

## APPENDIX A ZONING<sup>1</sup>

### PART I. INTRODUCTION

#### ARTICLE 1. TITLE AND PURPOSE

##### Sec. 1.1 Title.

This ordinance shall be known and may be cited as the "Holland Charter Township Zoning Ordinance." It is also referred to as the "zoning ordinance" or the "ordinance" throughout this document.

##### Sec. 1.2 Intent and purpose.

- A. *Intent.* This ordinance is based on the Holland Charter Township Comprehensive Plan and is intended and designed to:
1. Regulate land development practices; and
  2. Provide for the establishment of zoning districts in the township which regulate the use of land and structures.
- B. *Purpose.* The purpose of the zoning ordinance is to establish a regulatory framework to:
1. Protect and ensure public health, safety, and welfare;
  2. Allow areas for economic growth and places of employment;
  3. Ensure development is served by public infrastructure and utilities;
  4. Provide for areas of recreation for enjoyment and to promote public health;
  5. Ensure an efficient transportation network and safe walking and biking routes;
  6. Limit the continuation of improper use of land;
  7. Protect natural resources; and
  8. Provide for orderly development based on the Holland Charter Township Comprehensive Plan.

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<sup>1</sup>Editor's note(s)—Printed herein is the zoning ordinance of the township as adopted by Ord. No. 579, § 1, adopted May 3, 2018. Amendments are indicated by history notes in parentheses following the amended sections. Additions made for clarity are indicated by brackets. Obvious misspellings have been corrected and uniform capitalization used. Statute cites have been updated. Original section numbers have been maintained. See the Code Comparative Tables for the appendix's derivation.

Cross reference(s)—Any ordinance pertaining to rezoning saved from repeal, § 1-5(13); buildings and building regulations, ch. 6; floodplain management, ch. 12; soil conservation, ch. 26; streets, sidewalks and other public places, ch. 28; subdivisions, ch. 30; waterways, ch. 36.

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### **Sec. 1.3 Applicability.**

- A. *Applicability.* Zoning applies to all lots of record and to every building, structure, and use. No lot of record shall be used except in conformance with this ordinance. No existing or new building or structure shall be located, erected, altered, re-occupied, or re-used except in conformity with this ordinance.
- B. *Division of lots.* No lot of record shall be divided, altered, or reduced by sale, gift or other disposition in a way that impacts conformance to setback, area, width, parking, and other spatial and dimension requirements of this ordinance. A division of a lot of record shall not increase the degree of nonconformity of any existing nonconforming lot of record, building, or structure.
- C. *Holland Charter Township.* The provisions of this ordinance shall not be applicable to and enforceable against Holland Charter Township itself.

### **Sec. 1.4 Organization.**

- A. *Applicability.* The zoning ordinance is divided into five parts. The ordinance begins with an introduction to set the legal basis for the regulation. The second part addresses the zoning districts and land use regulation for lots of record in the township. The third part outlines general requirements for all lots of record, specific use requirements, and requirements for the development of land. Part four includes the processes for reviewing development and township approval standards. Lastly, part five includes administrative authorities and provisions and definitions for terms used throughout the ordinance.
  - 1. Part I, Introduction.
  - 2. Part II, Zoning Districts.
  - 3. Part III, Development Provisions.
  - 4. Part IV, Review Processes and Standards.
  - 5. Part V, Administration.

### **Sec. 1.5 Figures and graphics.**

Graphics are provided as "figures" throughout this ordinance to illustrate the intent of regulatory language. When there is an apparent discrepancy between the text and a figure, the text shall supersede. Any text within a table is a requirement.

### **Sec. 1.6 Interpretation and conflict.**

- A. *Minimum requirements.* The provisions of this ordinance are determined to be the minimum requirements for the promotion of the public health, safety, and general welfare in the township.
- B. *Conflict.* This ordinance shall not repeal, annul in any way, impair, or interfere with existing provisions of other laws, ordinances, or regulations, except those repealed within this ordinance by specific reference, or with private restrictions placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the township is a party. Where this ordinance imposes greater restrictions, limitations, or requirements upon the following, the provisions of this ordinance shall control the use and development of land.
- C. *Enforcement of private agreements.* In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties. All applicants and landowners shall be responsible for obligations and restrictions applicable to subject properties by private agreements.

- D. *County, state, and federal laws.* The township shall not enforce county, state, or federal laws. However, township approvals of development may be conditioned upon securing all applicable outside governmental agency approvals. When state and federal laws preempt local zoning authority, the township recognizes that zoning regulations are superseded by those regulations.

**Sec. 1.7 Legal basis.**

This ordinance is enacted pursuant to P.A. 110 of 2006, the Michigan Zoning Enabling Act, MCL 125.3101 et seq., as amended.

**Sec. 1.8 Validity and severability.**

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, the ruling shall not affect any other provisions of this ordinance not specifically included in the ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, lot of record, district, use, building, or structure, such ruling shall not affect the application of the provision to any other lot of record, district, use, building, or structure not specifically included in the ruling.

**Sec. 1.9 Effective date.**

- A. *Adoption and effective date.* This ordinance, is a restatement of the Holland Charter Township Zoning Ordinance, and was adopted by the Holland Charter Township Board, Ottawa County, Michigan, at a meeting held on May 3, 2018, and a notice of publication ordered published on May 9, 2018, in the Holland Sentinel, a newspaper having general circulation in the township, and has an effective date of May 17, 2018.
- B. *Repeal of ordinance.* The Holland Charter Township Zoning Ordinance adopted and effective on September 16, 1976, and its subsequent amendments, are repealed as of the effective date of this ordinance.
- C. *Pending applications.* All applications for permits, appeals, and variance requests pending before the zoning administrator, planning commission, township board, or the zoning board of appeals on the effective date of this ordinance shall be acted upon only in conformance with the zoning ordinance in effect at the time the application for the request was determined to be complete.

**PART II. ZONING DISTRICTS**

**ARTICLE 2. ZONING DISTRICTS AND MAP**

**Sec. 2.1 Zoning districts.**

The township is divided into the following zoning districts:

*Table 2.1 Zoning Districts*

Abbreviation	District Name	Regulated In
<b>Agricultural District</b>		
AG	Agricultural District	Article 3
<b>Residential Districts</b>		
R-1	Low Density Residential District	Article 4
R-2	Moderate Density Residential District	
R-2A	Medium Density Residential District	

R-3	High Density Residential District	
<b>Commercial and Office Districts</b>		
C-1	Neighborhood Commercial District	Article 5
C-2	Community Commercial District	
C-3	Highway Commercial District	
O-S	Office and Service District	
<b>Industrial Districts</b>		
I-1	Light Industrial District	Article 6
I-2	General Industrial District	
<b>Overlay Districts</b>		
FP	Floodplain Overlay District	Article 7
GW	Gateway Overlay District	

### Sec. 2.2 Zoning map.

The location and boundaries of the zoning districts are established as shown upon a map entitled "Zoning Map of Holland Charter Township," as amended from time to time. The zoning map shall be kept on public display at the township hall.

### Sec. 2.3 Interpretation of zoning district boundaries.

- A. *Map interpretation.* Where uncertainty exists as to the boundaries of zoning districts shown on the zoning map, the following rules of construction and interpretation shall apply:
- Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.
  - Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.
  - Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
  - Boundaries indicated as following the shorelines of lakes, rivers, creeks or lake, river, or creek beds shall be construed as following such shoreline, and in the event of natural change in the location of a shoreline, shall be construed as moving with such shoreline.
  - Lines parallel to streets without indication of depth from the street line shall be construed as having a depth of 150 feet from the center of the street right-of-way.
  - Boundaries indicated as approximately following property lines, section lines, or other lines of the government survey shall be construed as following such property lines as of the effective date of this ordinance or applicable amendment.
- B. *Areas not included within a zoning district.* In every case where land has not been specifically included within a zoning district, the land shall be included in the agricultural zoning district. In the case of land annexed to the township, such land shall be included in the zoning district which most closely approximates the zoning applicable to such land prior to its annexation.
- C. *Zoning of vacated areas.* Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such

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vacation, and all area included shall be subject to all applicable regulations of the district in which it is located.

- D. *Boundaries dividing a lot of record.* Where a zoning boundary line divides a property, each use, building, and structure on the lot of record shall comply with the requirements of the applicable district for where it is placed on the property.

### **Sec. 2.4 Similar land use determination.**

- A. *Intent.* Since every potential land use cannot be addressed in the zoning ordinance, each district may accommodate similar uses, as referenced in this section.
- B. *Determination.* All applications for a use not specifically addressed in a zoning district, or inquiries concerning a use, shall be submitted to the zoning administrator for review and a determination.
1. *Factors.* The zoning administrator shall base the determination on the following factors:
    - a. The proposed use is not listed as a permitted or special land use in any other zoning district.
    - b. The use is consistent with the district purpose.
    - c. The use is similar to other allowed uses relative to its character, scale, and overall compatibility.
    - d. The use is not expected to create objectionable impacts to public health, safety, and welfare if it were established in the applicable zoning district.
    - e. The use would not be more appropriate within a different zoning district.
  2. *Zoning board of appeals.* The zoning administrator may, in their sole discretion, submit a proposed use to the zoning board of appeals for a similar use determination if consideration of the review factors does not lead to a clear conclusion.
- C. *Compliance.* If a proposed use is determined to be similar to a permitted use within the district, the similar use shall comply with all the standards or requirements associated with the permitted use. If the named use is a special land use within the applicable zoning district, the similar use shall be reviewed and approved per the applicable requirements for the named use.
- D. *Determination.* The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the use regulations and is not determined to be a use variance. Once a use has been determined to be similar, it shall be specifically determined to be the named use with which it shares similarities.
- E. *Prohibited use.* If a use is not specifically listed anywhere in this ordinance and is not determined to be similar to any other specifically listed uses, the use is prohibited.
- F. *Accessory uses.* Accessory uses are permitted in conjunction with all permitted and special land uses. The administrator shall review and determine allowable accessory uses to ensure they are customarily associated with the permitted or special land use and are incidental and subordinate to the principal use.

## **ARTICLE 3. AGRICULTURAL DISTRICT**

### **Sec. 3.1 Intent and purpose.**

This article outlines the agricultural zoning district and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record.

- A. Agricultural district (AG). The AG district is primarily intended for large tracts of land used for farming or which are idle. It is not intended for any use except agricultural, very low-density, single-family residential use, and other specialized rural uses requiring large tracts of land.

**Sec. 3.2 Schedule of uses.**

Land and/or buildings in the agricultural district shall only be used in accordance with Table 3.2.

- A. *Permitted use (P)*. This use is authorized by-right, subject to all other applicable provisions of the Zoning Ordinance.
- B. *Special land use (S)*. This use is subject to review and permitting in accordance with article 15.
- C. *Other*. See referenced section for additional requirements.

*Table 3.2 Schedule of Uses: Agricultural District*

Use	AG	Other
Agribusiness conducted in conjunction with a farm	S	
Agricultural labor camp	S	9.2
Agritourism, ancillary uses and activities	S	
Amateur radio and over-the-air reception devices	P/S	9.3
Animal services, kennel, rescue or shelter	S	
Aviation	S	
Banquet barn	S	
Bed and breakfast	S	9.4
Cemetery	S	
Commercial stable	S	
Day care, family day care (1–6 children)	P	
Day care, group day care home (7+ children)	S	9.5
Dwelling, accessory	S	9.6
Dwelling, single-family	P	9.8
Earth-sheltered building	S	9.9
Farmers market	P	9.10
Farms and farm operations	P	9.10
Foster care, adult foster care family home (1–6 adults)	P	
Foster care, foster family home (children)	P	
Government facility	P	
Home occupation	S	9.13
Keeping of farm animals, chickens, and bees	P	9.14
Offices and services, temporary office	P	9.18
Outdoor display, sales, yard and garage sales	P	9.21
Place of worship	S	
Public utility facility	S	9.23
Recreation facility, campground	S	9.24
Recreation facility, community-based, public, outdoor	P	
Recreational facility, golf course	S	9.24
Roadside stand	P	
School, college or university and private, with or without farm animals	S	9.14
Solar energy collector, building-mounted	P	9.26

Solar energy collector, ground-mounted	S	9.26
Solar energy, commercial solar energy system	S	9.26
Special events	P	9.27
Wind energy	S	9.28
Wind energy — Anemometer	P	9.28
Wind energy — MWET, LWET	S	9.28
Wind energy — SSMWET, STMWET	S	9.28
Wireless communications	S	9.29
Wireless communications, collocation/limited increases	P	9.29

(Ord. No. 602, § 1, 12-5-2019)

### Sec. 3.3 Spatial requirements.

All lots of record shall meet the minimum area and width requirements of Table 3.3A. New lots of record shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in Table 3.3B.

*Table 3.3A Lot Requirements: Agricultural District*

Requirement		AG
Min. Area (acres)	Single-Family	5
	Non-Residential <sup>1</sup>	5
Min. Width (ft.)	Single-Family	325
	Non-Residential <sup>1</sup>	325

<sup>1</sup> Non-residential means any permitted or special land use that is not a dwelling.

*Table 3.3B Principal Building Requirements: Agricultural District*

Requirement		AG
Min. Front Setback (ft.)	Single-Family	50
	Non-Residential <sup>2</sup>	100
Min. Side Setback (ft.)	Single-Family	25
	Non-Residential <sup>2</sup>	60
Min. Rear Setback (ft.)	Single-Family	50
	Non-Residential <sup>2</sup>	100
Maximum Building Coverage	Single-Family	35%
	Non-Residential <sup>2</sup>	35%
Maximum Lot Coverage	Single-Family	50%
	Non-Residential <sup>2</sup>	65%
Maximum Front Yard Driveway Coverage		50%
Min. Floor Area (s.f.)	Single-Family total	1,000
	Single-Family first floor	750
	Non-Residential <sup>2</sup>	—
Max. Height (ft.)		35

<sup>2</sup> Non-residential means any permitted or special land use that is not a dwelling. Agricultural buildings shall require an affidavit stating that use will be limited to agricultural purposes.

## ARTICLE 4. RESIDENTIAL DISTRICTS

### Sec. 4.1 Intent and purpose.

This article outlines the residential zoning districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record.

- A. *Low density residential district (R-1).* The R-1 district is the most restrictive residential zoning district and is primarily intended for single-family dwellings, and certain assembly and educational facilities.
- B. *Moderate density residential district (R-2).* The R-2 district is primarily intended for single-family dwellings and two-family dwellings.
- C. *Medium density residential district (R-2A).* The R-2A district is primarily intended for single-family dwellings, two-family dwellings and apartments in a more limited scale.
- D. *High density residential district (R-3).* The R-3 district is primarily intended for two-family and multiple-family dwellings.

### Sec. 4.2 Schedule of uses.

Land and/or buildings in the residential districts shall only be used in accordance with Table 4.2.

- A. *Permitted use (P).* This use is authorized by-right, subject to all other applicable provisions of the zoning ordinance.
- B. *Special land use (S).* This use is subject to review and permitting in accordance with article 15.
- C. *Not permitted.* A blank cell indicates that a use is not permitted.
- D. *Other requirements.* See referenced section for additional requirements.

*Table 4.2 Schedule of Uses: Residential Districts*

Use	R-1	R-2	R-2A	R-3	Other
Amateur radio and over-the-air reception devices	P/S	P/S	P/S	P/S	9.3
Bed and breakfast	S	S	S		9.4
Day care, family day care (1-6 children)	P	P	P		
Day care, group day care home (7+ children)	S	S	S		9.5
Dwelling, accessory	P	P			9.6
Dwelling, multi-family, single-family attached			P	P	9.7
Dwelling, single-family	P	P	P		9.8
Dwelling, two-family		P	P	P	9.8
Earth-sheltered building	S	S	S		9.9
Foster care, adult foster care family home (1-6 adults)	P	P	P		
Foster care, adult foster care group home (7+ adults)		S			9.12
Foster care, foster family homes (children)	P	P	P		
Government facility	P	P	P	P	



Home occupation	S	S	S		9.13
Housing — Independent, assisted, convalescent and nursing			S	S	
Manufactured home community and associated offices and services	S	S	S		9.15
Offices and services, temporary office	P	P	P	P	9.18
Outdoor display, sales, yard and garage sales	P	P	P	P	9.21
Place of worship	S	S	S	S	
Public utility facility	S	S	S	S	9.23
Recreation facility, community-based, public, indoor	S	S	S	S	
Recreation facility, community-based, public, outdoor	P	P	P	P	
Recreational facility, golf course	S	S	S	S	9.24
Roadside stand	S	S			
School, college or university and private, with or without farm animals	S	S	S	S	9.14
Solar energy collector, building-mounted	P	P	P	P	9.26
Solar energy collector, ground-mounted	S	S	S	S	9.26
Special events	P	P	P	P	9.27
Wind energy — anemometer	P	P	P	P	9.28
Wind energy — SSMWET, STMWET	S	S	S	S	9.28
Wireless communications	S	S	S	S	9.29
Wireless communications, collocation/limited increases	P	P	P	P	9.29

(Ord. No. 602, § 2, 12-5-2019)

### Sec. 4.3 Spatial requirements.

All lots of record shall meet the minimum area and width requirements of Table 4.3A. New lots of record shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in Table 4.3B.

Table 4.3A Lot Requirements: Residential Districts

Requirement		R-1	R-2	R-2A	R-3
Min. Area (s.f.)	Single-Family	10,500	8,400	7,200	—
	Two-Family	—	8,800	8,800	8,400
	Multi-Family (per dwelling)	—	—	4,000	3,630
	Non-Residential	10,500	10,500	10,500	10,500
Min. Width (ft.)	Single-Family	70	64	60	—
	Two-Family	—	80	80	70
	Multi-Family	—	—	80	80
	Non-Residential	70	70	70	70

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Table 4.3B Principal Building Requirements: Residential Districts

Requirement		R-1	R-2	R-2A	R-3
Min. Front Setback (ft.)	Single-Family	35	35	35	—
	Two-Family	—	35	35	35
	Multi-Family	—	—	35	35
	Non-Residential <sup>1</sup>	35	35	35	35
Min. Side Setback (ft.)	Single-Family	7	7	20	—
	Two-Family	—	7	7	5
	Multi-Family	—	—	20	20
	Non-Residential <sup>1</sup>	20	20	20	20
Min. Rear Setback (ft.)	Single-Family	35	25	25	—
	Two-Family	—	25	25	25
	Multi-Family	—	—	25	25
	Non-Residential <sup>1</sup>	50	50	50	50
Macatawa Waterfront		See Section 8.10D			
Maximum Building Coverage	Residential	35%			
	Non-Residential <sup>1</sup>	35%			
Maximum Lot Coverage	Residential	50%			
	Non-Residential <sup>1</sup>	65%			
Maximum Front Yard Driveway Coverage		50%			
Min. Floor Area (s.f.)	Single-Family total	1,200	864	864	—
	Single-Family first floor	900	645	645	—
	Two-Family first unit	—	864	864	864
	Two-Family second unit	—	720	720	720
	Multi-Family per unit (Studio)	—	—	550	550
	Multi-Family per unit (1 bdrm. or more)	—	—	720 plus 150 square feet per bdrm. over 1	640 plus 150 square feet per bdrm. over 1
	Non-Residential <sup>1</sup>	—	—	—	—
Max. Height (ft.)		35	35	45	60

<sup>1</sup> Non-residential means any permitted or special land use that is not a dwelling.

(Ord. No. 596, § 1, 8-15-2019)

## ARTICLE 5. COMMERCIAL AND OFFICE DISTRICTS

### Sec. 5.1 Intent and purpose.

This article outlines the commercial and office zoning districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record.

- A. *Neighborhood commercial district (C-1)*. The C-1 district is primarily intended for neighborhood convenience shopping where retail business or service establishments supply commodities or perform services to meet the daily needs of the neighborhood.
- B. *Community commercial district (C-2)*. The C-2 district is primarily intended for a general commercial district containing uses which include the sale of commodities or performance of services for the entire community.
- C. *Highway commercial district (C-3)*. The C-3 district is primarily intended for lands located adjacent to or near interstate highways, expressways, or other major thoroughfares.
- D. *Office and service district (O-S)*. The O-S district is primarily intended to provide a location for office parks, office services, institutional facilities, research laboratories, and similar facilities which, while needing easy access to and from major traffic routes, are noncommercial and nonindustrial in character.

**Sec. 5.2 Schedule of uses.**

Land and/or buildings in the commercial and office districts shall only be used in accordance with Table 5.2.

- A. *Permitted use (P)*. This use is authorized by-right, subject to all other applicable provisions of the zoning ordinance.
- B. *Special land use (S)*. This use is subject to review and permitting in accordance with article 15.
- C. *Not permitted*. A blank cell indicates that a use is not permitted.
- D. *Other Requirements*. See referenced section for additional requirements.

*Table 5.2 Schedule of Uses: Commercial and Office Districts*

Use	C-1	C-2	C-3	O-S	Other
Amateur radio and over-the-air reception devices	P/S	P/S	P/S	P/S	9.3
Animal services — Animal clinic/hospital, kennel, rescue or shelter		S		S	
Banquet hall		P	P		
Community cultural facility	P	P	P		
Contractors facility		S	S		
Day care, child care center	P	P		P	
Dwelling over commercial or office use	S	S			
Food processing, small scale	P	P			
Food truck	P	P	P	P	9.11
Funeral home	S	S		S	
Governmental facility	P	P	P	P	
Greenhouses and nursery, accessory landscape business (indoor)		S			
Hotel/motel		S	P		
Housing — Independent, assisted, convalescent and nursing				S	
Marina and boat storage		S			
Medical services, clinics and medical offices	P	P	P	P	
Medical services, hospital				S	

Meeting facility	P	P	P	P	
Mini-warehouse/self-storage		S			9.17
Offices and services	P	P	P	P	
Offices and services, temporary office	P	P	P	P	9.18
Offices and services with a drive through facility		P	P	P	
Outdoor display, sales, not including vehicle and equipment sales		S	S		9.19
Outdoor display, sales, temporary	P	P	P	P	9.20
Parking facility, public or commercial		S	S		
Place of worship		P	P	S	
Public utility facility	S	S	S	S	9.23
Recreation facility, commercial, indoor		S	S		9.24
Recreation facility, commercial, outdoor		S	S		9.24
Recreation facility, community-based, public, indoor	P	P	P		
Recreation facility, community-based, public, outdoor	P	P	P		
Restaurant	P	P	P	P	
Restaurant with drive-through	S	P	P	P	
Restaurant with micro-brewery, small distillery or small winery	P	P			
Retail	P	P	P		
School, college or university private and specialized training, with or without farm animals	S	S	S	S	9.14
Service station		S	P		
Sexually oriented business			S		9.25
Solar energy collector, building-mounted	P	P	P	P	9.26
Solar energy collector, ground-mounted	S	S	S	S	9.26
Special events	P	P	P	P	9.27
Theater		S	S		
Vehicle repair		S	S		
Vehicle wash		S	S		
Vehicle, recreational equipment, manufactured homes, heavy equipment sales and rental		S	S		9.19
Warehousing		S	S		
Wind energy — Anemometer	P	P	P	P	9.28
Wind energy — SSMWET, STMWET	S	S	S	S	9.28
Winery, small; distillery, small; micro-brewery; tavern	S	P	P	S	
Wireless communications	S	S	S	S	9.29
Wireless communications, collocation	P	P	P	P	9.29

(Ord. No. 602, § 3, 12-5-2019)

## Sec. 5.3 Spatial Requirements

All lots of record shall meet the minimum area and width requirements of Table 5.3A. New lots of record shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in Table 5.3B.

Table 5.3A Lot Requirements: Commercial and Office Districts

Requirement	C-1	C-2	C-3	O-S
Min. Area (s.f.)	12,500	15,000	21,780	15,000
Min. Width (ft.)	90	90	120	120

Table 5.3B Principal and Accessory Building Requirements: Commercial and Office Districts

Requirement	C-1	C-2	C-3	O-S	
Min. Front Setback (ft.)	Side lot lines abutting residential	35	50	50	50
	All other cases	10	50	50	50
Min. Side Setback (ft.)	Abutting residential	50	50	50	50
	All other cases	15	15	15	15
Min. Rear Setback (ft.)	Abutting residential	50	50	50	50
	All other cases	25	25	25	25
Maximum Building Coverage	25%	25%	25%	35%	
Max. Height (ft.) <sup>1</sup>	35	50	50	50	
Rooftop equipment setback from edge of roof (unless screened)	10	10	10	10	
Setbacks for portions of buildings over 35 ft.	—	Increase of front, side, and rear setbacks of one foot for each foot, or fraction of a foot, of building height over 35 feet.			

<sup>1</sup> Upper portions and upper stories of buildings over 35 ft. in height shall be subject to a greater setback. This does not apply to exceptions described in section 8.6B.

## ARTICLE 6. INDUSTRIAL DISTRICTS

### Sec. 6.1 Intent and purpose.

This article outlines the industrial zoning districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record.

- A. *Light industrial district (I-1).* The I-1 district is primarily intended to provide a location for industrial concerns and activities, and for facilities and operations involved in business, industrial, scientific and technological research, development and related testing, and production activities. This zoning district is not intended to provide a location for heavy manufacturing and processing of raw materials.
- B. *General industrial district (I-2).* The I-2 district is primarily intended to provide a location for the manufacture, compounding, assembling or treatment of articles or materials including the processing of raw materials and heavy manufacturing.

## Sec. 6.2 Schedule of uses.

Land and/or buildings in the industrial districts shall only be used in accordance with Table 6.2.

- A. *Permitted use (P)*. This use is authorized by-right, subject to all other applicable provisions of the zoning ordinance.
- B. *Special land use (S)*. This use is subject to review and permitting in accordance with article 15.
- C. *Not permitted*. A blank cell indicates that a use is not permitted.
- D. *Other requirements*. See referenced section for additional requirements.

Table 6.2 Schedule of Uses: Industrial Districts

Use	I-1	I-2	Other
Agribusiness	P	P	
Amateur radio and over-the-air reception devices	P/S	P/S	9.3
Aviation	S		
Brewery, winery, distillery	P	P	
Contractors facility	S	S	
Food processing	P	P	
Food truck	P	P	9.11
Funeral home	S	S	
Governmental facility	P	P	
Liquefied petroleum gas (LPG) sales	P	P	
Manufacturing, processing and packaging, heavy		P	
Manufacturing, processing and packaging, light	P	P	
Marina and boat storage	P	P	
Mini-warehouse/self-storage	S	S	9.17
Offices and services, temporary office	P	P	9.18
Outdoor storage (related to a principal use)	S	S	9.22
Public utility facility	P	P	9.22
Recreation facility, commercial, indoor	S	S	9.24
Salvage and impound operation		P	
School, specialized/training	P	P	
School, driving and truck instruction	P	P	
Solar energy collector, building-mounted	P	P	9.26
Solar energy collector, ground-mounted	S	S	9.26
Solar energy, commercial solar energy system	S	S	9.26
Vehicle repair	S		
Vehicle wash	P	P	
Warehousing, wholesale, and distribution	P	P	
Waste management facility		P	
Wind energy- anemometer	P	P	9.28
Wind energy- SSMWET, STMWET	S	S	9.28
Wireless communications	S	S	9.29
Wireless communications, collocation	P	P	9.29

**Sec. 6.3 Spatial requirements.**

All lots of record shall meet the minimum area and width requirements of Table 6.3A. New lots of record shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in Table 6.3B.

*Table 6.3A Lot Requirements: Industrial Districts*

Requirement	I-1	I-2
Min. Area	40,000 s.f.	2 acres
Min. Width (ft.)	150	200

*Table 6.3B Principal and Accessory Building Requirements: Industrial Districts*

Requirement	I-1	I-2
Min. Front Setback (ft.)	50	75
Min. Side Setback (ft.)	Abutting Agricultural and Residential Districts	100
	All other cases	30
Min. Rear Setback (ft.)	Abutting Agricultural and Residential Districts	100
	All other cases	50
Maximum Building Coverage	40%	40%
Max. Height (ft.)	45	45
Rooftop equipment setback from edge of roof (unless screened)	10	10

**ARTICLE 7. OVERLAY DISTRICTS**

**Sec. 7.1 Intent and purpose.**

- A. *Applicability.* This article outlines the overlay districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record. An overlay zoning district is applied over one or more previously established "base" zoning districts, establishing additional or stricter standards, or may be more permissive, than the requirements of the underlying base zoning district.
- B. *Floodplain overlay district (FP).* The FP permits agricultural and recreational uses but prohibits any type of residential, commercial, or industrial use. It is intended to be applied to those areas along the lakes, rivers, and streams, or other designated areas subject to flood inundation.
- C. *Gateway overlay district (GW).* The GW zoning district is intended to establish regulations pertaining to land uses adjacent to gateways. The regulations specifically pertain to community signs and community art which will strengthen the overall visual identity of the township. The GW is comprised of gateways that create a sense of arrival and connection to the township, and establish the township's image and initial impression. The location of the GW has been determined by selecting key transportation corridors based on the following factors: Location of the jurisdictional boundaries, current and anticipated traffic volumes along those corridors, and current and planned land uses adjacent to the corridors.

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## Sec. 7.2 Floodplain overlay district.

