if the purposes of requirement will nevertheless be achieved. In approving any such modifications, the approving body shall consider the following criteria:
 - a) The amount of space on the site available for landscaping and/or screening.
 - b) Existing landscaping and screening vegetation on the site and on adjacent and nearby properties.
 - c) The land use of the site and the size and scope of the development.
 - d) Existing and proposed adjacent and nearby land uses.
 - e) Existing native vegetation on the site, and the extent to which strict application of the regulations of this chapter may result in less effective screening and landscaping than alternative landscape designs which incorporate the native vegetation on the site.
 - f) The topographic and other features of the site which when combined with the strict application of the standards of this chapter will result in less effective screening and landscaping than alternative landscape designs.
- (3) When requesting any variations or substitutions from the provisions of this chapter, the applicant shall identify the site conditions that warrant the requested variations or substitutions and provide an explanation of how the alternatives will

satisfy the intent and purposes of the standard(s) that are the subject of the proposed variation or substitution.

(b) Landscape Plan Required, Exceptions:

- (1) A landscape plan is a required element of a site plan, development plan, or sketch plan and shall be submitted as part of the required application for site plan, planned development or Special Land Use review and approval. The landscape plan may be incorporated within a site plan or it may be a separate plan, but it shall have sufficient detail and clarity to enable evaluation of all aspects of the proposed landscaping and to determine whether the plan complies with the provisions of this chapter.
- (2) A landscape plan shall include, but is not necessarily limited to, the following:
 - a) Existing vegetation on the site and a clear indication of which existing plants, if any, will be retained.
 - b) Existing and proposed contours of the site, shown at reasonable intervals.
 - c) Typical straight cross-section, including the slope, height and width of berms.
 - d) The location, spacing, and size of each plant type proposed to be used in all landscaped areas.
 - e) A list of all plants, showing the required and proposed quantities thereof.
 - f) Topographic features of the site which will be utilized as a part of the landscaping of the site.
 - g) Methods and details for protecting during construction activity any existing trees and other existing vegetation that is to be retained on the site.
 - h) Description of a proposed landscape maintenance program, including a statement that all diseased, damaged, or dead plant materials shall be promptly replaced.
- (3) Exceptions - Notwithstanding the above requirements, the landscape or screening plan submitted for a Class I Special Land Use needs only to consist of photographs and or sketches. The photographs and sketches shall illustrate the relative locations, sizes, and general types of existing and proposed vegetation, trees and structures along each property line separating the proposed I structure and use from adjoining property.

(c) General Landscape Regulations:

- (1) All required landscaping shall be planted prior to the issuance of a certificate of occupancy; provided, however, that if a certificate of occupancy is ready to be issued, but inclement weather prevents the completion of required landscaping, the certificate may nevertheless be issued, but upon the specific condition that the remaining required landscaping shall then be installed as soon as weather conditions permit, or not later than a date to be specified in the certificate. As a condition of the issuance of the certificate of occupancy in such circumstances, a financial guarantee shall be provided in accordance with this Section.
- (2) For the purpose of applying the landscape requirements of this chapter, a corner lot shall be considered as having a front yard along each intersecting street, and accordingly, the required front yard landscaping shall be provided for both street frontages.
- (3) Plant materials shall be planted and maintained so as not to create any site obstruction near street intersections. In addition, applicants shall give

consideration to utilizing plant materials to assist in storm water management on the site, including the establishing of rain gardens and other bio-retention measures as noted in this Section.

- (4) Landscaping shall be provided adjacent to buildings if such landscaping serves to enhance the general appearance of the building.
 - (5) If required by the Township, the applicant shall provide a financial guarantee sufficient to assure the installation of all required landscaping. The financial guarantee may be included with any other such financial guarantee required by the Township with respect to the land use being approved. The financial guarantee may be in the form of a cash deposit, an irrevocable bank letter of credit or a performance bond, with a surety acceptable to the Township.
- (d) Preservation of Existing Trees and Other Landscape Elements:
- (1) A landscape plan shall provide for the preservation of existing trees of reasonable quality whenever such preservation is feasible, particularly in buffer strip areas. Relocation of existing trees within the site is also encouraged.
 - (2) Existing trees may be utilized for the purpose of complying with landscape requirements, if the trees are in healthy growing condition, are of a variety not prone to disease and if they comply with minimum size requirements.
 - (3) If a tree which is designated for preservation and for which landscaping credit is given should die, then the applicant shall replace the tree with a tree of the same or equivalent species, or with a tree which will in approximately the same time attain the same height, spread and growth of the tree which is being replaced. Any replacement tree shall be a minimum of two and one-half inch caliper.
 - (4) Existing trees and other vegetation that are to be preserved shall be labeled “to remain,” or with some comparable legend, on the landscape plan. During construction, protective measures shall be taken so as to protect all plants that are to be preserved, including the installation of temporary fencing or other barriers.
- (e) Installation and Maintenance of Plant Materials:
- (1) All landscaping shall consist of hardy plant materials, which shall be maintained thereafter in a healthy condition. Withered and/or dead plant materials shall be replaced within one growing season.
 - (2) All landscaping and landscape elements shall be planted, and all earth moving or grading shall be performed, in a sound manner and according to generally accepted planting, grading, and other landscaping practices.
 - (3) All landscaped areas shall be provided with a readily available water supply, sufficient in quantity and reasonably convenient, so as to assure adequate water for maintaining plant materials in a healthy growing condition.
- (f) Requirements and Exemptions for Class I Special Land Uses: Class I Special Land Uses are hereby exempt from the subsequent provisions of this chapter being subsections 18.04 (g) through (m). The approving body may, however, at the time of Special Land Use authorization, and as conditions of approval, require the preservation of existing vegetation and/or the installation of reasonable tree and shrub plantings, and/or the installation of fencing or other screening device for the purpose of shielding adjacent conflicting uses and activities wherever such conflicts appear significant.
- (g) Buffer Strips and Planting Screens: Except as required under Section 18.04 (j), side, and rear yard area tree plantings are not generally required between like uses and districts. For any Class II Special Land Use and for any use listed in Subsection (c) below the approving body may however, require the installation of a buffer strip and planting screen

for the purpose of shielding adjacent conflicting uses and activities wherever such conflicts appear significant.

- (1) At minimum and at the time a development is approved, a buffer strip and planting screen shall be provided along the abutting lot line when any of the districts or uses listed below abuts a single or two family residential use, an R-1, R-2, or R-3 residential zoning district, a residential planned unit development, or an agricultural zoning district planned for residential uses according to the Township Master Plan:
 - a) C-1, C-2, O/I and I-1 Districts and uses.
 - b) Institutional, religious, and governmental uses
 - c) Multi-family Development
 - d) Manufactured Home parks
- (2) A buffer strip shall have a minimum width of 20 feet.
- (3) Unless otherwise required under the terms of this Section a buffer strip shall, at a minimum, consist of two staggered rows of evergreen trees planted eight to ten feet apart, center to center. The minimum height of the trees shall be 5 feet. For reasons of conflicting uses, unfavorable topography or other unique or extenuating physical circumstances the approving body may increase required landscape plantings and or require more intensive screening if an increase is found to be necessary to reasonably achieve screening and aesthetic objectives. The remainder of the buffer strip shall be landscaped with other trees and other natural landscape material, including but not limited to grass, ground cover, and shrubbery.
- (4) Berms, walls and fences may be included within a buffer strip. In its discretion, the approving body may reduce the amount of required plantings, or may revise the required placement of such plantings, if a berm, fence, or wall assists in achieving the intent and purposes of this section.
- (5) Access ways from public or private streets may run perpendicularly through required buffer strips. Pedestrian trails may be located lineally within a buffer strip so long as the requisite degree of buffering and screening between uses is accomplished and is approved.
- (6) Where the required twenty (20) feet of width of the buffer strip cannot be achieved or where there is a need to provide a greater visual, noise or dust barrier for the benefit of adjacent lands or uses the approving body may substitute or require:
 - a) The installation and maintenance of a solid wall, of such height and materials as the approving body may determine.
 - b) An intensive landscape screen. In such cases, the screening required within the buffer strip may consist of earthen berms and/or plant material designed and installed so as to maintain after two growing seasons a minimum opacity of at least eighty percent (80%) for the first six (6) feet above average grade and forty percent (40%) in the area between six (6) feet and ten (10) feet above grade. For purposes of this requirement, opacity shall be measured by the observation of any two square yard area of landscape screen between a point one foot above the established average grade at the foot of the screen and the above referenced heights above average grade, from a point twenty five (25) feet off sight.
 - c) Any combination of screening walls and landscaping.

(h) Front Yard Landscaping:

- (1) Except for necessary driveways, frontage roads, service drives, trails or walkways, the front yard shall be landscaped in accordance with the following minimum requirements:
 - a) Front yard landscaping required by the terms of this section, shall be within a greenbelt that extends from the street right of way into the front yard. The minimum depth of front yard green strips shall be as follows:
 1. Arterial/primary and collector streets (ref. Chapter 2 definitions): Twenty (20) feet
 2. Minor/local streets (ref. Chapter 2 definitions): ten (10) feet
 - b) One canopy tree, two evergreen trees and one ornamental tree for each 50 feet in length of street frontage, or any combination thereof, shall be planted and maintained as front yard landscaping; provided, however, that the approving body may, in its discretion, modify this requirement.
 - c) As an alternative to formal groupings of trees, and in order to provide more variety in landscaping, applicants are encouraged to incorporate natural vegetation, native grasses, wildflower plantings, perennials, and other materials which may carry out the purposes of this chapter.
- (2) For the purpose of obscuring or moderating the view of parked vehicles from the adjacent street the approving body may require additional landscaping to be planted and maintained within the front yard. Other screening devices, such as earthen berms or other land contouring may also be utilized or required.

(i) Parking Area Landscaping: All off-street paved parking areas shall be landscaped according to the following minimum requirements:

- (1) There shall be parking area perimeter landscaping consisting of at least one canopy tree installed and maintained for each ten vehicle parking spaces or fraction thereof in the parking area. Landscaping required for buffer strips and front yard greenbelts that abut parking areas will be counted as meeting required parking lot perimeter landscaping. Trees required within landscaped interior islands shall not be applied toward the requirements of this subsection.
- (2) Paved parking lots shall contain interior landscaped islands, peninsulas, or other unpaved and planted surfaces in order to provide shade and to vary the visual monotony of paved parking areas. There shall be one landscaped interior space for every 18 lineally adjacent parking spaces, provided, however, that the approving body may waive this requirement in the case of parking lots of such small size that an interior landscaped space is determined to be impractical or unnecessary.
 - a) An interior landscaped space shall be at least eight feet wide and at least 150 square feet in area; provided, however, the approving body may require that interior spaces be 16 feet in width and 300 square feet in area where the size of the parking area is such that larger interior landscape space will be more effective at moderating visual monotony and providing benefits of shade, and rainwater absorption than the smaller interior spaces.
 - b) Interior landscape space shall be planted with at least one canopy tree and four shrubs, for each 150 square feet of landscape area, or such other equivalent as the approving body may approve. Any shrubs planted within

an interior planting space shall be maintained at a maximum height of three feet. The base of plantings shall be at least three feet from the edge of the landscaped island or peninsula.

- (3) Landscaping in paved parking areas shall be arranged so as not to obscure traffic signs or fire hydrants or obstruct the sight distance of drivers within the parking area or at driveway entrances.
 - (4) Rain gardens and other bio-retention measures may be considered as partial alternatives to interior islands, and applicants are encouraged to consider such measures as elements of parking area landscaping. In its discretion, the approving body may modify parking area landscaping requirements to allow rain gardens and other bio-retention measures as noted in Section 18.04(m).
- (j) Roadways, Access Drives, and Walkways:
- (1) In its consideration and approval of a landscape plan, the approving body may require that shade trees be planted and that rain gardens be established along one side of existing roadways, access drives and walkways, where these features abut the site, and also along one or both sides of the roadways, access drives and walkways that are proposed to be located within a development or other land use.
 - (2) Shade trees required to be planted and maintained under the terms of this section shall be spaced no greater than forty (40) feet apart along one or both sides of each roadway, access drive, or walkway. Such plantings shall not be required for rear access lanes or alleys.
- (k) Minimum Requirements for Landscape Plantings:
- (1) Plantings shall comply with the following minimum requirements, except that the approving body may in its discretion permit variations in the size of plantings, in order to achieve the intent and purposes of this chapter.
 - a) Evergreen trees – Five (5) feet height when planted.
 - b) Deciduous canopy trees – Two (2) inch caliper when planted.
 - c) Deciduous ornamental trees – One and one half (1 ½) inch caliper when planted.
 - d) Upright evergreen and deciduous shrub – Two (2) feet height when planted.
 - e) Spreading evergreen shrub – Eighteen (18) inch spread when planted.
 - (2) Types of trees to be planted shall include those that are listed on the current Township List of Approved Landscape Trees and Other Plant Materials, maintained in the Township office, or such other types of trees as are approved by the approving body in its approval of a landscape plan.
- (l) Composition of Landscaping; Berms and Other Features:
- (1) Plant material shall be free of disease and insect infestation and shall be suitable for planting within the Township, given local climatic conditions. The use of native plant species is encouraged.
 - (2) A mixture of plant material is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended, rather than a large quantity of many different species.
 - (3) Berms shall be constructed with slopes not to exceed a 1:3 gradient, with side slopes designed, graded, and planted to prevent erosion. A berm shall have a rounded surface at least two feet in width at the highest point of the berm, extending for the length of the berm. The slopes of berms shall be protected with sod, seed, shrubs, or other forms of natural ground cover.

- (4) Rain gardens and other bio-retention measures may be included in landscape plans, and their installation and use is encouraged as an effective aid in reducing storm water runoff.
- (m) Rain Gardens:
- (1) Rain gardens are landscaped areas that are designed, planted, and maintained to absorb rain water and other storm water runoff, and thereby help to reduce the total storm water runoff from the property on which the garden is located.
 - (2) Applicants are encouraged to include rain gardens in landscape plans and in the landscaping for the types of land uses covered by this chapter; provided, however, that rain gardens will not serve in the place of required landscaping unless approved by the approving body in its approval of a landscape plan.
 - (3) The Township also encourages applicants to utilize other bio-retention practices and other storm water control measures in landscape plans and in approved landscaping under the terms of this chapter; provided, however, that other bio-retention practices or measures may not take the place of required landscaping and stormwater management measures unless approved by the Township and the Allegan County Drain Commission, as applicable. In considering bio-retention measures that are included in a landscape plan, the approving body may obtain the advice and recommendations of the Township Engineer or Drain Commission, as applicable and other Township consultants. Such other bio-retention measures may include grass waterways, vegetated storm water drainage channels and the use of existing or enhanced swales to control and moderate the flow of storm water within landscaped areas.

SECTION 18.05 OUTDOOR LIGHTING – GENERAL. The following regulations shall apply to all commercial, industrial, institutional, and multi-family principal and accessory uses in all zoning districts. These provisions shall not apply agricultural uses and activities protected by the Right to Farm Act and unless the use is one requiring Special Land Use approval, the provisions shall not apply to single and two family residential uses in any zoning district.

- (a) Unless all outdoor fixtures, including building mounted fixtures, shall be full cut-off fixtures as defined by as Illumination Engineering Society of North America (IESNA). The level of light trespass onto surrounding properties or roads shall not exceed 0.1 foot-candles.
- (b) Parking Lot, Loading, and Broad Area Lighting: Broad area lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort and not to cause glare or direct illumination onto adjacent properties or streets.
 - (1) The mounting heights of fixtures that are located within 200 feet of a residential use or district shall not exceed 20 feet. The mounting heights of all other standard cut-off fixtures shall not exceed 25 feet.
 - (2) The overall lighting design shall prevent light trespass beyond the property line with any adjacent residential district. The acceptable level of light trespass in industrial and commercial districts is 0.5 foot candles.

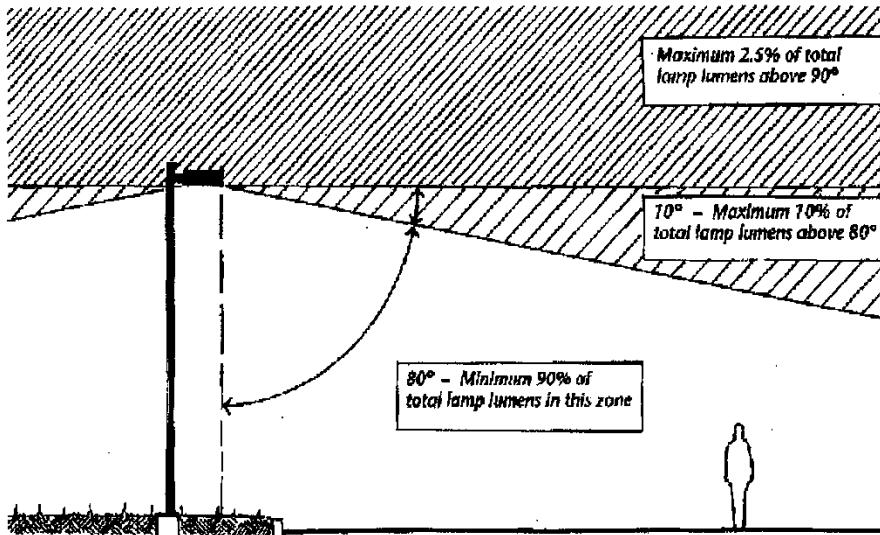


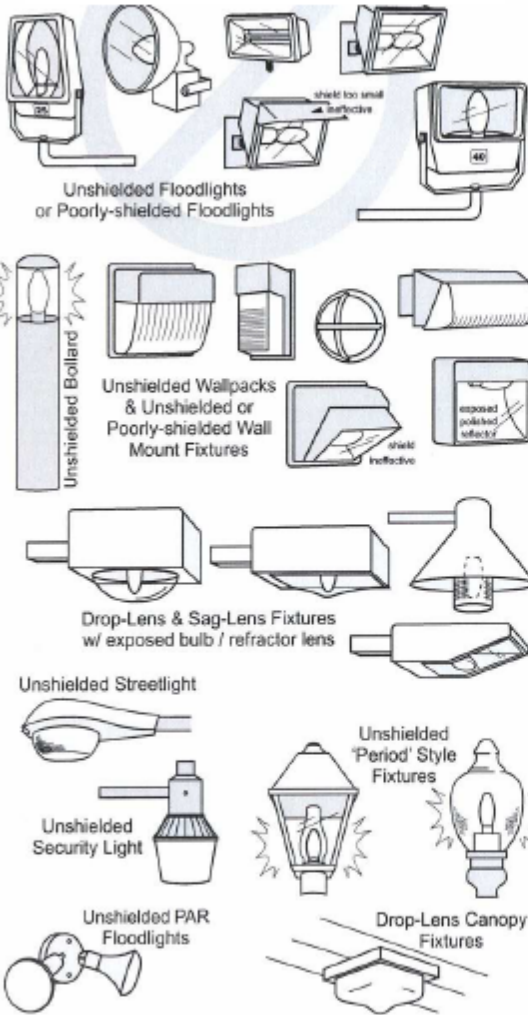
Figure 18-1
Full Cut-Off Fixture

- (3) Average horizontal illumination levels shall be no greater than 2.4 foot-candles. There shall be a maximum to minimum illumination level ratio throughout the site of no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
 - (4) Average horizontal illumination levels within 30 feet of building entrances shall be no greater than 4.0 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
- (c). **Security Lighting:** The purpose of and need for security lighting (i.e. the lighting located independent of storefront, parking and pedestrian areas) must be demonstrated to the Planning Commission as part of site plan approval.
- All security fixtures shall be shielded and aimed so that illumination is directed only to designated areas and not cast onto other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures is prohibited.
- (d). **Illumination of Building Façades:** When buildings and structures are to be illuminated, the Planning Commission shall approve a design for the illumination and the following shall apply:
- (1) Lighting fixtures shall be located, aimed and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets, roads or properties.
 - (2) The illumination of landscaping, monuments or flags shall not direct light beyond the feature being illuminated.
- (e). **Lighting of Gasoline Stations/Convenience Store Aprons and Canopies:**
- (1) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth in this ordinance. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
 - (2) Areas around the pump islands and under canopies shall be illuminated so that the

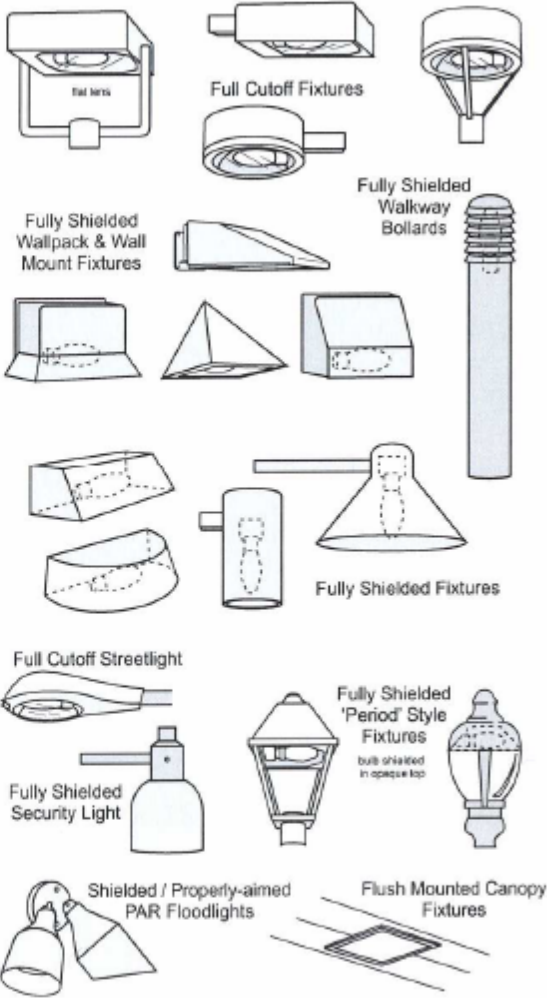
horizontal average at grade level is no more than 22 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.