- A. *Applicability.* The boundaries of the FP overlay district will vary and are subject to changes to the National Flood Insurance Program (NFIP) mapping within the township and any applicable letter of map amendment (LOMA) or letter of map revision (LOMR).
- B. *Use restrictions.* Land, buildings, or structures in the FP may be used for the following purposes only:
1. Agriculture, farm, buildings and roadside stands, subject to the same conditions, restrictions, and requirements as are provided in the AG zoning district.
  2. Boat landings, docks, or mooring for pleasure or fishing boats only; provided, however, that the boat landings, docks, or moorings shall be utilized by the land owner only and shall not be leased or otherwise made available to other persons.
  3. Parks, golf courses, playgrounds, fair grounds, community centers, and other recreational facilities which are both owned and operated by a governmental agency. Private recreational facilities and uses of this nature are permitted when authorized by the planning commission as a special land use. In considering such authorization, the planning commission shall consider the following standards, in addition to the standards in section 15.3:
    - a. The necessity for the proposed use for the surrounding neighborhood;
    - b. The proximity of the proposed use to adjoining properties, specifically including proximity to occupied dwellings;
    - c. The size, nature, and character of the proposed use;
    - d. Potential traffic congestion which might be occasioned by the proposed use;
    - e. Parking facilities to be provided for the proposed use; and
    - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
  4. No building or structure shall be erected or used for dwelling purposes.
- C. *Construction requirements.* All buildings and structures shall be designed and constructed to have a low flood damage potential. Buildings and structures shall be erected so as to offer the minimum obstruction to floodwaters by construction with the longitudinal axis parallel to the direction of flood flow and by placement on the same flood flow lines as adjoining buildings and structures. All buildings and structures shall be firmly anchored to prevent damage to other buildings and structures and restricted bridge openings and stream cross sections.

## Sec. 7.3 Gateway overlay district.

- A. *Applicability.* The applicable area includes the rights-of-way of the following key transportation corridors, plus 75 feet on both sides of the boundaries of the key transportation corridors. This GW does not change the underlying zoning district of the property. The following is a description of the key transportation corridors:
1. US-31 from Ransom Street to New Holland Street.
  2. US-31 from East 8th Street to Lakewood Boulevard.
  3. Chicago Drive from US-31 to Fairbanks Avenue/City of Holland jurisdictional boundary.
  4. Chicago Drive from the City of Zeeland jurisdictional boundary to Burton Drive.



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5. Business Loop 196 from 106th Avenue/Paw Paw Drive to City of Zeeland jurisdictional boundary.
  6. 112th Avenue from Business Loop 196 to East Lakewood Boulevard/Chicago Drive.
  7. River Avenue from the City of Holland jurisdictional boundary to Lakewood Boulevard.
  8. Douglas Avenue from North Division Ave/Park Township jurisdictional boundary to Aniline Avenue.
  9. 120th Avenue from Chicago Drive to East Lakewood Boulevard.
  10. Butternut Drive from 144th Avenue/Park Township jurisdictional boundary to Riley Street.
  11. Riley Street from 144th Avenue/Park Township jurisdictional boundary to Butternut Drive.
  12. 144th Avenue extending 600 feet south from the New Holland Street/Olive Township jurisdictional boundary.
  13. 120th Avenue extending 600 feet south from the New Holland Street/Olive Township jurisdictional boundary.
  14. 96th Avenue extending 600 feet south from the New Holland Street/Olive Township jurisdictional boundary.
  15. Adams Street from 96th Avenue/Zeeland Charter Township jurisdictional boundary to 104th Avenue.
  16. 96th Avenue extending 600 feet north from the Ottogan Street/Fillmore Township jurisdictional boundary.
- B. *Additional permitted uses.* In addition to the uses authorized by the underlying zoning district, the following uses are also permitted:
1. Community art; and
  2. Community signs.
- C. *Procedures.* An application for site plan review shall be submitted in accordance with article 14, for any community art or community sign. The planning commission shall conduct a preliminary review and hold a public hearing to consider each application. notice of this public hearing shall be in accordance with section 18.4. Upon receipt of the planning commission's report and recommendation, the township board shall review the proposed use and grant or deny the request on the basis of the same standards considered by the planning commission.
- D. *Standards of approval.* The planning commission shall consider the following standards in making its report and recommendation to the township board:
1. Whether the proposed use is consistent with and promotes the intent and purpose of this ordinance;
  2. Whether the proposed use is compatible with adjacent uses of land and the natural environment; and
  3. Whether the proposed use is consistent with the public health, safety, and welfare of the township.
- E. *Requirements.*
1. *Community signs.* Community signs shall be required to meet all standards of article 13, with the exception of the following:
    - a. Community signs may be located within the public right-of-way if approval is obtained from the Ottawa County Road Commission.
    - b. Community signs may not exceed 75 square feet in area.
    - c. Community signs may display sponsorship names of organizations or individuals, but may not contain commercial messages, words, logos, trademarks, or graphic representations of any

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person, product, or service for the purpose of advertising, other than to simply identify the organization or individual as a sponsor.

- d. Electronic changeable message signs are not permitted under this section.
  - e. Community signs shall not count against the signs that are permitted in the underlying zoning district.
2. *Community art.* Community art installments are subject to the following requirements:
- a. Community art may be located within the public right-of-way if approval is obtained from the Ottawa County Road Commission.
  - b. Community art shall not be considered a building or structure.
  - c. Community art shall not be constructed or located in a manner that would cause a hazard to vehicle or pedestrian traffic, including, without limiting the foregoing, visual hazard caused by flashing lights or glare where the visual hazard impairs vision or is unreasonably distracting.
  - d. Lighting used in conjunction with community art shall not shine directly on adjoining property or any street.

### ***PART III. DEVELOPMENT PROVISIONS***

#### ***ARTICLE 8. GENERAL PROVISIONS***

##### **Sec. 8.1 Intent and purpose.**

This article outlines requirements that are applicable for situations that may occur in any location in Holland Charter Township regardless of the zoning district designation, unless otherwise specified.

##### **Sec. 8.2 Access.**

- A. *Frontage.* Each lot of record shall have frontage on a public street right-of-way or private street easement for at least the minimum lot width required for the zoning district within which the lot is located. Cul-de-sac lots or lots on the outside edge of curved streets shall have a minimum of 40 feet of lot frontage and minimum lot width shall comply with the requirement of the applicable zoning district.
- B. *Residential private streets.*
  - 1. A private street easement not less than 66 feet in width shall be provided to such lot of record if it is not located in a platted subdivision or a site condominium. The easement shall be recorded in the Ottawa County Register of Deeds Office and a copy of the recorded easement provided to the zoning administrator prior to issuance of a building permit for construction of improvements on the lot of record.
  - 2. The lot of record shall have frontage on the private street easement for at least the minimum lot width required for the zoning district within which the lot of record is located.
  - 3. The street surface shall be improved and constructed with a width and materials according to the following schedule, based on the number of lots of record that may be served by the private street easement currently or in the future:
    - a. One to four lots of record: 22-foot wide asphalt or concrete surface.

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- b. Five or more lots of record: Width shall comply with the specifications of the Ottawa County Road Commission for public streets.
      - c. The street surface shall be constructed in accordance with the requirements of this section.
    4. When a lot of record is located in a platted subdivision or site condominium, access shall be provided from a street meeting the requirements of chapter 30, Subdivisions.
  - C. *Non-residential private streets.*
    1. A private street easement not less than 66 feet in width shall be provided to such lot of record if it is not located in a platted subdivision or a site condominium. The easement shall be recorded in the Ottawa County Register of Deeds Office and a copy of the recorded easement provided to the zoning administrator prior to issuance of a permit for construction of improvements on the lot of record.
    2. The street surface shall be improved with asphalt or concrete pavement, constructed in accordance with the requirements of this section.
    3. When a lot of record is located in a platted subdivision or site condominium, access shall be provided from a street meeting the requirements of chapter 30, Subdivisions.
  - D. *Construction requirements.*
    1. Construction and pavement shall comply with the specifications of the Ottawa County Road Commission for public streets.
    2. An engineer's certification of construction compliance is required.
    3. Base course pavement shall be installed prior to the issuance of residential building permits for dwellings to be served by the street.
    4. Surface course pavement shall be installed prior to the issuance of building certificates of occupancy for the dwellings that will be served by the street.
  - E. *Easement and maintenance agreement.* Applications for private streets shall include a recordable legal instrument and agreement for a review prior to approval.
    1. *Recordable legal instrument.* A copy of the recordable legal instrument(s) describing and granting the easement(s).
    2. *Content.* A copy of a recordable travel surface maintenance agreement, signed by all owners of the lands served by the access easement and other parties in interest, which includes the following:
      - a. Provisions that assure that the travel surface will be maintained, repaired, and snowplowed for the full width and length to ensure safe travel and accessibility by emergency vehicles at all times.
      - b. Provisions that assure that the costs of maintenance of the travel surface and its easement are paid for in an equitable manner.
      - c. A legal description of the easement and a legal description of the individual lots of record to be served. All properties served by the easement and travel surface shall be subject to the maintenance agreement.
      - d. Provisions declaring that the maintenance agreement constitutes a restrictive covenant, running with the benefitted lands, and binding on all current and future owners and other parties in interest as to the respective obligations stated therein.

- e. Provisions to indemnify, save and hold the township, and its officers, employees, and agents, harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, or replace the travel surface.

(Ord. No. 596, § 2, 8-15-2019)

**Sec. 8.3 Accessory buildings.**

- A. *Residential principal use.* Buildings accessory to principal residential dwellings are subject to the following requirements:
1. *Detached and attached.* Accessory buildings may be detached from the permitted principal building or as an integral part of the permitted principal building.
  2. *Character.* The architectural character of all accessory buildings shall be compatible and similar to the principal building.
  3. *Attached.* Accessory buildings shall be considered as attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural element no greater than ten feet in length. Attached accessory buildings are subject to the spatial requirements for principal buildings for the applicable zoning district.
  4. *Living quarters prohibited.* No accessory building or structure shall include residential or living quarters.
  5. *Commercial use prohibited.* Accessory buildings may be used for hobby, storage, or recreational activities and shall not involve the conduct of any business, trade, or industry.
- B. *Non-residential principal use.* Buildings accessory to non-residential principal buildings are subject to the same requirements as the principal building.

*Table 8.3A Accessory Building Requirements: Agricultural and Residential Districts, Number and Size*

<b>Lots of Record with Principal Buildings with Attached Garages</b>		
Attached Accessory building	Max. Number	1
	Max. Size (s.f.)	1,050 or 50% of the principal building footprint, whichever is less.
	Max. Height (ft.)	Same as principal building.
<b>Lots of Record with Principal Buildings with Attached Garages</b>		
Max. Number of Detached Accessory Buildings <sup>1</sup>		1
Detached Accessory building on 0—.99 ac.	Max. Size (s.f.)	240
	Max. Height (ft.)	12
Detached Accessory Building on 1—1.99 ac.	Max. Size (s.f.)	480
	Max. Height (ft.)	16
Detached Accessory building on 2+ ac.	Max. Size (s.f.)	720
	Max. Height (ft.)	16
<b>Lots of Record with Principal Buildings without Attached Garages</b>		
Max. Number of Detached Accessory Buildings <sup>1</sup>		2
First Detached Accessory Building	Max. Size (s.f.)	832
	Max. Height (ft.)	16
Second Detached Accessory Building on 0—.99 ac.	Max. Size (s.f.)	240
	Max. Height (ft.)	12
	Max. Size (s.f.)	480

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(Supp. No. 7)

Second Detached Accessory Building on 1—1.99 ac.	Max. Height (ft.)	16
Second Detached Accessory Building on 2+ ac.	Max. Size (s.f.)	720
	Max. Height (ft.)	16

<sup>1</sup> Pump houses that are 15 square feet in area or less and under three feet in height do not count against the maximum number of detached accessory buildings per lot of record.

*Table 8.3B Accessory Building Requirements: Agricultural and Residential Districts, Other Requirements*

Min. Side (ft.)	Same setback as principal building.	
Min. Rear (ft.)	Non-waterfront lot (ft.)	5
	Waterfront setback (ft.) <sup>2</sup>	40
Location	Non-waterfront lot	Rear yard.
	Waterfront lot	Rear yard, detached garages permitted in front yards if set back 20 ft. from street ROW.
	Multi-Family	Rear yard, front yard if meeting front setback requirements for principal buildings.
Min. Separation from Principal Building (ft.)	10	

<sup>2</sup> Pump houses may be located within 40 feet of the shoreline if 15 square feet in area or less and if under three feet in height.

(Ord. No. 596, § 3, 8-15-2019)

### **Sec. 8.4 Control of external impacts.**

- A. *General requirements.* Every regulated use shall be operated in a manner that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot of record on which the use is located. All land shall be stabilized in such manner as is necessary to prevent erosion, sand blows, or other soil conditions.
- B. *Fire and explosion hazards.* All buildings, storage and handling of flammable materials, and other activities shall conform to fire ordinances and to any applicable state and federal regulations or requirements. A land use shall not represent a fire or explosion hazard to another adjacent property or to the general public. The storage, use, or manufacture of materials, goods or products, ranging from free or active burning to intense burning, as determined by the Fire Marshal, is permitted subject to compliance with all other yard requirements and performance standards previously described and if the following conditions are met:
1. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater or soil shall be stored within a building. Secondary containment measures shall be installed and utilized to prevent ground contact by any spills.
  2. All such materials or products shall be produced, stored, or used in a completely enclosed building or structure that has noncombustible exterior walls and that also meets all related building code requirements.
  3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with applicable state rules and regulations.
  4. All handling of flammable or hazardous substances shall be in accordance with state and federal laws, all required permits shall be obtained, and the establishment shall remain in conformance with all such requirements.

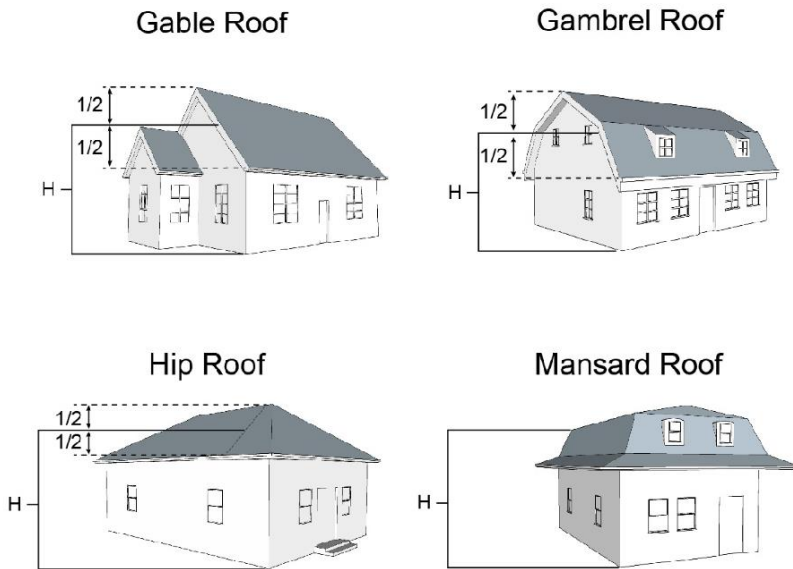
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- C. *Smoke and/or air pollution control.* Smoke, radiation, fumes, gases, dust, odors or other atmospheric pollutants shall not be emitted beyond the boundaries of a lot in a manner that may cause property damage or hazards to public health, be detrimental to the property rights of others, or constitute a nuisance. Emissions shall be in strict conformance with all applicable federal, state and county health laws.
  - D. *Vibration.* Vibration caused by a land use activity shall not be detectable beyond the boundaries of the site on which the activity is conducted.
  - E. *Noise.* Noise created by a land use activity shall not adversely affect an adjoining property.

### **Sec. 8.5 Grading, excavation, and ponds.**

- A. *Drainage.*
  - 1. *Slope.* Elevations for any site with a building located on it, or a site proposed for a building, shall have a grade sloping away from the walls of the building to prevent the ponding of surface water along foundations.
  - 2. *Runoff.* No site shall be filled or graded in a way that will discharge surface runoff onto adjacent properties in a manner that increases the amount of runoff over predevelopment conditions.
- B. *Excavation.* The construction, maintenance or existence of any unprotected, un-barricaded, open or dangerous excavations, holes, pits or wells, which, in the opinion of the zoning administrator, constitute or are likely to constitute a danger to the public health, safety or welfare is prohibited. This section shall not apply to any excavation for which a building permit or a temporary permit has been issued by the township.
- C. *Ponds.* No pond shall be constructed in Holland Charter Township unless it has been approved as required by the Ottawa County Water Resources Commissioner.

### **Sec. 8.6 Height.**

- A. *Measurement.* Building height is measured from the elevation of the finished grade at the front of a building, on a level lot, to:
  - 1. *Mansard, gable, hip or gambrel roof.* The average height between the eaves and the ridge (Figure 8-1).
  - 2. *Flat roof.* The highest point of the roof for a flat roof.
  - 3. *Other roof type.* A point equivalent to the roof types specified in this section, as determined by the zoning administrator.
- B. *Requirements and exceptions.* See Tables 3.3B, 4.3B, 5.3B, and 6.3B for height maximums by zoning district. The following buildings and structures shall be exempt from height regulations in all zoning districts: Parapet walls (up to 48 inches), chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers or scenery lofts, penthouses housing necessary mechanical appurtenances, flour mills, food processing plants, elevated water tanks and water towers, monuments, cupolas, domes, spires, and windmills. Amateur radio and over-the-air reception devices are regulated in section 9.3 and wireless communication towers and antennas are regulated in section 9.29 and are not subject to this section or Tables 3.3B, 4.3B, 5.3B, and 6.3B.



**Figure 8-1 Roof Height Measurement**

**Sec. 8.7 Household domestic animals.**

Keeping household domestic pets is expressly permitted as an accessory use. No more than four adult dogs or cats or any combination thereof shall be kept or housed in one dwelling unit. Keeping of wild animals is prohibited.

(Ord. No. 596, § 4, 8-15-2019)

**Sec. 8.8 Murals.**

Only one mural is allowed per structure and murals must be maintained to minimize flaking paint or surface failure.

**Sec. 8.9 Principal buildings and uses.**

On residential lots of record in the AG, R-1, R-2, R-2A, and R-3 districts, no more than one principal building shall be placed on a lot of record. This section does not apply to single-family attached and multi-family residential developments.

**Sec. 8.10 Setbacks, orientation, and lot dimensional requirements.**

A. *Setback requirements.*

1. *Minimum requirement.* Unless otherwise stated, principal buildings, accessory buildings, and all structures over 30 inches in height are subject to a minimum required horizontal separation from right-of-way lines and lot lines as required by the applicable zoning district. Also included is any portion of a building or structure which is supported by a foundation, regardless of height.

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2. *Measurement.* Setbacks are measured from the exterior edge of the foundation of buildings and structures, or the exterior and outermost edge of any structure over 30 inches with or without a foundation.
- B. *Projections into setback areas.*
1. *Architectural features.* Certain architectural features such as cornices, bay windows, window wells, eaves, and other cantilevered elements determined by the zoning administrator to be similar, may project no further than three feet into a setback area, provided that the extension is at least five feet from the vertical plane of any lot line.
  2. *Stairs and ramps.* Stairs and ramps may project into a setback area, provided that the extension is at least five feet from the vertical plane of any lot line.
  3. *Covered and enclosed additions.* Any permanently constructed porch, patio, carport, terrace, addition, deck, or balcony that is covered by a roof or trellis, or enclosed by a barrier, wall, or screen, shall meet the minimum setback requirements of the principal building or accessory building to which it is attached. Any other similar covering or enclosing structural element shall be subject to the same requirement.
- C. *Depth to width ratio.* If under ten acres in area, a lot of record shall not be more than four times deeper than its width.
- D. *Macatawa waterfront setbacks.*
1. *Applicability.* The minimum rear (lake side) setback for a lot abutting Lake Macatawa shall, notwithstanding any other term or provision of this article to the contrary, be established by measurement from an established point at the water's edge, known as a traverse line.
  2. *Requirements.* The minimum setback for the lots depicted on the traverse line maps is established as follows:
    - a. *Specified neighborhoods.*
      - i. Lots south of the Howard B. Dunton Park and north of Lot 21 of the Oak Lawn Park Subdivision shall have a rear yard building setback of 90 feet from the traverse line.
      - ii. Lots, including south and west of Lot 21 of the Oak Lawn Park Subdivision, shall have a rear yard building setback of 50 feet from the traverse line.
    - b. *Historical setback line.* The minimum rear yard shall be the lesser of the established setback as indicated in this section or, if the lot has an existing principal structure, that building footprint may be replicated and used as the setback for that portion on the lake side, so long as the building is determined to be legal nonconforming and construction on a replacement structure commences within one year following the date of a demolition permit. If the previous principal building is destroyed by casualty, the one year period shall begin to run as of the date of the casualty. The one year time period specified above shall, as of the effective date that this subsection is added to the ordinance, be applied retroactively so that the rear yard of a principal building destroyed or demolished before that effective date may be utilized to establish the rear yard of a new building provided application for a zoning permit is made for the new building within one year after the loss by casualty or demolition of the old building.

## **Sec. 8.11 Swimming Pools.**

- A. *Permit required.* No person shall erect, install, locate or maintain a swimming pool unless a permit therefor has first been obtained from the Township.



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B. *Requirements.*

1. *Location.* No pool shall be located in a front yard.
2. *Setbacks.*
  - a. *In-ground.* The outside edge of the pool wall or a complementing structure, such as a deck or pool access structure, shall not be located nearer than five feet to any lot or property line.
  - b. *Above-ground.* The outside edge of the pool wall or a complementing structure, such as a deck or pool access structure, shall not be located nearer than ten feet to any lot or property line.
3. *Structures.* Any complementing structure that is erected immediately adjacent to a pool, shall be considered to be part of the pool and will, for the purposes of zoning, be considered to be attached or one with the pool.

**Sec. 8.12 Tents.**

A. *Applicability.* This section applies to tents when permitted in association with special events and temporary outdoor sales, as defined in article 22.

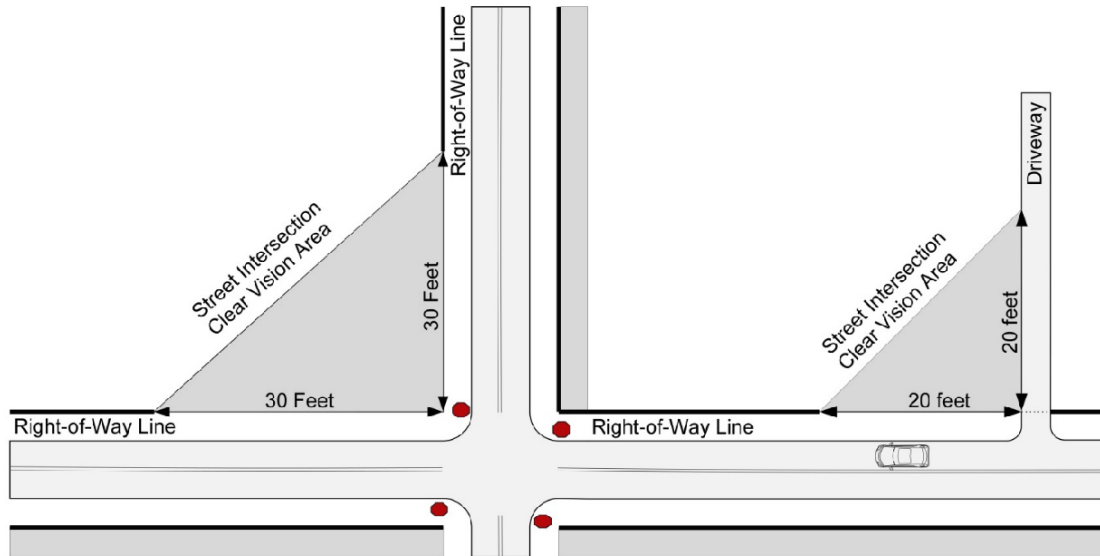
B. *Requirements.*

1. Tents are subject to International Fire Code and Township permitting requirements.
2. All tents must be composed of material meeting the flame propagation performance criteria of National Fire Protection Association ("NFPA") 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA, and that such flame propagation performance criteria are effective for the period specified by the permit. All membrane structures shall have a permanently affixed label bearing the identification of size and fabric or material type.
3. No tent shall be located within 20 feet of a lot line, structure, building, generator, internal combustion engine, and any outdoor cooking apparatus that produces sparks or grease-laden vapors. Generators and other internal combustion engines shall be isolated from the general public by access control.
4. Tents or membrane structures shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapsing.
5. Aisles, exits, and access points must always be kept clear and exits must be identified.
6. Tents used after dark must be equipped with approved lighting.

**Sec. 8.13 Traffic visibility.**

A. *Clear vision.* No use, building, structure, sign, snow storage, or plant material (except trees with all branches six feet or more above the ground) taller than 30 inches or which obstructs safe vision at a street corner shall be located, erected, or maintained within the following clear vision areas.

1. *Intersection of streets.* Within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 30 feet from the point of the intersection of the right-of-way lines (Figure 8-2).
2. *Street and driveway.* Within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points that are located on the right-of-way line and the driveway 20 feet from the point of intersection of the right-of-way line and driveway (Figure 8-2).



**Figure 8-2 Traffic Visibility**

### **Sec. 8.14 Unwholesome substances.**

- A. *Dumping prohibited.* No unwholesome substance, as defined in article 22, shall be deposited, dumped or accumulated by any person on any land, private or public, in the township, unless such place has been designated as a public dumping ground by the township, or unless such substance is housed in a completely enclosed building.
- B. *Water quality protection.* No sewage, wastewater, or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Ottawa County Health Department.
- C. *Accumulation of materials.* No rubbish, boxes, barrels, lumber, scrap metal, automobile body, or other materials shall be accumulated by any person on any land in such a manner as to provide rat harborage. Lumber, boxes, barrels and similar materials shall be neatly piled on suitable platforms raised above the ground so as to discourage and prevent rat harborage.

### **Sec. 8.15 Walls and fences.**

- A. *Applicability.* The provisions of this section shall not apply to fences utilized as part of a farm operation.
- B. *Setbacks.* No fence, hedge, or planting of shrubs exceeding 30 inches in height shall be erected or maintained within 15 feet of the front lot line or any other lot line which is adjacent to a street.
- C. *Height.*
  - 1. *Agricultural and residential.* No fence exceeding six feet in height shall be erected or maintained in the agricultural and residential zoning districts.
  - 2. *Non-residential.* No fence exceeding eight feet in height shall be erected or maintained in any non-residential district.

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3. *Screening.* Any fence erected on top of a deck or patio serving as a screen or security function shall be no more than six feet above the average surrounding grade or alternatively be no more than four feet above the surface of the deck.
  4. *Waterfront.* Fences and walls, including pool fences, shall not exceed four feet in height within Lake Macatawa waterfront yards.
- D. *Residential materials and design.*
1. *Materials.* Walls and fences, including gates, shall be constructed of new, durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, wrought iron, masonry, or wood rail construction. This shall not preclude the use of decorative architectural materials when consistent with the intent of this section, the character of the area in which the fence is to be placed, and if approved by the zoning administrator. Chain link fences slats are prohibited.
  2. *Finished side.* If one side of a fence has a finished side, that side shall face adjacent properties, the water, or public right-of-way.
  3. *Sharpened edges and points.* No fence shall contain barbed wire, razor wire, or any other sharpened edges.
- E. *Commercial and industrial districts materials.* In the C-1, C-2, C-3, I-1, and I-2 zoning districts, barbed wire, razor wire, and sharpened edges may be utilized as part of a fence if the sharpened portions are at least six feet above the ground. Chain link fence slats are prohibited.
- (Ord. No. 596, § 5, 8-15-2019)

### **Sec. 8.16 Waste disposal.**

- A. *Storage.* If materials or wastes are stored outside which might cause fumes, odors, unsanitary conditions, blight, and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties.
- B. *Litter prevention.* No materials or wastes shall be deposited on a lot of record in such form or manner that they may be moved off the lot of record by natural causes or forces.
- C. *Accumulation.* Waste materials shall not be allowed to accumulate on a lot of record in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

### **Sec. 8.17 Water, sewer, and septic.**

No permit shall be issued for the construction 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 of record 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, do not comply with the Rules and Regulations Governing Waste and Sewage Disposal of Ottawa County.

### **Sec. 8.18 Recreational marihuana establishments.**

- A. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under section 9.13 of this ordinance.
- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any

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other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this ordinance or prior to the addition of this section to the ordinance, shall be deemed to have been a legally established use under the provisions of this ordinance; that use shall not be entitled to claim legal nonconforming status.

- C. Violations of this section are subject to the violations and penalties pursuant to article 1 of this ordinance and may be abated as nuisances.

(Ord. No. 590, § 1, 2-21-2019)

## *ARTICLE 9. SPECIFIC USE REQUIREMENTS*

### **Sec. 9.1 Intent and purpose.**

- A. *Applicability.* Specific requirements apply to all land uses listed in this article. These requirements apply in addition to all the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.
- B. *Special land uses.* A use identified in this ordinance as a special land use shall be established only per the procedures and standards of article 15. All standards listed in this article, in addition to the general standards for special land uses listed in section 15-3, shall be met.

### **Sec. 9.2 Agricultural labor camp.**

- A. *Location.* An agricultural labor camp shall be located on an active farm operated by the agricultural labor camp operator.
- B. *Minimum area.* An agricultural labor camp shall be located on a lot of record five acres or greater.
- C. *Security.* Agricultural labor camps shall only be occupied when licensed by the State of Michigan. Buildings shall be secured to prevent unauthorized access when not licensed or occupied.
- D. *State regulations.* State of Michigan rules, regulations, and standards governing the licensing, occupancy, and operation shall apply to all agricultural labor camps.
- E. *Spatial requirements.*
  - 1. *Setbacks.* Agricultural labor camp buildings and amenities shall be located at least 50 feet from public right-of-way and at least 50 feet from any other property line. Parking areas shall be set back at least 50 feet from property lines and public right-of-way.
  - 2. *Separation.* The minimum distance between residential buildings in the camp shall be 20 feet.
- F. *Emergency access.* Clear and unrestricted access for emergency vehicles shall be maintained and site plans shall be subject to fire department review and approval.
- G. *Parking requirements.* See Table 10.3.

### **Sec. 9.3 Amateur radio and over-the-air reception devices.**

- A. *Amateur radio.*
  - 1. *Intent and purpose.* This section is intended to provide reasonable accommodation for amateur radio services in the township and to constitute minimum practicable regulation to accomplish the township's legitimate purposes consistent with state and federal laws including federal communication

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commission regulations pertaining to amateur radio services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include but are not limited to preserving residential character and preserving public health, safety, and welfare.

2. *General requirements.* The following shall apply to all amateur radio antennas and/or amateur radio antenna support structures, which are physical components of amateur radio service:
    - a. Allowed in all districts on a lot with a principal building, subject to requirements of the zoning ordinance.
    - b. All amateur radio antennae and amateur radio antenna support structures shall comply with the FCC required safety standards and regulations pertaining to amateur radio services.
    - c. Amateur radio antenna and/or amateur radio antenna support structures shall be set back from all lot lines a distance no less than 110 percent of its overall height, or the required building setbacks of the zoning district, whichever is greater.
    - d. Height.
      - i. For roof-mounted antenna and/or antenna support structures, overall height is measured from the elevation of the finished grade at the front of a building.
      - ii. For ground-mounted amateur radio antennas and/or antenna support structures, overall height is measured from the established grade adjoining the antenna and/or support structure.
    - e. Maximum number. Two per lot of record.
  3. *Permitting and review.*
    - a. *Review authority.* Required review procedures shall be based on the height, as follows:
      - i. Seventy feet or less, exempt from permitting.
      - ii. Over 70 feet, special land use review process.
    - b. *Content.* Applications shall include the following:
      - i. A copy of the manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure.
      - ii. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed amateur radio antenna and/or amateur radio antenna support structures if over 70 feet.
      - iii. FCC amateur radio license.
      - iv. Site plan showing location, setbacks, and other requirements.
- B. *Over-the-air reception devices.*
1. *Intent.* The intent of this section is to prevent unreasonable delay of permitting these devices, to allow installation, maintenance and use; to not unreasonably increase the cost of installation, maintenance or use; to ensure reception of an acceptable quality signal; and to protect health, safety, and welfare.
  2. *Exemption.* The following devices are exempt from permitting and zoning requirements:
    - a. A dish antenna that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.

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- b. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
      - c. An antenna that is designed to receive local television broadcast signals.
    3. *Height and masts.* Antennas may be mounted on mast structures to reach the height needed to receive or transmit an acceptable quality signal (e.g. maintain line-of-sight contact with the transmitter or view the satellite).
    4. *Permitting.* Mast structures higher than 12 feet above the highest point of a building are subject to Township permitting and the design standards of this section and the following information shall be provided:
      - a. A copy of the manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure.
      - b. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed amateur radio antenna and/or amateur radio antenna support structures if over 50 feet.
      - c. Site plan showing location, setbacks, and other requirements.
    5. *Setbacks.* Over-the-air reception devices mounted on mast structures that are 12 feet higher than the roofline of the principal building shall be subject to setbacks of no less than 110 percent of their height.
  - C. *Design standards.* The following standards shall be met and maintained for all amateur radio antenna and/or amateur radio antenna support structures as well as all over-the-air reception devices mounted on mast structures that are 12 feet higher than the roofline of the principal building:
    1. *Color.* Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color to reduce visual obtrusiveness.
    2. *Location.* No roof-mounted amateur radio antenna and/or amateur radio antenna support structures shall be fixed to the side of a structure or roof that faces a street. Ground-mounted amateur radio antenna and/or amateur radio antenna support structures shall not be allowed in the front yard or a side yard facing a street.
    3. *Guy wires.* Guy wires may encroach into required rear and side setbacks, but shall be no closer than one foot from lot lines.
    4. *Security and safety.* Climbable ground-mounted amateur radio antenna and antenna support structures shall be completely enclosed by a fence at least five feet but no more than seven feet in height or shall have appropriate anti-climb devices attached up to a height of five feet or more.
    5. *Lighting.* Lighting shall be installed per federal aviation administration rules and/or regulations, if required.

## **Sec. 9.4 Bed and breakfast.**

- A. *Principal residence.* The dwelling in which the bed and breakfast operates shall be the principal residence of the owner/operator and the owner/operator shall live on the premises when the bed and breakfast is in operation.
- B. *Appearance.* The structure shall maintain an exterior appearance that is in character with surrounding residential uses.

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- C. *Guest rooms.* The number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit, not to exceed five guest rooms total.
  - D. *Occupancy.* Maximum occupancy is limited to two adults per guest room.
  - E. *Term.* Length of stay for a lodger shall not exceed 14 consecutive days.
  - F. *Cooking.* No separate cooking facilities shall be provided.
  - G. *Special events.* Outside special events shall occur no more than four times within a 12-month period, with a maximum duration of two days per occurrence. Sufficient parking shall be provided for each event. A temporary use permit approved by the zoning administrator shall be obtained for assembly activities. Noise from events is subject to the noise regulations of the township Code.
  - H. *Parking.* See Table 10.3.

### **Sec. 9.5 Day care, group day care home (7+ children).**

- A. *Separation.* Is located not closer than 1,500 feet to any of the following:
  - 1. Another licensed group day care home.
  - 2. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Michigan Act No. 218 of the Public Acts of 1979 (MCL 400.701—400.737).
  - 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978 (MCL 333.6101—333.6523).
  - 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. *Fencing.* Appropriate fencing for the safety of the children in the group day care home shall be determined by the planning commission.
- C. *Appearance.* The property and improvements related to the operation shall be consistent with the characteristics of the neighborhood.
- D. *House of operation.* Operations shall not exceed 16 hours of operation during a 24-hour period. The planning commission may limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.

### **Sec. 9.6 Dwelling, accessory.**

- A. *Single-family.* Accessory dwelling units are limited to single-family dwellings.
- B. *Detached prohibited.* No detached accessory building or structure shall be used for dwelling purposes.
- C. *Number.* Only one attached accessory dwelling unit shall be permitted per principal building, per lot of record.
- D. *Design.*
  - 1. An attached accessory dwelling unit shall be integrated within or attached to the principal dwelling. Any accessory dwelling unit shall comply with all setback requirements applicable to the principal dwelling.

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2. The accessory dwelling may be designed as an independent living area that can be isolated from the principal dwelling space, however, an internal connection to the principal dwelling must be maintained and the primary entrance to the home shall be shared.
- E. *Appearance.* The accessory dwelling shall retain a residential appearance consistent with the design and materials of the principal dwelling portion of the building.
  - F. *Area.* Accessory dwelling square footage shall not exceed 640 square feet, or 50 percent of the principal dwelling square footage, whichever is less.
  - G. *Metering and mailing.* The accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service, or a separate mailing address.

### **Sec. 9.7 Dwelling, multi-family, single-family attached.**

- A. *R-2A requirements.* The principal means of ingress and egress to the site is from a street classified as a primary road by the Ottawa County Road Commission.
- B. *Storage.* Each dwelling unit shall include or be provided storage areas totaling no less than 120 square feet. These storage areas may consist of a basement, closet area, attic, and/or a separate accessory building.

(Ord. No. 596, § 5, 8-15-2019)

### **Sec. 9.8 Dwelling, single-family and two-family.**

- A. *Applicability.* All single-family and two-family dwellings are subject to the requirements of this section.
- B. *Purpose.* The purpose of this provision of the zoning ordinance is to provide reasonable standards that ensure that all single-family and two-family dwellings, regardless of construction type (e.g. site-built, manufactured, prefabricated, or modular), are safe and compatible and compare aesthetically within the same residential district.
- C. *Foundations.* The dwelling shall be firmly attached to a foundation wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required for on-site constructed single-family dwellings.
- D. *Dimensional requirements.*
  1. The dwelling shall have a maximum length to width ratio of three to one.
  2. The dwelling shall have a minimum width across any front, side or rear elevation of 20 feet.
- E. *Storage.* Storage areas totaling no less than 120 square feet per dwelling unit shall be provided. These storage areas may consist of a basement, closet area, attic, and/or a separate accessory building.
- F. *Appearance.*
  1. The dwelling shall be constructed entirely with materials of consistent quality. The dwelling shall contain no additions, rooms, or other areas which are not constructed with similar quality workmanship as the original structure.
  2. Garages shall be architecturally compatible with the dwelling and in conformance with all other requirements of this ordinance.
  3. The exterior finish of the dwelling shall not cause excessive glare or reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.



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- G. *Garage.* One private garage per dwelling unit is required, which may be either attached or detached, unless another provision of this ordinance requires that the garage be attached, and shall have minimum dimensions of ten feet in width by 20 feet in length.
  - H. *Additional requirements for manufactured homes.* A manufactured home shall be installed with the wheels removed. No manufactured home dwelling shall have any exposed towing mechanism, undercarriage, or chassis. However, this requirement does not apply to manufactured homes located in manufactured home communities within the township.
  - I. *Additional requirements for two-family dwellings.*
    - 1. *R-2.* Two-family dwellings are permitted if each dwelling unit is provided with an attached private garage; the lot of record has frontage on a street classified as a primary road by the Ottawa County Road Commission; and the dwelling is aesthetically compatible in design and appearance with other dwellings in the vicinity.
    - 2. *R-2 A.* Two-family dwellings are permitted if each dwelling unit is provided with an attached private garage and the dwelling is aesthetically compatible in design and appearance with other dwellings in the vicinity.

(Ord. No. 596, § 6, 8-15-2019)

## **Sec. 9.9 Earth-sheltered buildings.**

- A. *Requirements.*
  - 1. The design of the earth-sheltered structure shall be certified by an architect or engineer registered in Michigan.
  - 2. In computing the compliance with the requirements of this ordinance with respect to minimum floor area requirements, unfinished areas shall not be counted.
  - 3. Minimum yard requirements shall be determined excluding any portion of ground above finished grade which is covering a portion of the structure.
  - 4. The earth-sheltered structure is in compliance with all applicable health laws, codes, rules, and regulations.
- B. *Specific special land use approval standards.* In addition to the requirements of section 15.3, the planning commission shall consider the following additional standards:
  - 1. The architectural character of the earth-sheltered structure in relation to the architectural character of the surrounding neighborhood;
  - 2. Whether the portion of the structure below finished grade is safe, healthy and waterproof;
  - 3. Whether proper light and ventilation will be provided to the portion of the structure below finished grade;
  - 4. Whether the site of the earth-sheltered structure is subject to flooding; and
  - 5. The effect of the proposed earth-sheltered structure on adjoining properties and the surrounding neighborhood.

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### **Sec. 9.10 Farms and farm operation.**

Farms and farm operations are defined in section 22.2 and are regulated by the State of Michigan Department of Agriculture. Farms that are compliant with the State of Michigan Generally Accepted Agricultural and Management Practices (GAAMPs) are not subject to this ordinance unless the farms are prohibited by this ordinance where they are located, and that prohibition is not superseded by GAAMPs.

### **Sec. 9.11 Food truck.**

- A. *Location and restrictions.* Unless otherwise specified herein food truck service is limited to serving employees, patrons, and customers of a business operating on the lot of record on which the food truck is parked.
- B. *Requirements.*
1. Food trucks shall be located on a privately-owned lot of record where an existing permanent business operates in a building with a certificate of occupancy. A maximum of two food trucks shall be allowed on a lot of record at any one time.
  2. Food trucks shall not obscure traffic sight visibility or operate in driveways or fire lanes.
  3. Food trucks may operate in parking spaces if the required parking for the property remains in compliance with the parking requirements of this ordinance.
  4. Food trucks shall not provide a drive-through service of any kind.
  5. Food truck service shall be limited to two hours per day, per lot of record, unless all of the following conditions can be met:
    - a. Service is associated with a large-scale regional special event, as determined by the zoning administrator.
    - b. Food truck parking, placement and usage as part of a large-scale regional special event shall require written authorization from the zoning administrator.
    - c. Food truck shall only be allowed to remain for a maximum of 14 days.
  6. Food truck parking shall be set back at least 20 feet from public right-of-way and all lot lines.

### **Sec. 9.12 Foster care, adult foster care group home (7+ adults).**

No adult foster care group home shall in any event be located within a 1,500 radius of any other adult foster care home.

### **Sec. 9.13 Home occupation.**

- A. *Applicability.* A home office that involves no sales of products or services with direct customer interaction on-site, no employees on-site, and no customers or clients that visit the premises, is not subject to the requirements of this section.
- B. *Requirements.*
1. There shall be no sale of products or services except those that are produced on the premises where the home occupation is located.

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2. No person other than members of the family residing in the dwelling shall be engaged in the conduct of the home occupation.
  3. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than 20 percent of the floor area of the dwelling shall be used for the conduct of the home occupation.
  4. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation in the dwelling. The home occupation shall be conducted and operated entirely within the confines of the dwelling.
  5. There shall be no outdoor storage of items supportive of the home occupation.
  6. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses off of the premises on which the home occupation is located if a single-family dwelling or outside the actual dwelling unit itself if conducted in a two-family or multifamily dwelling. In addition, in the case of a single-family dwelling, no equipment or process shall be used in the home occupation which creates electrical interference which causes visual or audible interference in any radio or television receivers off the premises on which the home occupation is located or causes fluctuation in the line voltage off the premises on which the home occupation is located. In the case of a two-family or multiple-family dwelling, no equipment or process used in the home occupation shall create such interference or line voltage fluctuation to any other dwelling unit on the premises or off the premises on which the home occupation is located.
  7. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his/her legal and primary place of residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
  8. Visits by customers, clients, students or patients to licensed home occupations shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
  9. The home occupation shall not generate traffic in a greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be met with the provision of suitable off-street parking to be located without utilizing any portion of the required front yard.

C. *Prohibited home occupations.*

1. Animal processing.
2. Any repair of motorized vehicles, including the painting or repair of automobiles, trucks, trailers, boats, and lawn equipment.
3. Animal hospitals or kennels.
4. Restaurants or catering/food preparation businesses; including general food handling, processing, or packaging, but not including small bakery operations.
5. Medical or dental offices.
6. Construction businesses or landscaping businesses that provide for the storage of goods, equipment and materials to be utilized in the operation of the business or use.
7. Furniture finishing and refinishing.
8. Warehousing.
9. Welding or machine shops.

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### **Sec. 9.14 Keeping of farm animals, chickens, and bees.**

- A. *Farm animals and chickens.* Farm animals and chickens are only permitted on conforming lots in the AG zoning district; and at schools on school properties of at least five acres, with a maximum of five animals (excluding young animals dependent on mothers or less than six months of age), when approved as a special land use. Operations shall be compliant with all applicable State of Michigan Generally Accepted Agricultural and Management Practices.
- B. *Beekeeping.* The intent of this section is to authorize residents to keep honey bees on residential property under certain conditions.
  - 1. *Applicability.* Honey bees may be kept on non-farm properties in the AG, R-1, and R-2 zoning districts, subject to the requirements of this section.
  - 2. *General requirements.*
    - a. Hives must be set back ten feet from all property lines and at least 50 feet from any dwelling on a neighboring property.
    - b. An adequate and constant source of water, as temperatures allow, shall be placed within 20 feet of the location of bee hives and shall be permanently maintained while actively beekeeping.
    - c. Beekeeping operations shall be compliant with the State of Michigan Generally Accepted Agricultural and Management Practices for Beekeeping and Apiary Management. Beekeepers must be able to provide verification of compliance.

(Ord. No. 602, § 4, 12-5-2019)

### **Sec. 9.15 Manufactured home community.**

- A. *Conformance to state regulations.* All manufactured home communities shall conform to the all applicable state regulations.
- B. *Required development standards.* Subject to subsection A. above, each lot in the community shall have:
  - 1. A minimum lot area of 4,750 square feet; and
  - 2. A minimum width of 50 feet at the front setback line.

### **Sec. 9.16 Mineral extraction.**

- A. *Applicability.* The provisions of this section shall not apply to the following:
  - 1. Where the removal or extraction of natural resources is more than 500 feet from any street or property line, occupies not more than five acres in area, does not constitute a weekly average intensity of use of more than 15 yards of material per day, and creates no area which fills with water other than a watering pond for farms.
  - 2. The incidental excavation of sand and gravel for only on-site use is excluded from the regulations of this ordinance except for the setback and yard requirements.
  - 3. General landscaping activities or the cultivation of land for farming purposes.
- B. *Setbacks, buffers and separation.*

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1. No excavation shall occur within 100 feet of a road right-of-way; within 200 feet of an off-site residence, housing development or residential district; and within 100 feet of a property line other than the above limits.
  2. The special land use permit may allow mineral extraction within the required setback area set forth above if a property owner, or owners, abutting that portion of the site affected by the minimum setbacks provide written consent prior to the planning commission's recommendation of the site plan. However, in no case shall an excavation occur within 200 feet of an off-site residence or 100 feet of a property owned by a non-consenting party.
  3. Areas within the setback are considered buffer zones that shall remain in a natural state, farmland, woodland or planted with vegetation. The township may require berms and/or other screening to reduce sound or vibration impact on neighboring properties when existing vegetation or topography is determined to be insufficient to mitigate impacts.
  4. Planted vegetative buffers, when required, shall be continuously maintained and noticeable gaps shall be replanted. Management or thinning is permitted to enhance overall growth, if conducted under the guidance of a certified forester or other qualified professional.
  5. Visible posts or markers shall be staked at the excavation limit setback lines every 50 feet during extraction in the active area to warn excavator operators of the limits of site disturbance.
  6. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.
- C. *Processing plants and stockpile.*
1. Permanent and temporary processing plants and accessory structures shall not be closer than 200 feet from any property line, including the road right-of-way.
  2. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce the visual and noise impact of the plant structure.
- D. *Operational plan.* With the application for a special land use permit, an operational plan must be submitted for review by the planning commission and township board. At minimum, the operation plan shall include the following information:
1. The areas to be mined and proposed phases.
  2. The location of permanent structures.
  3. Locations for storage piles.
  4. The points of access upon public streets.
  5. Screening and reclamation plans.
  6. Hours of operation.
  7. Estimated type and quantity of mineral materials to be removed.
  8. Description of extraction and processing methods.
  9. Equipment to be placed on the site.
  10. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this section.
- E. *Security and safety.*

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1. Upon commencement of mining operations, the active mining area shall be enclosed by a fence that is no less than four feet in height and "No Trespassing" signs shall be placed along the fence at least every 100 feet. Fences shall be maintained in an upright position and in good repair.
  2. A gate at the active mining area shall be locked when the mine is not in active operation.
- F. *Nuisance and impact mitigation.*
1. Noise and vibration shall not be a nuisance to the general health, safety, and welfare of the residents in the township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, screen plantings and fences.
  2. Air pollution in the form of dust and dirt shall be kept at a minimum. Regular dust control practices shall be implemented for general excavation, moving soils, screening and crushing and records of activities shall be kept on site. Upon a complaint-based inspection or regular scheduled inspection, a Township code enforcement official shall inspect the site for unacceptable dust levels. Whether higher dust levels are due to environmental factors (dry season, wind, etc.) or management practices, upon notice, the operator shall proceed with an appropriate and effective dust control action, including but not limited to:
    - a. As-needed watering to unpaved travel surfaces.
    - b. As-needed sweeping of internal roads.
    - c. Paving additional segments of the internal roadway or applying millings.
    - d. As-needed watering during the crushing operations.
    - e. A temporary pause of operations, should excessive winds result in the ineffectiveness of all other dust control measures.
    - f. All equipment used for the mining operation shall be operated in such a manner as to minimize, to the maximum extent practicable, dust, noise and vibration conditions that are injurious or substantially annoying to persons living in the vicinity.
- G. *Interior roads.*
1. Interior road surfaces may be gravel, crushed stone, or concrete or asphalt millings. When paving is required, it shall be completed prior to commencement of operations.
  2. Internal roads shall be maintained to reduce potholes and ruts as reasonable.
  3. Internal road signs shall be established, as required by the township. Required signs may include, but are not limited to: No engine brake, speed limit, slow, and stop.
  4. Operations shall incorporate internal circulation routes that minimize the need for truck reverse movements.
- H. *Hours of and days of operation.* The operation of mineral extraction and processing shall be restricted to the township approved hours and days of the week. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the planning commission to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads. Under emergency, unanticipated or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed 14 days, upon receipt of approval of the zoning administrator.
- I. *Financial guarantee.*

1. The operator shall post a financial guarantee for restoration and stabilization determined by the planning commission. The township may adjust the guarantee amount at the time of special land use permitting and on an annual basis.
  2. The guarantee shall be provided in one of the following forms:
    - a. Cash.
    - b. Certified check.
    - c. Irrevocable bank letter of credit.
    - d. Surety bond acceptable to the township board.
  3. Upon reclamation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.
- J. *Standards of approval.* In addition to review of the standards in this section and section 15.3, the planning commission shall also consider the following factors when assessing the likelihood of very serious consequences resulting from the extraction of natural resources:
1. The relationship of extraction and associated activities with existing land uses.
  2. The impact on existing land uses in the vicinity of the property.
  3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  6. The overall public interest in the extraction of the specific natural resources on the property.

**Sec. 9.17 Mini-warehouse/self-storage.**

- A. *Spatial requirements.* Mini-warehouse/self-storage facilities are subject to the following requirements:

*Table 9.17 Mini-Warehouse/Self-Storage Spatial Requirements*

Minimum Lot Area (acres)	2
Minimum Lot Width and Frontage (ft.)	200
Front Setback (ft.)	75
Side Setback (ft.)	20
Rear Setback (ft.)	25
Maximum Storage Unit Size (s.f.)	600
Minimum Caretaker's Dwelling Size (s.f.)	640

- B. *Use restriction.* Use of any storage unit for the conduct of manufacturing, repair, service, sales, fabrication, assembly, or any other business purpose, other than storage of goods or merchandise, is prohibited.
- C. *Caretaker's dwelling.* A single one-bedroom dwelling unit is permitted as an on-site residence for the facility caretaker. This dwelling unit shall be physically attached to the building which contains the leasing and management office for the facility.
- D. *Parking and access.*

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1. Parking shall be paved in accordance with the requirements of section 10.4.
  2. There shall be a ten-foot wide parking lane adjacent to each side of a building that has access doors to storage units. Required parking may be situated in these lanes.
  3. One-way traffic aisles shall not be less than 15 feet in width. Two-way traffic aisles shall not be less than 22 feet in width. This width shall not count required parking lanes.
  4. Site access shall be limited to no more than two driveways which are located and constructed in compliance with all township ordinances and the requirements of the Ottawa County Road Commission, whichever are more stringent.
- E. *Outdoor storage.* Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan. These storage areas shall be enclosed and screened by the on-site storage unit buildings. Outdoor storage shall not be located within any required setback area. Storage surface area shall meet the requirements of section 9.22C.

### **Sec. 9.18 Offices and services, temporary office.**

- A. *Temporary construction office.* A temporary office building or yard for construction materials and/or equipment is permitted in any zone without a permit for such period of time as it is both incidental and necessary to construction at the site.
- B. *Temporary sales office.* A temporary office is permitted in any zone without a permit for such period of time as it is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- C. *Natural disaster and emergency offices.* The nature of emergency events is so unique based on each circumstance that they shall be reviewed on a case-by-case basis by the zoning administrator.

### **Sec. 9.19 Outdoor display, sales and rental.**

- A. *Setbacks.*
  1. *General retail.* General outdoor retail sales areas shall be subject to the setbacks for principal buildings.
  2. *Vehicles, recreational equipment, manufactured homes, heavy equipment, and boats.* Sales and rental lots shall be subject to 20-foot front yard setbacks.
- B. *Maximum area.*
  1. *General retail.* General outdoor retail sales areas may not exceed 20 percent of the principal building square footage.
  2. *Vehicles, recreational equipment, manufactured homes, heavy equipment, and boats.* Sales and rental lots are not subject to maximum sales area requirements.
- C. *Surface area.* Display areas shall be paved with asphalt or concrete.

### **Sec. 9.20 Outdoor display, sales, temporary.**

- A. *Review.* Temporary outdoor sales are subject to review and approval by the zoning administrator in accordance with this section.
- B. *Location and restrictions.* Temporary outdoor sales may be permitted only in connection with, incidental to, and on the same lot as, a permitted use. Outside party temporary outdoor sales and sales on vacant lots of record are prohibited. Proof of tenant occupancy in the principle building shall be provided to the



satisfaction of the zoning administrator. This section does not apply to charitable fundraisers where 100 percent of proceeds benefit non-profit organizations which have been granted tax-exempt status by the Internal Revenue Service or a federal court.

- C. *Submittal requirements.* Applications shall include a site plan illustrating structures, tents, off-street parking, utilities, and lighting.
- D. *Requirements.*
  1. Merchandise sold shall be that of the regular retail use in the principal building of the site.
  2. The event or sale shall be permitted a maximum of twice during a calendar year for a maximum of 14 days total.
  3. A minimum pedestrian walkway with a clear area of at least five feet in width shall be maintained along the front of the display/sales area, driveway, and any public right-of-way.
  4. The sales area shall not extend into the clear vision area at any street intersection.
  5. No more than 20 percent of the available parking spaces may be utilized for temporary use.
  6. All temporary structures shall be erected in a safe manner in accordance with any applicable building codes, ordinances, and standards. Tents shall be subject to section 8.12.

**Sec. 9.21 Outdoor display, sales, yard and garage sales.**

- A. *Number.* Yard and garage sales are permitted for durations of four days, no more than four times a calendar year.
- B. *Permitting.* Permits are not required.
- C. *Requirements.* The following regulations shall apply to any yard or garage sale that is over two days but not more than four days in duration.
  1. Vehicles may not be parked on grass or yard.
  2. Vehicles may not block any sidewalk or driveway.
  3. Items may not be left outside after the maximum time allotment and items shall not be left outside unattended when the sale is not operating.

**Sec. 9.22 Outdoor storage.**

- A. *Setbacks.* The outdoor storage of equipment and materials shall not be placed within required setback areas.

*Table 9.22 Outdoor Storage Area Setbacks*

Front Setback (ft.)	Adjacent to residential use or zoning	50
	Adjacent to non-residential use or zoning	50
Side Setback (ft.)	Adjacent to residential use or zoning	50
	Adjacent to non-residential use or zoning	15
Rear Setback (ft.)	Adjacent to residential use or zoning	50
	Adjacent to non-residential use or zoning	25

- B. *Screening.* These storage areas shall be enclosed and screened by the on-site buildings or by a six-foot privacy fence or a comparable evergreen vegetative screen, berm, or combination of fencing, evergreens, and/or berms.

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C. *Storage area surface.*

1. *Surface.* Storage areas shall be paved with asphalt or concrete.
2. *Alternative material.* Subject to approval by the zoning administrator, the storage area surface may be a pervious surface of equal durability. Gravel, crushed rock, and other alternative surfaces may also be permitted if it:
  - a. Is demonstrated to be properly drained;
  - b. Can be maintained in a durable state that minimizes dust generation;
  - c. Will maintain the character and quality of nearby development; and
  - d. Will be maintained and free of weeds, grass, and overgrown vegetation at all times.
3. *Approval.* Approval of alternative material does not provide a permanent right that carries with the lot of record. Surfaces may be required to be upgraded during future improvements, change of use, and/or further development.

**Sec. 9.23 Public utility facility.**

In authorizing a public utility facility as a special use, the planning commission may authorize the building to be constructed of a greater height or a larger area than would otherwise be authorized by the zoning district in which the building is located.

**Sec. 9.24 Recreation facility, commercial and golf course.**

All retail sales and concessions shall be operated entirely within an enclosed building. The incidental retail sales shall not be advertised on any freestanding or wall sign on the lot of record to which the special use approval applies.

**Sec. 9.25 Sexually oriented business.**

- A. *Purpose and intent.* The purpose and intent of this section is to minimize the negative secondary effects associated with sexually oriented businesses through regulating, but not excluding, the location and operation of sexually oriented businesses within the township. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety and general welfare of township residents, nor contribute to the blighting or downgrading of surrounding areas.
- B. *Intention.* The provisions of this section are not intended:
  1. To violate the guarantees of the First Amendment to the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963;
  2. To deny adults access to sexually oriented businesses and their products;
  3. To deny sexually oriented businesses access to their intended market; or
  4. To legitimize activities which are prohibited by township ordinance, state or federal law.
- C. *Validity.* The township further states that it would have passed and adopted what might remain of this section following the removal, reduction or revision of any portion of this section found to be invalid or unconstitutional.