- (3) Light fixtures mounted under canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
 - (4) Gas Pump Canopy. Indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. Light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. Lights shall not be mounted on the top or sides (fascias) of the canopy.
- (f) Luminaire (Light Fixture) Illustrations: The following luminaire illustrations shall be used as a guideline to help determine appropriate and inappropriate lighting fixtures, which offer different levels of shielding. Please note that these graphics are representative and do not comprise a complete inventory of permitted and prohibited fixtures.

Prohibited Fixtures



Permitted Fixtures



BC 903

CHAPTER 19

PLANNED DEVELOPMENT REGULATIONS

Amended by Ord. #2011-10-01

SECTION 19.01 DEFINITIONS AND PURPOSE. As used in this Ordinance, Planned Development Regulations shall be defined as zoning requirements designed to accomplish the objectives of this Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Therefore, the following Planned Development (PD) regulations are intended to permit and control the development of preplanned areas as Planned Developments (PD's) for various compatible uses permitted by this Ordinance and for other Special Land Uses not so permitted. In so doing, a degree of flexibility is allowed in the use, area, height, bulk and placement regulations for PD developments. However, it is also the intent of the PD District to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection is afforded to uses adjacent to the PD Zoning District.

Planned Developments shall be regulated by this Ordinance in one of three ways:

- (1) As a "General" Planned Development eligible for consideration within any Zoning District and reviewed and approved in accordance with this Chapter;
- (2) As a Planned Lakeside Development (PLD) within the Planned Lakeside Development District and reviewed and approved in accordance with the provisions set forth in this Chapter as well as those set forth in Chapter 19-A and
- (3) As a Mixed-Use PD (MUPD) occurring on lands identified for "Mixed-Use/Town Center" development by the Leighton Township Comprehensive plan, and reviewed and approved in accordance with the provisions set forth in this Chapter as well as those set forth in Chapter 19-B.

All PD proceedings shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on surrounding property values, light and air, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations which have an effect on the achievement of the purposes of this Ordinance.

(Amended by Ord. 11-10-01)

SECTION 19.02 ELIGIBILITY. Applications for consideration as Planned Development shall meet the following conditions of eligibility:

(a) Location and Permitted Uses:

- (1) Except in the cases of land in the Planned Lakeside Development District, and land designated on the Future Land Use Plan as Mixed-Use/ Town Center development areas, land in any Zoning District may be designated as a "General PD" in accordance with the procedures and requirement of this Chapter. Land in a General PD project may be used for all or any of the uses permitted by this Ordinance in the underlying Zoning District and other Land Uses not so permitted when specifically authorized by the Township Board, provided, however, that all

proposed PD uses shall be generally compatible with the purpose and intent of the Zoning District(s) in which it is proposed to be located.

- (2) Planned Lakeside Development may only occur within Planned Lakeside Development District or on other similar R-2 Low Density Zoned Lands having a minimum natural lake frontage. PD uses permitted in a Planned Lakeside Development shall be only those cited in Section 19-A.02 (b).
 - (3) A Mixed Use Planned Development may only occur on land designated on the Future Land Use Plan as a Mixed-Use/Town Center development area. Land uses permitted in a Mixed Use Planned Development shall only be those cited in Section 19-B.03.
- (b) Minimum Area: Unless otherwise specified in Chapters 19-A and 19-B ,in order to be considered as a PD, the proposed area of land shall be no less than five (5) acres; provided, however, that the proposed area to be considered as a PD for Mobile Home Development shall be no less than twenty-five (25) acres; and provided further that the proposed area to be developed for an industrial park or research park shall be not less than forty (40) acres.
- (c) Ownership: The tract of land for a proposed PD project must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties included, (the holder of a written option to purchase land or the holder of an executory land contract shall, for the purpose of such application, be deemed the owner of such land).
(Amended by Ord. 12-09-01)

SECTION 19.03 PRE-APPLICATION PROCEDURES. Before making application to the Township Board for PD authorization, all applicants shall prepare and submit a preliminary plan in accordance with the procedures and requirements specified herein:

- (a) Preliminary Plan: Submission and Content: Applicants for PD authorization shall first prepare and submit to the Secretary of the Planning Commission four (4) copies of a preliminary plan for the PD, one (1) copy shall be for the Planning Commission, one (1) copy for the Township Board, one (1) copy for the Township Planning Consultant and one (1) copy for return to the applicant. This plan shall set forth, in general terms, the proposed uses to be developed in the PD and the following specific information:
 - (1) Legal description of land included in the PD.
 - (2) Small-scale sketch of properties, Streets and uses within one (1) mile of the PD.
 - (3) A map to scale showing any existing or proposed arrangement of Streets, Lots, Buildings, transportation arrangements and buffer strips.
 - (4) A narrative describing: overall objective of the PD; method of financing; number of acres allocated to each use; gross densities; proposed method of providing sewer and water and other necessary public and private utilities; and proposed method of providing storm drainage.
- (b) Planning Commission Review of Preliminary Plan: The Planning Commission shall review the preliminary plan and make recommendations to the applicant based on the requirements of this Ordinance and the following specific considerations where applicable:
 - (1) Ingress and egress to the property and proposed Buildings and Structures thereon, with particular reference to Vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (2) Off-street parking and loading areas where required, with particular reference to the items in subparagraph (1) above and the economic, noise, glare or odor effects

- of each use in the proposed PD.
- (3) Refuse and other service areas, with particular reference to the items in the subparagraphs (1) and (2) above.
- (4) Public and private utilities, services and facilities with reference to locations, availability and compatibility.
- (5) Screening and buffering with reference to type, dimensions and character.
- (6) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in the proposed PD.
- (7) Required Yards and other open spaces.
- (8) General compatibility with adjoining properties and properties in the proposed PD.
- (9) Long term plans and policies officially adopted by the Planning Commission.
- (10) The purposes of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.
- (c) Advisory Public Hearing: In the course of its consideration of a preliminary plan, the Planning Commission may call an advisory public hearing and give such notice thereof as it shall deem appropriate.
- (d) Transmittal of Planning Commissions Recommendations: The Planning Commission shall transmit its recommendations pertaining to the preliminary plan along with any recommended changes or modifications thereof to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board.

SECTION 19.04 APPLICATION AND FINAL PLAN SUBMISSION. After reviewing the recommendations of the Planning Commission on the preliminary plan, the applicant for PD authorization shall submit to the Zoning Administrator four (4) copies of a PD application and final Development Plan. The Zoning Administrator shall promptly transmit one (1) copy to the Township Board, one (1) copy to the Planning Commission, one (1) copy to the Township Planner and retain one (1) copy. Any fees required in accordance to the Township fee schedule shall be paid to the Township Clerk at the time of application.

SECTION 19.05 FINAL PLAN CONTENT. The final plan shall include all the following information, unless the same is not reasonably necessary for the consideration of the PD:

- (a) A plat plan based on an accurate certified land survey showing:
 - (1) Location, size and type of present Buildings or Structures to be retained or removed;
 - (2) Location of all proposed Buildings, Structures or other improvements;
 - (3) Location of existing and proposed Streets, drives and parking Lots;
 - (4) Location of water and sewer lines;
 - (5) Storm drainage;
 - (6) Topographical features including contour intervals no greater than five (5) feet;
 - (7) Ditches and water courses;
 - (8) Ground cover and other pertinent physical features of the site such as trees;
 - (9) proposed landscaping;
 - (10) Location of existing improvements;
 - (11) Location of Lot lines;
 - (12) Loading and unloading facilities; and
 - (13) Exterior lighting and signs.

- (b) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed Buildings or Structures. Height and area of Buildings and Structures shall be described.
- (c) The period of time within which the project will be completed.
- (d) Proposed staging of the project, if any.
- (e) Gross areas of Buildings and parking.
- (f) Delineation of the one hundred (100) Year flood plain or active beach area if applicable.
- (g) Detailed descriptions of all aspects of such plan which might have an adverse effect on public health, safety and welfare.
- (h) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land such as an option or purchase contract.
- (i) Method of financing and commitments or other proof of ability to obtain financing.
- (j) Additional information which the Planning Commission may request which is reasonably necessary to evaluate the proposed PD and its effect on the surrounding neighborhood and the Township in general.
- (k) Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a riparian feature, as established by the Riparian Area Protection standards contained in Chapter 13.

SECTION 19.06 PUBLIC HEARING REQUIRED. Prior to acting, the Township Board shall hold a public hearing on all applications for PD authorization. Notice of the public hearing shall be made as set forth in Section 15.06 of this Ordinance.

SECTION 19.07 FINAL PLANNING COMMISSION RECOMMENDATIONS. The Planning Commission shall transmit its recommendations concerning the final development plan along with any recommended changes or modifications to the Township Board.

SECTION 19.08 FINAL APPROVAL BY THE TOWNSHIP BOARD. Final approval or disapproval of the PD application shall be granted by the Township Board upon finding that all conditions and requirements of this Chapter are fulfilled; provided, however, that the Township Board may stipulate additional conditions and guarantees that such conditions will be complied with when, in order to fully comply with the intent of this Ordinance, said additional conditions and guarantees may be deemed necessary. In rendering a decision on whether to deny, approve, or approve with conditions a PD project the Township Board shall incorporate their decision in a statement containing the conclusions relative to the PD which specifies the basis for the decision and all additional conditions, limitations and requirements upon which PD authorization is granted. Copies of said statement shall be forwarded along with the PD application and any additional plans, to the Zoning Administrator, Township Clerk and Planning Commission.

SECTION 19.09 ADDITIONAL PD PROVISIONS.

- (a) Time Limitations on Development: Each development shall be under construction within one (1) year after the date of authorization by the Township Board. If this requirement is not met, the Planning Commission may grant an extension provided the developers present reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year after final approval by the Planning Commission, any building permit issued for said development shall be invalid and void.

- (b) Performance Bonds: The Planning Commission, in connection with reviewing any application for a final development plan, may require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond, such bond to be posted by applicant in order to insure that the development will be executed in accordance with the approved plan.
- (c) Required Improvements Prior to Issuance of Occupancy Permit: The Planning Commission is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety and general welfare of the residents, but are not fully completed, the Zoning Administrator may, upon the recommendation of the Planning Commission, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one (1) year of the date of the occupancy permit.
- (d) Other Provisions: All provisions of this Ordinance and other Ordinances of the Township shall apply to the PD except where inconsistent therewith, in which case the provisions of this Chapter shall control.

CHAPTER 19-A**PLD PLANNED LAKESIDE DEVELOPMENT DISTRICT***(Amended by Ord. 11-10-01)*

SECTION 19-A.01 DESCRIPTION AND PURPOSE. The provisions of this Chapter are an optional alternative to development in accordance with the underlying R-2 Low Density Residential District. These provisions are intended for larger scale, primarily residential development in sensitive lakeside areas within the mapped Planned Lakeside Development District (PLD) as well as other R-2 Low Density Residential District Lands of the Township having natural lake frontage. In such areas, potential conflicts with adjacent existing residential land uses, water resource protection and the capacities of public services and facilities are of great concern and existing and future development would benefit from focused, yet flexible development controls.

SECTION 19-A.02 USE REGULATIONS. Land, buildings and structures in this Zoning District may be used for the following purposes only:

- (a) Farming and related agricultural uses.
- (b) All uses permitted in the R-2 Low density Residential District.
- (c) The following uses as a part of an approved Planned Lakeside Development (PLD):
 - (1) Single-family dwellings and two-family dwellings.
 - (2) Low volume retail business or service establishments which supply convenience commodities or perform business or recreational services for residents of a proposed PLD or the immediate neighborhood.
 - (3) Private and public schools, libraries, museums, art galleries, and churches.
 - (4) Parks, playgrounds and community centers.
 - (5) Real estate signs, identifying signs and name plates.
 - (6) Buildings, structures and uses clearly incidental to the above.

SECTION 19-A.03 1. All land uses not included within an approved Planned Lakeside Development (PLD) shall comply with the provisions of the underlying R-2 Low Density Residential District Reference the provisions of Chapter 7.

SECTION 19-A.04 OPTIONAL PLD DEVELOPMENT REQUIREMENTS. Except as modified or supplemented by the following, Planned Developments in this Zoning District shall be regulated by the same application, review, and approval procedures for Planned Developments as provided in Chapter 19 of this Ordinance:

- (a) Minimum Size: In order to be considered as a PLD in this Zoning District, the proposed area of land shall be no less than two (2) acres.
- (b) Gross Residential Density: The gross residential density shall not exceed four (4) dwelling units per acre. This calculation shall be made by subtracting land area proposed for nonresidential uses from the total project area and dividing the remaining acreage by the total number of dwelling units proposed for the site. For the purposes of this section, "non-residential uses" shall include lands used for commercial buildings, maintenance or community buildings, .schools, churches, community use facilities such as swimming pools, baseball diamonds, tennis courts and other developed sports areas, and any parking areas, drives, or accessory structures directly related to non-residential uses.

- (c) Use Mix: A PLD project may be used for any combination of uses permitted therein; provided, however, that land area proposed for commercial and related uses shall not exceed ten percent (10%) of the total project area.
- (d) Common Open Space: Provisions for common open space shall be as follows:
- (1) Common open space shall be calculated by subtracting the following from the land area used in making gross residential density calculations: area devoted to residential and accessory buildings or structures; yards immediately surrounding a residential structure either as a traditional building lot or as an open area clearly intended for use by those residing in said residential structure; and all car movement or storage areas.
 - (2) Except in the case of a PLD consisting of primarily single-family dwellings at a gross residential density of less than two (2) dwelling units per acre, each PLD shall retain at least eight percent (8%) of the total PLD site as common open space.
 - (3) For PLD's proposing common open space areas, the applicant shall demonstrate to the satisfaction of the Planning Commission and Township Board that said open space will be adequately landscaped and continually maintained such that: the area remains neat and attractive; the ground is sufficiently protected from erosion or other forms of unnecessary degradation; and the Township is relieved of any future responsibility to maintain said open space area.
- (e) Waterfront Use: In addition to the lake access standards contained in Section 3.28 Lake Access, the following standards shall be used in reviewing and approving applications for PD's contiguous to a body of water:
- (1) In the case of a PLD proposed for more than one (1) dwelling and which is to also include waterfront recreation area held in common, the common recreational area shall, have a depth of not less than one hundred (100) feet and a length along the shoreline of 100 feet, plus one hundred (100) additional feet of shoreline for each dwelling unit proposed therein to be granted access to the lake. The above minimum shoreline length dimension may be modified where it is shown that the minimum shoreline frontage is not available...
 - (2) In the case of a PLD site which is currently, or proposed to be, divided into two (2) or more separately owned lots, units or parcels, the use of single-family residential waterfront properties shall be restricted to that right of use provided under the provisions of Section 3.28 unless a common waterfront area has been designated for use by other owners or tenants of the PLD in accordance with dimensions suggested in subsection (e) paragraph (1) above. (Amended 11-10-05)
- (f) Wastewater Facilities: The following requirements shall apply regarding wastewater collection and treatment facilities:
- (1) In all cases, sanitary sewer service shall be provided in accordance with the Township Sewer Use Ordinance. Fees for such provisions shall be in accordance with the Township Rate Ordinance and User Charge System.
 - (2) Except as prohibited by the Township Sewer Use Ordinance, on-site sewage disposal facilities serving each separate dwelling structure may be permitted pursuant to approval by the Allegan County Health Department and the Township Engineer; provided, however, that such systems shall not be permitted for PLD's consisting of more than three (3) acres with gross residential densities in excess of two (2) dwelling units per acre.

- (3) No private wastewater collection and treatment facility serving an entire PLD or a substantial portion thereof, shall be permitted if: (1) connection to public sewer is required by the Township Sewer Use Ordinance; (2) public sewer service can be obtained within a distance equal to twenty-five percent (25%) of the total length of sewer pipeline required within said PLD; or (3) said facility does not meet with the approval of the Allegan County Health Department and all other county and state agencies having jurisdiction over said facility.
- (4) If the Township Engineer has determined that public sewer service to the proposed PLD will cause the existing Township sewage treatment capacity to be exceeded, the PLD applicant shall reimburse costs to the Township in an amount equal to the existing hook-up and service fee for that portion of said existing capacity used by the PLD; plus, an additional amount equal to that portion of the costs of increased sewage treatment capacity which will be used by the PLD. If the Township Engineer has determined that public sewer service to the proposed PLD will not cause the existing Township sewage treatment capacity to be exceeded, the PLD applicant may proceed in obtaining such service in accordance with the Township Sewer Use Ordinance.
- (5) The PLD applicant shall be responsible for providing any and all of the pump stations, pipeline and other facilities necessary to extend public sewer service to the proposed PLD.

CHAPTER 19-B

MIXED USE PLANNED DEVELOPMENT (MUPD)

Amended by Ord. #2011-10-01, #2016-06-01

SECTION 19-B.01 DESCRIPTION AND PURPOSE

The primary purpose of the Mixed Use PD (MUPD) is to create walkable, livable and attractive development centers in the community by combining commercial/retail uses and residential uses in the same buildings or in close vicinity of each other. The interaction of these different uses during day and evening hours provides a dynamic that cannot usually be created with typical single use zones. This concept harkens back to the village environment where people lived and worked in close proximity. This concept therefore tries to minimize the role of the automobile and encourages smaller scale buildings and pedestrians focal points in order to facilitate human interaction and create a vibrant sidewalk environment.

Only those areas identified on the "Future Land Use Map" as contained in the Leighton Township Comprehensive Plan are eligible for consideration.

Specifically the Mixed Use PD is intended to:

- (a) Allow market-driven growth in places that are most conducive to accommodating additional activity.
- (b) Encourage economic development through the creation of a mix of uses adjacent to existing commercial centers.
- (c) Provide diverse housing development for households with a range of incomes and lifestyles.
- (d) Promote a walkable community with pedestrian-oriented buildings and open space that connects to nearby destinations.
- (e) Create and support lively, human-scaled activity areas and gathering places for the community by encouraging civic uses, plazas, and a mix of uses.
- (f) Ensure that new development enhances the nearby streetscape.
- (g) Promote development that accommodates the automobile but also emphasizes alternative travel means such as, buses, biking, and walking.
- (h) Promote the adaptive reuse of existing underutilized or obsolete industrial or commercial property historic buildings.

SECTION 19-B.02 ELIGIBILITY

- (a) Location. A MUPD may only be located in those areas identified as "Mixed-Use/Town Center" on the Future Land Use Map as contained in the Leighton Township Comprehensive Plan.
- (b) Minimum area: Three acres.

SECTION 19-B.03 PERMITTED USES

A lot and/or building may be used for one or more of the following by-right permitted uses:

- (a) Office, entertainment, institutional and related uses, as listed below:
 - 1) Professional, administrative, and business offices.
 - 2) Financial institutions, excluding drive-through facilities.
 - 3) Hotels, bed and breakfast facilities, convention centers, meeting space, and banquet facilities.

- 4) Galleries and museums.
 - 5) Theaters.
 - 6) Nursery schools and day care centers.
 - 7) Government administrative uses, post offices, community centers and libraries.
- (b) Retail, restaurant and related uses, as listed below:
- 1) Retail commercial sales, excluding drive-through facilities.
 - 2) Personal service businesses.
 - 3) Restaurants and other food or beverage establishments, excluding drive through facilities.
 - 4) Studios for dance, music, fitness, art or photography.
 - 5) Indoor sports facilities, including bowling alley, racquet sports and health club.
 - 6) Parks, open space uses and plazas.
- (c) Residential uses as listed below when in conjunction with uses listed in (a) and or (b) above:
- 1) Second floor and above apartments.
 - 2) Single-family detached homes and town houses provided they are not located on the principal street serving the development.
- (d) Accessory uses to a principal use, including surface parking lots provided the parking lot is not located on the principal retail street of the development.
- (e) Prohibited Uses. Except as permitted by subsection (f) below, Any use not specifically permitted is prohibited, including but not limited to the following: *(Amended June 9, 2016)*
- 1) Drive-through window or facilities.
 - 2) Automobile or other vehicle sales, service, or repair establishments.
 - 3) Gasoline service station and filling station.
 - 4) Self-service storage facilities.
 - 5) Adult entertainment uses.
- (f) Redevelopment. The Township Board may approve any land use, including those prohibited in subsection (e) above, within a MUPD if the MUPD primarily consists of the restoration and/or reuse of an existing building, provided that the proposed MUPD meets the intent and purpose of this Chapter and complies with all other requirements of this Ordinance. *(Amended June 9, 2016)*

SECTION 19-B.04 DEVELOPMENT REQUIREMENTS.