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- D. *Requirements.* Any sexually oriented business granted special land use approval shall continue to comply with all of the requirements of this section at all times while the business is operational.
1. No sexually oriented business shall be located on a lot of record that is within 1,000 feet of another sexually oriented business.
  2. For purposes of the distance and separation requirements, the distance between a proposed sexually oriented business and: (1) another sexually oriented business, (2) the boundary of any land zoned agricultural or residential, or approved as a planned unit development for residential purposes, or (3) land used for any single or multiple-family residence, township, county or state park, school, library, licensed child care facility, playground, church or place of worship, shall be measured in a straight line from the nearest property line of the lot of record upon which the proposed sexually oriented business is to be located to: (1) the nearest property line of the lot of record used for the other sexually oriented business, (2) the nearest boundary of the land zoned agricultural or residential, or approved as a planned unit development for residential purposes, or (3) the nearest property line of the lot of record used for a single- or multiple-family residence, township, county, or state park, school, library, licensed child care facility, playground, church or place of worship.
  3. No sexually oriented business shall be located on a lot of record that is within 500 feet of the boundary of any land zoned agricultural or residential, or approved as a planned unit development for residential purposes.
  4. No sexually oriented business shall be located on a lot of record within 500 feet of any single- or multiple-family residence, any township, county or state park, any school, library, licensed child care facility, playground, church or place of worship.
  5. No sexually oriented business shall be located within any principal or accessory building or structure already containing another sexually oriented business.
  6. The proposed use shall conform to all requirements of the zoning district in which it is located.
  7. The proposed use shall be in compliance with all other ordinances of the township and with all statutes, laws, rules and regulations of the county, state and federal government and, to the extent required, all governmental approvals must be obtained.
  8. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent right-of-way of a public street or private street.
  9. Signs shall not include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas, specified sexual activities or obscene representations of the human form, and may not include animated or flashing illumination.
  10. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two inches in height stating that:
    - a. "Persons under the age of 18 are not permitted to enter the premises"; and
    - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
  11. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public street or private street or a neighboring property.
  12. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday. All sexually oriented businesses shall remain closed on Sundays and legal holidays.

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13. Parking areas shall be illuminated after sunset during all hours of operation of the sexually oriented business, and until one hour after the business closes.
  14. Any booth, room or cubicle available in any sexually oriented business, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:
    - a. Be handicap accessible to the extent required by law;
    - b. Be unobstructed by any floor, lock or other entrance and exit control device;
    - c. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
    - d. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
    - e. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

### **Sec. 9.26 Solar energy collectors and commercial solar energy systems.**

- A. *Applicability.* This section applies to ground-mounted solar energy collectors and commercial solar energy systems. This section does not apply to smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than 50 square feet and less than five feet above the ground.
- B. *General requirements.*
  1. *Applications.* In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review.
  2. *Glare and reflection.* The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit shall not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
  3. *Location.* Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
  4. *Installation.*
    - a. A solar energy collector shall be permanently and safely attached to the ground. Solar energy collectors, and the installation and use thereof, shall comply with building codes and other applicable township, county, state and federal requirements.
    - b. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the township prior to installation.
  5. *Power lines.* On site power lines between solar panels and inverters shall be placed underground.
  6. *Abandonment.* Solar energy collection systems that cease to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party (or parties) with ownership interest in the system provides substantial evidence every six months after 12 months of no energy production to the township of the intent to maintain and reinstate the operation of that facility. The responsible party shall remove all equipment and facilities and restore the site to its condition prior to development of the facility within one year of abandonment.
- C. *Building-mounted solar energy collectors.*

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1. *Certification.* A building mounted unit shall be only of such weight as can safely be supported by the structure. A certification by a professional engineer or other qualified person, shall be submitted to the township prior to installation.
  2. *Location.* Wall-mounted units shall not be located on the front wall of a building.
  3. *Height.*
    - a. Wall-mounted unit shall not exceed the height of the building wall to which they are attached.
    - b. A roof-mounted unit shall not project more than three feet above the highest point of the roof and may exceed the maximum building height limitation for the zone district by no more than three feet.
  4. *Extension.* A solar energy collector that is wall-mounted shall not project horizontally beyond the eave of the roof, or 12 inches, whichever is less.
- D. *Ground-mounted solar energy collectors.* These systems shall only be established as accessory uses to principal buildings. The following requirements apply:
1. *Location.* The unit shall be located in the rear yard and shall be subject to the setbacks for accessory buildings.
  2. *Maximum size.* One thousand five hundred square feet of collector panels per ground-mounted solar energy collector structure.
  3. *Maximum height.* Twelve feet, measured from the natural grade below the unit to the highest point.
  4. *Screening.* Screening may be required in cases where ground-mounted units impact views from adjacent residential properties.
- E. *Commercial solar energy system.* Commercial systems shall be established as principal uses only. The following requirements apply:
1. *Minimum setbacks.* One hundred feet minimum.
  2. *Maximum height.* Sixteen feet, measured from the natural grade below the unit to the highest point.
  3. *Minimum acreage.* Five acres.
  4. *Screening.* Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of materials, colors, textures, screening walls, and landscaping, that will blend the facility into the natural setting and existing environment.
  5. *Decommissioning.* A decommissioning plan signed by the responsible party and the landowner (if different) addressing the following shall be submitted prior to approval:
    - a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)
    - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
    - c. Restoration of property to condition prior to development of the system.
    - d. The timeframe for completion of decommissioning activities.
    - e. Description of any agreement (e.g. lease) with landowner regarding decommissioning, if applicable.
    - f. The entity or individual responsible for decommissioning.

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- g. Plans for updating the decommissioning plan.
  - h. A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the township, to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two years from the annual anniversary of special land use approval.

### **Sec. 9.27 Special events.**

- A. *Review.* Special events are subject to review and approval by the Zoning Administrator in accordance with this section.
- B. *General requirements.*
  - 1. If the event is in a commercial or industrial zone, it shall not operate past 11:00 p.m. If the event is within 500 feet of a residential zone, it shall not operate past 9:00 p.m.
  - 2. A 20-foot wide access lane for fire and emergency vehicles must be provided to within 150 feet of all temporary structures. Special events may not be located in a manner that would impede ingress, egress, clear vision areas, on-site vehicle or pedestrian circulation, or emergency access. No driveways or fire protection instruments shall be blocked.
  - 3. Parking shall be provided per section 10.4C.
  - 4. Clean-up following the event is the responsibility of the property owner, and shall be completed within 24 hours following the event. Any materials left on-site will be cleaned up at the expense of the property owner.
  - 5. Permanent changes to the site on which the special event will be located are prohibited.
  - 6. Special events shall not violate any of the applicable conditions that were set forth upon the approval of the principle use located on the site.
  - 7. Special events may not be located upon any public right-of-way, public street/sidewalk, or other public property except as provided in the Holland Charter Township Code of Ordinances. However, this requirement shall not apply to block parties when street closures have been approved by the township or road commission.
  - 8. The operator of the special event must obtain all other required permits applicable to the activity, such as health department permits.
  - 9. All temporary structures shall be erected in a safe manner in accordance with any applicable building codes, ordinances, and standards. Tents are subject to section 8.12.
  - 10. Operators of special events shall provide sanitation and waste facilities in compliance with all applicable regulations.
  - 11. All special events shall comply with fire safety regulations. Combustible ground cover shall not be permitted and open fires are prohibited.
  - 12. A minimum distance of ten feet shall be maintained at all times from buildings located on the site or adjacent to the site the special event is located.

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13. A minimum pedestrian walkway with a clear area of five feet is required along all areas of pedestrian movement or seating areas, areas where the general public will be served, and any public right-of-way.
- C. *Food vendors.* Food vendors at special events, including food trucks, shall comply to the following regulations.
1. Cooking is not permitted within 200 feet of a residential zone.
  2. Area occupied by cooking apparatus and/or concession stand and service areas shall not consume more than 20 percent of the parking spaces, nor shall it be greater than 1,000 square feet.
  3. Cooking apparatus shall be separated from areas of pedestrian movement, and smoke emissions shall not impair the pedestrian or vehicular sight distances or serve as a distraction at street intersections.
  4. Solid waste receptacles shall be provided and shall be emptied on a daily basis. Sites must be kept clean and free of debris.
  5. If outdoor seating is used, it shall be kept in a clean and well-maintained state.

### **Sec. 9.28 Wind energy.**

- A. *General.* For the purpose of this section, the following applies:
1. *Rotor diameter.* The cross-sectional dimension of the circle swept by the rotating blades of a WET.
  2. *Structure.* Any building or other structure, such as a municipal watertower that is a minimum of 12 feet high at its highest point of roof and is secured to frost-footings or a concrete slab.
  3. *Total height.* The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy turbine (WET).
- B. *Temporary uses.* Anemometers are permitted as a temporary use, in compliance with the provisions of this section, and the applicable WET regulations.
- C. *Permits.* The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- D. *Minimum requirements.* An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- E. *Timeframe.* An anemometer shall be permitted for no more than 13 months for a SSMWET, STMWET, or MWET, and no more than three years for a LWET.
- F. *A small structure-mounted wind energy turbine (SSMWET) and small tower-mounted wind energy turbine (STMWET).* These types of wind turbines are permitted uses in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this ordinance unless a building permit has been issued to the owner(s) or operator(s). All SSMWETs and STMWETs are subject to the following minimum requirements:
1. *Siting and design requirements.*
    - a. "Upwind" turbines shall be required.
    - b. *Visual appearance.*
      - i. SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine,

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- tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
- ii. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
  - iii. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
- c. *Ground clearance.* The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least 15 feet above the ground (at the highest point of the natural grade within 30 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
- d. *Noise.* Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential use lot of record or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential use.
- e. *Vibration.* Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
- f. *Guy wires.* Guy wires shall not be permitted as part of the SSMWET or STMWET.
- g. *Additional requirements for SSMWET.* In addition to the siting and design requirements listed previously, the SSMWET shall also be subject to the following:
- i. *Height.* The height of a SSMWET shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
  - ii. *Setback.* The setback of the SSMWET shall be a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.
  - iii. *Separation.* If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.
- h. *Additional requirements for STMWET.* In addition to the siting and design requirements listed previously, the STMWET shall also be subject to the following:
- i. *Height.* The total height of a STMWET shall not exceed 120 feet.
  - ii. *Location.* The STMWET shall only be located in a rear yard of a property that has an occupied building.
  - iii. *Occupied building setback.* The setback from all occupied buildings on the applicant's lot of record shall be a minimum of 20 feet measured from the base of the tower.
  - iv. *Other setbacks.* The setback shall be equal to 110 percent of the total height of the STMWET, as measured from the base of the tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the



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applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.

- v. *Separation.* If more than one STMWET is installed, a distance equal to 110 percent of the height of the highest STMWET must be maintained between the base of each STMWET.
  - vi. *Electrical system.* All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each lot of record at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
2. *Permit application requirements.*
- a. Name of property owner(s), address, and parcel number.
  - b. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
  - c. The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
  - d. Documented compliance with the noise requirements set forth in this section.
  - e. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - f. Proof of applicant's liability insurance.
  - g. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
  - h. Other relevant information as may be reasonably requested.
  - i. Signature of the applicant.
  - j. In addition to the permit application requirements previously listed, the SSMWET Application shall also include:
    - i. The total proposed number of SSMWETs.
    - ii. A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET to conduct maintenance.
3. *Safety requirements.*
- a. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

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- b. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
        - c. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
        - d. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
  4. *Signal interference.* The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
  5. *Decommissioning.* The process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.
    - a. The SSMWET or STMWET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the Township Board may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
    - b. If the SSMWET or STMWET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the township board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to the township for the cost of decommissioning each SSMWET or STMWET.
    - c. In addition to the decommissioning requirements listed previously, the STMWET shall also be subject to the following:
      - i. Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade.
      - ii. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
  6. *Public Inquiries and Complaints.* Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise requirements of this section, the procedure shall be as follows:
    - a. Notify the township in writing regarding concerns about noise level.
    - b. If the complaint is deemed sufficient by the zoning administrator to warrant an investigation, the township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this ordinance.

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- c. If the test indicates that the noise level is within ordinance noise requirements, the township will use the deposit to pay for the test.
  - d. If the SSMWET or STMWET owner(s) is in violation of the noise requirements, the owner(s) or operator(s) shall reimburse the township for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until ordinance violations are corrected. The township will refund the deposit to the aggrieved property owner.
- G. *Medium and large wind energy turbines.* In addition to the materials required for all special land uses, the application shall include the following:
- 1. *Siting and design requirements.*
    - a. "Upwind" turbines shall be required.
    - b. The design of a MWET or LWET shall conform to all applicable industry standards.
    - c. *Visual appearance.*
      - i. Each MWET or LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET or LWET.
      - ii. Each MWET or LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
      - iii. Each MWET or LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).
    - d. *Vibration.* Each MWET or LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
    - e. *Shadow flicker.* The MWET or LWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET or LWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed 30 hours per year.
    - f. *Guy wires.* Guy wires shall not be permitted as part of the MWET or LWET.
    - g. *Electrical system.* All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET or LWET shall be placed underground within the boundary of each lot of record at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
    - h. *Location.* The MWET shall only be located in a general common element in a condominium Development.
    - i. *Height.* The total height of a MWET shall not exceed 150 feet.

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- j. *Ground clearance.* The lowest extension of any blade or other exposed moving component of a MWET shall be at least 15 feet above the ground (at the highest point of the grade level within 50 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
  - k. *Noise.* Noise emanating from the operation of a MWET or shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use lot of record or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a MWET(s) shall not exceed, at any time, the lowest ambient noise level plus five dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use lot of record.
  - l. *Quantity.* The number of MWETs shall be determined based on setbacks and separation.
  - m. *Setback and separation.*
    - i. *Occupied building setback.* The setback from all occupied buildings on the applicant's lot of record shall be a minimum of 20 feet measured from the base of the tower.
    - ii. *Property line setbacks.* With the exception of the locations of public streets (see below), drain rights-of-way and lots of record with occupied buildings (see above), the internal property line setbacks shall be equal to 110 percent of the total height of the MWET as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.
    - iii. *Public street setbacks.* Each MWET shall be set back from the nearest public street a distance equal to 110 percent of the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public street.
    - iv. *Communication and electrical lines.* Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the total height of the MWET, as measured from the base of the tower, determined from the existing power line or telephone line.
  - v. *Tower separation.* MWET/tower separation shall be based on industry standard and manufacturer recommendation.
2. *Additional LWET requirements.* In addition to the siting and design requirements listed previously, the LWET shall also be subject to the following:
- a. *Ground clearance.* The lowest extension of any blade or other exposed moving component of an LWET shall be at 50 feet above the ground (at the highest point of the grade level within 150 feet of the base of the tower).
  - b. *Noise.* Noise emanating from the operation of a LWET or shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use lot of record or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a LWET(s) shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use lot of record.
  - c. *Quantity.* The number of LWETs shall be determined based on setbacks and separation.

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- d. *Setback and separation.*
- i. *Occupied building setback.* Each LWET shall be set back from the nearest occupied building that is located on the same lot of record as the LWET a minimum of two times its total height, or 1,000 feet, as measured from the base of the tower, whichever is greater.
  - ii. *Property line setbacks.* With the exception of the locations of public streets (see below), drain rights-of-way and lots of record with occupied buildings (see above), the internal property line setbacks shall be a minimum of one and one-half times the total height, as measured from the base of the tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall curl, or bend within a distance or zone shorter than the height of the WET.
  - iii. *Public street setbacks.* Each LWET shall be set back from the nearest public street a minimum distance no less than 400 feet or one and one-half times its total height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public street.
  - iv. *Communication and electrical lines.* Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 400 feet or one and one-half times its total height, whichever is greater, determined from the existing power line or telephone line.
  - v. *Tower separation.* Turbine/tower separation shall be based on industry standards and manufacturer recommendation.
  - vi. *Access driveway.* Each LWET shall require the construction of an internal access drive to offer an adequate means by which the township may readily access the site in the event of an emergency.
3. *Safety requirements.*
- a. If the MWET or LWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
  - b. The MWET or LWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
  - c. Security measures need to be in place to prevent unauthorized trespass and access. Each MWET or LWET shall not be climbable up to 15 feet above ground surfaces. All access doors to MWETs or LWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
  - d. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
  - e. Each MWET or LWET shall have one sign, not to exceed two square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
    - i. Warning high voltage.
    - ii. Manufacturer's and owner/operators name.

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- iii. Emergency contact numbers (list more than one number).
      - iv. The structural integrity of the MWET or LWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
  4. *Signal interference.* The MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
  5. *Decommissioning.* The process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.
    - a. The MWET or LWET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET or LWET, and for a good cause, the township board may grant a reasonable extension of time. Each MWET or LWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
    - b. Decommissioning shall include the removal of each MWET or LWET, buildings, electrical components, and roads to a depth of 60 inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Ottawa County Register of Deeds.
    - c. All access roads to the MWET or LWET shall be removed, cleared, and graded by the MWET or LWET Owner(s).
    - d. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
    - e. In addition to the decommissioning requirements listed previously, if the MWET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above the township may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the township for the cost of decommissioning each MWET.
    - f. In addition to the decommissioning requirements previously listed, the LWET shall also be subject to the following:
      - i. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("decommissioning costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). When determining this amount, the township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Estimates shall be submitted to the zoning administrator after the first year of operation and every fifth year thereafter.
      - ii. The LWET owner(s) or operator(s) shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 100 percent of decommissioning costs. The

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decommissioning funds shall be posted and maintained with a bonding company or federal or state chartered lending institution chosen by the owner(s) or operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the township.

- iii. Decommissioning funds shall be in the form of a performance bond made out to the township.
- iv. A condition of the bond shall be notification by the bond company to the zoning administrator when the bond is about to expire or be terminated.
- v. Failure to keep the bond in effect while an LWET is in place will be a violation of the special land use permit. If a lapse in the bond occurs, township may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
- vi. The escrow agent shall release the decommissioning funds when the owner(s) or operator(s) has demonstrated and the township concurs that decommissioning has been satisfactorily completed, or upon written approval of the township in order to implement the decommissioning plan.
- vii. If neither the owner(s) or operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (decommissioning requirements i and ii), then the township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the township may take such action as necessary to implement the decommissioning plan.

6. *Site plan requirements.*

- a. Site plan drawing. All applications for an MWET or LWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
  - i. Existing property features to include the following: Property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public streets, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within 300 feet of the property.
  - ii. Location and height of all proposed MWETs or LWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed MWET or LWET.
  - iii. Additional details and information as required by the special use requirements of the zoning ordinance or as requested by the planning commission.
- b. Site plan documentation. The following documentation shall be included with the site plan:
  - i. The contact information for the owner(s) or operator(s) of the MWET or LWET as well as contact information for all property owners on which the MWET or LWET is located.
  - ii. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET or LWET. A statement from the landowner(s) of the

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- leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
- iii. Identification and location of the properties on which the proposed MWET or LWET will be located.
  - iv. In the case of a condominium development, a copy of the condominium development's master deed and bylaws addressing the legal arrangement for the MWET or LWET.
  - v. The proposed number, representative types and height of each MWET or LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
    - vi. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET tower separation.
    - vii. Documented compliance with the noise, and shadow flicker requirements set forth in this ordinance.
    - viii. Engineering data concerning construction of the MWET or LWET and its base or foundation, which may include, but not be limited to, soil boring data.
    - ix. A certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.
  - x. Anticipated construction schedule.
    - xi. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET or LWET to conduct maintenance, if applicable.
    - xii. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
    - xiii. Proof of applicant's liability insurance.
    - xiv. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
    - xv. Other relevant information as may be requested by the township to ensure compliance with the requirements of this ordinance.
    - xvi. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the special use permit.
    - xvii. A written description of the anticipated life of each MWET or LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) or LWET(s) become inoperative or non-functional.
    - xviii. The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's or LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.



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- xix. The township reserves the right to review all maintenance plans and bonds under this ordinance to ensure that all conditions of the permit are being followed.
  - xx. Signature of the applicant.
- c. In addition to the site plan Requirements listed previously, the LWET shall be subject to the following:
- i. A site grading, erosion control and storm water drainage plan will be submitted to the zoning administrator prior to issuing a special use permit for an LWET. At the township's discretion, these plans may be reviewed by the township's engineering firm. The cost of this review will be the responsibility of the applicant.
  - ii. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public streets and other areas caused by construction of the LWET.
  - iii. A statement indicating what hazardous materials will be used and stored on the site.
  - iv. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.
- H. *Certification and compliance.*
- 1. *Notification.* The township must be notified of a change in ownership of a MWET or LWET or a change in ownership of the property on which the MWET or LWET is located.
  - 2. *Inspections.* The township reserves the right to inspect any MWET, and all LWETs, in order to ensure compliance with the ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
  - 3. *Other requirements.* In addition to the certification and compliance requirements listed previously, the LWET shall also be subject to the following:
    - a. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any LWETs to demonstrate compliance with the requirements of this ordinance. Proof of compliance with the noise standards is required within 90 days of the date the LWET becomes operational. Sound shall be measured by a third-party, qualified professional.
    - b. The LWET owner(s) or operator(s) shall provide the zoning administrator with a copy of the yearly maintenance inspection.
- I. *Public inquiries and complaints.* Should an aggrieved property owner allege that the MWET or LWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:
- 1. *Noise complaint.*
    - a. Notify the zoning administrator in writing regarding concerns about noise level.
    - b. If the complaint is deemed sufficient by the zoning administrator to warrant an investigation, the township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this ordinance.

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- c. If the test indicates that the noise level is within ordinance noise requirements, the township will use the deposit to pay for the test.
  - d. If the MWET or LWET owner(s) is in violation of the ordinance noise requirements, the owner(s) shall reimburse the township for the noise level test and take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The township will refund the deposit to the aggrieved property owner.
2. *Shadow flicker complaint.*
    - a. Notify the zoning administrator in writing regarding concerns about the amount of shadow flicker.
    - b. If the complaint is deemed sufficient by the zoning administrator to warrant an investigation, the township will request the owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this ordinance.
    - c. If the MWET or LWET owner(s) is in violation of the ordinance shadow flicker requirements, the owner(s) take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until the ordinance violations are corrected.

## **Sec. 9.29 Wireless communications.**

### *A. Background.*

1. The township has received or expects to receive requests to site wireless communications towers and antennas within its boundaries.
2. The township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries.
3. It is the township's intent to permit the siting of wireless communications towers and antennas within its boundaries.
4. It is the township's intent to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

### *B. Purpose and goals.* The purpose of this section is to establish general guidelines for siting wireless communications towers and antennas. To further these goals, the township shall consider its comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas. The goals of this section are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers and antennas in nonresidential areas;
3. Minimize the total number of towers and antennas throughout the township;
4. Promote the joint use of existing tower sites rather than construction of additional towers;
5. Promote the location of towers and antennas in areas where the adverse impact on the township is minimal;
6. Promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Promote telecommunications services to the township which are quick, effective, and efficient;
8. Protect the public health and safety of the township and its residents; and

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9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

C. *Applicability.*

1. *New towers and antennas.* All new towers and new antennas in the township shall be subject to this section, except as otherwise provided in this section.
2. *Amateur radio and over-the-air reception devices.* This section does not apply to amateur radio and over-the-air reception devices.
3. *Preexisting towers and antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section.
4. *Exemption.* Wireless communication equipment is a permitted use of property and is not subject to special land use approval or any other approval under the Michigan Zoning Enabling Act if all the following requirements are met:
  - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - b. The existing wireless communications support structure or existing equipment compound is in compliance with the zoning ordinance or was previously approved by the township.
  - c. The proposed collocation will not do any of the following:
    - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.
    - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support.

D. *General requirements.*

1. *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot. Likewise, an existing antenna or tower on a lot shall not preclude the location of a different use, building or structure on the same lot.
2. *Lot size.* Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements. The area of the lot and the lot dimensions, frontage for example, shall meet the minimum requirements of the zoning district within which it is located.
3. *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of applicant's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the township or within one mile of the township border, including specific information about the location, height, and design of each tower or antenna.
4. *Tower finish.* Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

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5. *Tower site.* At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  6. *Antenna color.* An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  7. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
  8. *State or federal requirements.* All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the township to seek a court order, authorizing the township or its designee to remove the tower and/or antenna at the owner's expense.
  9. *Building codes; safety standards.* The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the township suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the township may proceed under applicable State of Michigan law (i.e., Michigan Public Act 144 of 1992, (MCL 125.539 et seq.), as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.
  10. *Measurement.* Tower setbacks and separation distances shall be measured and applied to facilities located in the township without regard to municipal and county jurisdictional boundaries.
  11. *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this section. They shall not be regulated or permitted as essential services, public utilities, or private utilities.
  12. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the township have been obtained; they shall file a copy of all required franchises with the zoning administrator.
  13. *Signs.* No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign no larger than 32 square feet in area designating a person to contact in an emergency, together with the person's telephone number and address.
  14. *Metal towers.* Metal towers shall be constructed with a corrosion-resistant material.
  15. *No interference.* Towers shall not interfere with television or radio reception on surrounding properties.
  16. *Paving.* All parking and drive areas shall be surfaced with concrete or asphalt pavement and shall be constructed in accordance with the requirements of article 10.
- E. *Special use permits.*
1. *General.* The following provisions shall govern the issuance of special use permits for towers or antennas by the planning commission:

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- a. Applications for special use permits under this section shall be subject to the general procedures and requirements of this ordinance for special uses, except as modified in this section.
  - b. In granting a special use permit, the planning commission may impose such conditions that the planning commission concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
  - c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. This engineer shall certify in writing that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.
2. *Application.*
- a. A scaled site plan showing the location, type and height of the proposed tower or antenna; on-site land uses and zoning; adjacent land uses (including buildings and structures located thereon) and zoning (even if adjacent to another municipality); comprehensive plan classification of the site and all properties within the applicable separation distances set forth in Tables 9.29A and B of this section; small scale sketch of properties, streets and uses within one-half mile of the proposed tower or antenna; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower or antenna and any other structures; topography; parking; and other information deemed necessary by the zoning administrator or planning commission to assess compliance with this ordinance.
  - b. Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the applicant's deed or lease pertaining to that lot.
  - c. The separation distance between the proposed tower or antenna and the nearest dwelling, platted residential properties, and unplatted residentially zoned properties.
  - d. The separation distance from other towers or antennas described in the inventory of existing site, the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.
  - e. A landscape plan showing specific landscape materials, both existing and proposed.
  - f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
  - g. Sealed construction plans for the tower and/or antenna.
  - h. A description of compliance with the requirements of this section, and of all applicable federal, state, county or township laws, rules, regulations and ordinances.
  - i. A notarized statement by the applicant for a tower, indicating if the tower will accommodate collocation of additional antennas for future users.
  - j. A description of the services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna.
  - k. A description of the feasible location(s) of applicant's future planned towers or antennas within the township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.
3. *Review standards.* In addition to any other standards specified in this ordinance for considering special use permit applications, the planning commission shall consider the following factors in determining whether to issue a special use permit under this section:
- a. Height of the proposed tower or antenna;

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- b. Proximity of the proposed tower or antenna to residential structures and residential district boundaries;
  - c. Nature of uses on adjacent and nearby properties;
  - d. Surrounding topography;
  - e. Surrounding tree coverage and foliage;
  - f. Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - g. Proposed ingress and egress to the proposed tower or antenna;
  - h. Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed below in this section;
  - i. The effect of the proposed tower or antenna on the conforming properties and the surrounding neighborhood; and
  - j. Whether or not the proposed tower or antenna is located in zoning districts or on structures where the township intends at least most towers and antennas in the township to be located, as subsequently described in this section.
4. *Intent.* The township intends that most if not all towers and antennas will be located as described below:
- a. The township encourages the location of towers and antennas, including the placement of additional buildings or other supporting equipment used in connection with them, in the C-2, C-3, and I-2 zoning districts.
  - b. The township encourages the location of antennas on existing structures or towers consistent with the terms of subsections a) and b) below:
    - i. The township encourages antennas on existing structures which are not towers, as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided the antenna does not extend more than 30 feet above the highest point of the structure;
    - ii. The township encourages antennas on existing towers, provided that:
      - a) A tower which is modified or reconstructed to accommodate the collocation of one or more additional antennas shall be of the same tower type as the existing tower or a monopole;
      - b) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna may be modified or rebuilt to a taller height, not more than once per tower and not to exceed 30 feet over the tower's existing height (this additional height shall not require an additional distance separation per Tables 9.29A and B of this article; rather the tower's premodification height shall be used to calculate such distance separations); and
      - c) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna may be moved on-site within 50 feet of its existing location (a relocated tower shall continue to be measured from its original location for purposes of calculating separation distances between towers pursuant to Table 9.29B of this section).

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5. *Availability of suitable existing towers, antennas, alternative tower structures, other structures, or alternative technology.* No new tower or antenna shall be permitted unless the applicant demonstrates to the planning commission that no existing tower, antenna, alternative tower structure or alternative technology can provide the services sought by the applicant without the erection of the applicant's requested new tower or antenna. To prove that no existing tower, antenna, alternative tower structure, structure, or alternative technology can provide the services sought by the applicant, the applicant could demonstrate that:
- a. No existing towers, antennas, alternative tower structures, alternative technology, or other structures are available within the geographical area which meet the applicant's engineering requirements;
  - b. Existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicant's engineering requirements, and that their height cannot be increased to meet such requirements;
  - c. Existing towers, alternate tower structures, or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support;
  - d. The proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing towers or antennas would cause interference with the applicant's proposed antenna;
  - e. The costs to collocate an antenna exceed the costs of erecting a new tower or antenna;
  - f. There are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable; or
  - g. An alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.
- F. *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required:
1. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.
  2. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.
- G. *Separation.* The following separation requirements shall apply to all towers for which a special use permit is required:
1. *Separation of towers from off-site uses/designated areas.*
    - a. Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 9.29A, except as otherwise provided in Table 9.29A. The separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the off-site uses or designated areas.
    - b. Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in Table 9.29A.

- c. Once a tower has been located, all future buildings or structures on the same lot of record as the tower was initially located on shall be located so as to comply with the separation requirements contained in Table 9.29A.

*Table 9.29A Wireless Communication Tower Separation Requirements*

Off-Site Use/Designated Area	Separation Distance <sup>1</sup>
Single-family or two-family dwelling units.	200 feet or three times the height of the tower, whichever is greater.
Unimproved R-1 or R-2 land or PUD approved for residential use equivalent to R-1 or R-2 land which is platted, has preliminary subdivision plan approval which has not expired, or which is part of a site condominium approved as part of a PUD or other provision of this ordinance.	200 feet or three times the height of the tower, whichever is greater.
Other unimproved residentially zoned lands. <sup>2</sup>	100 feet or the height of the tower, whichever is greater.
Existing multiple-family dwelling units.	100 feet or the height of the tower, whichever is greater.
Nonresidentially zoned lands or nonresidential uses, if not covered by any of the above categories.	None; only setbacks established by this ordinance apply.

<sup>1</sup> Separation measured from base of tower to closest building setback line.

<sup>2</sup> Includes any unplatted residentially zoned properties without a preliminary subdivision plan or site condominium approval as a PUD or pursuant to other applicable provisions of this ordinance and any R-3 zoning district land.

2. *Separation distances between towers and tower pairs.*

- a. Separation distances between a tower and a tower pair, or between two towers which are not included in a tower pair, shall be applicable for and measured between the proposed tower and a preexisting tower pair, or between the proposed tower and any preexisting tower which would not form a tower pair with the proposed tower. The separation distances shall be measured by drawing or following a straight line between the base of the closest existing tower and the proposed base, pursuant to a site plan of the proposed tower.
- b. Separation distances between a tower and a tower pair, or between two towers which are not included in a tower pair, shall comply with the minimum distances (listed in linear feet) established in Table 9.29B.

*Table 9.29B Wireless Communication Tower Required Separation Between Existing Towers*

Proposed Tower	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
Lattice	10,000	10,000	3,000	1,500
Guyed	10,000	10,000	3,000	1,500
Monopole 75 Feet in Height or Greater	3,000	3,000	3,000	1,500
Monopole Less Than 75 Feet in Height	1,500	1,500	1,500	1,500



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- H. *Security fencing.* Towers and their guy wires, if any, for which a special use permit is required shall be enclosed by security fencing not less than six feet in height. The towers shall also be equipped with appropriate anticlimbing devices.
  - I. *Landscaping.* The following requirements shall govern the landscaping [of] surrounding towers for which a special use permit is required. The required landscaping shall be maintained in good condition for the duration of the special use permit:
    - 1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property then used for dwellings, single-family or multiple-family, or included in a residential zoning district or PUD residential development. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
    - 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the planning commission may conclude that natural growth around the property perimeter may be a sufficient buffer.
  - J. *Accessory utility buildings.* All utility buildings and structures accessory to a tower or an antenna shall comply with all other requirements of this ordinance, shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district where the tower or antenna is located. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
  - K. *Removal of abandoned antennas and towers.* Notwithstanding anything to the contrary elsewhere in this ordinance, any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the 90 days shall be grounds for the township to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The owner of each antenna and/or tower shall submit to the township in January of each year evidence satisfactory to the township that the antenna and/or tower is being currently operated and utilized.
  - L. *Expansion of nonconforming use.* Notwithstanding any other provisions of this ordinance to the contrary, towers that are constructed and antennas that are installed in accordance with this section shall not be deemed to be the expansion of a nonconforming use or structure.

## **ARTICLE 10. PARKING AND LOADING**

### **Sec. 10.1 Intent and purpose.**

The purpose of this article is to prescribe regulations for off-street parking of personal and commercial vehicles to ensure that sufficient space for parking, loading, and access is provided in a safe and convenient manner and to alleviate and prevent congestion on public streets.

### **Sec. 10.2 General requirements.**

- A. *Determination.* The zoning administrator shall provide a final determination regarding total parking required for all single and multi-use development sites in all cases.
- B. *Applicability.*

1. *Compliance.* Parking areas for more than five vehicles shall be developed and maintained in accordance with the requirements of this article.
  2. *Restriping and resurfacing.* Restriping and resurfacing of existing lots shall conform to the dimensional requirements for spaces and drive aisles.
  3. *Required parking spaces.*
    - a. *New construction.* Before any new building or addition to a building is occupied, off-street parking spaces for vehicles shall be provided in accordance with this article.
    - b. *Capacity increase and change of use.* Before any building capacity increases or changes use, off-street parking spaces for vehicles shall be provided in accordance with this article.
- C. *Setbacks.* Parking lots shall be subject to ten-foot front setbacks. See section 11.7 for buffer requirements.
- D. *Restrictions.* Required off-street parking facilities shall be used solely for the parking vehicles for patrons, occupants, or employees of specified uses, unless otherwise authorized by this ordinance. Inoperable vehicles shall not be stored in an off-street parking area for more than 24 hours, except for areas allowable for outdoor storage of inoperable or junk vehicles per this ordinance.
- E. *Clear passage.* All aisles or driveways shall remain unobstructed at all times and allow for the passage of emergency vehicles.
- F. Residential Lots.
1. *Passenger Vehicles.* Passenger vehicle parking is restricted to driveways, vehicle storage areas connected to the driveway, or within a building. Driveways and vehicle storage areas shall be surfaced with either concrete pavement, asphalt pavement, or an improved, compacted aggregate surface with a clearly defined edge.
  2. *Commercial vehicles and trailers.* Commercial vehicle parking is restricted to one per lot of record, up to a Class III (14,000 pounds gross vehicle weight rating) commercial heavy duty pickup truck or van without modifications to its factory storage capacity. This section shall not apply to temporary commercial vehicle parking while engaged in a delivery, pickup, or service call to the property where located, or those parked completely in an enclosed private garage or accessory building.
- G. *Recreational equipment.* In the agricultural (article 3) and residential (article 4) zoning districts, recreational equipment stored or parked on private property shall be subject to the following requirements:
1. *Maximum number.* The maximum number of recreational equipment parked or stored outdoors on a lot of record shall comply with Table 10.2. Limits and restrictions do not apply to farm equipment on farms.

*Table 10.2 Recreational Equipment Maximums*

Acreage	Number
0—.99 ac.	2 max. on property including 1 max. in front yard
1—1.99 ac.	3 max. on property including 1 max. in front yard
2+ ac.	4 max. on property including 1 max. in front yard

2. *Setbacks.* Unless parked or stored in a completely enclosed private garage, all recreational equipment shall be stored or parked so that it is no closer than 21 feet to the edge of the traveled portion of any street, and so that it is no closer than five feet from the rear lot line; provided, however, that in the case of a waterfront lot, it shall be parked or stored no closer than 40 feet to the water's edge.

3. *Location.* Recreational equipment may only be parked or stored either in the rear yard or in the side yard that is adjacent or nearest to the private garage, if there is one, or if there is no garage, then the side yard nearest the driveway. If recreational equipment is parked or stored in the front yard, the recreational equipment shall be parked or stored in the driveway portion of the front yard or in a parking or storage area immediately adjacent to and having direct access to the driveway.
4. *Appearance.* All recreational equipment parked or stored shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding neighborhood.
5. *Ownership and registration.* The parking or storage of recreational equipment shall be limited to only those items of equipment owned by and licensed or registered to an occupant of dwelling unit on the lot of record on which the recreational equipment is parked or stored.
6. *Connections.* Recreational equipment shall not have permanent fixed connection to electricity, water, gas, or sanitary sewer, and shall not be used for permanent living purposes.

**Sec. 10.3 Required off-street parking and stacking.**

- A. *Location of facilities.*
  1. *Agricultural (article 3) and residential (article 4) zoning districts.* Required parking shall be provided on the same lot of record as the building it is required to serve.
  2. *Commercial and office (article 5) and industrial (article 6) zoning districts.* Required parking shall be provided within 300 feet of the building it is meant to serve, unless otherwise stated in this article. The measurement is taken from the nearest point of public entrance to the building to the nearest point of the parking lot.
- B. *Calculating required spaces.* The following instructions shall apply:
  1. *Floor area.* Off-street parking requirements shall be calculated based on total floor area served by the parking lot, or as otherwise provided in Table 10.3.
  2. *Fractions.* If the calculation of required parking spaces results in a fraction, the number shall be rounded down to a whole number.
  3. *Public assembly seating.* Each 24-inch segment a bench, pew, or similar seating type shall be counted as one seat for the purpose of determining parking requirements.
  4. *Unlisted uses.* For uses not specified in Table 10.3 the required parking spaces shall be determined by the zoning administrator, on the basis of requirements for similar uses.
  5. *Multiple uses.* For projects with multiple land uses on the same site or within the same building, the amount of parking spaces for each use shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as permitted by section 10.6.
- C. *Stacking for drive-through facilities.* For every building or use having a drive-through facility, sufficient stacking capacity shall be provided to ensure that queuing of vehicles does not extend into a street or alley. A stacking space shall be at least ten feet in width by 20 feet in length. Stacking spaces shall be designed to minimize conflicts with pedestrians, cyclists, and parking area traffic.

*Table 10.3 Parking Requirements by Use*

Use	Number of Parking Spaces
Accessory uses	Varies depending use type.
Agricultural labor camp	Two parking spaces (for vehicles) for each unit in which people are housed. The term "unit" shall

	mean a room or enclosed floor area that is used or intended to be used at a farm labor camp for living, sleeping, cooking, or eating purposes.
Agritourism, ancillary uses and activities	Determined by the Zoning Administrator based on similar use consideration.
Banquet hall	One space per 100 s.f.
Bed and breakfast	Two plus one for each rentable room.
Commercial stable	One per individual stable space.
Community cultural facility	One per 375 s.f.
Day care, child care center	Two plus one per 10 children permitted by state license.
Day care, family day care (1—6 children),and group day care home (7+ children)	One off-street parking space is required for each employee. Sufficient area shall be designated for drop-off of children in a safe manner that will not result in traffic disruptions.
Dwelling, accessory	One.
Dwelling, multiple-family residential dwellings	Two spaces per dwelling unit, plus one guest parking space for every two units.
Dwelling, single-family	Two spaces per dwelling unit.
Dwelling, two-family	Two spaces per dwelling unit.
Dwelling, upper floor of building with non-residential uses at street level (single or multiple)	One space per dwelling unit.
Farmers market	See retail.
Governmental facility	See offices and services.
Housing — Independent, assisted, convalescent and nursing	One per three beds.
Hotel/motel	One per room and one per 300 s.f. of office space. In addition, spaces required for ancillary uses such as lounges, restaurants or places of assembly shall be provided and determined on the basis of the individual requirements for that use.
Housing, independent and assisted living	One and one-half spaces per unit.
Manufacturing	One per 800 s.f. manufacturing space, one per 2,000 s.f. of warehousing, one per 300 s.f. of office space.
Manufactured home community	See State of Michigan Manufactured Housing General Rules.
Medical services, clinic and medical office	One per 300 s.f.
Medical service, hospital	Two and one-quarter per patient bed.
Meeting facility	One space per 100 s.f.
Mini-warehouses/self-storage	One space per two units.
Office and service drive-through	Three stacking spaces are per service lane for financial institutions, five per service lane for any other use.
Offices and services	One per 300 s.f.
Place of worship	One for every four seats in the main place of assembly.

Recreation	Campground	Determined by the zoning administrator based on similar use consideration.
	Community-based	Determined by the zoning administrator based on similar use consideration.
	Golf course	Six per one golf hole plus additional for any bar or restaurant.
	Golf course, miniature or "par-3"	Three per one hole.
	Gymnasium, sports fields, or stadium or similar place of outdoor assembly	One for every three seats or one for every six feet of bench. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
	Indoor commercial	One space per 100 s.f.
	Recreation areas and parks	Determined by the Zoning Administrator based on similar use consideration.
Restaurant; restaurant with micro-brewery, small distillery, small winery; tavern	Carry-out	Seven per service or counter station
	Drive-through	10 stacking spaces are per service lane.
	Sit-down	One per 100 s.f.
Retail	Less than 5,000 s.f.	One per 150 s.f.
	5,000 s.f. to 9,999 s.f.	One per 200 s.f.
	10,000 s.f. to 49,999 s.f.	One per 250 s.f.
	Over 50,000 s.f.	One per 300 s.f.
	Building supply, lumber, greenhouse, equipment, vehicles	One space per 300 s.f. plus one per 2,000 s.f. of outdoor area used for display and storage
Roadside stand		Determined by the Zoning Administrator based on similar use consideration.
School	Elementary or middle	One per classroom, plus one per 300 s.f. of office space.
	High school	One per classroom, plus one per 300 s.f. of office space in addition to the requirements for places of assembly such as auditoriums and gymnasiums.
	Specialized/training	One per 300 s.f.
Service station		See retail.
Theater		One for every three seats.
Vehicle repair	General repair	Two per service stall, plus the requirements for offices.
	Quick oil change	Two stacking spaces per service stall, rack or pit plus general offices and services.
Vehicle wash		Four spaces, 10 stacking spaces for every washing stall or line, plus a minimum 30-foot long drying lane. Two stacking spaces per self-serve car wash stall.
Warehousing		One per 2,000 s.f.

## Sec. 10.4 Location and Design Requirements

- A. *Dimensions and layout.* Parking spaces and aisles shall meet the width and length requirements of Table 10.4.

Table 10.4 Minimum Dimensional Requirements (Feet)

Parking Pattern	Parking Space		Drive Aisle Width <sup>1</sup>	
	Width	Length	One-Way	Two-Way
0° (parallel)	10	22	12	22
30° to 53°	9	18	14	22
54° to 74°	9	18	18	24
75° to 90°	9	18	24	24

<sup>1</sup>Drive aisle width is also subject to review and approval of the fire department.

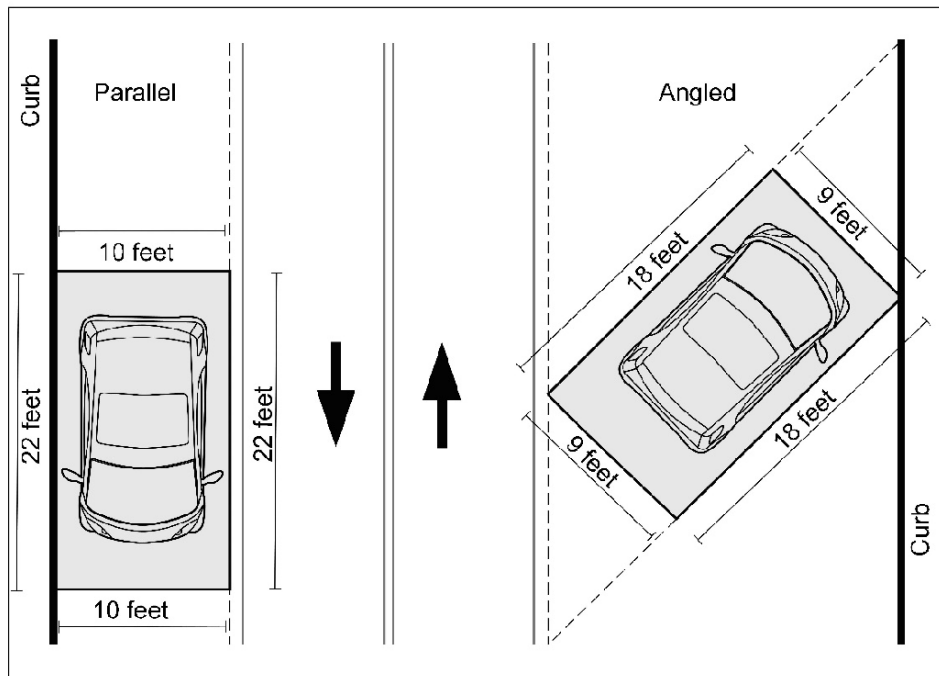


Figure 10-1 Parking Measurement

- B. *Parking lot requirements.*
1. *Surface.*
    - a. *Maintenance.* Driveways, drive aisles, and parking spaces shall be maintained and free of potholes, debris, or major structural deficiencies.
    - b. *Driveway surface.* Driveways, drive aisles, and spaces shall be surfaced with asphalt, concrete, brick pavers, or equivalent surface as approved by the zoning administrator.

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2. *Drainage or runoff.* Parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto adjacent property or public sidewalks and shall be subject to Ottawa County Water Resource Commissioner approval.
  3. *Striping of parking.* Parking areas shall be striped to identify each parking space. The striping shall be permanently maintained and visible. Car sales lots are not required to have stripes to designated parking areas for vehicles for sale because the spaces are not intended for public use. However, vehicle space striping shall be shown on site plans to demonstrate the maximum number of vehicles to be listed for sale at any time.
  4. *Wheel and bumper guards.* Exterior parking spaces and those facing sidewalks and landscaped areas shall be equipped with wheel or bumper guards, so no part of a parked vehicle will extend beyond the parking space, unless a raised curb serves the same function.
  5. *Accessible parking.* Pursuant to the Michigan Barrier Free Act, as amended, accessible parking shall be provided for any building or use initiated after the effective date of this ordinance per the minimum requirements of the Act and other requirements that may be adopted by federal or state law.
  6. *Driveways.* Entrances and exits shall minimize traffic congestion and shall comply with the Holland Charter Township Commercial Driveways Ordinance, as amended, Section 12-51 [28-71].
  7. *Connectivity.* Sites shall be designed to preserve the possibility of future connectivity and cross access movements of vehicles and pedestrians between adjacent lots of record.
- C. *Special event parking.* It is recognized that there may be special community events or situations that occur infrequently which would result in the temporary reduction in the availability of required parking spaces or the need for temporary or overflow parking arrangements.
1. *Minimum requirements.* Parking shall be provided for expected patrons utilizing either existing on-site parking or temporary parking as approved by the zoning administrator. Parking will generally be based on one space for every three people on-site at any one time.
  2. *Displacement.* No more than 25 percent of existing parking may be displaced for the special event.
  3. *Requirements.* Temporary and overflow parking areas are subject to the following requirements:
    - a. Parking areas shall be located and designed to ensure safe and efficient circulation for both pedestrians and vehicles, including designated maneuvering lanes, ingress and egress.
    - b. Aisles and parking rows shall meet the minimum widths required in this section. Lanes and parking rows shall be designated by temporary markings, such as paint, cones, flags or ribbons.
    - c. Parking areas and maneuvering lanes shall be gravel, stone, or a similar material, or shall be grassed. Grassed lots shall be maintained, mowed, and seeded to ensure a passable and stable surface.
    - d. Parking lots shall be graded and/or properly drained to dispose of all surface and storm water and to prevent drainage onto abutting properties.
    - e. Barrier free spaces shall be provided on asphalt or concrete surfaces, pursuant to the Michigan Barrier Free Act.

## **Sec. 10.5 Shared parking.**

- A. *Number.* The total parking space requirement shall be the aggregate number of spaces required at any time for the most parking intensive use or combination of uses.

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- B. *Justification.* To qualify for this option, an applicant is required to explain in detail, as part of the site plan and to the satisfaction of the Planning Commission, how the shared parking option would function.
- C. *Requirements.*
1. Facilities located on adjoining separate properties must be within 600 feet of each other, measured from the nearest point of public entrance to the building to the nearest point of the parking lot.
  2. A convenient pedestrian connection shall be provided between the properties.
  3. The availability of parking for all affected properties or uses shall be indicated by directional signs.
  4. Interior vehicular access shall be provided to interconnect all properties sharing the parking facility(ies).
- D. *Change in conditions.* Any change to the conditions that were considered during the approval shall require a review by the planning commission for the exemption to remain valid.
- E. *Agreements.* Prior to establishing shared use of parking, the property owner or owners shall submit a written agreement providing for the shared parking use and a cross access and parking easement to the zoning administrator. All shared parking agreements shall run with the land and such deed restrictions shall be filed with the Ottawa County Register of Deeds. If any party to the agreement withdraws, that party shall be responsible to provide the required parking individually, in accordance with the provisions of this article. The agreement shall be filed prior to the establishment of the use.

## **Sec. 10.6 Reduction and deferment.**

- A. *Permitted reductions.* Parking minimums may be reduced when it is demonstrated to the approving authority that parking demand is expected to be lower than the requirements of Table 10.3 and the following standards are met:
1. Single building or use.
    - a. Convenient municipal off-street parking or on-street spaces are located within 500 feet of the subject property.
    - b. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
    - c. The applicant has provided a parking study, conducted by a traffic engineer or qualified parking professional, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
  2. *Mixed occupancy or multiple buildings.* Parking may be reduced for shared/common parking lots by multiple uses where:
    - a. There will be a high proportion of multipurpose visits.
    - b. Uses have peak parking demands during differing times of the day or days of the week.
- B. *Deferred parking.* When appropriateness of a reduction in the number of required parking spaces is demonstrated at the time of an application, but future conditions could warrant increased parking, some of the required parking may be deferred by the township. A performance guarantee may be required by the township.
1. *Requirements.* Deferred parking plans shall be in accordance with the following:



- a. *Site plan.* A site plan shall show all required parking but identify those spaces that will not be constructed until warranted. All deferred parking spaces and aisles shall meet the design and dimensional requirements of this article.
  - b. *Landscaping.* Any area designated for deferred parking shall be landscaped and not used for any other purpose, such as outdoor storage or accessory buildings. Required parking lot landscaping shall be installed during deferred parking area construction.
2. *Timeframe.* Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the township. The deferred parking shall meet all requirements of the ordinance in effect at the time of construction.
- C. *Agreement.* A written agreement in form satisfactory to the township requiring the provision of additional parking spaces, if a greater number of employees or visitors use the lot of record at a future time, shall be executed by the township and the owner and/or occupant of the property.
- D. *Validity.* The site plan approval of lesser parking requirements shall be valid only for the stated use. An occupancy permit for a new use shall not be issued unless a new site plan is reviewed and approved.

**Sec. 10.7 Off-street loading.**

- A. *Applicability.* For every use involving receipt or distribution of materials or merchandise in trucks, loading zones must be provided.
- B. *Requirements.* Loading zones and maneuvering lanes are subject to the following requirements:
- 1. *Maneuverability.* Sufficient space for truck maneuvering shall be provided and demonstrated on a site plan based on anticipated truck types. Maneuvering space for trucks using the loading spaces shall be provided on the lot of record and shall not necessitate the use of public right-of-way.
  - 2. *Number and dimensional requirements.* The number and dimensional requirements of off-street loading spaces is subject to Table 10.7.
  - 3. *Location.* Loading docks, overhead doors, and other service entries shall not be located on the primary street side of principal buildings unless otherwise provided for in this section.
- C. *Modification.* The approval authority may modify the required size of loading spaces for uses such as offices or smaller retail businesses that will involve smaller delivery trucks. The approval authority may also approve the location of an overhead door on the primary street side of the principal building if:
- 1. The overhead door is not used for the receipt or distribution of materials or merchandise; and
  - 2. The location of the door will not, in the determination of the zoning administrator, negatively impact access to the building or parking, site maneuverability, nor increase congestion on adjacent public or private streets.

*Table 10.7 Minimum Off-Street Loading Requirements*

<i>Number of Spaces Required</i>	
Less than 20,000 square feet of floor area	1 space
20,000 to 50,000 square feet of floor area	2 spaces
Each additional 50,000 square feet of floor area	1 additional space
<i>Dimensional Requirements</i>	
Min. Width (ft.)	12
Min. Length (ft.)	40
Min. Vertical Clear Space (ft.)	14

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Min. Setback from any Abutting Residential Zoned Property (ft.)	50
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(Ord. No. 609, §§ 1, 2, 9-3-2020)

## ARTICLE 11. LANDSCAPING AND SCREENING

### Sec. 11.1 Intent and purpose.

The purpose of this article is to minimize the adverse effects of certain land uses and outdoor activities upon their surroundings and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values within Holland Charter Township. The standards of this article are intended to help achieve a number of functional and environmental objectives such as:

- A. Reduce the physical impact between adjacent land uses by requiring complementary landscape treatments and providing a transitional area adjacent to natural areas.
- B. Screen headlights to reduce glare and incidental pollution.
- C. Control soil erosion by slowing the effects of erosive winds and water.
- D. Provide reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained in this article.
- E. Recognize and preserve the aesthetic value of natural areas such as woodlands, wetlands, and floodplains within and adjacent to a development site.

### Sec. 11.2 General landscaping requirements.

- A. *Applicability.*
  - 1. *Site plan approval.* These requirements apply to all new buildings and parking lots and the area affected, or the area adjacent to, expansions to existing buildings and parking lots requiring site plan approval.
  - 2. *Installation.* Required landscaping shall be installed before occupancy or establishment of the use, unless the township authorizes occupancy or establishment of the use prior to complete landscape installation, based on unforeseen weather conditions or the timing of construction as it relates to the planting season. In cases where deferment is approved, a performance guarantee may be required per section 18.2.
  - 3. *Zoning districts.* Landscaping requirements apply to all non-residential and non-farm properties within the agricultural (article 3) and residential (article 4) districts, all multi-family residential developments within the residential (article 4) districts, and all uses in the commercial and office districts (article 5), and the industrial districts (article 6).
- B. *Materials.*
  - 1. *Type.* All plant material shall be hardy to Ottawa County, and be free of disease and insects. A prohibited list of species is available in the community development department office.
  - 2. *Restriction.* Artificial plant material shall not be used within any required landscaped area.
- C. *Number.*

1. *Substitution.* No substitution of plant species or sizes shall be allowed unless approved by the zoning administrator.
2. *Variety.* No one tree species can exceed 50 percent of the total proposed.
3. *Rounding.* Where this article requires landscaping based on a distance measured in feet along a property boundary and a dimension results in a fraction of the given requirement, the number shall be rounded down to a whole number.
4. *Separate requirements.* All landscape plans shall meet each required calculation individually and in no case shall any required plantings and planting areas be counted towards other landscape requirements.

D. *Size.*

1. *Minimum installation size.* When landscaping is required, it shall be installed at the minimum sizes included in Table 11.2A. Tree widths are measured at the diameter at breast height (DBH), which is four and one-half feet above the ground.

*Table 11.2A Landscaping Minimum Installation Size*

Type	Minimum Size
Deciduous Canopy Tree	2.5 in. caliper
Deciduous Ornamental Tree	2 in. caliper
Evergreen Tree	6 ft. height
Shrub	24 in. height

2. *Credit for existing trees.* When landscaping is required and existing trees within front yards or designated buffer areas can be preserved, healthy and desirable trees may be counted to satisfy the requirements of this article. Sizes of existing material must meet the requirements for newly installed trees and shrubs to qualify (Table 11.2A). However, larger trees may count for two required trees if the minimum sizes of Table 11.2B are met.

*Table 11.2B Credit for Existing Trees*

Type	Minimum Size	Credits
Canopy Tree	Eight inches DBH or greater	Two
Evergreen Tree	12 feet high or greater	Two

E. *Placement and maintenance.*

1. *Setback.* Plant material shall not be placed closer than three feet to any fence or property line.
2. *Placement.* All landscaped areas shall be arranged to simulate a natural setting such as staggered rows or massings. Planting beds shall have a well-maintained edge.
3. *Utilities.* All plant material shall be installed in a manner that will not cause damage to utility lines (above and below ground) and public streets. Landscape plans shall consider utility easements, overhead power lines, and underground utilities.
4. *Drainage.* All plant material shall be installed in a manner that does not alter drainage patterns on site or on adjacent properties.

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5. *Groundcover.* All planting beds shall be mulched, or comparably treated, and those areas not containing landscaping be planted with ground cover. Mulch, or comparable products, shall not be used for ground cover.
  6. *Berms.* The maximum slope for a berm shall be one foot vertical to three feet horizontal with a crest area at least four feet wide.
  7. *Sight lines.* Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, or obstruct vision for safety of ingress or egress.
  8. *Planting soil.* Planting Soil (approximately one-third topsoil, one-third peat, one-third excavation material) shall be placed around all plantings as required and within planting beds to a depth of eight to 12 inches.
  9. *Topsoil.* Topsoil (loam soil free of stones, sticks, weeds, or debris) shall be placed to a depth of four to six inches for lawn areas.
- F. *Maintenance.* All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Required trees and shrubs that are determined by the zoning administrator to be diseased, dead, or dying shall be replaced within one growing season.
- G. *Lawn grasses.* Lawn grasses shall be planted in species normally grown as permanent lawns in Ottawa County. Grasses may be plugged, sprigged, seeded, or sodded. Rolled sod, erosion reducing net or suitable mulch shall only be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. Lawns shall be free of weeds and noxious pests or disease.
- H. *Performance guarantee.* The planning commission may require a performance guarantee in accordance with the requirements of section 18.2 sufficient amount to ensure the installation of all required landscaping.