- (a) General. The development should create a diverse and pedestrian-friendly environment, with a mix of housing, shopping, workplace and entertainment uses and nodes for transportation access. All uses should be within a short walk of each other. Inviting functional public spaces such as shopper and pedestrian friendly streetscapes, open spaces, plazas, trails should be included and residential, office, and retail should be mixed in one or more buildings. The design principles for buildings and streets are to be taken from examples of traditional small towns and other neo- traditional developments that

exhibit a close-in community life with a full range of pedestrian and streetscape improvements and amenities.

- (b) **Development Mix.** Developments shall include at least one of the uses in each of the three land use groups listed subsections (a), (b) and (c) of above Section 19-B.03 with each of the required groups comprising at least 10% of the development's total building floor area. In addition, retail, restaurant, and related uses (sub-Section 19-B.03 (b) may not comprise more than 65% of the development's total building floor area.
- (c) **Lot Area Requirements and Lot Width Requirements.** There is no minimum lot size or lot width requirements however, all proposed lots must be illustrated and approved on the master MUPD plan and all lots must be created consistent with the approved MUPD plan.
- (d) Usable open space and plaza uses shall comprise at least ten percent (10%) of the net development area.
- (d) Properties or development projects abutting major streets should have zero to ten foot setbacks from the right-of-way, pedestrian-friendly store fronts that incorporate architectural features such as, windows, entrances, and variations in setback so that no wall plane is wider or longer than two and one-half times the height of the wall plane.
- (e) Breaks in the building should be provided to encourage pedestrian access into and through projects to parking areas in the rear.
- (f) Vehicular access to parking lots and garages should only be permitted along Frontage Street when there is less than two other side street or alley access.
- (g) Off-street parking in commercial areas should either be behind or to the side of development.
- (h) A minimum of curb cuts should be allowed along streets for parking access.
- (i) Streets, pathways, utilities and pedestrian improvements shall be left capable of being extended and fully linked with surrounding developed and undeveloped land.

CHAPTER 20

SPECIAL LAND USES

SECTION 20.01 INTENT AND PURPOSE. The provisions of this Chapter are intended to set forth the procedures and standards that are applicable to certain land uses, structures or activities classified as Special Land Uses. Due to their unique characteristics relative to other uses, Special Land Uses shall not be permitted without review and may warrant restrictions or conditions by reasons of their uniqueness or the special problems presented by the use in a particular location or in relation to neighboring properties and/or the community as a whole.

SECTION 20.02 SPECIAL LAND USE CLASSIFICATIONS/REVIEW AND APPROVAL AUTHORITY. Within this Section, individual types of Special Land Uses are categorized within one of three classes. Class I, Class II and Class III, Special Land Uses are created for the purpose of grouping individual Special Land Uses based upon their degree of potential impacts upon adjacent property and the surrounding community. Each class of Special Land Use shall be governed by provisions applicable to each class as outlined in this Chapter.

- (a) Class I Special Land Uses: Class I Special Land Uses include the following and may be approved by the Site Plan Review Committee identified in Chapter 25.
 - (1) Detached customary private garages in excess of 1.5% of the subject lot area or 2,400 square feet as stipulated in Section 3.12.
 - (2) Temporary Dwellings (mobile homes not meeting the standards of Sec. 3.25).
 - (3) Single unit boat access docks or mooring facilities extending more than 150 feet from the shoreline.
- (b) Class II Special Land Uses: Class II Special Land Uses include any Special Land Use not otherwise identified as a Class I Special Land Use or a Class III special Land use and shall be approved by the Planning Commission.
- (c) Class III Special Land Uses: Class III Special Land Uses include the following Special Land Uses and shall be approved by the Township Board after recommendation by the Planning Commission.
 - (1) Removal and processing of topsoil, sand, gravel and other such minerals, where permitted.
 - (2) Conservation Subdivisions (ref. Chapter 19).

SECTION 20.03 PROCEDURES. An application shall be submitted to the Zoning Administrator on a form for that purpose together with a site plan prepared to the specifications contained in Chapter 15. Each application shall be accompanied by the payment of a fee or determined by the Township Board. In the event that the allowance of a proposed use requires both a rezoning and a Special Land Use permit, the application for rezoning shall be processed in its entirety prior to final action on the Special Land Use.

- (a) Notification of Request: Upon receipt of an application for a Special Land Use permit, notice shall be given that a request for Special Land Use approval has been received. Notice of the request shall be provided the manner provided in Section 25.06 of the zoning ordinance except that in the case of Class I and II Special Land Uses, the notice shall indicate that a public hearing on the Special Land Use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a Special Land Use.

- (b) Public Hearing: A public hearing shall be held by the Planning Commission prior to a final decision being made regarding any Class III Special Land Use. A public hearing may be held by the Site Plan Review Committee regarding any Class I Special Land Use and by the Planning Commission regarding any Class II Special Land Use at the initiative of the reviewing body. A public hearing shall be held upon request of the applicant or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a Special Land Use. If a request for public hearing is made by a property owner or occupant of property within 300 feet, the public hearing shall be notified with a second notice. The notice for said hearing shall be made in the manner provided in Section 25.06 of the zoning ordinance.
- (1) If the review body or the applicant calls the public hearing, notification of the time and place of the hearing shall appear on the initial notification of request outlined in subsection (a) of this Section.
 - (2) The public hearing whether on the initiative of the reviewing body or upon request, shall be held before a decision is made by the approving body.
- (c) Decisions:
- (1) In the case of Class I and Class II Special Land Uses, the Site Plan Review Committee or Planning Commission, as the case may be, shall, within a reasonable time after review or after the public hearing, deny, approve or approve with conditions the request.
 - (2) In the case of a Class III Special Land Use, the Planning Commission shall within a reasonable period of time after the public hearing, make and forward to the Township Board, recommendations relative to the denial, approval or approval with conditions of the Special Land Use. Thereafter, within a reasonable time, a decision of the Township Board shall be made.
 - (3) In rendering a decision on whether to deny, approve, or approve with conditions a Special Land Use permit, the approving body shall incorporate in their decision a statement containing the conclusions relative to the Special Land Use which specifies the basis for the decision and all additional conditions, limitations and requirements upon which the Special Land Use Permit is granted. The statement shall be recorded in a record of the approval action and be filed together with the Special Land Use application and site plan with the Zoning Administrator.

SECTION 20.04 ISSUANCE OF A SPECIAL LAND USE PERMIT. The designated approving body shall grant a Special Land Use permit upon the finding that all of the requirements of this Ordinance pertaining to such Special Land Use are fulfilled in each case; provided, however, that the approving body may stipulate additional conditions and guarantees that all conditions will be complied with when, in order to fully comply with the intent of this Ordinance, such additional conditions and guarantees may be deemed necessary. The approving body may limit the duration of the Special Land Use where the same is of a temporary nature and may reserve the right of annual review of compliance with conditions and limitations imposed upon such use. All conditions of the Special Land Use approval shall remain unchanged except upon mutual consent of the approving body and the landowner. The approving body shall maintain a record of all conditions which are changed and said record shall be filed with the Zoning Administrator.

SECTION 20.05 PERFORMANCE GUARANTEE. The decision making body may require as a condition of its approval that the applicant file surety in the form of a performance bond,

letter of credit, or certified check in a form satisfactory to the Township and in an amount established by the decision making body conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the approval has been conditioned. The approving body shall, in establishing the form and amount of the surety, consider the type and scale of the use and its operations, the prevailing cost to complete required improvements, safety measures and/or to rehabilitate the property upon default of the operator, court costs and other reasonable expenses. If the owner of the property and the operator of the proposed use shall be separate, each of them shall be required to execute the bond as principal.

SECTION 20.06 TIME LIMITS AND EXPIRATION OF PERMIT. A Special Land Use permit and the conditions imposed shall run with the land, regardless of land ownership. A Special Land Use permit will remain in effect unless or until one or more of the following occurs:

- (a) An activity or use authorized by the Special Land Use permit has not commenced within two years of the date of issuance and the conditions of authorization do not specify a greater period of time before commencement.
- (b) The use ceases for a consecutive period of one year and a longer period of inactivity was not specified in the conditions of approval contained in the permit.
- (c) The use as authorized by the Special Land Use permit is of a temporary or terminal nature and has been terminated in compliance with the conditions of the Special Land Use permit.
- (d) The Special Land Use permit is revoked for reasons of non-compliance or violation as outlined in Section 20.07.

A Special Land Use permit which is expired, terminated or revoked as a result of one of the above circumstances shall be considered null and void and a new Special Land Use permit will be required for the activity to recommence.

SECTION 20.07 COMPLIANCE, VIOLATION, REVOCATION OF PERMIT.

- (a) Construction in Compliance with Final Site Plan: Any building permit issued for construction pursuant to an approved Special Land Use shall be valid only so long as there is compliance with the approved site plan and any other conditions of approval as set forth by the approving body. Any deviation from the approved site plan or conditions shall operate to automatically invalidate the building permit and shall be a violation of this Ordinance.
- (2) The Planning Commission shall be the decision making body on all Class I, Class II Special Land Use violation and revocation questions. The Township Board shall decide such questions relating to Class III Special Land Uses after receipt of a recommendation from the Planning Commission.
- (3) If a violation of any condition of approval or applicable regulation is found to exist subsequent to construction or commencement of the authorized Class I, Class II or Class III Special Land Use the Zoning Administrator shall notify the permit holder/land owner and the Planning Commission that a violation exists. The notice shall describe the violation and further state and that the Special Land Use permit may be revoked if the violation is not remedied within 45 days or less (as specified by the Zoning Administrator in the letter of notification). If the violation is not corrected within the specified time, the Zoning Administrator shall suspend the permit and place the matter on the next agenda of the Planning Commission for consideration of formal revocation action. Prior to formal action on the revocation question a public hearing shall be held upon notice in accordance

with the procedures specified in this Chapter for a Class II Special Land Use permit.

SECTION 20.08 APPEALS. A decision rendered by the Site Plan Review Committee with respect to any Class I Special Land Use may be appealed to the Planning Commission and a decision rendered by the Planning Commission with respect to any Class II Special Land Use may be appealed to the Township Board by any person or persons aggrieved by such decision. The appeal shall be made within ten (10) calendar days of the date on which the contested decision was rendered. Such appeal shall be made in writing to the Zoning Administrator who shall, upon receipt of the appeal, provide notice of a second public hearing pursuant to the procedures outlined in Section 25.06, except that such notice shall specify that the hearing is to be held before the Planning Commission or Township Board as the case may be. Decisions with respect to Class I Special Land Uses made by the Planning Commission on appeal may be further appealed to the Township Board. A decision rendered by the Township Board shall be final unless such decision is reversed or modified by a court of competent jurisdiction.

SECTION 20.09 REAPPLICATION. No application for a Special Land Use Permit which has been denied wholly or in part by the Township shall be resubmitted until the expiration of one (1) calendar year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the approving body.

SECTION 20.10 VARIANCES. Once a Special Land Use has been approved by the Site Plan Review Committee, Planning Commission or Township Board, as the case may be, the Zoning Board of Appeals may not accept an application to waive or modify any written standard or imposed condition pertaining to the approved Special Land Use.

Prior to a decision by the designated approval body to approve or deny a Special Land Use permit, an application for a variance from any written standard other than the discretionary standards of the chapter may be made to, and decided upon by the Zoning Board of Appeals. If the Zoning Board of Appeals waives or modifies a standard, the approving body may accept the waiver or it may modify to a lesser degree, or uphold the standard as originally specified in the Zoning Ordinance, if in its discretion, compliance is deemed necessary to satisfy the standards of this chapter.

SECTION 20.11 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL LAND USES. All Special Land Uses referred to in this Ordinance shall comply with the requirements of this Section. These provisions are intended to permit the inclusion of uses as listed in the specific zoning districts based upon the following requirements and standards:

- (a) General Requirements: For all Special Land Uses, an application and site plan shall be submitted for review and approval by the designated review and approval body which shall conform to the requirements and procedures for site plan review. If the plans meet the required standards of this Ordinance, applicable section conditions, and indicate no adverse effects which, in the reasonable determination of the review and approval body, cause no injury to the residents, users of adjoining property, or the Township as a whole, the approving body shall approve the use. In consideration of all applications for Special Land Use approval, the designated review body shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed Special Land Use if it is to be approved. Such uses shall be subject to

conditions, restrictions and safeguards deemed necessary within the scope of this Ordinance as set forth below:

- (1) Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and the Master Plan for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; and/or (2) the orderly development of the surrounding neighborhood and/or vicinity in accordance with the Zoning Ordinance and Master Plan.
- (2) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- (3) The proposed Special Land Use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
- (4) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and building or unreasonably affect their value.
- (5) The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- (6) The proposed use is in general agreement with the Master Plan designated for the area where the use is to be built.
- (7) The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
- (8) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District.
- (9) The proposed Special Land Use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust herein.
- (10) The proposed Special Land Use shall not unreasonably burden the capacity of public services and/or facilities.

SECTION 20.12 SPECIAL LAND USE DESIGN STANDARDS. The general standards of Section 20.11 are requirements that must be met by all Special Land Uses. In meeting the general standards and unless otherwise specified, all Special Land Uses will be required to adhere to the minimum height, yard, building and area requirements of the zoning district in which the use is proposed and to other regulations generally applicable to uses permitted by right in the district.

Additionally, certain Special Land Uses as listed below will be required to adhere the specific design standards and requirements as further contained in this section.

- (a) Temporary Dwellings (mobile homes not meeting the standards of Sec. 3.25): A Special Land Use permit for a mobile home not meeting the standards of Sec. 3.25 may be issued for a period of six (6) months. In considering the authorization of a temporary Special Land Use permit the following criteria and standards shall be considered and met.
- (1) Whether or not the original dwelling unit was destroyed or damaged by an act of God, fire, explosion, wind, or other natural disaster or public enemy.
 - (2) Whether or not suitable arrangements can be made for other temporary living quarters.
 - (3) The mobile home shall be connected to an approved water well and septic tank system.
 - (3) All construction and all plumbing, electrical and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development.
 - (4) The dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
 - (5) All yard and setback requirements of the District shall be met.
- (b) Removal and processing of topsoil, sand, gravel or other such minerals as may be permitted in any zoning district, excluding the processing and recycling of imported material and the production of concrete or asphalt. The specific standards for all such facilities are as follows:
- (1) The size of the property from which such topsoil, sand, gravel or other such materials are to be removed;
 - (2) The amount of topsoil, sand, gravel, or other such materials which are to be removed.
 - (3) The effect of such removal on adjoining property.
 - (4) The effect of such removal in terms of causing a safety hazard, creation of erosion problems, altering the groundwater table and other problems of this nature.
 - (5) The potential for such removal to cause the creation of sand blows, stagnant water pools, bogs, or any type or kind of injurious areas.
 - (6) The effect of such removal on the environment and the potential destruction of natural resources.
 - (7) The potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
 - (8) All requirements of Township Ordinance No. 1-92, as amended, an Ordinance to License and Regulate Gravel and Other Material Mining, shall be met.
 - (9) For the purposes of this section processing shall generally refer to washing, screening and crushing operations associated with natural, on site material. Where permitted, the importation, stockpiling and recycling of construction debris and or the production of secondary products such as concrete and asphalt shall be independently reviewed and authorized under the standards contained in Sections 20.05(c) and 20-05(d) as applicable.
- (c) Stationary or portable concrete production plants, asphalt batch plants and/or the processing and recycling of imported concrete or asphalt debris as principle use in the I-1 District or in association with a permitted mining operation: Stationary or portable

concrete production plants, asphalt batch plants and/or the processing and recycling of imported concrete or asphalt debris may be authorized in the I-1 District as a principle use or as an accessory use to an authorized mining operation in the AG and R-1 Districts. The specific standards for all such facilities are as follows:

- (1) The operation and equipment shall be located no closer than 1,000 feet to any residence other than the residence of the owner of the land upon which the limited plant is to be located.
- (2) The operation shall comply with state air pollution regulations and a permit from the Michigan Department of Natural Resources/Environmental Quality.
- (3) No contaminated soils shall be stockpiled on the site, used for remediation or otherwise used in the asphalt or concrete processing operations.
- (4) The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards, nuisances and damage to properties in the community.
- (5) Access roads within the area of operation may be required to be provided with a dustless surface where it is determined that adjacent uses and properties would be negatively affected by transient dust.
- (6) Where the Planning Commission determines there is sufficient potential hazard the operation shall be enclosed by a fence six (6) feet or more in height
- (7) All fuel tanks shall include fuel/spill containment systems as required and approved by the state agency having regulatory authority.
- (8) No washing or cleaning of trucks or truck beds shall be allowed on site unless a wastewater containment system is installed and permitted by the MDNR/DEQ or other agency having regulatory authority.
- (9) No waste, production materials, discarded equipment or other such items shall be buried on site.
- (10) All on site sanitary facilities shall comply with the standards of the Allegan County Health department.
- (11) When found necessary mitigating measures may be required. These may include landscaping and artificial screening, additional limitations upon equipment location, the practice of stockpiling material upon the site, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust by watering and paving
- (12) The Special Land Use permit shall be reviewed annually and unless otherwise specified by the Planning Commission shall be limited to a period of two consecutive years.
- (13) All equipment and materials utilized in the operation shall be removed from the site and the site shall be returned to its original condition, or better, within 180 days following cessation of operations.
- (14) Surety in the form of a performance bond and/or letter of credit assuring the site will be returned to its original or improved condition shall be submitted to the Township prior to issuance of a permit.
- (15) In addition to the requirements of Chapter 15, Site Plan Review, The application for a Special Land Use permit shall contain the following: A narrative shall describe the scope of the project, including, but not limited to:
 - a) Proposed hours of operation and duration of operations.
 - b) Origins, volumes and types of materials.
 - c) Number of haul vehicles used in the operation.

- d) Plant description and set-up.
- (d) Temporary concrete production plants, asphalt batch plants and the processing and recycling of imported concrete or asphalt debris when in association with a specific construction project: Temporary Special Land Use permits for concrete and asphalt batch plants and the processing and recycling of imported concrete or asphalt debris may be issued in any zoning district if the operations do not involve the excavation and removal of natural resources from the premises and the operations only furnish concrete, asphalt, or other product to a specific project of known and limited duration. The following standards shall apply:
- (1) All of the requirements of above Section 20.05(c) shall apply except that the following provisions shall control when there is an additional requirement or there is a conflict.
 - (2) The placement of the temporary facilities is restricted to the site of the project. The Planning Commission may grant an exception to this requirement when all involved properties are adjacent or fronting each other and in the opinion of the Commission such exception will not adversely affect other neighboring properties.
 - (3) No fixed machinery shall be installed or operated within two hundred (200) feet of any adjacent property or street line.
 - (4) Material stockpiling shall be located no closer than one hundred (100) feet from any street right-of-way line or property line.
 - (5) Extraordinary measures shall be taken to minimize the nuisance of noise and flying dust or rock. When found necessary such measures may include landscaping and artificial screening, additional limitations upon equipment location, the practice of stockpiling material upon the site, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust by watering and paving.
 - (6) All equipment and materials utilized in the operation shall be removed from the site and the site shall be returned to its original condition, or better, within 30 days following completion of the construction project for which the plant was established.
 - (7) In addition to the requirements of Chapter 15, Site Plan Review, the application for a Special Land Use permit shall contain the following: A narrative shall describe the scope of the project, including, but not limited to:
 - 1) Hours of operation (these may be limited due to proximity to residential properties).
 - 2) Estimated time frame of the job.
 - 3) Volume and type of materials.
 - 4) Number of haul vehicles.
 - 5) Plant description and set-up.
- (e) Cemeteries and Mausoleums- public, private or religious:
- (1) Minimum lot size of three (3) acres is required.
 - (2) The proposed site shall front upon a paved public street.
 - (3) All gravesites, buildings and structures shall be setback at least fifty (50) feet from any street right-of-way, and at least twenty (20) feet from side and rear property lines.
 - (4) In addition to meeting the site plan content of Chapter 15 the site plan submitted for approval must show internal access roads, and plot areas.

- (f) Contractors Yards, Equipment Storage and/or Maintenance Yards, Structures and Establishments for Building Trades, Heavy Equipment and Petroleum and Well Field Operators (I-1 District only):
- (1) The site shall good street access and the operation of the site will not damage or materially increase the cost and frequency of street maintenance of the street on which the use is located.
 - (2) The site shall contain at least one acre in size and all structures, drives and storage areas meet the standards for front yard, side yard, rear yard and landscape and screening as applied to uses in the I-1 Industrial District.
 - (3) All parking and storage areas and all driveways shall meet the standards of Chapter 17 for parking areas, except that areas used for long term outdoor storage or parking of heavy equipment need not be hard surfaced.
- (g) Golf Courses and Country Clubs:
- (1) A minimum lot size of forty (40) acres is required for a regulation golf course, or twenty (20) acres for a par-3 style course.
 - (2) The main entrance to the facility must have direct vehicular access to a paved public street.
 - (3) All structures, except fences, shall be at least one hundred (100) feet from any property line. Netting along any property lines shall be prohibited unless the Planning Commission determines that it would be compatible with surrounding uses.
 - (4) The off-street parking area shall be so arranged as to provide for the safety of pedestrians and ease of vehicular maneuvering.
 - (5) Any part of an off-street parking area shall be at least fifty (75) feet from any property line.
 - (6) Accessory uses such as pro shops, restaurants or lounges, tennis courts, pools and golf driving ranges may be permitted to serve the golf course or country club customers or members.
- (h) Kennels, animal runs and dog training facilities, private or commercial (5 or more animals) in the R-1, C-2 and I-1 District:
- (1) The minimum lot area shall be three (3) acre.
 - (2) Buildings wherein kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential use, or building used by the public.
 - (3) All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.
 - (4) Noise shall be minimized through the combined use of screening, site isolation and sound dampening materials.
 - (5) All kennels shall make environmentally sound provisions for the handling and management of liquid and solid animal wastes and shall be operated in conformance with all applicable County and State regulations.
- (i) Motorized Sports Facilities and Archery and Fire Arm Shooting Ranges:
- (1) Unless specifically waived by the Planning Commission, the proposed site shall front upon a paved road. Primary ingress and egress shall be from said road.
 - (3) A minimum lot size of five (5) acres, and minimum lot frontage of three hundred thirty (330) feet shall be required.
 - (4) Principal and accessory buildings, structures and event areas shall not be located within one-hundred (100) feet of any property line.

- (5) Fire arm or archery shooting ranges, go-cart tracks or any motorized recreation activity, staging or storage areas shall be setback at least one hundred (150) feet from any lot line and at least 300 feet from a residential use or residential district. All other tracks, pathways, courses, athletic fields or other facilities in support of facility, including spectator areas shall be setback at least 50 feet from any property line and at least 100 feet from a residential use or residential district.
- (7) All outdoor lighting shall be directed away from and shielded from adjacent parcels. Lighting shall also be arranged so the source of the light is not visible from adjacent public roads or highways.
- (8) The required number of off-street parking spaces shall be calculated using for each use, or similar use as determined by the Planning Commission under the provisions of Chapter 17. The location of parking spaces and parking areas shall kept entirely on-site and shall be separated from adjacent residential uses and zoning districts by a minimum of 75 feet.
- (9) The use shall be screened from the view of any abutting property as outlined in Chapter 18.
- (j) Outdoor Recreation Facilities and Rural or Agricultural Related Tourism Activities, Events or Attractions (Excluding Archery and Fire Arm Shooting Ranges and Motorized Sports):
 - (1) Unless specifically waived by the Planning Commission, the proposed site shall front upon a paved road. Primary ingress and egress shall be from said road.
 - (2) The minimum lot size of three (3) acres, and minimum lot frontage of two hundred (200) feet shall be required.
 - (3) Principal and accessory buildings, structures and event areas shall not be located within one-hundred (100) feet of any property line.
 - (4) Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall not be presumed as the means by which balls are contained within the site and shall be prohibited unless the Planning Commission determines that it would be compatible with surrounding uses.
 - (5) Tracks, pathways, courses, athletic fields or other facilities in support of non-motorized activities, including spectator areas shall be setback at least 50 feet from any property line and at least 100 feet from a residential use or residential district.
 - (6) All outdoor lighting shall be directed away from, and shielded from adjacent parcels. It shall also be arranged so the source of the light is not visible from adjacent public roads or highways.
 - (7) Required number of off-street parking spaces shall be calculated using for each use, or similar use as determined by the Planning Commission under the provisions of Chapter 17. The location of parking spaces and parking areas shall kept entirely on-site and shall be separated from adjacent residential uses and zoning districts by a minimum of 75 feet.
 - (8) The use shall be screened from the view of any abutting property, as outlined in Chapter 18, Section 18.04.
- (k) Public or Private Campgrounds, Retreats and Outdoor Conference Centers in the AG and R-1 Districts:
 - (1) Unless specifically waived by the Planning Commission, the proposed site shall front upon a paved road. Primary ingress and egress shall be from said road.

- (2) A minimum lot size of five (5) acres, and minimum lot frontage of three hundred thirty (330) feet shall be required.
 - (3) Public stations housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
 - (4) Hard-surfaced, dust-free vehicle parking areas shall be provided which are adequate to accommodate the parking needs of staff, guests and visitors. The parking areas shall comply with the requirements of Chapter 17.
 - (5) Each campsite or living quarters structure shall contain a minimum of one thousand five hundred (1,500) square feet and shall be set back at least seventy five (75) feet from any public or private right-of way or lot line.
 - (6) Each area used for camping or other outdoor activity shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway.
 - (7) Drainage subject to approval by the Drain Commissioner of Allegan County.
 - (8) All sanitary facilities for the facility shall be designed and constructed in strict conformance to all applicable County or State health regulations.
 - (9) A minimum distance of fifteen (15) feet shall be provided between all tents, campers, RVs and structures utilized for temporary living purposes.
 - (10) The outdoor lighting shall comply with the applicable provisions of Chapter 18, Section 18.05.
 - (11) The facility shall be located on a paved road and supported by, natural gas, municipal water and, if available, public sanitary sewer.
 - (12) The facility shall be screened from the view of any abutting property in accordance with Section 18.04.
- (l) Roadside Stands: In considering such authorization, the approving body shall consider the following standards:
- (1) The proposed location of the roadside stand.
 - (2) The size, nature and character of the building and/or structure to be utilized for the roadside stand.
 - (3) The type and kind of produce and goods to be sold at the roadside stand.
 - (4) The proximity of the roadside stand to adjoining properties.
 - (5) The time or season during which the roadside stand will operate.
 - (6) The parking facilities provided for the roadside stand.
 - (7) Any traffic congestion or hazards which would result from the roadside stand; and
 - (8) The effect of the roadside stand on adjoining properties and the surrounding neighborhood.
- (m) Service and Repair Facilities in the AG District, Farm Related:
- (1) The minimum lot size for a shall be five (5) acres
 - (2) The use shall not be located within a platted or condominium residential development or any public or private street that serves one or more residential lots.
 - (3) Unless specifically authorized by the Planning Commission the total employment is limited to a proprietor and no more than 3 employees or assistants on the premises and no more than 3 additional employees or assistants who report to the site for work performed off the premises.
 - (4) No use shall be conducted upon, or from the premises that will constitute a nuisance or annoyance to adjoining property or residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable

- traffic to the premises
- (5) Storage of explosives is prohibited. Storage of volatile liquid, flammable gases, or hazardous material may be prohibited or allowed to occur if kept for purposes and in quantities and concentrations customarily found on farms in the Township.
 - (6) Outdoor sales display may be authorized if it occupies an area no larger than 500 square feet; and is not located in a required front side yard or rear yard. Outdoor storage must be located in a side yard or rear yard. Outside storage areas shall be screened by at least two rows of deciduous evergreen trees which will reach a minimum of five (5) feet in height after one growing season. An alternative screening approach may be approved by the Planning Commission if it conceals the area as effectively as the first alternative and is consistent with the character of the area.
 - (7) Conditions - The Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:
 - a) The hours of operation.
 - b) The floor area of the use.
 - c) The area, height, bulk, location and exterior appearance of the building(s) and their relationships to neighboring properties and land uses.
 - d) The outdoor storage or display of goods, inventory or equipment and the screening thereof.
 - e) Machinery or electrical activity that may interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 - f) Motor vehicle and/or pedestrian traffic and its circulation on and off site.
 - g) The amount of off-street parking provided, and the location and surfacing and drainage thereof.
 - h) Water usage and the adequacy of the water supply.
 - i) Solid and human waste generation and the proposed means and adequacy of treatment, storage and disposal.
 - j) Screening, lighting and landscaping.
- (n) Vehicle and Equipment Sales and Rentals New and Used (Commercial Districts Only):
- (1) The display of new and used cars shall not be carried out within any required front yard green strip or landscape area.
 - (2) All outdoor vehicle display areas shall be of an improved paved surface.
 - (3) Vehicle display or storage shall not be carried out within areas required for visitors, employees or service parking.
 - (4) All signs, pennants and on site advertising shall be authorized as part of the Special Land Use permit.
- (o) Small Business/Re -Use Of Existing Farm Buildings on Farmsteads in the Rural Corridor (RCD) Overlay Districts.
- This provision recognizes the desire among residents to preserve the rural character of the Township and importance that the preservation of the traditional farmstead represents as a component of that overall character. The intent of this provision is to promote the useful continuation of the farmstead as physical feature of the landscape through the adaptive reuse of the buildings and land area immediately supportive of such buildings. The buildings and lots eligible for adaptive re-use and the businesses permitted on such parcels shall meet all of the conditions of this Subsection.

- (1) The use shall be specifically identified in Section 13A.12(f) as a use that may be authorized as a farmstead re-use.
- (2) The use shall be restricted to occupying only those building(s) existing on or before January 20, 2012. New additions to such buildings may be authorized but may not exceed 25 percent of the floor area of existing buildings located on the farmstead.
- (3) Each building or buildings utilized and any addition, demolition, relocation or replacement thereto shall be subject to approval by the Planning Commission as part of the permitting process. All additions shall be and architecturally similar in character with existing farmstead buildings located on the site.
- (4) Parcels of less than five (5) acres at the time of application will not be considered eligible for consideration and in no case shall the Planning Commission be authorized to approve creation of a farmstead parcel of less than five acres.
- (5) In the case of farmsteads that have a usable farm dwelling, the dwelling may not be separated from the overall parcel unless it is first authorized by the Planning Commission. In considering whether to approve the separation of the farm dwelling and one or more other buildings from the balance of the farmstead, the Planning Commission must first find that the each lot will meet the minimum lot size requirements and that the minimum setback requirements for the district will be either met or will not be further diminished.
- (6) At the time of application the farmstead boundary shall not be located within 1000 feet in any direction of any other approved special use business or another farmstead where the adaptive re -use of existing farm buildings and farmsteads for a small business has been authorized.
- (7) Unless authorized as part of the 25% increase permissible under paragraph 2 herein, the building(s) used for a rural business shall not be one relocated from an unrelated parcel or tract.
- (8) Outdoor accessory uses such as parking and loading areas and out door storage may only be extended to surrounding parts of the lot with the approval of the Planning Commission.
- (10) No use shall be conducted upon, or from the premises that will constitute a nuisance or annoyance to adjoining property or residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the use is conducted;
- (9) Outdoor sales display may be authorized if it occupies an area no larger than 500 square feet; and is located in a required setback or in a side yard or rear yard. Outdoor storage must be located in a side yard or rear yard. Outside storage areas shall be screened by at least two rows of deciduous evergreen trees which will reach a minimum of five (5) feet in height after one growing season. An alternative screening approach may be approved by the Planning Commission if it conceals the area as effectively as the first alternative and is consistent with the character of the area.
- (10) Signs shall be as regulated by Section 21.12.
- (11) A special use permit granted and the conditions imposed shall run with the property unless the use ceases for a period of 12 consecutive months. After a period of twelve (12) consecutive months of inactivity, the special use permit shall expire.

- (12) If the use as permitted by the Planning Commission is subsequently proposed to change, the landowner shall submit an application for a special use permit in accordance with this Chapter.
- (13) Conditions: When authorizing a special use permit for an adaptive re-use under this Section, the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, the following:
- 1) The hours of operation.
 - 2) The floor area of the use.
 - 3) The area, height, bulk and location of the building(s) and their relationships to neighboring properties and land uses.
 - 4) The outdoor storage or display of goods, inventory or equipment and the screening thereof.
 - 5) Driveways and the number, location, spacing and surfacing thereof and driveway closure.
 - 6) The amount of off-street parking provided and its location and surfacing.
 - 7) The number of associates, employees or assistants whether working on-site or performing duties principally off-site.
 - 8) Water usage and the adequacy of the water supply.
 - 9) Solid and human waste generation and the proposed means and adequacy of treatment, storage and disposal.
 - 10) Site drainage. (*Amended by #2012-01-01 adopted 1-12-12*)
- (p) Utility Scale Solar Energy Systems, subject to the following:
- (1) Site Plan Required. An application for special land use approval for a Utility Scale Solar Energy System shall include a site plan in accordance with Chapter 15. In addition to the information required for site plan approval in Section 15.03, all applications must also include all of the following:
 - a) Equipment and unit renderings.
 - b) Elevation drawings.
 - c) Setbacks from all property lines and adjacent structures.
 - d) Notarized written permission from the property owner authorizing the Utility Scale Solar Energy System.
 - e) All additional plans and requirements set forth in this Section and any other information required by the Township.
 - (2) Special Land Use Approval; Permits. Utility scale solar energy systems require special land use approval. In addition, no utility scale solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this section without first obtaining all applicable approvals and permits. The construction, installation, operation, maintenance, or modification of all utility scale solar systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a utility scale solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code and the manufacturer's specifications.
 - (3) Lot Area. Utility scale solar energy systems shall be located on a lot at least twenty (20) acres in size.
 - (4) Setbacks. Utility scale solar energy systems shall be located at least 50 feet from all property lines. The Township may require greater setbacks if it is determined

that greater separation would better protect adjacent residents and property owners.

- (5) Height. Utility scale solar energy systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the collector or equipment to the highest point at full tilt.
- (6) Noise. Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any property line.
- (7) Screening. The Planning Commission may require that a utility scale solar energy system be screened from adjoining residential properties or public rights-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.
- (8) Glare and Reflection. The exterior surfaces of utility scale solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
- (9) Location. Solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties and roads while remaining functional.
- (10) Obstruction. Solar energy systems shall not obstruct or impede solar access to adjacent and neighboring properties.
- (11) Power lines. On site power lines between all structures and ancillary equipment and inverters shall be installed and maintained underground.
- (12) Fencing. For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a utility scale solar energy system be fenced in with at least a four (4) foot tall high fence.
- (13) Operation and Maintenance Plan. The applicant shall submit a plan to the Township for the operation and maintenance of the utility scale solar energy system, which shall include measures for maintaining safe access to the installation and storm water controls, as well as general procedures of operational maintenance of the installation, as applicable.
- (14) Emergency Services. Upon request by Leighton Township, the owner/operator of the utility scale solar energy system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked on the plan. The owner/operator shall identify a current responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the then-current name, phone number and email address of the operator.
- (15) Maintenance. The utility scale solar energy system owner/operator shall maintain the facility in good and safe condition at all times. Maintenance shall include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of fully maintaining the solar photovoltaic installation and any access road(s).
- (16) Decommissioning.
 - a) Any utility-scale solar energy system which has reached the end of its useful life or has not operated continuously for one (1) year or longer shall

be fully removed and the parcel owners shall be required to restore the site to its prior state. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations.

- b) The owner/operator shall notify the Township directly or by certified mail of the proposed date of discontinued operations and plans for removal.
 - c) If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Township may enter the property and physically remove all of the solar energy system and facilities and charge the cost back to the owner(s) of the lot.
 - d) Removal of the solar energy system and facilities shall consist of all of the following:
 - 1) Physical removal of all aboveground or underground utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
 - 2) Disposal off-site of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - 3) Restoration and stabilization or re-vegetation of the site as necessary to minimize erosion.
- (17) Financial Guarantee. The applicant for a utility scale solar energy system shall provide to the Township a form of monetary surety or security, either through an escrow account, letter of credit, bond, or other instrument, acceptable to the Township Attorney. The purpose of the surety or security is to cover the cost of removal of the utility scale solar energy system in the event the owner/operator does not fully remove the solar energy system and facilities or the Township must remove the same. The amount of the financial surety or security shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. The estimated costs of removal shall be submitted by the applicant to the Township and be prepared by a qualified engineer. The surety or security shall be subject to review and approval by the Planning Commission and the Township Attorney and shall be a condition of special land use approval. The amount of the surety or security shall increase by the Federal CPI every five years.

CHAPTER 21

SIGNS

(Amended by Ord.2014-04-01)

SECTION 21.01 DESCRIPTION AND PURPOSE. This chapter is intended to regulate the size, number, location and manner of display of signs in Leighton Township in a manner consistent with the following purposes.

- (a) To protect and further the health, safety and welfare of residents, property owners and visitors.
- (b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- (c) To conserve and enhance community character.
- (d) To promote uniformity in the size, number or placement of signs within districts.
- (e) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for proper placement of signs to safely direct motorists to their destination.
- (f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
- (g) The purpose of this ordinance does not include the regulation of the content or any information included on the sign.

SECTION 21.02 DEFINITIONS.

- (a) Agricultural Industry Sign: A sign which identifies items, products, breeds of animals, poultry or fish, materials, or farming methods used on a farm and also including signs for farm organizations.
- (b) Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. For the purposes of this ordinance the terms awning and canopy are considered interchangeable.
- (c) Awning/Canopy Sign: A sign affixed to the surface of an awning or canopy.
- (d) Balloon Sign: A sign composed of a non-porous bag of material filled with air or gas.
- (e) Banner Sign: A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.
- (f) Billboard: Any sign which advertises an establishment, product, service or activity not available or not conducted on the lot on which the sign is located.
- (g) Business or Commercial Sign: A sign, including a sign on the wall of a building, or using lettered, figured or pictorial messages which are displayed for advertising a business, service, entertainment, or other enterprises or commerce conducted on the land where the sign is located, or products primarily sold, manufactured, processed or fabricated on such land.
- (h) Changeable Copy Sign: "Changeable Copy Sign" means one of the following:
 - (1) Manual. A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials; or
 - (2) Automatic. An electronically controlled sign, where different copy changes are shown on the same unexposed lamp bank, rotating portion of the face of the sign or digital technology, used as a message center reader board.
- (i) Commercial Establishment: A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from

other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

- (j) Community Service Group Sign: A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycee's, Lion's Club or Ambuc's.
- (k) Community and Private (non-commercial) Special Event Sign: A portable sign which is erected for a limited time to call attention to special event of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolence, on private residential property to draw attention to one time events such as birthdays, anniversaries and receptions.
- (l) Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- (m) Copy: The wording on a sign surface in either removable or permanent letter form.
- (n) Directional Sign, On Site: A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.
- (o) Exempt Sign: A sign for which a sign permit is not required.
- (p) Farm Identification Sign: A sign which identifies the name of the farm, a centennial farm, or the family or person operating the farm.
- (q) Flag Sign: A flag which is attached to a pole and which contains the name, logo or other symbol of a business, company, corporation, or agency of a commercial nature.
- (r) Freestanding Sign: A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
- (s) Government Sign: A sign erected or required to be erected by Leighton Township, Allegan County, the state or federal government or any agency thereof.
- (t) Ground Sign: A freestanding sign supported by a narrow base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.
- (u) Identifying Sign: An on site sign which is limited to the name, address and number of a building, institution, or person and to activities carried on in the building or institution, or the occupancy of the person.
- (v) Incidental Sign: A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g. a credit card sign or restroom sign or sign indicating hours of business, or signs on gas pumps.
- (w) Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure or site.
- (x) Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- (y) Marquee Sign: A sign affixed flat against the surface of a marquee.
- (z) Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

- (aa) Nameplate: A non-illuminated, on-premise sign giving only the name, address and/or occupation of an occupant or group of occupants.
- (bb) Non-Commercial Sign: A sign either portable or non-portable not advertising commerce, trade, or location and not otherwise defined herein.
- (cc) Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing”, “No Hunting” signs or “Gas Main” signs, or those used by farmers to identify seed brands and varieties when in conjunction with recently cultivated field crops.
- (dd) Pole Sign: A free standing sign which is supported by a structure, or poles, or braces which are less than 50 percent of the width of the sign.
- (ee) Portable or Temporary Sign: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as signs on moveable trailers whether rented or owned, devices such as banners, pennants, flags (not including flags of state or organizational flags when displayed in the manner prescribed by law), search lights, twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air or gas filled figures.
- (ff) Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- (gg) Point-of-Sale Sign: A sign which carries only the name of the firm, major enterprise, or products offered for sale on the premises.
- (hh) Reader Board: A portion of a sign on which copy is changed manually.
- (ii) Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- (jj) Residential Subdivision Sign: A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.
- (kk) Roof Line: The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- (ll) Roof Sign: A sign erected above the roof line of a building.
- (mm) Sign: A device, structure, fixture, or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity or otherwise intended or used to advise or inform.
- (nn) Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.
- (oo) Window Sign: A sign installed inside a window and intended to be viewed from the outside.
- (pp) Vehicle Sign: A sign located on or attached to a vehicle which is primarily located or used to serve as a sign rather than as transportation. This includes, but is not limited to, automobiles, trucks, boats or airplanes and semi-trailers either attached or detached from a truck tractor.
- (qq) Real Estate Development Sign. A temporary sign at or near the street entrance to a development site generally used to identify platted subdivisions, site condominium subdivisions, manufactured home parks, multiple family housing and similar development projects.