### **Sec. 11.3 Modifications.**

- A. *Circumstances.* The approval authority may vary the landscaping requirements of this article only under at least one of the following circumstances:
1. When existing natural or topographic features render compliance with the requirements unnecessarily difficult;
  2. When adherence to the requirements result in the loss of significant natural or cultural features;
  3. Where a variation clearly results in a superior landscape that could not be achieved under the requirements of this article;
  4. When existing vegetation can be preserved to meet the intent of the screening and buffering intent of this article.
- B. *Easements.* Where easement restrictions exist, the type and/or location of trees and shrubs may be adjusted with approval of the zoning administrator upon review of the easement holder's published planting guidelines.

### **Sec. 11.4 Landscape plans.**

- A. *Landscape plans.* Landscape plans shall be professionally prepared. Landscape plans shall include the following materials:
1. A separate plan sheet shall be drawn at the same scale as the required site plan. To ensure that landscaping is not affected by, nor interferes with utilities, the plans shall indicate all existing or

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proposed utilities and easements. At the discretion of the zoning administrator, for simple site plans, plantings may be shown directly on site plans.

2. Provide existing and proposed contours at intervals not to exceed two vertical feet.
3. Plans shall show all landscaped areas and plants listed in a table by common and scientific name, including quantities, and size at installation. Anticipated mature height shall be indicated and the crown spread shall be shown on the plan with circles indicating anticipated plant size at maturity. Plans shall illustrate the location, spacing, species, and size of proposed plant material.
4. Text shall accompany the landscape plan that provides calculations for the proposed landscaping and describes how the plan complies with the regulations of this article. Required trees or materials cannot be double-counted.
5. Existing natural and man-made landscape features and proposed buildings and structures, as required for the overall site plan, shall be clearly indicated.
6. Landscape plans shall show all existing trees eight inch caliper or greater for deciduous and 12 feet or taller for evergreen, located in portions of the site that will be built upon or otherwise altered. Trees shall be labeled "To Be Removed" or "To Be Saved" on the plan.
7. Limits of grading shall be indicated and measures to protect existing trees to be saved shall be noted on the plans, including but not limited to protective fencing. When protective fencing is proposed, plans shall include the following statement: "Protective fencing shall be installed prior to site disturbance." Tree preservation fencing shall be established at the drip line of the tree and a detail of the fence shall be provided.
8. Provide planting details to ensure proper installation and establishment of proposed plant material.
9. Identify grass areas and other methods of ground cover.
10. Include a description of irrigation methods for landscaped areas.
11. Identify a landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this article.

### **Sec. 11.5 Right-of-way landscaping.**

The area between the street paving or curb line and the property line or sidewalk, with the exception of driveways and walkways, shall be used exclusively and maintained as landscaped area with grass, trees, and other plants.

### **Sec. 11.6 Front yard landscaping.**

- A. *Applicability.* For all uses within the commercial and office districts (article 5), industrial districts (article 6), and all non-residential and non-agricultural uses in the agricultural (article 3) and residential districts (article 4), front yard trees and shrubs are required in accordance with this section within a ten-foot wide strip.
- B. *Trees.*
  1. *Number.* The total number of trees shall be based on a ratio of one per 40 linear feet of frontage.
  2. *Placement.* The required front yard landscaping strip shall be planted between the parking area and the road right-of-way. If there is no front yard parking, the landscaping strip may be placed anywhere within the front yard, subject to the spacing requirements of this section.

3. *Spacing.* Trees shall be spaced in a manner so as not to overlap crown spread at maturity. Spacing from curbs and paved areas shall be at least four feet, unless additional space is necessary for healthy growth. Grouping of different height trees can overlap, as long as each tree does not interfere with the growth potential of a nearby required tree.
- C. *Shrubs.* For areas where parking lot screening is not required, front yards shall include:
1. *Number.* Seven shrubs for every 40 linear feet of frontage or fraction thereof.
  2. *Placement.* Shrubs are encouraged to be placed in groups/clusters with a shrub spacing not to exceed five feet on center.

**Sec. 11.7 Buffers.**

- A. *General requirements.* A buffer is an area intended to provide visual barrier and noise abatement between specified land uses.
1. *Applicability.*
    - a. A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.
    - b. A buffer area shall be required even when the adjacent property is undeveloped.
  2. *Design and placement.*
    - a. The buffer area shall abut the applicable property line and plantings shall fall within the required buffer area width.
    - b. Buildings, structures, and parking lots may not encroach into the buffer area. Driveways may cross the required buffer areas perpendicularly.
    - c. Stormwater management measures, such as areas for infiltration or retention, may be located in the buffer area, provided, the planting requirements in Table 11.7A can still be met.
  3. *Walls.* When a wall is provided, it shall have a maximum height of six feet and shall be constructed of brick, stone, or decorative masonry material.
    - a. The colors and materials of the wall shall complement that of the main building or structure.
    - b. A residential privacy fence may be approved in place of a solid wall if it is more compatible with the character of the area. The privacy fence must be six feet tall, completely opaque and, if wooden, treated to prevent decay.
- B. *Buffer requirements.* Buffer area types applicable to the following zoning districts are indicated in the following tables:

*Table 11.7A Buffer Types*

District	Use	Adjacent to					
		AG	R1, R2	R-2A, R-3	C-1, C-1, C-3	O-S	I-1, I-2
AG, R-1, R-2, R-2A, R-3	Non-Residential Use	C	A	B	C	C	None
R-2A, R3	Multi-Family Residential	C	B	C	None	None	None

C-1	Any	C	A	B	C	C	None
C-2	Any	B	A	B	C	C	None
C-3	Any	A	A	B	C	B	C
O-S	Any	B	B	C	C	C	C
I-1	Any	A	A	A	B	B	C
I-2	Any	A	A	A	A	A	C

Table 11.7B Buffer Planting Requirements

Type	Min. Width	Screen	Requirement
A	30 ft.	6 ft. high vertical wall or, 4 ft. high berm.	1 canopy tree, 3 evergreen trees and 5 shrubs per each 40 linear feet along the property line.
B	20 ft.	None required.	1 canopy tree, 1 evergreen tree and 7 shrubs per each 40 linear feet along the property line.
C	10 ft.	None required.	1 canopy and 7 shrubs per each 40 linear feet along the property line.

## Sec. 11.8 Screening.

- A. *Non-residential and multi-family dumpsters, rolling carts, and trash cans.* Unless otherwise permitted in accordance with this section, garbage and recycling service areas shall be screened from the view of all streets and parking lots with a solid fence or wall enclosure that meets the following specifications:
- Enclosures shall be constructed of masonry, concrete, metal, treated wood, or similar materials and must be durable, weather resistant, rust proof and easily maintained.
  - Screening shall be opaque. Chain link fences with slats are not acceptable.
  - Access gates shall be closed at all times when not in use.
  - Enclosures shall be protected by bollards or other means to prevent interior or exterior damage.
  - Enclosures shall be a height sufficient to obscure containers and garbage cans but shall be no less than four feet in height.
  - A three-sided enclosure without a gate may be approved if the depth of the enclosure is at least three times the horizontal depth of the dumpster and if it can be determined that this design will provide the same degree of screening required by this section.
- B. *Off-street parking.* Except for entrance/exit areas, all off-street parking areas will be lightly screened when adjacent to public right-of-way and abutting the agricultural (article 3) and residential (article 4) zoning districts.
- Height.* Thirty inches.
  - Type.* Walls or hedgerows shall be used to meet this requirement.
    - Hedgerows shall be planted with evergreen or deciduous shrubs, two and one-half feet on center within a landscape area at least four feet wide.
    - Walls shall be incorporated when a four foot wide area is not available.

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### **Sec. 11.9 Parking lot canopy trees.**

- A. *Purpose.* To provide shade and to break up the visual appearance of large paved areas, parking lot canopy trees are required. This requirement does not apply to paved outdoor vehicle sales areas.
- B. *Canopy trees.* Off-street parking areas containing five or more parking spaces shall be provided with one canopy tree and 100 square feet of landscaped area per 12 spaces, or fraction thereof.
- C. *Location.* A minimum of one-half of the required trees shall be placed within the interior of the parking area, within islands, peninsulas, or corners. The remaining trees shall be placed within ten feet surrounding the parking lot.
- D. *Dimensions.* Islands or peninsulas containing canopy trees shall be a minimum of nine feet wide and shall have no more than one tree per 15 feet of length.
- E. *Protection.* Landscape areas shall be protected by raised curbs (with or without cuts), parking blocks, or other similar methods to prevent damage. Notwithstanding this requirement, alternative low impact design solutions shall be encouraged, such as areas for stormwater infiltration, with incorporation of methods to prevent damage.
- F. *Design and placement.* Trees shall be planted at least three feet from curbs or the edge of pavement.

## **ARTICLE 12. LIGHTING**

### **Sec. 12.1 General requirements.**

- A. *Applicability.* Outdoor light fixtures shall be subject to the requirements of this article.
- B. *Shielding and fixture specifications.*
  - 1. Light shall be fully shielded, confined on-site by the direction of the fixture, shielding, or adjustment the level of brightness.
  - 2. Under-canopy lighting shall be mounted flush or recessed.
  - 3. Wall pack and pole-mounted light fixtures shall be a down-lighted type and 100 percent cut off. Light fixtures shall be constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the lowest light-emitting part.
- C. *Government flag lighting.* Government flag lighting shall only illuminate the flag and shall be placed so lighting or glare is not directed toward streets or adjacent properties.

### **Sec. 12.2 Prohibited lighting.**

- A. *Prohibited lighting.* The following lighting types and methods are prohibited for commercial and residential application:
  - 1. Laser lights, searchlights or any similar high intensity light for outdoor advertisement or entertainment.
  - 2. Any lighting where the light source creates glare and is a hazard to travelers on an adjacent street.
  - 3. Lighting that flashes, moves, or is intermittent. Residential holiday lighting shall be exempt from the provisions of this section.
  - 4. Lighting that is similar to that used for traffic control devices or emergency vehicles.



**Sec. 12.3 Public area lighting.**

- A. *Applicability.* Lighting shall be provided throughout any non-residential or multi-family parking lot. Lights to illuminate parking lots shall not be attached to any building, except for the lighting of parking rows immediately adjacent to buildings. This requirement does not apply to home occupations.
- B. *Adaptive control integration.* Dimmers, timers, and use of occupancy motion sensors are permitted after hours of public access.
- C. *Type and color.* The lighting color temperature of new and replacement light fixtures shall not exceed 3,000 Kelvins.
- D. *Height.* Light poles shall have a maximum height of 20 feet when in or adjacent to an agricultural or residential zoning district. All other light poles shall have a maximum height of 25 feet. The maximum height shall be measured from the parking lot grade at the base of the pole to the top of the pole. No portion of any light fixture mounted on a light pole may extend more than one additional foot higher than the maximum light pole height.
- E. *Illumination levels.* Light levels on commercial sites shall meet the requirements in Table 12.3 for the developed portion of the site containing buildings, drives and parking lots.
  - 1. Sites are not subject to minimum lighting levels during closed hours.
  - 2. Table 12.3 shall not apply to ornamental street lighting, public street lights or driveway/intersection lighting necessary for pedestrian and traffic safety.
  - 3. The light level along a non-residential lot line may be increased to the parking lot maximum in cases where there are shared access/vehicular connections or the adjacent use is a similar use.

*Table 12.3 Required Site Illumination*

Location on Site	Minimum Footcandles	Maximum Footcandles
Parking Lots and Building Entrances	0.6 (at any point) 2.4 (average)	10.0
Walkways	0.2 (at any point) 1.0 (average)	10.0
Along Front Lot Line Adjacent to the Street Frontage	0.0	2.0
Along All Other Lot Lines	0.0	0.1

- F. *Demonstration of compliance.* Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of the required site plan:
  - 1. Lighting plan showing light fixture locations, height, and type designations.
  - 2. Lighting equipment specifications and data sheets.
- G. *Photometric plans.* The zoning administrator or planning commission may require a photometric plan to ensure that the intent and requirements of this section are met. When required, a photometric plan with a lighting grid shall be prepared by a lighting professional. The photometric plan shall show horizontal luminance levels (footcandles) in a point-by-point format.

**ARTICLE 13. SIGNS**

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### **Sec. 13.1 Intent and purpose.**

The intent and purpose of this article is to protect free speech, minimize and eliminate visual clutter, reduce the number and types of distractions experienced by drivers, and to channelize commercial and customer traffic to commercial and industrial areas of the township.

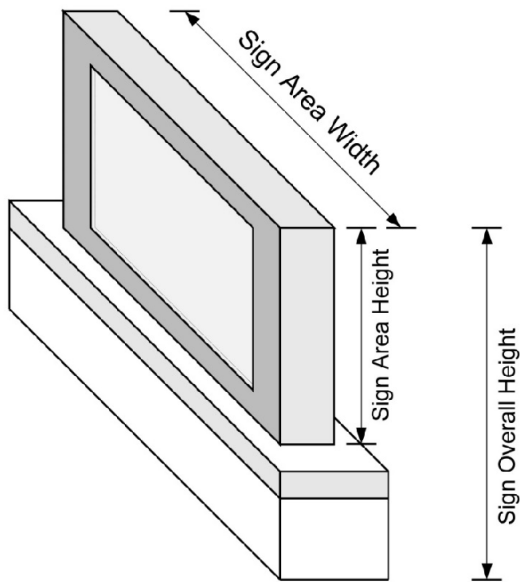
### **Sec. 13.2 Sign permits.**

- A. *Sign permit required.* No person shall erect, replace, attach, structurally alter, or add to any sign without first obtaining a permit, unless specifically exempted by this article.
- B. *Plans.* Plans shall be drawn to an accurate, common scale, depicting the following:
  - 1. A scaled drawing of the proposed sign showing the display area and dimensions, including the height of the sign.
  - 2. For ground signs and pylon signs, a site plan drawn to scale, accurately identifying the location of the proposed sign and setbacks from the nearest public or private street right-of-way and property lines. If there are proposed grade changes, such as adding a berm, this shall be noted on the site plan.
  - 3. For wall signs, the height and width of the building wall.
- C. *Validity.* All sign permits shall be valid for a period of one year from the date of issuance.
- D. *Responsibility for compliance.* The owner of property on which a sign is located is declared to be responsible for the erection, inspection, safety, condition, and removal of a sign.

### **Sec. 13.3 General requirements.**

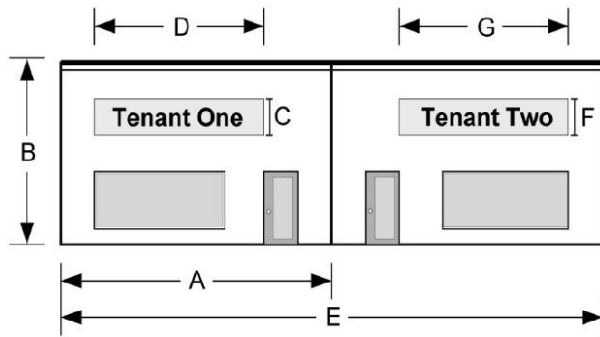
- A. *Applicability.* This article applies to all signs, as defined in article 22. Murals and menu boards are not subject to the requirements of this article.
- B. *Conformity.* All signs and billboards erected after the effective date of this ordinance shall conform to this article.
- C. *Consent.* Signs, temporary or permanent, shall not be erected, constructed, installed, or located on private property without the written consent of the owner of such property, however, the requirement that the consent be written shall not apply to temporary yard signs.
- D. *Requirements.*
  - 1. Signs shall not interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; constitute a nuisance; or cause a hazard to vehicle or pedestrian traffic.
  - 2. Signs shall be constructed to withstand all wind and vibration forces which can normally be expected to occur. Signs and sign structures shall remain structurally safe and shall not constitute a hazard to safety or health. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or because of the effects of the weather.
  - 3. Signs shall not be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by the Ottawa County Road Commission or Michigan Department of Transportation.
  - 4. Signs shall not contain external moving parts.
  - 5. Signs shall not obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.

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6. A sign and its supporting mechanism shall conform to the setback requirements of this article.
  7. Signs shall not be attached to any tree, utility pole, street sign, traffic control device, or other similar object, or installed, attached or affixed to any public building or structure.
- E. *Measurement of sign area.* No sign shall exceed the maximum sign area allowed for the district in which it is located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot.
1. *Pylon and ground signs.*
    - a. *Single-face 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 (Figure 13-1).
    - b. *Double-face sign.* The area of a pylon and ground signs that have two or more faces shall be measured by including the area of all sign faces, except if two faces are placed back-to-back and are no more than two feet apart at any point, the area of only one face shall be counted toward the maximum size requirement. In this case, 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.



**Figure 13-1 Sign Measurement**

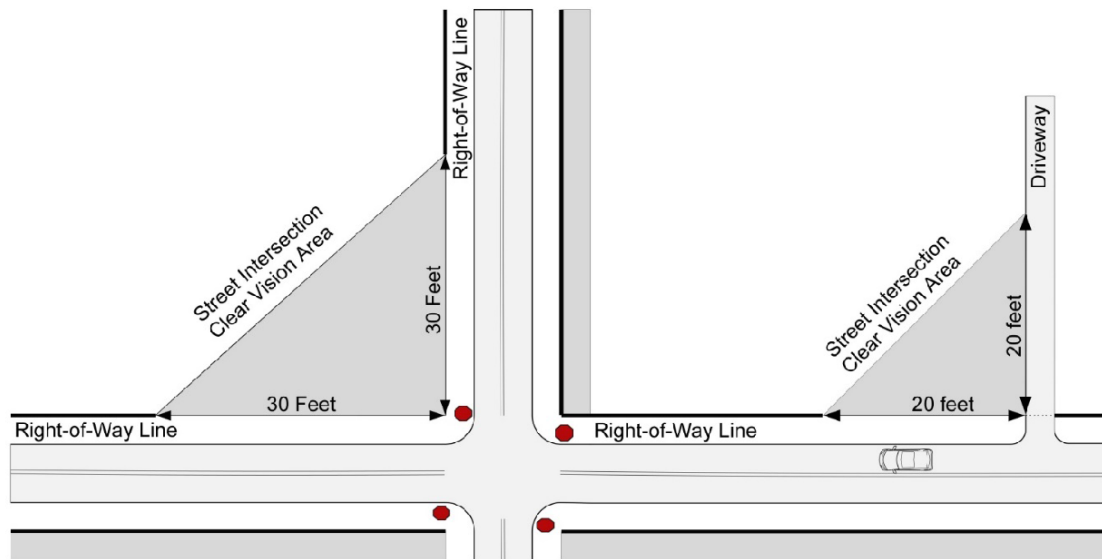
2. *Wall sign.*
  - a. *Area.* For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
  - b. *Multi-tenant building sign area.* For buildings with multiple tenants, the sign area for wall, projecting, canopy or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall (Figure 13-2).



Area of Tenant Wall Face =  $A \times B$   
 Area of Tenant Wall Sign =  $C \times D$   
 Area of Building Wall =  $E \times B$   
 Total Wall Sign Area =  $C \times D + F \times G$

**Figure 13-2 Multi-Tenant Sign Area Calculation**

- c. *Projection.* Signs shall not extend more than 12 inches from the facia to which they are attached.
  - d. *Height.* Signs shall not extend above the roof line or parapet wall.
- F. *Sign height.* The height pylon and grounds signs shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, including the sign standard. Artificially constructed earthen berms shall count against the maximum height.
- G. *Vacated business.* Any sign advertising a business which has vacated the premises shall have the name of the vacated business either hidden or removed in a manner acceptable to the township within three months of the date of the operations closure.
- H. *Site and building changes.* Adjustment of lot lines or changes to buildings that will cause a sign to become nonconforming are not permitted.
- I. *Setbacks.* Setbacks required by this article are measurement from the road right-of-way and lot lines.
- J. *Traffic visibility and clear vision areas.* Signs are prohibited in the following clear vision areas:
1. *Intersection of streets.* Within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 30 feet from the point of the intersection of the right-of-way lines (Figure 13-3).
  2. *Street and driveway.* Within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points that are located on the right-of-way line and the driveway 20 feet from the point of intersection of the right-of-way line and driveway (Figure 13-3).



**Figure 13-3 Traffic Visibility**

### Sec. 13.4 Exempt signs.

- A. *Applicability.* Certain signs are designated as exempt from the permitting requirements of this article. However, exempt signs remain subject to all applicable requirements of this article.
- B. *Sign types.* The following sign types and improvements are exempt:
  1. Painting, repainting, cleaning, maintenance, repair, and change of a sign face, message or graphics, provided that no structural alterations or additions to the display area are made.
  2. Changing copy or message of signs that are specifically designed for changeable copy as well as changing the display panels of a sign.
  3. Government and public signs.
  4. Public utility signs.
  5. Internal site signs on non-residential property no more than four square feet which are not oriented toward the public right-of-way.
  6. Incidental signs one square foot or less.
  7. Historic designation markers, plaques, and informational resources.
  8. Signs established in association with public utility facilities.
  9. Signs on tablets are either cut into the face of a masonry surface or constructed of bronze or other incombustible material when located flat on the face of a building.
  10. Government flags.
  11. Window signs.
  12. Temporary yard signs on residential property.

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- a. Signs shall be limited to one sign per lot of record in agricultural and residential districts. One extra sign is permitted during a time period of 45 days prior to an election date to 15 days after the election date.
  - b. Each sign shall not exceed six square feet in area.
  - c. Signs shall be subject to a ten-foot setback from any property line and right-of-way.
13. Temporary ground signs on construction sites.
- a. Lots of record shall be limited to one sign in the agricultural (article 3) and residential (article 4) districts.
  - b. Lots of record shall be limited to one sign per street frontage in the commercial and office (article 5) and industrial (article 6) districts.
  - c. Each sign shall not exceed 32 square feet in area.
  - d. Signs shall be subject to a ten-foot setback from any property line and right-of-way.
  - e. Signs shall be confined to the site of the construction and shall be removed within 14 days after the issuance of an occupancy permit.
14. Temporary ground signs at platted subdivisions and site condominium developments.
- a. Developments shall be limited to one sign per entrance, but no more than two per development.
  - b. Each sign shall not exceed 64 square feet in area.
  - c. Signs shall be subject to a ten-foot setback from any property line and right-of-way.
  - d. Signs shall not exceed eight feet in height.
  - e. Signs shall be removed when 75 percent of the lots within the plat or units within the site condominium have been sold.
15. Temporary ground signs on properties for sale in commercial and office (article 5) and industrial (article 6) districts.
- a. Signs shall be limited to one per street frontage.
  - b. Each sign shall not exceed 32 square feet in area.
  - c. Signs shall be subject to a ten-foot setback from any property line and right-of-way.
  - d. Signs shall not exceed eight feet in height.
  - e. Signs shall be removed once the property is sold.

(Ord. No. 596, § 7, 8-15-2019)

### **Sec. 13.5 Prohibited signs.**

- A. *Prohibited sign types.* The following sign types are prohibited:
1. Vehicles or trailers which have the primary function of acting as a sign.
  2. Roof signs.
  3. Human signs.
  4. Feather signs.

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(Supp. No. 7)

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5. All off-site signs, including portable signs, unless specifically permitted as billboards by this ordinance.  
(Ord. No. 596, § 8, 8-15-2019)

**Sec. 13.6 Portable signs.**

- A. *General use.* Portable signs shall be permitted in the commercial and office (article 5) and industrial (article 6) districts and in PUDs only. No portable sign shall be larger in area than 60 square feet on one face. In determining the area of a portable sign, the border shall be included. Except as provided in subsection B. of this section, each property shall be entitled to display and utilize only one portable sign for a continuous period of 30 days during a six month period. This period shall begin the day the sign is first displayed. All portable signs shall comply at all times with the requirements of this article.
- B. *Grand openings.* Portable signs, which shall not be counted against the number of portable signs permitted by subsection A. of this section, shall be permitted when displayed and utilized in connection with the grand opening of the commercial enterprise located on the premises, provided that the portable signs are not displayed more than 20 days for a grand opening. These portable signs shall comply with all requirements contained in this section. The use of balloons as a sign or as a part of a sign shall be permitted only in connection with a grand opening, as provided in this section.

**Sec. 13.7 Permanent signs.**

*Table 13.7A Agricultural and Residential Districts*

<b>Wall Sign for Dwelling with a Home Occupation</b>	
Max. Number	1.
Max. Size (s.f.)	2.
Location	Must be attached flat against a building wall.
Illumination	Not permitted.
Permit	Required.
<b>Ground Sign for Bed and Breakfast</b>	
Max. Number	1.
Max. Size (s.f.)	10.
Max. Height (ft.)	4.
Min. Setback (ft.)	15.
Illumination	Permitted (electronic changeable message displays are not permitted).
Permit	Required.
<b>Ground Sign on a Non-Residential Property</b>	
Max. Number	1.
Max. Size (s.f.)	40 total (electronic changeable message area maximum — 40 s.f.).
Max. Height (ft.)	8.
Min. Setback (ft.)	10.
Illumination	Permitted.
Permit	Required.
<b>Wall Sign on a Non-Residential Property</b>	
Max. Number	1.
Max. Size (s.f.)	40.
Illumination	Permitted (electronic changeable message displays are not permitted).
Permit	Required.

<b>Ground Sign for Residential Subdivision or Site Condominium</b>	
Max. Number	1 per entry.
Max. Size (s.f.)	32.
Max. Height (ft.)	8.
Min. Setback (ft.)	10.
Illumination	Permitted (electronic changeable message displays are not permitted).
Location	Sign must be located on a property owned by a homeowner's association or within a private easement area held by the homeowner's association.
Permit	Required.
<b>Billboards — See Section 13.8</b>	
Location	AG District.

Table 13.7B Commercial, Office, and Industrial Districts

<b>Commercial, Office, and Industrial Districts</b>	
<b>Wall, Projecting, and Canopy Signs</b>	
Max. Number	No limit of wall signs.
Max. Size (s.f.)	<ul style="list-style-type: none"> <li>• Commercial and Office Districts. 10 percent of wall area of the primary entry façade.</li> <li>• 40 square feet maximum for Electronic Changeable Message signs.</li> <li>• Canopy sign dimensions no greater than two feet in height and six feet in width.</li> <li>• Industrial Districts. Two percent of wall area of the main façade.</li> </ul>
Illumination	Permitted.
Permit	Required.
<b>Ground Sign</b>	
Max. Number	<ul style="list-style-type: none"> <li>• 1.</li> <li>• 2 for lots of record having frontage along US-31, M-121 or I-196 and frontage along an access street, when buildings do not exceed 100,000 square feet.</li> <li>• 1 per frontage for developments on a lot of record with 100,000 square feet or more of building space.</li> </ul>
Max. Size (s.f.)	<ul style="list-style-type: none"> <li>• 50 total (electronic changeable message area maximum — 40 s.f.).</li> <li>• 65 total for 2-3 businesses.</li> <li>• 80 total for 4 or more businesses.</li> </ul>
Max. Height (ft.)	8.
Min. Setback (ft.)	10.
Illumination	Permitted.
Permit	Required.
<b>Pylon Sign</b>	
Max. Number	1, in lieu of one permitted ground sign on lots of record having at least 90 feet of frontage along US-31 or I-196.
Max. Size (s.f.)	80 total (electronic changeable message area maximum — 40 s.f.).
Max. Height (ft.)	25.
Min. Setback (ft.)	10.
Illumination	Permitted.
Permit	Required.
<b>Ground Sign for Business or Industrial Subdivision or Site Condominium</b>	
Max. Number	1 per development.



Max. Size (s.f.)	100 total (electronic changeable message area maximum — 40 s.f.).
Max. Height (ft.)	8.
Min. Setback (ft.)	10.
Illumination	Permitted.
Location	Sign must be located on a property owned by an association or within a private easement area held by the association.
Permit	Required.
<b>Billboards — See Section 13.8</b>	
Location	I-1 and I-2 Zoning Districts.

**Sec. 13.8 Billboards.**

- A. *Zoning districts.* Billboards are permitted in the AG, I-1, and I-2 zoning districts.
- B. *Requirements.* Billboards shall:
  1. Be located more than 1,000 feet from any state trunkline or primary road as classified by the Ottawa County Road Commission intersections or from expressway access or exit ramps.
  2. Be located no closer than 1,000 feet (measured parallel to the road) from a billboard on the other side of a street.
  3. Be located more than 1,000 feet from any major arterial or primary collector street intersections or from expressway access or exit ramps.
  4. Be no closer than 50 feet to the street right-of-way and 20 feet from any other lot line.
  5. Be located no closer than 500 feet to the property line of a lot of record on which a residence is located.
  6. No billboard shall be stacked or placed one above another, and not more than one billboard shall be permitted on any single location other than a double-sided billboard. A "V" billboard shall be considered as one billboard and each face (side) shall not exceed 400 square feet.
  7. No billboard, either single or double sided, shall have an area in excess of 400 square feet per side including border and trim, but excluding uprights and supports.
- C. *Other signs.* In all agricultural and residential zoning districts, no other permanent sign shall be located on the property on which a billboard is located.
- D. *Illumination.* Illumination of billboards must comply with the provisions found in section 13.9.
- E. *Height.* Billboards shall not exceed 25 feet.
- F. *Construction and maintenance.* A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness, have paintable surfaces regularly maintained and continued readability of message.
- G. *Permitting.* Every billboard requires a township sign permit and building permit before installation or modification. Permits shall be reviewed and issued consistent with the terms of this section as well as all other applicable ordinances of the township including, without limitation, this zoning ordinance as amended from time to time. Every applicant for a billboard permit shall file with the application a certificate of insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of

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the erection, maintenance, repair, and replacement of the billboard. Each applicant, if the permit is granted, shall be required to maintain said insurance.