SECTION 21.03 SIGNS PROHIBITED. A sign not expressly permitted by this Ordinance is prohibited. The following types of signs are also expressly prohibited:

- (a) Balloon, strings of light bulbs, pennants, streamers, or flags except for those flags of a non-commercial nature not used for the purpose of commercial advertisement and flag signs except as defined and permitted herein.
- (b) Portable signs except as may be permitted herein.
- (c) Balloon signs.
- (d) Any sign, including window signs, which have flashing, moving, oscillating or blinking lights excluding automatic changeable copy signs and barber pole signs which are permitted. Customary digital time and temperature display and other electronic copy, which changes not more often than once every eight (8) seconds, by means of scrolling or other discernible changes in the pattern of illuminated lights shall not be considered to flash or blink for the purposes of this subsection.
- (e) Roof signs.
- (f) Vehicle signs.
- (g) Signs on a lot without the permission of the landowner.

SECTION 21.04 SIGNS EXEMPTED. The following signs shall be exempted from the provisions of this Ordinance except for setback requirements and the standards of Section 21.07.

- (a) Official traffic signs erected by a government agency.
- (b) Government signs two (2) square feet or less.
- (c) On site non-commercial signs two (2) square feet or less.
- (d) Window signs.
- (e) Memorial signs.
- (f) Murals.
- (g) Signs not visible from any street.
- (h) Signs for essential services which are two (2) square feet or less.
- (i) Placards.
- (j) Community service group or agency signs two (2) square feet or less.
- (k) Nameplate signs two (2) square feet or less.
- (l) Newspaper box signs.
- (m) On site farm identification signs.
- (n) Incidental signs two (2) square feet or less.
- (o) Flags or insignia of any nation, state, township, community organization or educational institution or flags of a non-commercial nature.
- (p) Off-site signs identifying non-profit institutions that do not exceed eight (8) square feet in area and not exceeding four such signs per institution.
- (q) Political or religious signs which meet the size, number, setback and dimensional requirements of other signs in the zoning district where the sign is located.

SECTION 21.05 SIGNS NOT NEEDING A PERMIT. The following signs as defined in this chapter will not require a permit but are still subject to compliance with standards contained in this Ordinance (including, but not limited to Sec. 21.07 and Sec. 21.08).

- (a) Government signs.
- (b) Non-commercial signs.
- (c) On-site directional signs not exceeding ten (10) square feet.
- (d) Temporary construction signs (ref. Sec. 21.08 (f)).
- (e) Temporary signs for residential yard and garage sales.

- (f) Real estate signs (*except Real Estate Development Signs*) advertising the premises (on which the sign is located) for sale, rent or lease, if such signs are not more than six (6) square feet in area for residential property or thirty-two (32) square feet in area for permitted non-residential property.
- (g) Agricultural industry signs as permitted by Section 21.12(f).
- (h) Help wanted signs of a temporary nature not to exceed sixteen (16) square feet.
- (i) Parked vehicles which bear signs provided they are not deliberately parked or located for conspicuous display and therefore do not function as signs.

SECTION 21.06 SIGN PERMITS AND APPLICATION.

- (a) Permits Required: A sign permit from the Township shall be required for the erection, use, construction, moving, or alteration of all signs except those exempted herein. For purposes of this section, alteration shall mean any change to an existing sign including changing the copy to promote, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign.
- (b) Application: An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:
 - (1) Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.
 - (2) Address or permanent parcel number of the property where the sign will be located.
 - (3) A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to easements, buildings and structures along with setback from lot lines.
 - (4) Two blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground, stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than thirty (30) pounds per square foot of area.
 - (5) Any required electrical permit shall be attached to the application.
 - (6) The zoning district in which the sign is to be located.
 - (7) For a pole sign which is to be twenty (20) feet or higher design plans sealed by a professional engineer shall be submitted with the application.
 - (8) Any other information which the Zoning Administrator may require in order to demonstrate compliance with this Ordinance.
 - (9) Signature of applicant or person, firm or corporation erecting the sign.
- (c) Electrical Signs: All signs requiring electrical service shall be reviewed for compliance with the Township's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.
- (d) Issuance of Sign Permit: The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township ordinances are met. A sign authorized by a permit must be installed or under construction within six (6) months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filling a new application and fee. The Zoning Administrator is authorized to require the posting of a performance guarantee for the removal of temporary signs issued a permit under these provisions. The performance guarantee shall be an amount that is established by the Township Board for such purposes and shall be posted at the time of issuance of the sign permit and the approval of any extension thereof.

SECTION 21.07 DESIGN, CONSTRUCTION AND LOCATION STANDARDS.

- (a) All signs shall be properly and reasonably maintained at all times and shall not be allowed to become unsightly or decrepit through disrepair or as a result of the weather.
- (b) Sign supports, braces, guys and anchors shall be maintained in good condition and repair at all times and in such a manner as not to cause a hazard.
- (c) Signs shall be constructed to withstand all wind and vibration forces normally expected to occur in the vicinity.
- (d) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- (e) Signs may not be placed in, upon or over any public right-of-way, public or private access, drainage or utility easement or alley, except as may be otherwise permitted in writing by the Allegan County Road Commission, the Michigan Department of Transportation or the holder of the subject access, drainage or utility easement.
- (f) A light pole or other support structure not specifically designed as a sign support structure may not be used for the placement of any sign unless specifically approved for such use.
- (g) A sign may not be erected or installed where by reason of its position, shape, color, or other characteristics, it interferes with, obstructs or can be confused with an official traffic sign, signal, or device.
- (h) A sign may not contain rapidly flashing, or moving parts or have the appearance of having rapidly flashing, or moving parts, except for automatic changeable copy signs or barber pole signs, customary digital time and temperature display and other electronic copy, which changes not more often than once every three (3) seconds, by means of scrolling or other discernible changes in the pattern of illuminated lights, shall not be considered to rapidly flash, blink or move for the purposes of this subsection.
- (i) A wall sign may not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- (j) The permitted location of all signs shall be as regulated under the provisions contained in this chapter. In no case may a sign and/or its supporting mechanism extend beyond the lot lines of the property on which it is located or into the street right of way.

SECTION 21.08 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS. The following sign regulations are applicable to all zoning districts.

- (a) Except for billboards, non-commercial signs, community special event signs and signs advertising farm products or farm operations as permitted herein, all signs must be stationary and must pertain only to the use, business or activity conducted on the premises.
- (b) Wall and freestanding signs may include reader boards.
- (c) Pole signs and awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- (d) Vehicles or trailers which are intended to function as or used as signs, are prohibited.
- (e) Real Estate signs are temporary signs permitted in all Zoning Districts. The size and location regulations applicable to real estate signs are included in the district provisions of this Chapter. Unless otherwise indicated, all real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
- (f) Construction signs are permitted within any district, subject to the following restrictions:

- (1) Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
 - (2) Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - (3) Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
- (g) Community and private (non-commercial) special event signs, including banner signs, are permitted in any district, subject to the following restrictions:
- (1) No more than three (3) such signs shall be displayed within the Township at any one time for each special event. Such signs may be located either on or off the lot on which the special event is held.
 - (2) The display of such signs shall be limited to the ten (10) days immediately preceding the special event which is being advertised.
 - (3) Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height above ground level of six (6) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet. The front setback shall be as required for signs in the district in which the sign is to be located.
 - (4) Such signs shall be removed within forty eight (48) hours of the conclusion of the special event which is being advertised.
- (h) On-site directional signs are permitted in any district subject to the following restrictions:
- (1) A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - (2) Such sign shall not exceed ten (10) square feet in area or six (6) feet in height, and shall be setback at least five (5) feet from any lot line.
 - (3) Directional signs shall be limited to traffic control functions only.
- (i) Garage, estate sales, auctions, and roadside stand signs are permitted in any district subject to the following restrictions:
- (1) One (1) sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of five (5) feet from any side or rear property line.
 - (2) Such sign shall not exceed six (6) square feet in area or three (3) feet in height.
 - (3) Such sign shall be erected no more than three (3) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
- (j) Off site farm products or farm operations or billboard signs advertising solely the sale of farm products or farm operations which are not located on the property which contains the farm are permitted in any district subject to the following restrictions:
- (1) No more than three (3) such signs for the same farm operation shall be displayed within the Township.
 - (2) Such signs shall be no larger than thirty-two (32) square feet and no higher than six (6) feet above grade.
 - (3) The minimum front setback shall be as required for other signs in the zoning district in which the sign is to be located.
 - (4) Such signs shall not be placed on land where another sign is located or which contains a principal use except for a single family dwelling or farm buildings.
- (k) Non-commercial signs are permitted in all zoning districts subject to the following restrictions:

- (1) Such signs shall be subject to the regulations of the zoning district in which the sign is located.
- (2) Non-commercial signs erected on billboards are subject to the regulations of Section 21.09 and other applicable regulations of this Chapter.

SECTION 21.09 BILLBOARDS. Unless as permitted for farm signs under Section 21.08(j) above, billboards are permitted only in the I-1 Industrial District and are subject to all of the following:

- (a) Not more than three (3) billboards may be located per linear mile of street or highway regardless if such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Leighton Township where the particular street or highway extends beyond such boundaries.
- (b) Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.
- (c) Billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two (2) parallel billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection “D” below.
- (d) No billboard may be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
- (e) No billboard may be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
- (f) No billboard may be located closer than seventy-five (75) feet to a public road right-of-way or ten (10) feet from any side or interior boundary line of the lot on which the billboard is located.
- (g) The surface display area of any side of a billboard may not exceed one hundred fifty (150) square feet. In the case of billboard structures with tandem (goal post) or stacked billboard faces, the combined surface display area of both faces may not exceed one hundred fifty (150) square feet.
- (h) The height of a billboard may not exceed twenty five (25) feet above: (1) the natural grade of the ground on which the billboard sits or, (2) the grade of the abutting roadway toward which the sign face is directed, whichever is higher.
- (i) A billboard may be illuminated, provided the illumination is concentrated on the surface of the sign and is located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or an adjacent premises. In no event shall any billboard have flashing, rotating, oscillating or intermittent lights as otherwise prohibited in this Ordinance.
- (j) A billboard must be constructed to withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of the structure, continued structural soundness and continued message readability.
- (k) A billboard established within a business, commercial, or industrial area, as defined in the “Highway Advertising Act of 1972” (1972 PA 106, as amended) bordering interstate

highways, freeways or primary highways as defined in the Act must, comply with the above requirements and this Chapter, as well as comply with all applicable provisions of the Act and the regulations promulgated there under, as such may from time to time be amended.

- (l) Digital Billboards. Where a digital billboard is allowed, the following shall be applicable:
- (1) There shall be no animation, cartoon, or movie or television-style pictures or depictions.
 - (2) There shall be no movement at all.
 - (3) No design shall have a white background in order to reduce glare. In order to reduce glare, no design shall have a white background.
 - (4) The rate of change between two (2) static messages shall be one second or less.
 - (5) There shall be a minimum of eight (8) seconds between copy changes.
 - (6) The face of the sign shall be dimmed automatically from 30 minutes before sunset to 30 minutes before sunrise down to 5% of its daylight brightness setting. The sign shall not exceed an illumination of 50 foot candles as measured from a two (2) foot distance.
 - (7) The owner(s) of a digital billboard must coordinate with relevant public agencies to allow for the display of real-time emergency information such as Amber Alerts or natural disaster directives.
- (m) No billboard shall be approved, installed, or erected at any time when there are eight (8) or more existing billboards located within Leighton Township.
- (n) No billboard shall be located on a lot which has a building or other principal use thereon.

SECTION 21.10 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS NECESSARY TO NONCONFORMING USES.

- (a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- (b) Nonconforming signs may not be structurally altered, or its sign face expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- (c) The face of a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- (d) A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the district in which the property is located.
- (e) If a sign loses its lawful nonconforming designation or status, the sign (and all portions thereof) shall be removed immediately and shall not be repaired, moved, replaced or rebuilt unless it fully complies with all requirements of this Ordinance. A nonconforming sign shall lose its lawful non-conforming designation and status if the Zoning Administrator determines that any of the following is applicable:
- (1) The sign is relocated, removed, moved, rebuilt or replaced.
 - (2) The sign is destroyed. A sign shall be deemed destroyed if any of the following occurs:
 - a) The sign is torn down or demolished;
 - b) The sign is wrecked or ruined;

- c) Such damage has been done to the sign that it cannot be returned to its prior state by routine repair, but only by replacement or material rebuilding; or
 - d) More than 50% of the face of the sign has been shattered, or a portion of the sign face touches the ground.
- (3) Even if a sign has not been destroyed, but damage or deterioration has occurred to the point of 50% or more, the sign shall be deemed to have lost its lawful nonconforming status.
 - (4) The structure or size of the sign is altered in any material way other than a change of copy or normal maintenance which does not physically alter the sign.
 - (5) There is a material change in the use of the premises where the sign is located.
 - (6) A building permit is issued for any construction on the premises where the sign is located which increases the total building square footage by more than 5% or 5,000 square feet, whichever is less.

If a lawful nonconforming sign suffers 50% or more damage or deterioration, it loses its lawful nonconforming status and must be brought into full compliance with this Ordinance or be removed. In order to determine whether or not a sign has been damaged or has deteriorated by 50% or more, the costs of physically repairing the sign shall be compared to the costs of physically replacing the sign. If less than 50% damage or deterioration has occurred pursuant to such comparison, the sign may be repaired to its exact original state.

SECTION 21.11 MEASUREMENT OF SIGNS.

- (a) Unless otherwise specified within this ordinance for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- (b) The area of a freestanding or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two (2) feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- (c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

SECTION 21.12 AG AGRICULTURAL DISTRICT AND R-1 AGRICULTURAL AND RURAL ESTATE DISTRICT. The following signs are permitted in the Agricultural and Rural Estate Zoning Districts and approved Planned Developments (PDs) located therein. The following signs are permitted in the Agricultural and Rural Estate Zoning Districts and approved Planned Developments (PDs) located therein. Signs as permitted and regulated by Section 21.04, 21.05, 21.07 and 21.08.

- (a) Wall Sign: For permitted uses other than dwellings.
 - (1) One sign per street frontage to be placed on that side of the building which directly faces the street.

- (2) A wall sign shall not exceed one hundred (100) square feet.
- (c) Ground Sign: For permitted uses other than dwellings.
- (1) One per parcel not to exceed thirty-two (32) square feet in area.
 - (2) The height of a ground sign shall not exceed six (6) feet above grade.
 - (3) Ground signs shall be setback a minimum of ten (10) feet from the front lot line and a minimum of fifty (50) feet from all other lot lines.
- (d) Pole Signs: Permitted only when associated with an approved Special Land Use and only if the proposed use is located on a County primary road.
- (1) Pole signs shall not exceed sixty four (64) square feet in area and twenty five (25) feet in height.
 - (2) Pole signs shall be setback a minimum of twenty five (25) feet from the front lot line and a minimum of one hundred (100) feet from all other lot lines.
- (e) Non-Commercial Signs: One sign per issue or candidate per lot with each sign not-to-exceed thirty-two (32) square feet in area and six (6) feet in height. Such signs shall be setback a minimum of ten (10) feet from the front lot line and ten (10) feet from all other lot lines.
- (f) Agricultural Industry Signs, On Premises: Such signs shall not exceed thirty-two (32) square feet per sign. Such signs shall not be placed to create a hazard or visibility problem for motorists, pedestrians, or cyclists.
- (g) Real Estate Signs: As outlined in Section 21.05.
- (h) Real Estate Development Signs: For development sites such as platted subdivisions, site condominium subdivisions, manufactured home parks, multiple family housing and similar development projects, one Real Estate Development sign is permitted at or near each street entrance to the development site. Each sign shall be further regulated as follows:
- 1) Each sign structure shall be limited to thirty two (32) square feet of sign area (each side) and six (6) feet of height.
 - 2) The sign shall be locate no closer than five(5) feet to a property line or street right of way line, and shall not be located within the street right of way.
 - 3) The sign(s) shall be removed within 36 months of final plat or development plan approval by the Township.
 - 4) In cases where a development is proceeding in phases having distinct final approval dates, each phase will be considered a separate development and may have its own temporary sign(s).
 - 5) The Zoning Administrator may grant one or more time limit extensions of 12 months each. In order to obtain an extension, an applicant must demonstrate that twenty five (25) percent or more of the lots or units within the development (or development phase) remain unsold and are under the control of the applicant. Extensions may be granted directly, or through an authorized agent, to any individual or business entity having ownership interest in the unsold lots or units within the development.
 - 6) An extension may only be granted if the sign is found to be in good repair.
 - 7) To secure the removal of any sign determined to be in violation of these terms, the Zoning Administrator shall require a performance guarantee. The performance guarantee shall be in the form and amount that is established for such purpose by the Township Board shall be posted at the time of issuance of the sign permit and the approval of any extension thereof.

SECTION 21.13 R-2, R-3 PLD and RESIDENTIAL PD DISTRICTS. The following signs are permitted in the R2, R3, PLD and approved Residential PD Districts:

- (a) Signs as permitted and regulated by Sections 21.04, 21.05 and 21.07 and 21.08.
- (b) Wall Sign: For non-residential uses only:
 - (1) One sign per street frontage to be placed on that side of the building which directly faces the street.
 - (2) A wall sign shall not exceed one hundred (100) square feet.
- (c) Ground Sign: For residential subdivisions or site condominiums, multiple family developments, elderly housing, mobile home or manufactured home parks, schools, churches or other permitted non-residential uses:
 - (1) One per parcel not to exceed thirty six (36) square feet in area.
 - (2) The height of a ground sign shall not exceed six (6) feet above grade.
 - (3) Ground signs shall be setback a minimum of twenty five (25) feet from all lot lines.
 - (4) For residential subdivisions the following regulations shall apply:
 - a) A ground sign identifying the development is permitted only if s subdivision or home owners association is established and provisions are made for such an association to maintain the sign.
 - b) Ground signs shall be constructed primarily with carved wood, brick, stone, wrought iron, terra cotta, glazed tile or similar decorative material in order to reflect and enhance the residential character of the area.
- (d) Non-Commercial Sign: One per candidate or issue with each sign not to exceed six (6) square feet in area and six (6) feet in height. All signs shall be setback a minimum of ten (10) feet from all lot lines.
- (e) Real Estate Sign:
 - (1) For single and two family dwellings one sign per parcel. Such signs shall not exceed six (6) square feet in area and six (6) feet in height.
 - (2) For non-residential uses, a real estate sign not to exceed thirty-two (32) square feet in area is permitted. Such sign shall not exceed six (6) feet in height and shall be setback a minimum of five (5) feet from all lot and street right of way lines. and shall be setback a minimum of ten (10) feet from all lot lines.
- (d) Real Estate Development Signs: For development sites such as platted subdivisions, site condominium subdivisions, manufactured home parks, multiple family housing and similar development projects, one Real Estate Development Sign is permitted at or near each street entrance to the development site. Each sign shall be further regulated as follows:
 - (1) Each sign structure shall be limited to thirty two (32) square feet of sign area (each side) and six (6) feet of height.
 - (2) The sign shall be locate no closer than five(5) feet to a property line or street right of way line, and shall not be located within the street right of way.
 - (3) The sign(s) shall be removed within 36 months of final plat or development plan approval by the Township.

- (4) In cases where a development is proceeding in phases having distinct final approval dates, each phase will be considered a separate development and may have its own temporary sign(s).
- (5) The Zoning Administrator may grant one or more time limit extensions of 12 months each. In order to obtain an extension, an applicant must demonstrate that twenty five (25) percent or more of the lots or units within the development (or development phase) remain unsold or unleased, and are under the control of the applicant. Extensions may be granted directly, or through an authorized agent, to any individual or business entity, having ownership interest in the unsold lots or units within the development.
- (6) An extension may only be granted if the sign is found to be in good repair.
- (7) To secure the removal of any sign determined to be in violation of these terms, the Zoning Administrator shall require a performance guarantee. The performance guarantee shall be in the form and amount that is established for such purpose by the Township Board shall be posted at the time of issuance of the sign permit and the approval of any extension thereof.

SECTION 21.14 COMMERCIAL DISTRICTS. The following signs are permitted in each of the “C” commercial zoning districts and approved commercial planned developments.

- (a) Signs as permitted and regulated by Sections 21.04, 21.05, 21.07 and 21.08.
- (b) Wall Signs And Canopy Signs:
 - (1) Each commercial establishment or tenant space in a multi-tenant building may be permitted to have one (1) wall or canopy sign. For each establishment of tenant on a corner lot, one (1) wall sign or canopy sign per public or private street frontage is permitted. Each building or tenant space shall have no more than one (1) sign per wall. Wall and canopy signs shall be further subject to the following:
 - a) Commercial buildings or tenant spaces with zero (0) to seventy (70) lineal feet of wall fronting a public street are permitted a sign area not to exceed one and one-half (1-1/2) square feet for every one (1) lineal foot of wall fronting the public street. For those commercial buildings or tenant spaces with less than thirty-two (32) feet of lineal wall frontage, a sign of up to forty eight (48) square feet is permitted (See Schedule A).
 - b) In addition to the sign area identified above, commercial buildings or tenant spaces with more than seventy (70) lineal feet of wall fronting a public street are permitted an additional sign area equal to one and one-half (1-1/2) square feet for every three (3) lineal feet in excess of seventy (70).
 - (2) Wall signs or canopy signs shall not face an agricultural or residential zoning district unless the district and the building are separated by a public or private street or other non-residential zoning district.
 - (3) The sign shall be attached to the same wall which was used to determine its size.
- (c) Free Standing Sign: One point-of-sale ground sign or pole sign per lot or development subject to the following regulations:
 - (1) Pole Sign
 - a) The sign shall be limited to a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building line. This area may be increased by two percent (2%) for each increment of one (1) foot that the sign setback exceeds the minimum sign setback of this section, up to a

- maximum of one hundred sixty (160) square feet.
- b) Pole signs shall be setback a minimum of five (5) feet from the front lot line and ten (10) feet from all other lot lines.
 - c) Pole signs shall not exceed twenty five (25) feet of height and shall have a minimum height between the bottom of the sign and the ground, of eight (8) feet. The support structure(s) for a pole sign shall not be more than three (3) feet wide on any one side.
 - d) The design plans for any pole sign which is twenty (20) feet or higher, shall be sealed by a professional engineer to ensure the structural integrity of such signs for the safety of the public.
- (2) Ground Signs. A sign of up to fifty (50) square feet shall be permitted for each lot or development and shall also be subject to the following:
- a) The height of a ground sign shall not exceed six (6) feet above ground.
 - b) Ground signs shall be setback a minimum of five (5) feet from the front lot line and fifteen (15) feet from the side lot lines. In addition, the placement of ground signs shall conform to the requirements of Section 21.07(g) herein.
- (d) Non-Commercial Signs: One per candidate or issue with each sign not to exceed thirty-two (32) square feet in height. Such signs shall be setback a minimum of five (5) feet from the front lot line and at least fifteen (15) feet from all other lot lines.
 - (e) Real Estate Signs: One per lot not to exceed thirty-two (32) square feet in area and six (6) feet in height. Such signs shall be setback a minimum of five (5) feet from the front lot line and fifteen (15) feet from all other lot lines.
 - (f) Vehicle Service Station Signs: Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of such signs shall not exceed three (3) square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline dispenser shall also be permitted. Signs placed on canopies over dispenser islands may be placed on more than one canopy side. The total square footage of wall signs and signs placed on the canopy face may not exceed the square footage allowed for a wall sign as established by the lineal frontage of the lot.
 - (g) Flag Signs: One per lot not to exceed twenty four (24) square feet. The flag sign shall be displayed on a pole. If the flag sign shares the same pole as the United States flag, the flag sign shall be the smaller of these two flags.
 - (h) Multi Use Buildings: Any free standing building supporting no more than two businesses occupying the same tenant space and having common entrances and exits will be allowed a fifty percent (50%) increase in the total square footage of wall sign and free standing sign area. Separate wall signs will be allowed for each use but no more than one (1) free standing sign is permitted.

SECTION 21.15 I-1 INDUSTRIAL AND O/I OFFICE/INDUSTRIAL DISTRICTS.

The following signs are permitted in the I-1 and O/I Office/Industrial zoning districts.

- (a) Signs as permitted and regulated by Sections 21.04, 21.05, 21.07 and 21.08. Free standing pole signs are prohibited.
- (b) Wall Signs:
 - (1) Each industrial building or establishment may be permitted to have one (1) wall or canopy sign. For each individual building or establishment on a corner lot, one

- (1) wall sign per public or private street frontage is permitted. Each industrial building or establishment shall have no more than one (1) sign per wall.
- (2) The size of the wall or canopy sign shall be subject to the following regulations:
- a) For those industrial buildings or establishments with less than one hundred twenty five (125) feet of lineal wall facing a street, a sign of up to fifty (50) square feet is permitted. Industrial buildings or establishments with one hundred twenty five (125) to two hundred fifty (250) lineal feet of wall frontage facing a street are permitted a sign area not to exceed one (1) square foot for every two and one-half (2-1/2) lineal feet of wall frontage. (See Schedule B.)
 - b) Sign area equal to one (1) square foot for every five (5) lineal feet of wall frontage facing a street in excess of two hundred fifty (250) is permitted in addition to the above.
- (3) Wall signs and canopy signs shall not face a residential or agricultural zoning district unless the district and the building are separated by a public or private street or another non-residential zoning district.
- (4) The sign shall be attached to the same wall used to determine its size.
- (c) Ground Sign:
One ground sign per lot may be permitted subject to the following regulations:
- (1) The sign shall not exceed fifty (50) square feet in area.
 - (2) The height of a ground sign shall not exceed six (6) feet in height.
 - (3) Ground signs shall be setback a minimum of five (5) feet from the front lot line and fifteen (15) feet from side lot lines.
- (d) Industrial Park Identification Sign: One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within. Such signs may be ground signs or attached to a wall and shall be constructed primarily with carved wood, brick, stone, wrought iron, terra cotta, glazed tile or other similar decorative material. Such signs shall be appropriately landscaped with low level lighting.
- (e) Non-Commercial Signs: One sign per candidate or issue with each sign not to exceed thirty-two (32) square feet in area and six (6) feet in height. Such signs shall be setback a minimum of five (5) feet from the front lot line and twenty five (25) feet from all other lot lines.
- (f) Real Estate Signs: One sign per lot not to exceed thirty-two (32) square feet in area and six (6) feet in height. Such sign shall be setback a minimum of five (5) feet from the front lot line and twenty five (25) feet from all other lot lines.
- (g) Flag Signs: Each flag sign shall not exceed twenty four (24) square feet and shall be displayed on a pole. If the flag sign shares a pole with the United States flag, the flag sign shall be the smaller of these two flags. More than one flag sign is permitted.
- (h) Billboard Signs: As only allowed under the provisions of Section 21.09.

**SCHEDULE A
Area of Wall Sign
Per Section 21.14(b)
("C-1 and C-2" Commercial Districts)**

Lineal Feet of Wall To Which the Sign is Attached	Permitted Sign Size (sq. feet)	Lineal Feet of Wall to Which the Sign is Attached	Permitted Sign Size (sq. feet)
0-32	48	51	76.5
33	49.5	52	78
34	51	53	79.5
35	52.5	54	81
36	54	55	82.5
37	55.5	56	84
38	57	57	85.5
39	58.5	58	87
40	60	59	88.5
41	61.5	60	90
42	63	61	91.5
43	64.5	62	93
44	66	63	94.5
45	67.5	64	96
46	69	65	97.5
47	70.5	66	99
48	72	67	100.5
49	73.5	68	102
50	75	69	103.5
		70	105
		Over 70	1 and ½ sq. ft. for every 3 sq. ft. feet over 70

**SCHEDULE B
Area of Wall Sign
per Section 21.15(b)
("I-1 and O/I" Districts)**

Lineal Feet of Wall To Which the Sign is Attached	Permitted Sign Size (sq. feet)	Lineal Feet of Wall To Which the Sign is Attached	Permitted Sign Size (sq. feet)
0-125	50	190	76
127.5	51	192.5	77
130	52	195	78
132.5	53	197.5	79
135	54	200	80
137.5	55	202.5	81
140	56	205	82
142.5	57	207.5	83
145	58	210	84
147.5	59	212.5	85
150	60	215	86
152.5	61	217.5	87
155	62	220	88
157.5	63	222.5	89
160	64	225	90
162.5	65	227.5	91
165	66	230	92
167.5	67	232.5	93
170	68	235	94
172.5	69	237.5	95
175	70	240	96
177.5	71	242.5	97
180	72	245	98
182.5	73	247.5	99
185	74	250	100
187.5	75	Above 250	1 sq. ft. for every 5 lineal ft. over 2500

CHAPTER 22

OPEN SPACE PRESERVATION PROJECTS

SECTION 22.01 PURPOSE AND APPLICABILITY. The Michigan Zoning Enabling Act 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 dwellings on the remaining portion. The number of dwellings cannot be less than the number which would be permitted on the land without the open space preservation regulations. The purpose of this Article is to adopt open space preservation provisions consistent with the Michigan Zoning Enabling Act.

Unless otherwise amended, this Chapter shall only apply to single family residential open space preservation projects in the AG and R-1 Zoning Districts.

SECTION 22.02 REVIEW PROCEDURE. An open space preservation development shall be reviewed by the Planning Commission according to the requirements and general standards for site plan review contained in Chapter 15 of this Ordinance except as otherwise provided in this Chapter.

SECTION 22.03 ITEMS SUBMITTED FOR REVIEW.

- (a) Application: The applicant shall submit a completed application form for open space preservation projects as provided by Leighton Township. The application may be required to include a review fee as established by resolution of the Township Board for such purposes and/or an escrow amount to be deposited in an account created for the project for the purposes of reimbursement of review expenses to the Township.
- (b) Open Space Preservation Plan: The applicant shall submit 9 sets of the Open Space Preservation Plan which shall include information required by Section 15.03 of this Ordinance and the following information:
- (1) The areas devoted to preserved open space.
 - (2) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission.
 - (3) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
 - (4) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
 - (5) If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Allegan County Health Department and or Michigan Department of Natural Resources and Environment (DNRE) that the soils are suitable for on site septic systems.
- (c) Related Approvals: If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Leighton Township Subdivision Control Ordinance

or the Leighton Township Site Condominium Subdivision requirements of this Ordinance, as applicable.

- (d) Existing Zoning Plan: In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan.

This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan may be conceptual in nature but shall include at least the following information:

- (1) Date, north arrow and scale, which shall not be more than 1" = 200'.
- (2) Location of streets and utility right-of-way adjacent to and within the site.
- (3) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
- (4) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
- (5) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit documentation from the Allegan County Health Department that the soils on each proposed lot are suitable for on site disposal systems.
- (6) The Existing Zoning Plan shall illustrate all un-buildable land, which shall include slopes of 20% or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features, which limit or prevent construction of buildings or roads. No more than 50% of the area of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes or other bodies of water may be included in calculating the number of developable lots in an existing zoning plan.

SECTION 22.04 DETERMINATION OF NUMBER OF LOTS. The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Section were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the Existing Zoning Plan in this Section.

SECTION 22.05 OPEN SPACE REQUIREMENTS.

- (a) Minimum Open Space: A minimum of fifty (50%) percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "open space") by means of restrictions and other legal instruments that runs with the land.

- (1) Common Ownership of Preserved Areas: Any land intended to be used as common area by homeowners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:

- a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
- b) That a permanent organization for maintenance and management of such

- area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
- c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
 - d) That the restrictions could be enforced by all property owners and by the Township.
- (2) Preserved Areas Not Owned in Common: Land areas, which are to be preserved but not held in common ownership, shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to 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 would adequately preserve the natural features and regulate the use of the open land.
 - c) That the restrictions could be enforced by all property owners and by the Township.
- (b) Areas Not Counted as Open Space:
- (1) The area within all public or private road rights-of-way.
 - (2) Golf course.
 - (3) Any easement for overhead utility lines.
 - (4) The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
 - (5) Off street parking areas.
 - (6) Detention and retention ponds created to serve the project.
 - (7) Proposed community drain fields.
 - (8) Subject to Planning Commission approval, lakes and ponds created as part of the project may be included in final open space calculations. Existing lakes and ponds shall be excluded from meeting the minimum of fifty (50%) open space requirement unless such lakes or ponds lie entirely within a single development site or lot.
- (c) Standards for Open Space: The following standards shall apply to the preserved open space required by this Section:
- (1) Features To Be Preserved: In order to approve a cluster-housing proposal, the Planning Commission must determine that the parcel of land contains natural features, which would be preserved through the use of cluster development. Such features must include at least one of the following:
 - a) Natural stands of large trees.
 - b) Natural habitat for wildlife within the developed portion of the property.
 - c) Unusual topographic features.
 - d) Productive farmland.
 - e) Water or wetland areas.
 - (2) The open space may include a recreational trail, picnic area, children's play area, community building or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - (3) Not less than fifty percent (50%) of the minimum required open space shall be held in common.

- (4) The open space shall be available for all residents of the development, subject to reasonable rules and regulations.
- (5) 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.
- (6) A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
- (7) Open space shall be located so as to be reasonably accessible to the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
- (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.
- (9) Open space areas shall take into account adjacent public and private open space areas and where possible shall be located and established to provide or facilitate the creation of continuous open space areas and corridors.

SECTION 22.06 DEVELOPMENT REQUIREMENTS.

- (a) Water and Sanitary Sewer: Open Space Preservation projects shall be served by either public or community water and sanitary sewer 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 Existing Zoning 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.

- (1) The minimum lot sizes shall not be less than the following:

	Target* Minimum Lot Size	*Target Minimum Lot Width
AG and R-1 Zone	18,000 square feet	90 feet

* Conventional lot size requirements are reduced by more than 50% in order to allow the developer to achieve the same number of lots as allowed under the existing zoning and still set aside 50% of the parcel as open space. Where it is shown by soil borings that the allowed number of lots could meet Health Department approval but the above target minimums cannot be achieved on each lot, the Planning Commission may waive the minimum lot size or lot width requirement on a lot by lot basis.

- (2) The minimum front, side and rear yard setback standards as applied to single family houses in the R-2 Low Density Residential District shall apply (Ref. Sec. 7.05).
- (c) Compliance with Zoning District: The development of land under this Section 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 setback requirements.
- (d) Maximum Number of Lots: The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the “Existing Zoning Plan” approved by the Planning Commission under Section 22.04.
- (e) Perimeter Lots: Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation development 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 require sidewalks in accordance with the Township's Site Condominium Ordinance and Subdivision Control Ordinance.
- (g) Grading: Grading shall comply with the following requirements:
 - (1) To preserve the natural appearance of the land, 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 permitted by the Planning Commission.

CHAPTER 23

WIRELESS COMMUNICATION FACILITIES (WCF)

SECTION 23.01 PURPOSE. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Chapter to:

- (a) Facilitate adequate and efficient provision of sites for Wireless Communication Facilities (WCF).
- (b) Establish a number predetermined districts or zones of the shape and in the locations, considered best for the establishment of Wireless Communication Facilities, subject to applicable standards and conditions.
- (c) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the Township. Consequently, more stringent standards and conditions should apply to the review, approval and use of the facilities.
- (d) Ensure that Wireless Communications Facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- (e) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- (f) Promote the public health, safety and welfare.
- (g) Provide for adequate information about plans for Wireless Communications Facilities in order to permit the community to effectively plan for the location of such facilities.
- (h) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- (i) Minimize the negative visual impact of Wireless Communication Facilities on neighborhoods, community landmarks, buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- (j) The Township Board finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public

health, safety and welfare.

SECTION 23.02 PERMITTED USES WITHIN PERMITTED USE OVERLAY ZONES.

Subject to the standards and conditions set forth in Section 23.05, Wireless Communication Facilities shall be permitted uses in the following circumstances, and in the following overlay zones:

- (a) An existing structure which will serve as an Attached WCF within a non-residential zoning district, where the existing structure is not, in the discretion of the Administrative Official, proposed to be either materially altered or materially changed in appearance; or an existing structure which will serve as an Attached WCF within a residential zoning district if the accessory building is either not visible from any residence or can be screened to that extent in accordance with the standards set forth in Section 3.04 and where the existing structure is not, in the discretion of the Administrative Official, proposed to be either materially altered or materially changed in appearance.
- (b) A proposed co-location upon an Attached WCF which had been pre-approved for such co-location as part of an earlier approval by the Township.
- (c) An existing structure which will serve as an Attached WCF consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Administrative Official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- (d) A proposal to establish a new WCF shall be deemed a permitted use if proposed in a Permitted Use Overlay Zone, as shown on the overlay map made a part of this Chapter.

SECTION 23.03 SPECIAL LAND USES WITHIN SPECIAL LAND USE OVERLAY ZONES.

If it is demonstrated by an applicant that a WCF may not reasonably be established as a permitted use under Section 23.02 and the WCF is, nonetheless required in order to operate a wireless communication service, then, a WCF may be authorized as a Special Land Use under the procedures as provided in Chapter 20, within a Special Land Use Overlay Zone considering the standards and conditions in Sections 23.05 and 23.06. The Special Land Use Overlay Zone is as shown on the overlay map made a part of this Chapter.

SECTION 23.04 SPECIAL LAND USES OUTSIDE OF SPECIAL LAND USE OVERLAY ZONES.

If it is demonstrated by an applicant that a WCF may not reasonably be established either as a Permitted Use or within a Special Facility Overlay Zone, identified in Sections 23.02 and 23.03, then, a WCF may be permitted as a Special Land Use elsewhere in the Township under the procedures and as provided in Chapter 20, subject to the standards and conditions of Sections 23.05 and 23.06, and also subject to the following:

- (a) At the time of the submittal, the applicant shall demonstrate that a location within a Permitted Use or Special Land Use overlay zone cannot meet the need required for operation of a system.
- (b) Wireless Communication Facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which, at the discretion of the Planning Commission, is found to be most compatible with the existing character of the proposed site, neighborhood and general area.
- (c) In site locations outside of a Permitted Use Overlay Zone identified in Section 23.02(d) or a Special Land Use Overlay Zone identified in Section 23.03, above, a WCF shall be considered first on the following sites, subject to application of all other standards contained in this section:

- (1) Religious or other institutional site.
 - (2) Municipally owned site.
 - (3) Other governmentally owned site.
 - (4) Public or private school site.
 - (5) Other locations outside of the airport hazard area (within a radius extending horizontally 10 miles from the established airport reference point of the Kent County International Airport) as shown on the overlay map made part of this Chapter, if none of the above is available.
 - (6) Location within the airport hazard area when other locations listed above are unavailable.
- (d) If the application for a WCF is for a site within the airport hazard area of the Kent County International Airport, the following additional standards shall apply:
- (1) The WCF shall require approval of the Director of Aeronautics of the Kent County Department of Aeronautics if the support structure and antennas exceed a total height of 894 feet above mean sea level.
 - (2) The total height of the support structure and antennas shall not exceed 1294 feet above mean sea level.

SECTION 23.05 STANDARDS AND CONDITIONS APPLICABLE TO ALL WCF FACILITIES. All applications for Wireless Communication Facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed with a Special Land Use approval:

- (a) Facilities shall be located, landscaped and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
- (b) Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicants licensed engineer.
- (c) Applicants shall demonstrate a justification of the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity (strobe) lighting shall not be permitted.
- (d) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). The accessory building used to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.
- (e) The setback of a new or materially modified support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
- (f) Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, from that parcel shall be in accordance with the required setbacks for main or principal buildings as provided for the zoning district in which the support structure is located and be otherwise sufficient taking into account the information

- required by Section 23.07(c).
- (g) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
 - (h) The division of property for the purpose of locating a WCF is prohibited unless all zoning requirements and conditions are met.
 - (i) Where an Attached WCF is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For co-location facilities served by an accessory building, there shall be a single architecturally uniform accessory building for all providers.
 - (j) The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility from off site, maximize aesthetic appearance including at and from ground level and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the WCF in a neat and orderly fashion.
 - (k) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
 - (l) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
 - (m) The use of high intensity (strobe) lighting on a WCF shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
 - (n) Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of Township processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a WCF within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.
 - (o) The antenna and other attachments on a WCF shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number of size of such attachments, and shall be designed and constructed to maximize aesthetic quality.

SECTION 23.06 STANDARDS AND CONDITIONS APPLICABLE TO SPECIAL LAND USE FACILITIES. Applications for Wireless Communication Facilities which may be approved as Special Land Uses under Sections 23.03 or 23.04, shall be reviewed, and if

approved, constructed and maintained, in accordance with the standards and conditions in Section 23.05, any Special Land Use approval conditions, and in accordance with the following standards:

- (a) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - (1) Proximity thoroughfare to an interstate or major
 - (2) Areas of population concentration
 - (3) Concentration of commercial, industrial, and/or other business centers.
 - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (6) Other specifically identified reason(s) creating facility need.
- (b) The proposal shall be reviewed in conformity with the co-location requirements of this section.

SECTION 23.07 APPLICATION REQUIREMENTS.

- (a) A site plan prepared in accordance with Chapter 15 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- (b) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure as required by the standards and conditions set forth in Section 23.05.
- (c) The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- (d) The application shall include a description of security to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (h) below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.
- (e) The application shall include a map showing existing and known proposed Wireless Communication Facilities within the Township, and further showing existing and known proposed Wireless Communication Facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential

commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

- (f) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (g) The application fee, in the amount specified by Township Board Resolution.
- (h) The owner or duly authorized representative of all ownership interest in the land on which the WCF is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator of the facility does not sign the application, approval shall be restricted as provided in Section 23.05(n)

SECTION 23.08 CO-LOCATION. It is the policy of the Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached WCF purposes, consistent with the statement of purpose and intent, set forth in Section 23.01. Each licensed provider of a WCF must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, and Section 23.01. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

- (a) Feasibility of Co-Location: Co-location shall be deemed to be “feasible” for purposes of this section where all of the following are met:
 - (1) The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location. For purposes of this standard and the demonstration required under Section 23.08(c)(1), “market rent or other market compensation” means an amount and/or form of compensation or consideration that represents the amount that knowledgeable persons, acting in good faith, after reasonable negotiations would agree upon.
 - (2) The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - (3) The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, give inappropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - (4) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the

intent and purpose of this section and the several standards contained in Sections 23.05 and 23.06.