- H. *Other requirements.* Billboards must otherwise comply with all other relevant regulations and ordinances of the township.
- I. *Applicability.* To the extent they are not specifically inconsistent with the terms and provisions of this section dealing specifically with billboards, all of the other terms and provisions of this article pertaining to signs shall be applicable to billboards.

(Ord. No. 596, § 9, 8-15-2019)

### **Sec. 13.9 Sign illumination.**

- A. *Code compliance.* A sign's wiring and electronic components shall be installed in accordance with the State of Michigan Electrical Code.
- B. *Prohibited illumination.* Flashing, animation, moving, oscillating, blinking, intermittent illumination, or variable intensity light is prohibited on all signs and billboard sign faces.
- C. *External illumination.*
  - 1. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.
  - 2. The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.
- D. *Internal illumination.* Sign faces shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face.
- E. *Electronic changeable message (ECM) signs.*
  - 1. *Number.* Lots of record are limited to one ECM sign each.
  - 2. *Display.* ECM image displays shall be static.
  - 3. *Interval.* ECM displays shall not change more frequently than once every eight seconds. Transitions from one static image to the next shall appear instantaneously.
  - 4. *Brightness.* Brightness of ECM signs shall be measured as follows:
    - a. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the center of the sign area from a distance determined with the following formula: The square root of the product of the sign area multiplied by 100. Example using a 12-square foot sign:
    - b. Measurement distance =  $\sqrt{(12 \text{ square feet} \times 100)} = 34.6$  feet as the determined setback.
    - c. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
    - d. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted and the sign is in compliance.
- F. *Neon.* Neon illumination is prohibited.

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**Sec. 13.10 Nonconforming signs.**

- A. *Continuation.* A lawfully established sign that does not conform to the type, height, size, area, location or other requirements of this article as of the effective date of this article or amendments to this article is determined to be nonconforming. Nonconforming signs shall be permitted to continue unless otherwise required to conform by this article. It is the intent of this section to permit the continuance of legal nonconforming signs until they are removed or destroyed and to encourage overall compliance with this article.
- B. *Illegal nonconforming signs.* Signs installed without a sign permit shall be considered illegal nonconforming signs and shall be either removed or made to conform to this article and a permit shall be required. Nothing in this section shall be construed to give a nonconforming status to any illegal nonconforming sign erected without a sign permit.
- C. *Requirements and restrictions.*
  - 1. *Change.* Nonconforming signs shall not:
    - a. Be changed to another nonconforming sign.
    - b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size or type.
  - 2. *Replacement.* A nonconforming sign shall not be replaced with a nonconforming sign, if removed.
  - 3. *Re-facing.* The face of a nonconforming sign may be replaced as long as the nonconforming nature of the sign is not expanded or increased.
  - 4. *Repair.* Any nonconforming sign, sign structure, frame or standard damaged by any means shall not be repaired or rebuilt if the damage exceeds 50 percent of present day replacement value considering a sign of equal and similar size, building materials, construction, and quality. The sign owner shall provide an estimate acceptable to the Zoning Administrator for an official determination concerning restoration and repair eligibility.
  - 5. *Normal maintenance.* Nonconforming signs may be painted, cleaned, and maintained.

**PART IV. REVIEW PROCESSES AND STANDARDS****ARTICLE 14. GENERAL REVIEW REQUIREMENTS****Sec. 14.1 Intent and purpose.**

The purpose of this article is to establish a uniform set of submittal and review requirements for land development requests and new structures to determine compliance with the provisions of this ordinance.

**Sec. 14.2 Application submission, contents, and fees.**

- A. *Applications.* Information concerning submittal requirements, contents, and fees are available at the community development department. An application is officially accepted when delivered to the community development department during normal office hours.
- B. *Authority to file applications.* The person having legal authority to take action according to the approval sought shall file an application for development review or approval under the zoning ordinance. The person

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is presumed to be the record owner, purchaser under a sale or option to purchase, or the duly authorized agent of the record owner. Agents may only submit applications where the owner indicates consent in writing.

- C. *Deadline.* For all land use development applications that require planning commission or zoning board of appeals review, complete applications shall be submitted by the deadlines established annually by the planning commission and zoning board of appeals.
- D. *Contact person.* The applicant shall designate one person on the application as the primary contact person. The zoning administrator will communicate with the contact person about the application and review procedures. The applicant shall notify the zoning administrator in writing if there is to be a change in the contact person.
- E. *Content.*
  - 1. The zoning administrator is authorized to establish submittal requirements for all land use development applications required by the zoning ordinance and to update and amend those requirements as necessary to ensure effective and efficient review. Applicants shall refer to the submittal requirements for each type of land use development application. The applicant shall provide any additional information, documents, or other material relevant to the application that the zoning administrator reasonably believes is necessary to evaluate, analyze, and understand the subject matter of the application.
  - 2. The zoning administrator may waive, or recommend that certain submittal requirements are waived, to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The zoning administrator may waive, or recommend waivers, in cases where the projected size, complexity, anticipated impacts, or other factors associated with the proposed development or subdivision clearly justify such waiver.
- F. *Fees.*
  - 1. *Fee schedule.* Non-refundable fees are required at the time of the filing of any development application.
  - 2. *Administrative fee.* Fees based on a schedule set and posted by the township board shall be paid to the zoning administrator, who shall remit the same to the township treasurer. In addition, special fees per the current fee schedule on file with the township clerk shall be paid to the zoning administrator, who shall remit the same to the township treasurer. An application shall not be determined as complete until required fees are paid.
  - 3. *Professional review fees.* In addition to regularly established fees, the zoning administrator may also require an applicant to submit an amount of money determined to be a reasonable estimate of the fees and costs which may be incurred by the township in reviewing and acting upon the review of development proposals, in accordance with an escrow policy adopted by resolution by the township board.
    - a. The fund shall cover reasonable costs and expenses incurred by the township during and in connection with the review process, such as outside planning, legal, and engineering fees.
    - b. The estimated fee shall be submitted prior to any township review of a site plan, PUD, private street, subdivision, condominium, or special land use application. Fees shall be placed in escrow and will be used to pay for outside review costs.
    - c. The applicant shall maintain a minimum amount in this fund. Any unused balance shall be refunded to the applicant upon final approval or satisfaction of any conditions of approval.

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### **Sec. 14.3 Permits.**

- A. *Site plan.* Unless an applicant requests review and approval by the planning commission, the planning commission decides in its discretion to conduct the review, or the zoning administrator in their discretion forwards the application to the planning commission for review, review and approval of site plans by the zoning administrator is required for the following:
  - 1. For any use permitted in the C-1, C-2, C-3, I-1, I-2 or O-S zoning districts.
  - 2. For any multifamily dwelling in the R-2A or R-3 zoning districts.
  - 3. For any two-family dwelling in the R-2, R-2A or R-3 zoning districts.
  - 4. For any non-residential and non-farm use in the A, R-1, R-2, R-2A, or R-3 zoning districts.
  - 5. For any community art or community sign in the GW overlay district.
  - 6. New parking lots or parking lot expansion projects.
- B. *Zoning permit use compliance.* A change from one permitted use to another, or establishment of a new use, is subject to use compliance review when site improvements such as parking or landscaping are not required by this ordinance.
- C. *Zoning permit building compliance.* For building additions without parking or landscaping required by this ordinance, and without any other site improvements, a site plan is required to confirm building compliance.
- D. *Building permit.* No building permit shall be issued until all applicable permits required by this ordinance have been issued. Where a site plan has been approved for any use, the terms of the site plan shall be deemed automatically incorporated by reference into any applicable building permit and failure to conform with such site plan shall be a violation of this ordinance and cause for revocation of the building permit.
- E. *Certificate of compliance.* No certificate of compliance shall be issued until all required site improvements are installed and any applicable conditions of approval are satisfied. 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 of occupancy by the township affirming that such building or structure conforms in all respects to the provisions of this ordinance. Such certificate shall only be issued after the work is complete and final inspection has been made.
- F. *Required improvements prior to issuance of an occupancy permit.* In approving a site plan, the body or official granting approval may, in addition to other matters, require that all or any part of the improvements, buildings or other elements approved be constructed and completed prior to the issuance of an occupancy permit. In the event these buildings, structures, improvements and other elements are partially completed to a point where occupancy will not impair the health, safety and general welfare of all parties concerned, then the township may grant an occupancy permit on such reasonable conditions relating to completion as the body or official granting approval shall establish.

### **Sec. 14.4 Review.**

- A. *Completeness review.*
  - 1. *Review.* All application submissions must be complete prior to processing by the zoning administrator.
  - 2. *Complete applications.* A complete application includes all the submittal information identified on the application form, unless waived, and any items or exhibits requested by the zoning administrator or the planning commission that are consistent with the standards and requirements of the zoning ordinance.

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3. *Incomplete applications.* An applicant shall be informed of an incomplete application. The zoning administrator shall identify the documents, specifications, and other information needed to make the application complete. An application that has not been revised to meet the completeness requirements shall be considered expired on the 30th day after notification by the zoning administrator. The township may retain the application fee paid after this time period.
- B. *Plan review.* The zoning administrator and all applicable reviewing authorities shall review the application and associated materials. The zoning administrator or the planning commission shall review the application against the requirements of this ordinance. The zoning administrator or the planning commission shall deny, approve or approve with conditions, application.

## **Sec. 14.5 Site plans.**

- A. *Requirement.* A site plan shall be based upon a professionally prepared survey.
- B. *Site plan.*
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 feet.
  7. Ditches and watercourses.
  8. Ground cover and other pertinent physical features of the site such as trees.
  9. Proposed landscaping including, in those instances where a greenbelt is required, a detailed landscaping plan for the greenbelt.
  10. Location of existing improvements.
  11. Location of lot lines.
  12. Loading and unloading facilities.
  13. Exterior lighting and signs.
  14. Location of existing structures on land immediately adjacent to the site within 100 feet of the site's lot lines.
  15. The date, north arrow, and scale. The scale shall not be less than one inch equals 50 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.
  16. The name and address of the professional individual, if any, responsible for the preparation of the site plan.
- C. *Building information.*
1. 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.
  2. Building height and area.
- D. *Supplemental information.*

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1. Project narrative.
  2. Site development and building construction timeframe.
  3. Proposed phasing.
  4. Delineation of the 100-year floodplain.
  5. 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.
  6. Method of financing and commitments or other proof of ability to obtain financing.
  7. Additional information which the body or official reviewing and approving the site plan may request which is reasonably necessary to evaluate the site plan.

### **Sec. 14.6 Conditions of approval.**

- A. *Applicability.* Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the township may be imposed on site plan approval.
- B. *Criteria.* Conditions imposed shall be based on the following criteria:
  1. Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
  2. Ensure that the use is compatible with adjacent land uses and activities.
  3. Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  4. Ensure compatibility between the proposed use or activity and the rights of the township to perform its governmental functions.
  5. Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
  6. Ensure compliance with the intent of other township ordinances that are applicable to the site plan.
  7. Ensure compatibility with other uses of land in the vicinity.
- C. *Performance guarantee.* A performance guarantee in accordance with section 18.2 may be incorporated as a condition of approval.

### **Sec. 14.7 Construction, validity, and expiration.**

- A. *Site plan approval.* Site improvements shall be commenced within one year after the date of approval of the site plan.
- B. *Extension.* The zoning administrator may approve two extensions of up to one year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

## *ARTICLE 15. SPECIAL LAND USE PERMITS*

### **Sec. 15.1 Intent and purpose.**

- A. *Intent.* Special land uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics or specific circumstances surrounding the use, may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, odor or similar potential effects require that the special land use be evaluated relative to its appropriateness on a case-by-case basis.
- B. *Purpose.* Special land uses may be permitted within a zoning district, with planning commission approval, following a review of the use and its potential impact on its surroundings. This article establishes the review procedures for special land uses and the general standards that must be met for all special land uses.

### **Sec. 15.2 General requirements.**

- A. *Permit.* Special land uses shall be established through a special land use permit. The site plan administratively approved in conjunction with the special land use permit shall become part of the approval record.
- B. *Standards and requirements.* This article establishes the review procedures for special land uses and the general standards that must be met for all special land uses. Some specific uses are also subject to additional standards and requirements outlined in article 9.
- C. *Concept plan.* Submittal requirements shall be determined by the zoning administrator.
- D. *Public hearing.* Prior to any action on the application, the planning commission shall hold a public hearing in accordance with section 18.4.
- E. *Planning commission action.* The planning commission shall review the application against the requirements of this ordinance and the review standards of this article. The planning commission shall table, deny, approve, or approve with conditions.

### **Sec. 15.3 General standards of approval.**

- A. *Standards of approval.* The planning commission shall review the particular circumstances and facts applicable to each proposed special land use with respect to the following standards:
  - 1. The use will be harmonious and appropriate with the existing or intended character and land uses in the general vicinity.
  - 2. The use will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.
  - 3. The use will not involve operations, materials and equipment that will be detrimental, hazardous, or disturbing to any persons, property or the general welfare due to traffic, noise, smoke, fumes, glare, vibration, or odors.
  - 4. The use will be consistent with the intent and purposes of this ordinance and the Holland Charter Township Comprehensive Plan.



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5. The use will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.
  6. The use will not result in traffic congestion, nor have an adverse impact on roads, nor cause hazards.
  7. There is need for the proposed use within the township, and the use will not be detrimental to the community.
- B. *Approval.* If the planning commission finds that the standards in general have been met, in addition to confirming compliance with all other zoning requirements, the permit shall be issued.
- (Ord. No. 596, § 10, 8-15-2019)

### **Sec. 15.4 Conditions of approval.**

- A. *Intent.* Reasonable conditions may be required with the approval of a special land use permit. These may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity can accommodate increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- B. *Requirements.* Conditions imposed shall meet all the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
  4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the township and the landowner. The township shall maintain a record of conditions which are changed.

### **Sec. 15.5 Amendments.**

- A. *Amendments.* Changes to site plan concepts that are associated with special land uses that are inconsistent with the intent of the planning commission's approval, or conditions of approval, shall be processed in accordance with the review and approval procedures of this article as if it were a new application.
- B. *Amendments of reclassified uses.* Any use lawfully established by right but subsequently reclassified as a special land use on or after the effective date of this ordinance is not a nonconforming use. Any change to a special land use requiring site plan review shall be processed in accordance with this article.

### **Sec. 15.6 Permits, validity, and compliance.**

- A. *Permit.* A special land use permit, with all associated benefits, conditions and required security shall run with the land. Any change of property ownership does not invalidate the special land use approval; provided, all conditions of approval continue to be met.

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- B. *Validity.* A special land use permit shall be valid for as long as the approved special land use continues in accordance with the terms and conditions of the approved permit. The special land use permit shall expire on the occurrence of one or more of the following conditions:
    - 1. If replaced or superseded by a subsequent special land use permit.
    - 2. If replaced or superseded by a permitted use.
    - 3. If the applicant requests the rescinding of the special land use permit.
    - 4. Site improvements are not commenced within one year after the date of approval of the site plan.
  - C. *Compliance.* Ongoing conformance with the terms and conditions of the approved permit is required.
  - D. *Extension.* The zoning administrator may approve two extensions of up to one year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the special land use approval shall become null and void.

### **Sec. 15.7 Appeals and variances.**

The planning commission's decision regarding approval or denial of a special land use application may not be appealed to the zoning board of appeals. However, prior to consideration of a special land use, a variance to a dimensional requirement related to the building or property in question may be filed with the zoning board of appeals.

### **Sec. 15.8 Restrictions on resubmittal.**

A special land use application that has been denied may not be re-submitted for one year from the date of denial, except when new evidence or information found sufficient by the zoning administrator justifies an earlier re-application.

## **ARTICLE 16. PLANNED UNIT DEVELOPMENTS.**

### **Sec. 16.1 Intent and purpose.**

- A. *Intent.* The intent of this article is to offer an alternative to conventional development and traditional zoning districts by permitting flexibility in the regulations for development by authorizing planned unit developments (PUD). The standards in this article are intended to promote and encourage development on lots of record that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses.
- B. *Base zoning district.* The base zoning district is the zoning district applicable to the subject property. The PUD review process is applied to lands that are traditionally zoned but allows for consideration of flexibility of zoning requirements applicable to the base district as well as those development requirements that apply to all properties, regardless of zoning.
- C. *Purpose.* The PUD process is provided as a design option to allow for one or more of the following:
  - 1. Innovative land development in terms of variety, design, layout, and type of structures constructed;

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2. Efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
  3. Adaptive re-use of significant or historic buildings;
  4. Mixed use development projects and/or mixed use buildings;
  5. Preservation and protection of significant natural features, open space, and cultural/historic resources;
  6. Promote efficient provision of public services and utilities;
  7. Minimal adverse traffic impacts and accommodate safe and efficient pedestrian access and circulation;
  8. Convenient recreational facilities;
  9. Use and improvement of land where site conditions make development under conventional zoning difficult or less desirable; and
  10. Open space development option, per section 16.3E.
- D. *Design flexibility.* The PUD process and standards provide for flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of the zoning ordinance on the basis of the preliminary PUD development plan, subject to the approval of the PUD. A PUD shall not be sought primarily to circumvent the standards and requirements of the applicable base zoning districts.

### **Sec. 16.2 Qualifying conditions.**

- A. *Master plan.* The proposed PUD shall be consistent with the Holland Charter Township Comprehensive Plan.
- B. *Unified control.* The PUD shall be under the control of one owner or group of owners and shall be capable of being planned and developed as an integral unit.
- C. *Recognizable benefit.* The applicant shall demonstrate that the PUD provides at least four of the following site design elements, which could not be attained through a project designed under conventional zoning:
1. Mixed-use development with residential and non-residential uses or a variety of housing types;
  2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
  3. High quality architectural design beyond the site plan requirements of this ordinance;
  4. Extensive landscaping beyond the site plan requirements of this ordinance;
  5. Preservation, enhancement, or restoration of natural resources (trees, slopes, wetland areas, water views, etc.);
  6. Preservation or restoration of significant or historic resources;
  7. Provision of open space or public plazas or features;
  8. Efficient consolidation of poorly dimensioned lots of record or property with difficult site conditions (e.g. topography, shape, etc.);
  9. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
  10. Shared vehicular and pedestrian access between properties or uses;
  11. Mitigation to offset impacts on public facilities (such as street improvements); or

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12. Significant use of sustainable building and site design features such as: Water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.

### **Sec. 16.3 Zoning requirements.**

#### **A. Uses.**

1. *Base zoning district uses.* Any use permitted by right or by special land use in the base district where the PUD is proposed may be permitted in the PUD.
2. *Approval.* Approval of a PUD shall include the identification of the specific uses permitted within the PUD, and only those uses approved through this process shall be permitted. Land use shall be consistent with the Holland Charter Township Comprehensive Plan in all cases.
3. *Rezoning.* Should the applicable base zoning district not permit a desired use, rezoning shall be necessary. Where the Holland Charter Township Comprehensive Plan recommends a different zoning district than the current zoning, a rezoning of the base zoning district consistent with the plan may be considered concurrently with the PUD.

#### **B. Requirements by type of PUD.** This article authorizes residential, commercial and office, mixed use, and industrial and research park PUDs.

1. *Residential.* For projects that include single-family dwellings, the preliminary PUD development plan narrative shall state minimum spatial requirements for single-family lots. A PUD shall be compliant with base residential district spatial standards unless deviations from the minimum standards and requirements of the base zoning district are approved.
2. *Commercial and office.* Developments shall meet the area, height, and placement requirements of the base commercial and office districts unless deviations from the minimum standards and requirements of the base zoning district are approved.
3. *Mixed use.* Residential and non-residential uses may be permitted in combination to create an integrated, mixed-use development. Each use in a mixed-use development (containing both residential and commercial development) shall meet the height, area, and placement requirements of the zoning district that corresponds to each element of the proposed development.
4. *Industrial and research parks.* Developments shall meet the area, height, and placement requirements of the base industrial districts unless deviations from the minimum standards and requirements of the base zoning district are approved. The minimum size of any lot in an industrial or research park shall be 40,000 square feet. The minimum dimension of any side of such lot shall be 200 feet.

#### **C. Deviations from minimum requirements.** Zoning district regulations applicable to a land use in a PUD may be altered from the applicable requirements of the base district(s), including spatial, landscaping, lighting, signs, and parking requirements. The applicant for a PUD shall identify, in writing, all intended deviations being proposed from the base zoning district. These adjustments may be permitted only if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses. The application shall demonstrate and justify how the proposed deviations achieve the purposes of PUD expressed in section 16.1C, section 16.2C, and the recommendations of the Holland Charter Township Comprehensive Plan.

#### **D. Density.**

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1. *Parallel plan.* Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site condominium plan, meeting all applicable township requirements. The township shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands, easements, right-of-way, or other non-buildable land, to determine net allowable density.
  2. *Increase.* The township may grant a density bonus of up to 20 percent from the maximum number of units based on the parallel plan based on the merits of the proposal.
- E. *Open space development option.*
1. *Intent.* This section is intended to carry out the provisions of "open space preservation" section of the Michigan Zoning Enabling Act.
    - a. Lands satisfying certain criteria may be developed, at the option of the landowner, with the same number of dwellings on a smaller portion of the land that could otherwise be developed under existing ordinances, laws, and rules on the entire land area. The balance of the land must be preserved as open space.
    - b. This development option is intended to accommodate lots of record that have physical assets such as tree stands, unique topographic conditions, water and/or swamp areas, or other readily identifiable land characteristics which should be preserved, or lots of record where such development could provide a transitional area of low density residential use between a higher density residential use or any nonresidential use of land. Land designated for this development option must either be platted under the provisions of the Michigan Land Division Act or must comply with the Condominium Act (Act 59 of 1978, as amended) and all township ordinances.
  2. *Process.* For a landowner to exercise the open space preservation option of the Michigan Zoning Enabling Act, the land involved must be processed as a planned unit development (PUD).

#### **Sec. 16.4 Review procedure.**

- A. PUD review steps. Review of planned unit development proposals shall be processed in accordance with the following steps:
  1. *Preliminary PUD development plan.*
    - a. Pre-application conference.
    - b. Preliminary PUD development plan submission.
    - c. Planning commission review, public hearing, and recommendation.
  2. *Final PUD development plan.*
    - a. Final PUD development plan submission.
    - b. Planning commission review, public hearing (if determined), and recommendation.
    - c. Township board review, public hearing, and decision.

#### **Sec. 16.5 Preliminary PUD development plan.**

- A. *Pre-application conference.* The purpose of a pre-application conference with the zoning administrator is to review the concept of the proposed PUD, discuss the review process, and determine the eligibility of the request.

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1. *Conference request.* A request for a pre-application conference shall be made to the zoning administrator.
  2. *Requirement materials.* As part of the pre-application conference, the applicant shall submit a copy of a site plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
  3. *Guidance.* The zoning administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the township, whether the concept qualifies under the requirements of this article, and whether the general concept is substantially consistent with the Holland Charter Township Comprehensive Plan. Formal action shall not be taken at a pre-application conference and statements made at the pre-application conference shall not be considered binding commitments or an approval of the concept.
- B. *Preliminary PUD development plan submission requirements.* Applications for PUD review approval shall include 11 copies of the following materials at least 30 days prior to the meeting at which the planning commission will review the application. The zoning administrator may, subject to the concurrence of the planning commission, waive any of the application requirements contained in this section if it is determined that such information is not necessary to determine compliance with the provisions of this article.
1. *Preliminary PUD development plan.*
    - a. Name of the development, the applicant's name, the preparer's name, date of preparation, written and graphic scale (not to exceed one inch equals 50 feet), north arrow, property lines and dimensions, and size of property in acres.
    - b. Small scale sketch of properties, streets and uses within one-half mile of the PUD.
    - c. Zoning and use of all abutting properties and of properties across any public or private street from the PUD site, including all structures within 100 feet of the property lines of the PUD development area.
    - d. Existing natural features of the site, including predominant vegetative cover, existing drainage ways, 100-year flood hazard boundary area, shorelines, if applicable, and existing topography at a maximum of five-foot contour intervals.
    - e. Existing right-of-way lines and edge of street pavement, names of abutting public streets, proposed access driveways and parking areas, and proposed layout of new public or private streets.
    - f. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed or eliminated.
    - g. Layout and typical dimensions of proposed lots, building setback lines, footprints, and dimensions or proposed buildings and structures; identify uses proposed within the planned unit development, and the acreage allotted to each use. For residential developments, the number, type, and density of proposed dwelling units.
    - h. If the planned unit development is to be constructed in phases, identify the areas included in each phase. For residential uses identify the number, type, and density of proposed dwelling units within each phase.
  2. *Supplemental information.*
    - a. A narrative statement describing the overall objectives of the development and how the proposal satisfies the intent and conditions of section 16.1C, section 16.2C, section 16.3C, and the Holland Charter Township Comprehensive Plan.

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- b. A legal description of the land to be included in the planned unit development.
  - 3. *Application and fee.* A completed application form, supplied by the zoning administrator, and payment of the applicable application fee.
  - C. *Planning commission review.*
    - 1. *Initial review.* The planning commission shall review the preliminary development plan at a regular or special meeting. Upon determination by the planning commission that the application meets the requirements of this article, a public hearing shall be set. Notice of the public hearing shall conform to the requirements of Section 103 of the State of Michigan Zoning Enabling Act and Section 18.4.
    - 2. *Public hearing and decision.* The planning commission shall review the preliminary PUD development plan in consideration of public hearing comments, technical reviews from township staff and consultants, correspondence from applicable review agencies, and compliance with the standards of this article, and other applicable township standards and requirements. The planning commission shall approve, approve with conditions or deny the preliminary PUD development plan. The decision shall be based on the following:
      - a. Whether all applicable provisions of this article are met;
      - b. Whether the proposed PUD meets the intent of this article, as outlined in section 16.1;
      - c. Whether the qualifying conditions in section 16.2C are met; and
      - d. Whether the standards of approval in section 16.8 are met.
    - 3. *Conditions.* The recommendations of the planning commission concerning the preliminary development plan may include, but need not be limited to, the following:
      - a. Additions, deletions or changes to the preliminary development plan which are deemed necessary in order to comply with the standards for approval in section 16.8.
      - b. Request for additional information to be provided as part of the final development plan submittal.
    - 4. *Applicant.* A copy of the recommendations pertaining to the preliminary development plan shall also be transmitted to the applicant and the township board.

## **Sec. 16.6 Final PUD development plan.**

- A. *Final PUD development plan.* After approval of the preliminary PUD development plan, a final PUD development plan shall be submitted to the planning commission for review and approval. A final development plan may be submitted and approved for the entire PUD or for any phase or portion of the development.
  - 1. *Contents.* The final development plan shall include all of the following information; the zoning administrator may, subject to the concurrence of the planning commission, waive any of the application requirements contained in this section if it is determined that such information is not necessary to determine compliance with the provisions of this article.
    - a. Name of the development, the applicant's name, the preparer's name, date of preparation, written and graphic scale (not to exceed one inch equals 20 feet), north arrow, property lines and dimensions, and size of property in acres.
    - b. Small scale sketch of sufficient size and scale to allow the planning commission to determine the precise location of the PUD within the township.

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- c. Zoning and use of all abutting properties and of properties across any public or private street from the PUD site, including all structures within 100 feet of the property lines of the PUD site.
  - d. Existing right-of-way lines, names of abutting public streets, proposed access driveways and parking areas with parking calculations, and proposed right-of-way widths and pavement widths and location of new public or private streets.
  - e. If a multiphase planned unit development is proposed, identify the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
  - f. Location of all proposed buildings, structures, or other improvements.
  - g. Proposed locations of utility services (with sizes), including storm drainage, and any public or private easements.
  - h. Existing and proposed lot lines, with bearings and dimensions, and building setback lines.
  - i. Proposed grading plan, identifying proposed ground elevation contours at two-foot intervals, overlaid on existing contours.
  - j. Proposed landscaping with common plant names, sizes, number and location. Berms are to be shown with elevations from the average grade around the berm.
  - k. Exterior lighting, including specifications for style, location, and height of lighting fixtures.
  - l. Size, design, and location of proposed signs.
- B. *Planning commission.* The planning commission shall review the final development plan and make a report and recommendation to the township board concerning the PUD request. The report shall state the conclusions of the planning commission concerning the request, the basis for the planning commission's recommendation to the township board, and any conditions or restrictions relevant to an affirmative decision. Before making its report and recommendation, the planning commission may hold a public hearing on the PUD and, if it does so, it shall give notice in accordance with Section 18.4 and the Michigan Zoning Enabling Act.
- C. *Township board review.* On receipt of the planning commission's report and recommendation, the township board shall review the application and the report and recommendation of the planning commission and then act to grant or deny the final PUD development plan. However, before acting, the township board shall hold a public hearing on the proposed final PUD development plan and give notice in accordance with Section 18.4 and the Michigan Zoning Enabling Act. In acting the township board shall prepare a written report stating its conclusions on the request for approval of the proposed final PUD development plan, the basis of its decision, the decision, and any conditions relating to an affirmative decision.