(b) Requirements for Co-Location:

- (1) A Special Land Use permit for the construction and use of a new WCF shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs. In determining whether an applicant has undertaken to pay “market” rent or other market compensation for co-location”, consideration shall be given to whether the applicant’s claim is supported by the opinion, award, determination or recommendation of a qualified, fully informed and disinterested third person such as an arbitrator or mediator, with a rebuttable presumption that absent such support, the applicant has not undertaken to pay market rent or other market compensation for co-location.
- (2) All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate co-location.
- (3) The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a WCF shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- (4) If a party who owns or otherwise controls a WCF shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation an contradiction of the policy, intent and purpose of the Township, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Township for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(c) Incentive: Review of an application for co-location, and review of an application for a permit for use of a facility permitted under Section 23.02, shall be expedited by the Township.

SECTION 23.09 REMOVAL.

- (a) A condition of every approval of a WCF shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- (1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - (2) Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication

system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.

- (b) The situations in which removal of a facility is required, as set forth in Section 23.09(a), may be applied and limited to portions of a facility.
- (c) Upon the occurrence of one or more of the events requiring removal, specified in Section 23.09(a), the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- (d) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- (e) The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

SECTION 23.10 EFFECT AND APPROVAL.

- (a) Final approval under this section shall be effective for a period of six (6) months except that if construction of a WCF is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the 6 month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

CHAPTER 24

CONSERVATION SUBDIVISION PLANNED UNIT DEVELOPMENT OPTION

SECTION 24.01 PURPOSE. The intent of this Chapter is to offer an alternative to the pervasive rural subdivision using planned unit development (PUD) procedures as authorized under Section 503 of the Michigan Zoning Enabling Act, being Act 110 of 2006 as amended. These provisions encourage greater innovation and offer more flexibility in the design of open space/cluster residential developments than can be achieved under the provisions of the underlying **A-2 Agricultural and R-1 Agricultural Rural Estates Districts**. They are intended to preserve the rural character of the land by promoting the creation of compact residential clusters that are encompassed and veiled by open space and less intensive land uses. The Conservation Subdivision Planned Unit Development provisions allow variation from permitted lot density, lot area and width standards for lots in single family residential developments in exchange for improved open space, enhanced screening and buffering techniques and amenities and other design considerations such as single loaded streets that will enhance the rural quality of life. These provisions also offer a greater degree of flexibility in the housing density, use and design of open space and residential clusters than is permitted in Open Space Preservation projects as defined and regulated under Chapter 22 and as promulgated by Section 506 of the Michigan Zoning Enabling Act, as amended.

Land use goals and objectives for the Township which may be better accomplished through the use of the Conservation Subdivision Development PUD provisions include the following:

- (a) The provision of meaningful buffers between agricultural land and operations and more intensive residential development.
- (b) The conservation and preservation of woodlands and sensitive environmental areas such as wetlands in the Township and to otherwise minimize the disturbance of woodlands, steep slopes, ridgelines, wetlands and stream corridors in the design of new development.
- (c) To facilitate the continued use of farmland while accommodating residential development that will not over capacitate the soil, aquifers and roadways.
- (d) To recognize the value of and to facilitate the creation of "developed" open space and recreation facilities such as golf courses, man made lakes, equestrian facilities and passive athletic grounds within residential developments in concert with land in an "undeveloped state", as defined in Section 102 of the Michigan Zoning Enabling Act, as amended.
- (e) Greater accessibility to natural areas and developed open space and recreation land by their inclusion within new developments as common areas.
- (f) The provision of "developed" recreation and open space facilities that are privately financed and maintained for the use of residents in the development and/or the public.

SECTION 24.02 PERMITTED USES. The uses permitted within conservation subdivision developments are restricted to detached single family residential dwellings, customary residential accessory uses and structures and improved and unimproved open space. At the time of project approval, the Planning Commission may approve the following uses as allowable uses of open space:

- (a) Agricultural accessory buildings and limited agricultural activities when conducted within the open space areas designated within the development. For the purposes of this Section agricultural activities shall be limited to the growing of trees, crops, fruits and

vegetables and/or the raising, breeding, training and keeping of farm animals. Areas made part of the development intended to support farming activities shall be located, arranged and restricted to minimize any nuisance or hazard to the residents of the development.

- (b) Natural areas, golf courses, equestrian facilities, tennis courts, ball fields, trails, playgrounds, community buildings and similar recreational facilities as well as day care facilities. Such uses shall be accessory to the residential uses in the development and designed to be primarily used by residents of the development unless specifically designed and authorized by the Planning Commission as public use facilities.
- (c) Accessory structures and buildings customarily associated with single family residential dwellings shall be subject to the requirements, unless otherwise specified herein, residential accessory buildings shall be regulated by the provision that pertains to accessory buildings in Sections 3.10 and 3.11 except that no accessory building shall be located in the front yard of a dwelling lot. The location, size appearance and use of buildings and structures associated with an approved open space use shall be established by the Planning Commission as a condition of approval of the planned unit development plan approval for a Development.

SECTION 24.03 LOCATION PRINCIPLES. The following general principles shall be utilized to evaluate the location of any proposed conservation subdivision district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact and appropriateness of the development and its design.

- (a) Protecting Natural and Cultural Features: All conservation subdivision developments shall be designed to promote the preservation of natural features and or cultural features. Significant wildlife habitats, sensitive environmental lands, productive and unique farmland and scenic vistas, historic structures are to be conserved and/or protected where practical.
- (b) Access to Public or Private Roadway: Conservation subdivision developments shall have at least one property line abutting a public or private roadway. All entrances and exits shall be directly to or from said roadways. In the case of a parcel having frontage on more than one public or private roadways, the Planning Commission shall determine the most appropriate number and location of access point or points.
- (c) If an already existing private road is to be used it must be in compliance with the Leighton Township Private Road ordinance. PUD approval of a private road can be held in lieu of separate Private Road proof of compliance.

SECTION 24.04 MINIMUM OPEN SPACE AND AREA REGULATIONS.

- (a) Minimum Development Acreage: The minimum size of any Conservation Subdivision Development shall be ten (10) acres of contiguous land.
- (b) Minimum Required Open Space: The minimum amount of preserved and protected open space contained in any Conservation Subdivision shall be thirty five percent (35%) of the gross acreage of the project and shall meet the open space standards of Section 24.08 of this Chapter. A minimum of forty-percent (40%) of the protected open space shall be held in common or in public ownership. The balance of the minimum required protected open space may be held privately. All lands intended to be held in common and all open space which is to be preserved but not held in common or by the public shall be protected by restrictions meeting the criteria of Sections 24.09, 24.10 and 24.11 of this Chapter.
- (c) Lot Area: The average area for all house lots in the development shall not be less than

thirty seven thousand five hundred (37,500) square feet provided that:

- (1) No more than forty percent (40%) of the lots in the development shall be less than thirty seven thousand five hundred (37,500) square feet in area.
 - (2) The minimum lot area shall be not less than eighteen thousand (18,000) square feet.
 - (3) No portion of a lot exceeding two acres shall be used in calculating adherence to the required minimum average.
 - (4) The well and septic facilities for each lot that is not served by public water and/or sewer shall be approved by the State or County Health Department having jurisdiction. Note: Although a parcel size may meet Township requirements it may fail to meet development requirements for on site sewer and water.
- (d) Lot Width: The minimum lot width at the front building line shall be 90 feet. The street frontage for individual lots may be less than the required lot width when the lot is arranged along a cul-de-sac street, or other street curve. The lot width at the street may also be reduced for individual unique situations where strict adherence to a minimum frontage requirement would contribute unnecessarily an inefficient lot arrangement, or to the wasting of otherwise appropriate building sites.
 - (e) Front Yard: There shall be a front yard setback of not less than thirty (30) feet.
 - (f) Side Yard: For residential buildings, there shall be a side yard setback of not less than ten (10) feet.
 - (g) Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.
 - (h) Exterior Setbacks: The setback of any residential dwelling, residential accessory structure or other building approved in the development shall be a minimum of fifty (50) feet from any property not included within the development.
 - (i) Accessory Buildings: No residential accessory building shall be constructed within any required front yard setback. No detached accessory building shall be closer than ten (10) feet to the dwelling or within any required side or rear setbacks. No accessory building within the residential areas shall exceed fourteen (14) feet in height.
 - (j) Common Area Setbacks: For all other buildings and structures, permitted by the Planning Commission in common areas within the development, the minimum front, rear and side-yard setbacks shall be fifty (50) feet.

SECTION 24.05 HEIGHT REGULATIONS AND MINIMUM FLOOR AREA REQUIREMENTS. Height and floor area requirements for structures within an approved Conservation Subdivision PUD shall be the same requirements as generally applied in the underlying AG or R-1 Zoning District. (Ref. Sections 5.04 and 5.06 or 6.04 and 6.06 as applicable.)

SECTION 24.06 MAXIMUM BASE DENSITY AND DENSITY BONUS. Through the preservation of permanent developed and undeveloped open space and the use of subdivision design techniques that limit the impacts on the rural character, the total number of lots permitted in a Conservation Subdivision Development may be allowed to exceed the number of dwelling lots achievable utilizing the conventional lot area standards of the underlying AG or R-1 Zoning District.

- (a) Minimum Open Space: Unless otherwise modified and approved by the Planning Commission based upon the criteria of below Section 24.06 (c) thirty five (35%) percent of the gross acreage shall be set aside as permanently protected open space.
- (b) Maximum Bonus: The combined total number of bonus dwelling units granted shall not

exceed fifty (50%) percent of the base number of dwelling units achievable under the conventional density and lot area requirements for the district.

(c) Bonus Dwelling Units: The number of dwelling units granted as bonuses shall be earned bonuses derived as follows:

- (1) Open Space in Excess of Thirty Five (35%) Percent - One bonus dwelling unit will be granted for each two (2) acres of preserved open space, in excess of the thirty five percent (35%) required under above paragraph a).
- (2) Streetscape and Buffer Bonus - One bonus dwelling unit or a two acre reduction in the minimum of thirty five (35%) percent of open space required may be granted for each three hundred (300) feet of frontage by two hundred-fifty (250) feet deep (measured from the edge of existing or proposed right-of-way) increment of uninterrupted open space that is preserved directly adjacent to an existing public roadway or existing residences.
 - a) As a variation to the two hundred-fifty (250) feet of streetscape depth, the Township may in its discretion require the creation of a seventy-five (75) foot deep (measured from the edge of existing or proposed right-of-way) professionally landscaped, planted and maintained buffer along the adjacent existing public road right of way or between new home sites and existing residences adjacent to the development. The township may in its discretion accept a densely vegetated “no disturb” zone at least seventy-five (75) feet in depth as satisfying the above streetscape and existing residence buffer.
- (3) Open Space Improvements - One (1) bonus dwelling unit or a two (2) acre reduction in the minimum of thirty five (35%) percent open space required may be granted for each five hundred (500) foot increment of five (5) foot wide improved, handicap accessible walkway or trail. In addition, one bonus dwelling unit or a two (2) acre reduction in required open space may be granted for each seventeen hundred-fifty (1750) foot increment of five (5) foot wide improved or semi-improved trail not meeting handicap accessible standards. For purposes of this Section a semi-improved pedestrian trail shall consist of a clear travel width of at least five (5) feet, a well drained and solid sand or gravel base capable of being maintained for year round use and shall be clearly marked. Satisfactory mechanisms for perpetual trail maintenance shall be incorporated into the documents required under this Chapter.
- (4) Single Loaded Streets - One bonus dwelling unit or a two (2) acre reduction in the minimum of thirty five (35%) percent open space required, may be granted in exchange for each three hundred (300) lineal feet of frontage by one hundred fifty (150) feet deep segment of open space provided along an internally constructed street.
- (5) Public Dedication of Open Space - Dedication of land for public use including trails and active recreation areas is encouraged. A density bonus for open space dedicated to the public for such purpose shall be computed on the basis of one lot or building site for each two (2) acres of open space accessible to the public. The decision to accept an applicant’s offer to dedicate open space for public access shall be at the discretion of the Township Board, who shall be guided by the Planning Commission and any officially adopted Township or county plans and policies for parks, recreation and open space.
- (6) Contribution to an Open Space Acquisition and Maintenance Fund - The Planning

Commission may in consultation with the Township Board allow a density bonus for the express purpose of generating income or endowment for a Township open space acquisition and maintenance fund. For each bonus lot granted in a development not otherwise justified by the above Section 24.6 (c), items (1) through (5), a minimum of seventy-five (75%) percent of the value improved lot (as determined by an independent and certified appraiser) must be donated to an open space endowment fund created for such purposes. The fund must be restricted to expenditures used for the public acquisition and maintenance of open space and recreation land located anywhere within the Township.

- (7) Access - Developments located on unimproved public streets (gravel) may not be granted bonus dwellings if in the discretion of the Planning Commission, it is determined that the condition of the public roadway from which primary access will be derived is in sub-standard condition and deterioration would be materially accelerated by the project; and the roadway is not scheduled for improvements in the foreseeable future. Bonus densities may be subsequently authorized for development at the request of the developer once appropriate roadway improvements have been made.
- (d) Existing Zoning Plan: In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan. This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan may be conceptual in nature but shall include at least the following information:
- (1) Date, north arrow and scale, which shall not be more than 1" = 200'.
 - (2) Location of streets and utility right-of-way adjacent to and within the site.
 - (3) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
 - (4) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
 - (5) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit documentation from the Allegan County Health Department that the soils on each proposed lot are suitable for on-site disposal systems.
 - (6) The Existing Zoning Plan shall illustrate all un-buildable land, which shall include slopes of 20% or greater, regulated, and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads. No more than 50% of the area of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes or other bodies of water may be included in calculating the number of developable lots in an existing zoning plan.

SECTION 24.07 DETERMINATION OF NUMBER OF LOTS. The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Chapter were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the Existing Zoning Plan in this

Section.

SECTION 24.08 STANDARDS FOR APPROVAL. In addition to the general standards and requirements provided in Chapter 20, the following standards for approval shall be considered by the Planning Commission when considering requests for conservation subdivision planned unit developments:

- (a) Quality of Design: Do the proposed uses consider and use to their best advantage, the overall size, shape, topography and location of the parcel proposed for the conservation subdivision?
- (b) Preservation of Natural Features: Does the open space include any irreplaceable natural features located on the parcel, such as but not limited to significant views, stream beds, threatened or endangered plant species, significant stands of trees, and individual trees of significant size or variety?
- (c) Substantial Benefit: Will the approval of this development grant a substantial benefit, to both residents of the development and the Township in general, which under more traditional zoning, would not occur?
- (d) Compatibility with Adjacent Uses: The proposed Conservation Subdivision site plan shall set forth in detail all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
 - (1) The bulk, placement, and materials of construction of proposed structures.
 - (2) Pedestrian and vehicular circulation.
 - (3) The location and screening of vehicular use or parking areas.
 - (4) The provision of landscaping and other site amenities.
- (e) Impact of Traffic: The Conservation Subdivision project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
- (f) Protection of Natural Environment: The proposed project shall be protective of the natural environment and avoid or minimize the pollution, impairment, or destruction of the environment according to the Michigan Environmental Protection Act and any other relevant law or regulation.
- (g) Access to Open Space: The proposed project shall assure access to the designated open space area by residents within the conservation subdivision project site, or by the public if the open space is publicly owned. This requirement may be waived if ownership of the open space is dedicated for agricultural purposes.
- (h) Compliance with Applicable Regulations: The proposed project shall comply with all applicable federal, state, county, and local regulations unless specifically waived in writing or approved under these provisions.

SECTION 24.09 UNIFIED CONTROL. 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 in the form of agreements, contracts, performance guarantees, covenants, and or deed restrictions that indicate that the development will be completed in its entirety, as proposed.

SECTION 24.10 COMMON OWNERSHIP OF PRESERVED AREAS. Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:

- (a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
- (b) That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
- (c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
- (d) That the restrictions could be enforced by all property owners and by the Township.

SECTION 24.11 PRESERVED AREAS NOT OWNED IN COMMON. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to 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 would adequately preserve the natural features and regulate the use of the open land.
- (c) That the restrictions could be enforced by all property owners and by the Township.

SECTION 24.12 GENERAL ADMINISTRATIVE REQUIREMENTS.

- (a) Procedures: Application for review and approval of a conservation subdivision shall be made in accordance with the provisions of Chapter 20 Special Land Uses, and the site plan content requirements of Section 15.04.
- (b) Effect of Approval:
 - (1) Approval of a Conservation Subdivision proposal shall not require, nor shall it be construed as an amendment to the zoning ordinance. All improvements and uses of the site shall be in conformity with the approved site plan and comply fully with any conditions imposed by the Planning Commission.
 - (2) Any development involving a land division that is not exempted under the State Land Division Act, as amended shall require subsequent or concurrent review as a platted subdivision or site condominium.
- (c) Recording of Action: The applicant shall record an affidavit with the Allegan County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved Conservation Subdivision site plan unless an amendment is adopted by the planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Allegan County Register of Deeds and copies of recorded documents shall be presented to the Township Clerk.
- (d) Continuing Adherence to Plan: Any property owner who fails to conform to an approved Conservation Subdivision plan shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.
- (e) Performance Guarantee: In accordance with Chapter 20, the Planning Commission may require that a performance guarantee be deposited with the Township to insure

completion of improvements.

SECTION 24.13 SCHEDULED PHASING. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding service, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Conservation Subdivision project and surrounding properties.

SECTION 24.14 REVISION OF APPROVED PLAN.

- (a) General Revisions: Approved plans for Conservation Subdivision developments may be revised, under the same procedures required for initial approval set forth in Chapter 20.
- (b) Minor Changes: Notwithstanding any provision in the Ordinance to the contrary, minor changes to an approved Conservation Subdivision plan, including changes to the project phasing, may be permitted by the Planning Commission following the site plan review procedures of Chapter 15. Such minor changes may be approved by the Planning Commission without resort to the public notice and hearing procedures set forth in Chapter 20 if the Planning Commission specifically finds:
 - (1) Such changes will not adversely affect the initial basis for granting approval;
 - (2) Such changes shall not result in the increase in density or reduction of open space area or a change in the use of open space use as originally approved.
 - (3) The change is internal and does not have a direct relationship to an adjacent property.

CHAPTER 25

ADMINISTRATION AND ENFORCEMENT

SECTION 25.01 ZONING ADMINISTRATION. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

SECTION 25.02 ZONING ADMINISTRATOR. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must be: (1) generally informed of the provisions of this Ordinance; (2) have a general knowledge of the building arts and trades; and (3) be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into or used in connection with building construction. The Zoning Administrator shall be empowered to appoint a substitute Zoning Administrator who shall have the same powers as the Zoning Administrator possesses and who shall exercise these powers whenever appointed by the Zoning Administrator to serve in his absence. The Township Board is hereby empowered to remove said Zoning Administrator or his substitute at any time for good cause.

SECTION 25.03 PERMITS, ZONING COMPLIANCE AND CHANGE OF USE.

- (a) No activity which requires the issuance of a zoning compliance or change of use permit shall be undertaken until such permit has been obtained from the Zoning Administrator. Activities requiring a zoning compliance or change of use permit shall include:
- (1) The erection, movement, placement, reconstruction, extension, enlargement, or alteration of any building or structure in any zoning district;
 - (2) The initial use of any property;
 - (3) The change of any building or property from one type of use to a different type of use;
 - (4) The grading, excavation or filling in preparation for construction.

An application for permit shall be in writing upon duplicate printed forms furnished by the Township. The forms shall indicate the type of activity requiring approval and the approval(s) requested by the applicant.

A zoning compliance or change of use permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavation, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over his signature, file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Administrator shall also provide the applicant with a "zoning compliance card" signed by the Zoning Administrator stating, as applicable, the type of activity and the extent of the work authorized. This card shall be attached to and remain on the lot or premises during the process of any authorized work.

A building permit and construction card issued by the Building Inspector, if that official is other than the Zoning Administrator, may serve as the "zoning compliance card" if the building permit and construction card are signed by the Zoning Administrator and

- Building Official and the appropriate indications of approved activities and/or use changes appear in writing on the building permit and construction card.
- (b) Contents of Application: Each application shall include such reasonable information as may be requested by the Zoning Administrator in order to determine compliance with the terms and provisions of this Ordinance and shall include, as a minimum, the following information: (1) the location and actual dimensions of the lot or premises to which the permit is to apply; (2) the kind of buildings or structures to which the permit is to apply; (3) the width of all abutting streets; (4) the area, size and location of all buildings or structures to which the permit is to apply; (5) the type of use to be made of the building or structure to which the permit is to apply; (6) the use of buildings or structures on adjoining lands; and (7) the estimated cost of the building or structure. The Zoning Administrator, in his discretion, may waive the inclusion of any of the foregoing information in an application if he shall determine that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.
- (c) Accessory Buildings or Structures: Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended enlarged or altered separately or at a different time than the principal building on the same lot or premises.
- (d) Planning Commission Approval: When the terms of this ordinance require authorization as a Special Land Use and/or site plan by the Planning Commission, the Zoning Administrator shall not issue a zoning compliance or change of use permit until such authorization has been made and the site plan signed by the Planning Commission Chairperson has been made part of the Zoning Compliance or change of use application.
- (e) Issuance of Permit: Within ten (10) days after the receipt of any application, the Zoning Administrator shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case, the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
- (f) Expiration of Permits: A permit for a dwelling and all other structures for which all construction work has not been completed within one (1) year from the date of its issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall upon reapplication be renewable for an additional term of one (1) year for an additional fee of one half (1/2) of the original permit fee.
- (g) Cancellation of Permits: The Zoning Administrator shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.
- (h) Permit Not Issued: In those cases where uses have changed or buildings or structures have been erected, moved, placed, reconstructed, extended, enlarged, or altered, without a permit, the Zoning Administrator is hereby empowered to charge a double fee.
- (i) Fees: For each permit issued, a fee shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. All fees shall be paid in accordance with the

fee schedule established by the Township Board as amended from time to time. The payment of such fees is a condition precedent to the validity of the permit.

- (j) Building Code Fees: Building and structures regulated under the provision of the building code as adopted by the Township Board shall be assessed building permit fees according to a schedule adopted by the Township Board.

SECTION 25.04 INSPECTION OF BUILDINGS AND STRUCTURES.

- (a) As work progresses under a permit, the holder thereof or his authorized agent shall cause the Zoning Administrator to be notified at the following stages of construction:
- (1) Upon completion of the footing and foundation walls.
 - (2) Upon completion of the rough frame of the building or structure and the electrical wiring.
 - (3) Upon total completion of the work authorized by the permit and before occupancy or use.
- (b) Should the permit holder fail to comply with all of the terms and provisions of this Ordinance at any stage of construction, the Zoning Administrator is authorized to revoke and cancel the permit and cause notice of such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

SECTION 25.05 CERTIFICATION OF COMPLIANCE. No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate by the Zoning Administrator affirming that such building or structure conforms in all respects to the provisions of this Ordinance. Such certificate shall be used after the work is complete and final inspection has been made.

SECTION 25.06 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING. 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) 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.

CHAPTER 26

BOARD OF APPEALS

(Amended by Ord. 2014-04-01)

SECTION 26.01 ZONING BOARD OF APPEALS.

- (a) Membership and Officers: A Zoning Board of Appeals (ZBA) is hereby created for Leighton Township. Such Board shall consist of five members, and may consist of two alternates, appointed by the Township Board. Regular and alternate members shall be registered electors of the Township, provided that no elected officials of the Township, nor any employee of the Township may serve as a member of the Board except as provided herein. One of the regular members of the Zoning Board of Appeals shall be a member of the Township Planning Commission. One regular member may be a member of the Township Board, but that member shall not serve as chairperson of the Zoning Board of Appeals. The Zoning Board of Appeals shall elect one of its member as chairperson and one of its members as secretary.
- (b) Term of Office: Initially, one member of the Zoning Board of Appeals shall be appointed for a term of three years, two members shall be appointed for a term of two years each, and two members shall be appointed for a term of one year each. Thereafter, each member, when appointed, shall have a term of three years. Alternates shall be appointed for three-year terms.
- (c) Service on Board; Removal: Members of the Zoning Board of Appeals may be removed by the Township Board pursuant to law. Any vacancy shall be filled by the Township Board for the remainder of the un-expired term. An alternate member of the Zoning Board of Appeals may be called to serve if the regular member is unable to attend or has abstained for reason of conflict of interest. An alternate member appointed in a case shall serve in that case until a final decision is made. An alternate member shall vote and otherwise have all of the authority and responsibility of a regular member.

SECTION 26.02 VOTING REQUIREMENTS. The concurring vote of three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the building inspector or zoning administrator or decide in favor of the applicant on any matter upon which the Board is required to pass upon under this chapter or under the Zoning Enabling Act, or to grant any variance in the Zoning Ordinance as provided in this chapter.

SECTION 26.03 MEETINGS AND QUORUM. Meetings of the Zoning Board of Appeals shall be open to the public and shall be at the call of the chairperson and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. No less than three members of the Zoning Board of Appeals must be present to constitute a quorum for the conduct of business.

SECTION 26.04 RECORDS. The secretary shall record minutes of all proceedings of the Zoning Board of Appeals, which shall contain evidence and data relevant to every case considered, together with a tabulation of the vote of each member and the final disposition of each case. Such minutes shall be a public record.

SECTION 26.05 DUTIES AND POWERS OF THE BOARD OF APPEALS. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which are more particularly specified as follows:

- (a) Interpretations. Make interpretations of the Zoning Map of the Township of Leighton, Allegan County, Michigan, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- (b) Appeals. Hear and decide appeals from, and review any order, requirements, decisions, or determination made by, an administrative official or body charged with enforcement of this Ordinance, excluding any requirements, decisions or determinations made with regards to Special Land Uses, site plans or planned unit developments.
- (c) Variances. Where there are practical difficulties preventing a property owner from conforming to the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power to authorize variances from the requirements in this Ordinance, with such conditions and safeguards as it may determine to be necessary so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. While the ZBA may grant dimensional or other site-plan-related variances for special land uses, site plans or PUD's (where such an appeal is expressly approved by the Planning Commission), the ZBA shall not have the power to grant variances from any general or specific special land use standard, site plan or PUD standards contained in this Ordinance or conditions of special land use, site plan or PUD approval as imposed by the approving body.
- (d) Land Use Variances not permitted. The Zoning Board of Appeals shall not have the power to permit a use not otherwise allowed within a zoning district (i.e., a use variance) or otherwise.

SECTION 26.06 APPEALS. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator, the Planning Commission, or other administrative officer or body charged with enforcement of this ordinance, with the exception of requirements, decisions or determinations made with regards to special land use, site plan and PUD applications.

The Zoning Board of Appeals is to review the record and decision of the administrative body or official and determine whether the record supports the conclusion or decision that was reached, in light of the requirements of this Chapter. The ZBA is bound by the same rules, procedures, and standards in this Ordinance as the original decision body. The ZBA should uphold the original decision unless the record clearly shows at least one of the following:

- (a) The decision was arbitrary or capricious;
- (b) The body or official failed to ensure consistency with Ordinance standards;
- (c) The body or official made an error, such as relying on false or inaccurate information;
- (d) The decision constituted an abuse of discretion; or
- (e) The decision was based upon erroneous interpretation of this chapter or zoning law.

SECTION 26.07 TIME FOR APPEAL, NOTICE. Any appeal from the ruling of the Building Inspector or Zoning Administrator concerning the interpretation or enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals within fifteen (15) days after the date of the decision which is the basis of the appeal. The person making the appeal shall file with the Township an application for appeal specifying the grounds for the appeal.

SECTION 26.08 EFFECT OF APPEAL. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator shall certify to the Board, after notice of the appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril of life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or on application and notice to the Building Inspector by the circuit court of due cause shown.

SECTION 26.09 VARIANCES. No variance in the provisions or requirements of this Ordinance shall be approved by the Zoning Board of Appeals unless the Board makes findings, based upon competent material and substantial evidence on the whole record that all of the following standards will be met:

- (a) That the enforcement of the literal requirements of this Ordinance would cause practical difficulties.
- (b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (c) That the literal interpretation of a provision of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- (d) That the authorizing of such variance will not be of substantial detriment to adjacent or nearby lands, structures or buildings, and will not be contrary to the spirit and purpose of this Ordinance.
- (e) That the special circumstances or conditions referred to in subsection (b) do not result from the actions of the applicant.

SECTION 26.10 HEARINGS. When a notice and application of appeal, variance, or interpretation has been submitted in proper form to 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 25.06 of this Ordinance. The Zoning Board of Appeals may recess such hearing from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice thereof shall be required.

SECTION 26.11 DECISIONS. The Zoning Board of Appeals may reverse or affirm wholly or in part, or may modify, any order, requirement, decision, or determination on which an appeal has been taken, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of an appropriate and lawful permit. The Zoning Board of Appeals shall also make findings and reach decisions upon all other matters which, under the terms of this Ordinance or by law, it is required to herein decide. In its minutes, the Board shall state the reasons and grounds for each of its decisions or determinations. The decision of the Board shall be final, but any person having an interest affected by any such decision (as defined by law) may appeal to the circuit court in the manner and upon the procedure specified by law. Reasonable conditions may be attached to any variance granted by the Zoning Board of Appeals.

SECTION 26.12 EXPIRATION OF VARIANCES. Each variance granted under the provisions of this chapter shall automatically expire one year from the date granted unless:

- (a) The construction authorized by such variance or permit has been substantially

commenced within one year after the granting of the variance and is progressing toward completion; or

- (b) The creation or occupancy of land, premises, or buildings authorized by the variance has taken place within one year after the variance was granted.

SECTION 26.13 APPLICATIONS.

- (a) Variances, appeals and interpretations of any nature in which Zoning Board of Appeals action is sought shall be commenced by a person filing an application for such action on a form and accompanied by such fees as may be specified by the Township. An application for appeal shall specify the grounds upon which the appeal is based. Applications involving a request for a variance shall specify the requirements from which the variance is sought and the nature and extent of the variance. Applications involving a request for an interpretation shall specify the zoning ordinance provision(s) for which the interpretation is requested, shall state the date of decision by the Zoning Administrator or Building Inspector and shall describe the context of the interpretation request. All applications made to the Zoning Board of Appeals shall, at a minimum, contain the following information, as applicable:
 - (1) The applicant's name, address and phone number.
 - (2) Proof that the applicant or is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
 - (3) The name, address and phone number of the owner(s) of record if different than - the applicant.
 - (4) The address and/or parcel number of the property.
 - (5) A legal description of subject property or properties.
 - (6) A land survey or other accurate and scaled plan drawing. The plan drawing shall depict the matter or structures subject of the appeal or variance, including but not limited to the location, dimensions and area of all structures, fences, retaining walls, driveways and parking areas and utilities on the site; scale, north arrow, and date of drawing. Recent aerial photos may be used to supplement but shall not replace the required drawings.
- (b) If any of the items listed are not applicable, the applicant shall specify in the application or on the plan drawing, which items do not apply, and furthermore, why the items are not applicable.
- (c) The Zoning Administrator and Zoning Board of Appeals has the discretion to require additional items such as but not limited to, building floor plans and elevations, when such items are found to be germane and necessary to the application.
- (d) All applicable Township fees shall be paid at the time of application.

SECTION 26.14 REPRESENTATION. Any party may appear in person or by agent or by attorney at a hearing considering the request or appeal.

CHAPTER 27

CONDITIONAL ZONING

Amended by #2011-10-01

The Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006

SECTION 27.01 INTENT. 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 of the Michigan Zoning Enabling Act, as amended, 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.

SECTION 27.02 APPLICATION AND OFFER OF CONDITIONS.

- (a) 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.
- (b) 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.
- (c) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.

SECTION 27.03 PLANNING COMMISSION REVIEW. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Chapter 18 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.

SECTION 27.04 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 28 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, in accordance with Section 401 of the Zoning Enabling Act, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and/or otherwise proceed in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

SECTION 27.05 APPROVAL.

- (a) 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.
- (b) The Statement of Conditions shall:
 - (1) 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.
 - (2) Contain a legal description of the land to which it pertains.
 - (3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - (4) 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.
 - (5) 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.
 - (6) 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.
- (c) 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.
- (d) 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.

- (e) 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.

SECTION 27.06 COMPLIANCE WITH CONDITIONS.

- (a) 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.
- (b) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

SECTION 27.07 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.

SECTION 27.08 REVERSION OF ZONING. If the approved development and/or use of the rezoned land does not occur within the time frame specified under Section 27.07 above, then the land shall revert to its former zoning classification as set forth in Section 405 of the Zoning Enabling Act, as amended. 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.

SECTION 27.09 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 27.08 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.

SECTION 27.10 AMENDMENT OF CONDITIONS. During the time period for commencement of an approved development or use specified pursuant to Section 27.07 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.

SECTION 27.11 TOWNSHIP'S RIGHT TO REZONE. Nothing in the Statement of Conditions or 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 Act, as amended.

SECTION 27.12 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.

CHAPTER 28

ORDINANCE AMENDMENT

SECTION 28.01 INITIATION OF AMENDMENTS. Amendments to this Ordinance may be initiated by the Township Board by resolution or by any interested person or persons by petition to the Township Board.

SECTION 28.02 AMENDMENT PETITION PROCEDURE. All petitions for amendment to this Ordinance shall be in writing signed, and filed in triplicate with the Township Clerk for presentation to the Township Board. Such petitions shall include the following:

- (a) The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- (b) The nature and effect of the proposed amendment;
- (c) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned;
- (d) The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- (e) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare;
- (f) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

SECTION 28.03 AMENDMENT PROCEDURE. 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 25.06 of this zoning ordinance.

SECTION 28.04 REZONING CRITERIA. In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
- (b) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
- (c) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
- (d) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

SECTION 28.05 USES NOT LISTED OR ADDRESSED IN THE ZONING ORDINANCE

- (a) In recognition that not all potential land uses can be specifically addressed in this Zoning Ordinance, this Section establishes the procedures under which the Township shall proceed in settling the question of “unlisted land uses” as follows:
- (1) The Planning Commission shall at the request of the Zoning Administrator or applicant, first make a finding that the proposed or subject use is or is not listed or addressed as a “Permitted Use” or “Authorized Special Land Use” in any zoning district.
 - (2) If the use is not listed or addressed in the Zoning Ordinance the Planning Commission may find that the use closely resembles a “permitted use” or a class of uses allowed as matter of right in at least one zoning district. If such a finding is made, the Planning Commission shall also find that the subject use is a “permitted use” in each district where such finding is applicable. Any subsequent application for a review or an official authorization of the use shall be under the same standards and requirements generally applicable to the type of permitted land use that it most closely resembles.
 - (3) If the Planning Commission finds that the use requires special consideration because of its unique characteristics in relation to the welfare of adjacent properties and the community as a whole, the Planning Commission may determine that the use should be regulated as a special land use. If the Planning Commission also finds that the use closely resembles at least one other special land use or class of special land uses allowed in at least one zoning district, the Planning Commission shall consider the use as an authorized special land use in that or those districts. Final authorization of the use shall subsequently be determined under the same procedures, standards, and requirements applicable to the special land use that it is found to most closely resemble.
- (b) The determination as to whether a proposed use is similar in nature and class to other principal uses permitted by right or as a special land use within a particular district is not to be considered an expansion of the use regulations, but an interpretation of a particular type of use or class of uses. However, a use determined by the Planning Commission to be a “similar land use” as a use listed shall thereafter be noted in the public record and shall be considered for subsequent formal codification as such by the Township Board.
- (c) The Planning Commission’s determination of a “similar land use” may be appealed to the Zoning Board of Appeals.
- (d) If the Planning Commission finds that because of its unique characteristics an unlisted use does not closely resemble a listed permitted use or a listed authorized special land use in any zoning district, the Planning Commission shall, in accordance with the Zoning Ordinance Amendment procedures required under Michigan Zoning Enabling Act, make one of the following additional determinations, as appropriate:
- (1) That the land use should be added to the zoning ordinance in one or more zoning districts. If such finding is made the Planning Commission shall forward its finding to the Township Board along with a recommendation as to the district or districts in which it should be included along with the recommended manner in which it should be regulated and any general or specific standards; or,
 - (2) That the use should be prohibited entirely based on findings there is not an appropriate location within the community or the use is unlawful.
In accordance with the Michigan Zoning Enabling Act, a Zoning Ordinance or zoning decision may totally prohibit the establishment of a requested land use

within its boundaries if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the municipality or surrounding area.

In making a determination of whether there is or is not an appropriate location for an unlisted “legal” land use within the Township, the Planning Commission shall consider the following:

- a) The type of products sold, produced, manufactured, or stored and/or services performed as part of the use, if any.
 - b) The land area required by the proposed use.
 - c) The internal and external operational aspects of the use that determine the overall character of the use and whether such characteristics would, if allowed, be unique to the zoning district in question.
 - d) The typical site layout and building form that characterizes the use.
 - e) The population or market served by the use.
 - f) Potential environmental hazards that typically may be generated by the use.
 - g) Anticipated typical peak and average daily traffic generation by type of vehicle.
 - h) For each zoning district, an evaluation of the potential impacts and compatibility of the use on the typical types of land uses permitted in the district that might adjoin the unlisted use if it were allowed. Factors considered shall include hours of operation, pedestrian activity, traffic generation, noise, vibration fumes, lighting, property valuation, and views.
 - i) Demand and capacity of utilities and municipal services to support the proposed use.
 - j) Any applicable general or specific policy direction contained in the Leighton Township Comprehensive Plan.
- (e) The Planning Commission’s determination of a “prohibited land use” may be appealed to the Zoning Board of Appeals.
(Amended by Ord. 11-09-01)

CHAPTER 29

PENALTIES

SECTION 29.01 PENALTIES FOR VIOLATIONS.

- (a) Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine in accordance with the schedule below:
- | | |
|--|------------|
| First violation with in a 3-year period* | \$ 75.00 |
| Second violation within a 3-year period* | \$ 200.00 |
| Third violation within a 3-year period* | \$ 500.00 |
| Fourth or subsequent violation within a 3-year period* | \$ 1500.00 |
- *determined on the basis of the date of the violation(s)
- (b) Additionally, the violator shall pay costs which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.
- (c) A violation of any regulation contained in this ordinance is determined to be detrimental to the health, safety, and general welfare of the residents, property owners and other persons within the Township, and is deemed a public nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law. The Township may bring an action to enjoin such alleged violation activity.
- (d) Each day a violation continues constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense,
- (e) Nothing in the ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction, the Township may, at its sole, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

SECTION 29.02 PROCEDURE. The Township Board, the Board of Appeals, the duly authorized attorney for the Township, the Prosecuting Attorney for Allegan County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

CHAPTER 30

MISCELLANEOUS PROVISIONS

SECTION 30.01 ADMINISTRATIVE LIABILITY. No officer, agent, employee, or member of the Planning Commission, Township Board, or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SECTION 30.02 SEVERABILITY. This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 30.03 REPEAL. The Zoning Ordinance for Leighton Township, Allegan County Michigan as adopted on November 13, 1975, as amended, is hereby repealed, and all other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are likewise repealed.

SECTION 30.04 EFFECTIVE DATE. This Ordinance was approved by the Township Board on January 14, 2010. This Ordinance shall be effective on February 24, 2010, which date is more than 7 days after publication of the ordinance as is required by the Michigan Zoning Enabling Act unless such effective date is extended to comply with the requirements of Section 402 of Act 110 of 2006, as amended.

Mary Lou Nieuwenhuis
Leighton Township Clerk

DIMENSIONAL STANDARDS FOR THE COMMERCIAL AND INDUSTRIAL ZONED DISTRICTS

DISTRICT	Minimum Building Setbacks				Min. Green Belt And Buffer Yard			Minimum Lot width and Lot area	
	Front Yard		Side yards	Rear Yard	Front yard Green strip		Side and rear buffer strips when abutting a Planned or zoned residential District or use Rear	When fronting arterial, primary and collector streets	When fronting minor or local streets
	When fronting an arterial, primary and collector streets.	When fronting a minor or local streets			When fronting arterial, primary and collector streets.	When fronting minor or local streets			
C-1 Neighborhood Business	75 ft. or that established by 50% of the existing setbacks on the same side of the street	50 feet	15 ft. each side	10 ft./ 25 ft. when abutting an AG or R district	20 ft.	10 ft.	20 feet with 2 rows of trees 8 feet on center	25,000 sq. ft./150 ft.	same
C-2 General Business	75 ft. or that established by 50% of the existing setbacks on the same side of the street	50 ft.	25 feet each side	Same as C-1	20.ft.	10 ft.	20 feet with 2 rows of trees 8 feet on center	40,000 sq. ft./200	same.
I-1 Industrial	75 feet	50 feet	25 ft. one side/20 ft. plus 1.5 times the wall height on other side. 75 ft. when abutting a AG, R, or C district	50 ft./ 75 ft. when abutting an AG or R District	20 ft.	10 ft.	20 feet with 2 rows of trees 8 feet on center	60,000 sq. ft. of lot area. 200 feet of lot width	40,000 sq. ft. of lot area. 200 feet of lot width
O/I Office and Industrial	75 feet	50 feet	25 ft. one side/ 20 ft. plus 1.5 times the wall height on other side 75 ft. when abutting a AG, R, or C district	50 ft. 75 ft. when abutting an AG or R District	20 ft.	10 ft.	20 feet with 2 rows of trees 8 feet on center	60,000 sq. ft. of lot area. 200 feet of lot width	40,000 sq. ft. of lot area. 200 feet of lot width