## **Sec. 16.7 Required improvements.**

- A. *Issuance of occupancy permit.* In approving a final PUD development plan, the township board may, in addition to other matters, require that all or any part of the improvements and other elements of the project be constructed and completed prior to the issuance of an occupancy permit. In the event that buildings, improvements or other elements are partially completed to a point where occupancy will not impair the health, safety, and general welfare of all parties concerned, the zoning administrator may, in accordance with the provisions of this ordinance relating to authorization of a special use, grant an occupancy permit on such reasonable conditions relating to completion as the township board shall establish. The zoning administrator may also exercise discretion and decline to determine whether or not an occupancy permit should be granted and refer any such decision concerning the conditional occupancy permit to the planning commission.



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- B. *Financial guarantees.* To ensure compliance with the zoning ordinance and any conditions imposed thereunder, the township board may, in granting approval of a PUD, require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements associated with the PUD, be deposited with the clerk of the township to ensure faithful completion of the improvements.

### **Sec. 16.8 Standards of approval.**

A preliminary PUD development plan shall only be approved if it complies with each of the following standards as well as applicable standards established elsewhere in this article:

- A. *Intent and qualification.* The proposed PUD complies with the intent and the applicable qualifying conditions of sections 16.1C and 16.2C of this article, respectively.
- B. *Uses.* The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the Holland Charter Township Comprehensive Plan.
- C. *Design.* The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. *Character.* The PUD shall not change the essential character of the surrounding area.
- E. *Impact.* The PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- F. *Public service capacity.* The PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- G. *Utilities.* Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems, which can be effectively screened, may be exempt from this requirement if the planning commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

### **Sec. 16.9 Amendments.**

- A. *Minor changes.* A minor change to an approved final PUD development plan may be approved by the zoning administrator per the requirements of this section, if already approved by the township board. A change that would alter any specified conditions imposed as part of the original approval shall not be considered as a minor change. Minor changes include the following:
  - 1. Reduction of the size of any building and/or sign.
  - 2. Movement of buildings or signs by no more than 50 feet, provided the required setbacks are not reduced.
  - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
  - 4. Changes in floor plans of up to ten percent of the total floor area that do not alter the character of the use or increase the amount of required parking.
  - 5. Internal rearrangement of a parking lot that does not affect the number of parking spaces, access locations, or design.

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- 6. Changes required or requested by the township, county, or other state or federal regulatory agency to conform to laws or regulations.
  - B. *Other minor changes.* A change that is not considered minor may be submitted to the planning commission to determine if the change is minor in scope and/or effect and that the change would not alter the basic design or intent of the approved PUD. If the planning commission determines that the proposed change is minor, the zoning administrator shall be authorized to approve it administratively.
  - C. *Major changes.* A change that the zoning administrator or planning commission determines is not minor must be submitted as an amendment to the PUD and shall be processed in the same manner as a final PUD development plan review process.

### **Sec. 16.10 Expiration and extension.**

- A. *Validity and expiration.* Approval of the final PUD development plan by the township board shall confer upon the owner the right to proceed with construction for a period not to exceed one year from date of approval.
- B. *Timeframe.* Each development shall be under meaningful construction within one year after the date of approval of the final development plan.
- C. *Termination of rights.* Upon expiration, the approval shall automatically become null and void and all rights of development based on the plan shall terminate.
- D. *Extension.* The zoning administrator may approve two extensions of up to one year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the final PUD development plan approval shall become null and void.

### **Sec. 16.11 Appeals and variances.**

The zoning board of appeals shall have no jurisdiction to hear appeals of or make interpretations of any decisions regarding this article or proposed preliminary or final development plan. Additionally, no variances may be requested for requirements within an approved PUD.

## **ARTICLE 17. SITE CONDOMINIUM DEVELOPMENTS**

### **Sec. 17.1 Intent and purpose.**

- A. *Purpose.* The purpose of this article is to regulate projects that divide real property under a contractual arrangement known as site condominium. New and conversion site condominium projects shall conform to the requirements of this ordinance, all other applicable township regulations, and the Condominium Act (P.A. 59 of 1978, as amended). Each site condominium project shall be reviewed in a manner consistent with equivalent projects within the same zoning district.
- B. *Equivalency.* Site condominium plans regulated by this article shall be considered equivalent to a platted subdivision for the purposes of enforcing the township's zoning requirements. The intent of this article is to ensure that site condominium plans are developed in compliance with all applicable standards of this ordinance and the design requirements of the chapter 30, Subdivisions, except that the review procedures and application requirements of this article shall apply.

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- C. *Applicability.* Traditional condominium projects shall be reviewed in accordance with article 14 and are not subject to the requirements of this article.

### **Sec. 17.2 Site condominium unit requirements.**

- A. *Site condominium units.* Site condominium units shall be permitted under this article, subject to conformance with the development district standards of this ordinance. Site condominium units and projects in any residential district shall comply with all setback, height, coverage, and area restrictions in the same manner as those standards would be applied to platted lots in a subdivision, subject to the requirement of the applicable agricultural (article 3) and residential (article 4) districts. The site condominium unit shall be treated as a "lot of record" under this ordinance.
- B. *Area computation.* The minimum area of the site condominium unit shall be equivalent to the minimum lot area and lot width requirements for the development district where the project is located. Areas within a public or private street right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum site condominium lot area or determination of dwelling density for a site.
- C. *Relocation of lot boundaries.* The relocation of boundaries or any other change in the dimensions shall be considered an amendment to the site condominium plan. Relocation of site condominium lot boundaries, as permitted in the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of the zoning district in which the lot is located. Minor amendments include lot line and boundary adjustments and may be approved by the zoning administrator. Major amendments shall be reviewed by the planning commission and township board.

### **Sec. 17.3 Review procedure.**

- A. *Review steps.* Review of site condominium plans shall be processed in accordance with the following steps:
1. Site condominium concept plan and pre-application conference.
  2. Preliminary site condominium plan.
    - a. Plan submission.
    - b. Planning commission review and recommendation.
    - c. Township board review and decision.
  3. Construction plans and outside permitting.
  4. Final site condominium plan.
    - a. Planning commission review and recommendation.
    - b. Township board review and decision.

### **Sec. 17.4 Site condominium concept plan.**

- A. *Pre-application conference.* The purpose of a pre-application conference with the zoning administrator is to review the concept of the proposed development, discuss the review process, and determine the eligibility of the request. This step is optional.
1. *Conference request.* A request for a pre-application conference shall be made to the zoning administrator.

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2. *Requirement materials.* As part of the pre-application conference, the applicant shall submit a copy of a site plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
  3. *Guidance.* The zoning administrator shall advise the applicant of the conformance of the site condominium concept plan with the objectives of the township, whether the concept qualifies under the requirements of this article, and whether the general concept is substantially consistent with the Holland Charter Township Comprehensive Plan. Formal action shall not be taken at a pre-application conference and statements made at the pre-application conference shall not be considered binding commitments or an approval of the concept.

### **Sec. 17.5 Preliminary site condominium plan.**

- A. *Review.* Prior to recording of the master deed of the site condominium project as required by the Condominium Act, (P.A. 59 of 1978, as amended), each site condominium project shall be subject to review and approval by the planning commission and the township board. The plan shall include all information required in this section.
- B. *Preliminary site condominium plan submission requirements.* Applications for review shall include 12 copies of the following materials at least 30 days prior to the meeting at which the planning commission will review the application. The zoning administrator may, subject to the concurrence of the planning commission, waive any of the application requirements contained in this section if it is determined that such information is not necessary to determine compliance with the provisions of this article.
  1. *Preliminary site condominium plan.* The plan shall be prepared by a licensed architect, licensed professional surveyor, or licensed professional engineer and shall bear the signature and seal of the licensed architect, licensed professional surveyor, or licensed professional engineer. The plan is not required to contain detailed project design plans prepared by the appropriate licensed design professional. Such project design plans are filed, as part of the construction permit application, with the applicable enforcing agency.
  2. *Contents.* The preliminary site condominium plan shall be reproductions of original drawings. A complete plan shall include all of the following:
    - a. A cover sheet. The cover sheet shall list all documents included in the preliminary site condominium plan.
    - b. A survey plan. The survey plan shall be signed and sealed by the licensed professional surveyor preparing the boundary survey for the site condominium project.
    - c. A floodplain plan, if the site condominium lies within or abuts a floodplain area.
    - d. A site plan.
    - e. Utility plan.
    - f. Floor plans.
    - g. The size, location, area, and horizontal boundaries of each site condominium unit.
    - h. A number assigned to each site condominium unit.
    - i. The vertical boundaries for each unit comprised of enclosed air space.
    - j. Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping, or an access road, these

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items shall be shown and designated as "must be built", but the obligation to deliver these items exists whether or not they are so shown and designated.

- k. The nature, location, and approximate size of the common elements.
- 3. *Application and fee.* A completed application form, supplied by the zoning administrator, and payment of the applicable application fee.
- C. *Planning commission review and public hearing.*
  - 1. If complete and basically in conformance with applicable township requirements, the zoning administrator shall cause a notice of a public hearing to be published for a future agenda of a planning commission meeting according to planning commission guidelines.
  - 2. The planning commission shall consider the preliminary site condominium plan in a public hearing, which shall be noticed in accordance with Section 103 of the Michigan Zoning Enabling Act (PA 110 of 2006). The planning commission shall review the proposed site condominium plan against the applicable standards and requirements of this ordinance and the requirements and approval standards referenced in section 17.8.
  - 3. Following the public hearing, the planning commission shall recommend approval, approval with conditions, or rejection of the preliminary site condominium plan to the township board.
- D. *Township board review.*
  - 1. The township clerk shall schedule a review of the planning commission's recommendation by the township board at the next available regular meeting following the planning commission's recommendation on the preliminary site condominium plan.
  - 2. Following receipt of a recommendation from the planning commission, the township board shall review the proposed site condominium plan against the applicable standards and requirements of this ordinance and the requirements and approval standards referenced in section 17.8 and approve, deny, or approve with conditions.
  - 3. Conditions of approval shall be satisfied by the applicant within the time set by the township board or the approval of the preliminary site condominium plan shall be determined to be not valid.

### **Sec. 17.6 Construction plans.**

- A. *Plan requirements and review procedure.* Construction plans shall be submitted and approved administratively. Plans shall be submitted and reviewed in accordance with chapter 30, Subdivisions, article IV, Improvements, sections 30-171 to 30-175.

### **Sec. 17.7 Final site condominium plan.**

- A. *Outside agency permits or approvals.* The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies and construction plan approval prior to submittal of a final site condominium plan.
- B. *Contents.* In addition to the requirements for the preliminary site condominium plan, the final site condominium plan shall include the information required for construction plans.
- C. *Township board review.* If the final site condominium plan conforms substantially to the approved preliminary site condominium plan and satisfies any applicable conditions of approval, the township board shall give final approval to the plan, after a review and recommendation by the planning commission.

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### **Sec. 17.8 Standards and requirements.**

- A. *Design standards.* Site condominium developments are subject to the same design standards as platted subdivisions and shall be reviewed against the standards listed in chapter 30, Subdivisions, article III, Design Standards.
- B. *Setbacks.* The setback requirements of the applicable zoning district shall establish the required interior and perimeter setbacks for the site condominium development. Such setbacks shall be measured from the perimeter of the site condominium lot, road right-of-way line, or road easement to the nearest part of the building envelope.
- C. *Utility connections.* Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems.

### **Sec. 17.9 Amendments, expiration, and validity.**

- A. *Amended documents.* Amendments to any site condominium document that significantly impact the approved site condominium site plan, or any conditions of the site condominium site plan approval, shall be submitted to the planning commission and township board for review and decision prior to the issuance of a building permit.
- B. *Validity.* Site improvements shall be commenced within one year after the date of approval of the final site condominium plan.
- C. *Extension.* The zoning administrator may approve two extensions of up to one year each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the final site condominium plan approval shall become null and void.
- D. *Rescinding approval of a site condominium plan.* Site condominium plan approval may be rescinded by the township board, following a review and recommendation from the planning commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval.

## **PART V. ADMINISTRATION**

### **ARTICLE 18. ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 18.1 Administration.**

- A. *Administration.* The provisions of this ordinance shall be administered by the zoning administrator, zoning board of appeals, planning commission, and township board.
- B. *Planning commission.* The planning commission shall have the following powers and duties:
  - 1. The planning commission and township staff shall carry on a continuous review of the effectiveness and appropriateness of this ordinance and recommend to township board any appropriate changes or amendments in accordance with article 21.

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2. The planning commission shall hear and make recommendations to the township board regarding amendments to this ordinance, including rezoning requests, following the procedures outlined in article 21.
  3. The planning commission shall render decisions on special land use permits and preliminary PUD plans.
  4. The planning commission shall keep minutes of its proceedings showing the official action of the commission and the vote of each member upon each question or, if absent or failing to vote, indicating as such. The planning commission shall act by motion or resolution. Minutes and the records of all official actions shall be filed with the Township Clerk and kept as a public record.
  5. The concurring vote of the majority of planning commission members present during a quorum shall be necessary to take any action authorized by the zoning ordinance.
  6. The planning commission shall adopt rules and procedures governing its activities.
  7. The planning commission shall perform such other duties assigned by this ordinance, in accordance with the Michigan Zoning Enabling Act.
- C. *Township board.* Upon receipt of a recommendation by the planning commission, the township board shall decide upon the following:
1. Zoning ordinance amendments.
  2. Zoning map amendments.
  3. Final PUD plans.
  4. Preliminary and final condominium plans.
  5. The township board shall perform such other duties assigned by this ordinance, in accordance with the Michigan Zoning Enabling Act.

### **Sec. 18.2 Performance guarantee.**

To ensure compliance with this ordinance and any conditions of project approval, the township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements be deposited with the township clerk to insure completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The township shall rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements based on the policy of the community development department.

### **Sec. 18.3 Violations and penalties.**

- A. *Penalties.* Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any terms or provisions of this ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement thereof shall be responsible for a municipal civil infraction, and shall be subject to the enforcement procedures set forth in chapter 1, section 1-13 of the Code of Ordinances adopted by Holland Charter Township. Fines and penalties are set by the Holland Charter Township Board.
- B. *Enforcement officials.* The zoning administrator, building inspector, members of the Ottawa County Sheriff's Department assigned to the township, members of the Ottawa County Sheriff's Department whose services are contracted for by the township, or other persons designated by the township board as township

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ordinance enforcement officers are hereby designated as authorized township officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Holland Charter Township Municipal Ordinance Violations Bureau) as provided in chapter 1, section 1-13 of the Code of Ordinances adopted by Holland Charter Township.

- C. *Procedure.* The township board, the board of appeals, the duly-authorized attorney for the township, or the prosecuting attorney for Ottawa County 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.

## **Sec. 18.4 Noticing.**

- A. *Public notices.* All applications requiring a public hearing or public notice shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section with regard to public notification.
- B. *Content.* All mail, personal, and newspaper notices for public hearings shall:
1. Describe the nature of the request.
  2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  3. State when and where the request will be considered.
  4. Indicate when and where written comments will be received concerning the request.
- C. *Personal and mailed notice.*
1. *General.* When the provisions of this ordinance or state law require that personal or mailed notice be provided, notice shall be provided to those required by state law, but in any event including the following:
    - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    - b. Except for a zoning text amendment or rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property: To all persons to whom real property is assessed, or to the occupants of any dwelling, within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
    - c. Other persons which have requested to receive notice or are required by state law to receive notice.



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2. *Notice by mail/affidavit.* Notice shall be deemed given by its deposit with the U.S. Postal Service, or other public or private delivery service, or personally delivered during normal business hours.
  3. *Record of notice.* The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. *Timing of notice.* Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this ordinance where applicable, notice of a public hearing shall be provided as follows: For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: Not less than 15 days before the date the application will be considered for approval.

## **ARTICLE 19. ZONING BOARD OF APPEALS**

### **Sec. 19.1 Intent and purpose.**

This article outlines the zoning board of appeals as a township authority and its role as it relates to the requirements and administration of the zoning ordinance.

### **Sec. 19.2 Creation and membership.**

- A. *Purpose.* The creation, existence, and authority of the zoning board of appeals is enabled by article VI of the Michigan Zoning Enabling Act.
- B. *Membership.* The zoning board of appeals shall consist of five members:
1. *Planning commission member.* One of the regular members shall be a member of the planning commission.
  2. *Township board member.* One of the regular members shall be a member of the township board, but shall not serve as the chairperson.
  3. *General members.* The remaining regular members, and any alternate members, shall be selected from the electors of Holland Charter Township. The members selected shall be representative of the population distribution and of the various interests present in the township. An employee or contractor of the legislative body may not serve as a member.
  4. *Alternates.* The township board may appoint one or two alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.
- C. *Per diem.* A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of the member's duties.
- D. *Removal and conflict of interest.* A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

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- E. *Term.* The terms of office for an appointed member shall be 3 years, except for a member serving because of his or her membership on the planning commission or township board, whose term shall be limited to the time he or she is a member of that body. When members are first appointed, appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
  - F. *Voting restrictions.* A member who is also a member of the planning commission or the township board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of their other official duties. However, the member may consider and vote on other unrelated matters involving the same property.

### **Sec. 19.3 Procedures and public hearings.**

- A. *Meetings and records.* All zoning board of appeals meetings shall be called by the chairperson and at such times as determined by the zoning board of appeals. All meetings shall be open to the public. The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question and shall also keep records of its hearings and other official actions.
- B. *Rules and procedures.* The zoning board of appeals shall fix rules and regulations governing its procedures in conformance with the terms of this ordinance and the Michigan Zoning Enabling Act.
- C. *Conducting business.* The zoning board of appeals shall not conduct business unless a majority of the regular members are present.
- D. *Public hearings.* If the zoning board of appeals receives a written request seeking an appeal of an administrative decision (section 19.5), a variance of the zoning ordinance (section 19.6), or an interpretation (section 19.7), it shall conduct a public hearing on the request. Notice shall be given as required under Section 103 of the Michigan Zoning Enabling Act and Section 18.4. However, if the request does not involve a specific lot of record, notice need only be published as provided in Section 103(1) and given to the person making the request as provided in Section 103(3) of the Act.

### **Sec. 19.4 Powers and decisions.**

- A. *Jurisdiction.* The board of appeals shall have all powers and jurisdiction granted by the Michigan Zoning Enabling Act, all powers and jurisdiction prescribed in other articles of this ordinance and the following specific powers and jurisdiction:
  - 1. *Appeals.* To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the zoning administrator or the planning commission in the enforcement of this ordinance.
  - 2. *Variances.* To approve dimensional variances in circumstances involving a practical difficulty and the other conditions required for the approval of a dimensional variance.
  - 3. *Interpretations.* To act upon all questions as they may arise in the administration and enforcement of the zoning ordinance, including interpretation of the zoning map.
  - 4. *Special reviews.* To hear and decide on all matters referred through this ordinance.
- B. *Planned unit developments and special land uses.* Appeals for decisions relating to planned unit developments or special land use permits may not be taken to the zoning board of appeals.
- C. *Decisions.*

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1. *Majority vote of members.* The concurring vote of a majority of the zoning board of appeals membership shall be necessary to reverse any order, requirement, decision or determination by the zoning administrator or other administrative body, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.
  2. *Certification of decision.* The decision of the zoning board of appeals shall become final upon certification of the decision in writing, signed by the chairperson, or the approval of the minutes for the meeting at which the decision was reached, whichever occurs first.
  3. *Effect on permitting.* A zoning compliance permit or building permit for a project that is reliant on the decision of the zoning board of appeals shall not be issued until the decision is final.
- D. *Conditions of approval.* In hearing and deciding an appeal, the zoning board of appeals may impose and attach conditions, restrictions and requirements as it shall determine are necessary and/or appropriate. The zoning board of appeals may impose greater or more restrictive conditions, restrictions and requirements than are included in this ordinance. Violations of approved conditions, restrictions and requirements shall be deemed a violation of this ordinance. Conditions, restrictions and requirements may include the provision of financial security to guarantee performance.

### **Sec. 19.5 Administrative appeals.**

- A. *Filing deadline and distribution.* An appeal from any decision or action shall be filed no later than 30 calendar days after the decision or action being appealed. Where an appeal has been filed, the zoning administrator shall transmit to the zoning board of appeals all papers constituting the record upon which the action being appealed was made.
- B. *Stay of proceedings.* An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or the circuit court.
- C. *Decision.* In exercising this power, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or a determination being appealed and may make an order, requirement, decision or determination as it should be made. The zoning board of appeals may reverse an order of an administrative official or the planning commission only if it finds that the action or decision appealed meets one or more of the following requirements:
  1. Was arbitrary or capricious.
  2. Was based on an erroneous finding of a material fact.
  3. Constituted an abuse of discretion.
  4. Was based on erroneous interpretation of this ordinance or the Michigan Zoning Enabling Act.

### **Sec. 19.6 Variances.**

- A. *Application.* A dimensional variance request shall be accompanied by a drawing to scale, which includes all buildings and their individual front, rear and side yard distances from the property lines and any other structure on the property. The requested variance location shall be clearly identified on the drawing with additional information which demonstrates practical difficulties which supports the request for a variance.

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- B. *Standards for granting of variance.* No variance in the provisions or requirements of this ordinance shall be authorized by the zoning board of appeals unless it is found from the evidence that all the following conditions exist:
1. That compliance with the zoning ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or lot of record, including but not limited to:
    - a. Exceptional narrowness of the width or depth of a lot of record, or an irregular shape.
    - b. Exceptional natural or topographic features located on the lot of record, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.
    - c. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.
    - d. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.
  2. That the unusual circumstances do not apply to most other lots of record in the same manner or to the same extent to other lots of record in the same zoning district.
  3. That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  4. That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.
  5. That the applicant shall not have created the problem for which the variance is being sought.
  6. That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.
- C. *Minimum variance necessary.* In approving a variance, the zoning board of appeals shall only approve the minimum variance necessary to relieve the practical difficulty.
- D. *Use variances.* Under no circumstances shall the zoning board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the area involved, or any use expressly or by implication prohibited by the terms of this ordinance.

### **Sec. 19.7 Interpretations.**

- A. *Authority.* The zoning board of appeals shall have the power to hear and decide the following interpretation matters:
1. *Ambiguity.* To determine the meaning of ordinance provisions when ambiguity exists in those provisions.
  2. *District boundaries.* To determine the precise location of the boundary lines between zoning districts.

### **Sec. 19.8 Official record and findings of fact.**

- A. *Official record.* The zoning board of appeals shall record all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question and all its official actions. To this end, the zoning board of appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:

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1. The relevant administrative records and orders issued relating to the appeal, variance or interpretation;
  2. The notice of the appeal, variance, or interpretation, if required;
  3. Documents, exhibits, photographs or written reports, as may be submitted to the zoning board of appeals for its consideration;
  4. The findings of the zoning board of appeals, stating the facts of the application, the decision, any conditions of the decision and the reasons for reaching such a decision, including any applicable standards of review.
- B. *Certification.* A decision of the zoning board of appeals shall also be certified in writing, either by a certification denoting the decision for a specific request, signed by the chairperson, or by approval, by majority vote of the zoning board of appeals, of the official minutes of the meeting at which the decision was made.

### **Sec. 19.9 Rehearing and reapplication.**

- A. *Rehearing.* A rehearing on an application denied by the zoning board of appeals shall not be considered, except upon the grounds of newly discovered evidence or a falsehood previously relied upon that is discovered to be valid by the zoning board of appeals. A rehearing shall be processed in the same manner as the original application, including payment of the required fee.
- B. *Reapplication.* An application for a variance, interpretation or appeal that has been denied, wholly or in part, by the zoning board of appeals shall not be resubmitted for a period of one year from the date of the last denial, except on proof of changed conditions, found by the zoning board of appeals to be valid.

### **Sec. 19.10 Appeals to circuit court.**

A decision of the zoning board of appeals is final. A party aggrieved by the decision may appeal to the Ottawa County Circuit Court.

## **ARTICLE 20. NONCONFORMITIES**

### **Sec. 20.1 Use of nonconforming land, buildings, and structures.**

- A. *Existing use.* Except where specifically provided to the contrary, and subject to the provisions of sections 20.2, 20.3, and 20.4, hereinafter, the lawful use of any building or structure or of any lot of record which is existing and lawful on September 22, 1976, or in the case of an amendment or restatement of this ordinance, then on the effective date of such amendment or restatement, may be continued although such use does not conform with the provisions of this ordinance or any amendment or restatement thereto, as the case may be. In addition, except where specifically provided to the contrary, and subject to the provisions of sections 20.2, 20.3, and 20.4, hereinafter, a building or structure which is existing and lawful on September 22, 1976, or in the case of an amendment or restatement to this ordinance, then on the effective date of such amendment or restatement, may be maintained and continued although such building or structure does not conform with the provisions of this ordinance or any amendment or restatement thereto, as the case may be.
- B. *Extending of use prohibited.* No building, structure or use which is nonconforming under this ordinance or any amendment or restatement thereto may be extended, enlarged, altered, remodeled or modernized unless such extension, enlargement, alteration, remodeling or modernization is first authorized by the zoning

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administrator. The zoning administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the zoning board of appeals as a matter for zoning board of appeals decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the zoning administrator or the zoning board of appeals, as the case may be, shall consider the following standards:

1. Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use.
  2. Whether the extension, enlargement, alteration, remodeling or modernization of the nonconforming structure, building or use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.
  3. The effect of the nonconforming structure, building or use and such extension, enlargement, alteration, remodeling or modernization thereof on adjoining lands in the surrounding neighborhood.
- C. *Changing of uses.* The nonconforming use of any building, structure or land shall not be changed to any other nonconforming use unless first authorized by the zoning administrator. The zoning administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the zoning board of appeals as a matter for zoning board of appeals decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the zoning administrator or the zoning board of appeals, as the case may be, shall consider the following standards:
1. Whether the proposed use is equivalent to or more appropriate than the present nonconforming use to the zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the zoning administrator or the zoning board of appeals.
  2. Whether the proposed use will substantially extend the probable duration of the use of the nonconforming structure, building or use.
  3. Whether the proposed use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.
  4. The effect of the proposed use on adjoining lands in the surrounding neighborhood.
- D. *Reestablishment; nonconforming use.* Whenever the nonconforming use of any building, structure or land has been changed to a conforming use, the nonconforming use shall not thereafter be reestablished. In addition, if a building or structure is altered, remodeled or modified so as to eliminate or remove any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished.
- E. *Vacancy and conformance.* If the nonconforming use of any building, structure, lot of record is discontinued through vacancy, lack of operation or use, or otherwise for a continuous period of nine consecutive months or more, then any future use of such building, structure, lot of record shall conform to the provisions of this ordinance.

## **Sec. 20.2 Building or structure under construction on effective date of ordinance.**

- A. *Lawful buildings and structures.* Any building or structure shall be considered existing and lawful and, for the purposes of section 20.1, to have been in use for the purpose for which constructed if, on September 22, 1976, or the effective date of any amendment or restatement of this ordinance:
1. A building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward erection of the building or structure; and

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2. Erection is thereafter pursued diligently to conclusion.

### **Sec. 20.3 Restoration and use of damaged nonconforming buildings and structures.**

- A. *Minor repairs.* Repairs and reinforcement of any nonconforming building or structure are permitted if necessary to maintain the building or structure in a sound condition; provided, however, that no such repair or reinforcement shall permit the use of such building or structure beyond its normal period of usefulness.
- B. *Major reconstruction and restoration.* The reconstruction, repair, reinforcement or restoration and resumption of use of any nonconforming building or structure, damaged by fire, wind, collapse, explosion, act of God, or acts of a public enemy is permitted if the total cost and expense of such reconstruction, repair, reinforcement or restoration does not exceed the state equalized valuation of the nonconforming building or structure or portion thereof so damaged on the date such damage has occurred. The reconstruction, reinforcement, repair or restoration shall be begun within 90 days following the date on which the damage has occurred. The zoning administrator may authorize an additional period of up to 90 days to begin such reconstruction, repair, reinforcement or restoration. The zoning administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the zoning board of appeals as a matter for zoning board of appeals decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the zoning administrator or the zoning board of appeals, as the case may be, shall consider the following standards:
  1. The reason or reasons why construction cannot begin within such 90-day period;
  2. Any factors beyond control which prevent beginning construction within such 90-day period such as weather, lack of availability of labor or materials, or lack of availability of professional services necessary for such reconstruction, repair, reinforcement or restoration; and
  3. Any relationship between beginning the reconstruction, repair, reinforcement or restoration and the receipt of insurance proceeds with respect to the damage.
- C. *Completion.* Once begun, such reconstruction, repair, reinforcement or restoration shall be completed within one year from the beginning date; provided, however, that the zoning administrator may authorize an extension of such completion date of up to one year. The zoning administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the zoning board of appeals as a matter for zoning board of appeals decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the following standards shall be considered:
  1. The reason or reasons why it is impossible to complete the reconstruction, repair, reinforcement or restoration within such one year period;
  2. Any reasons or factors beyond control such as weather, strikes, accidents, acts of God, availability of material or labor or availability of other professional services which prevent completion of the reconstruction, repair, reinforcement or restoration within such one year time period. Resumption of the use of the building or structure shall begin within 30 days after completion of reconstruction, repair, reinforcement or restoration.

### **Sec. 20.4 Nonconforming lots of record.**

- A. *Nonconforming lots of record.* If a lot of record in an agricultural (article 3) or residential (article 4) zoning district which is platted or otherwise of legal record as of the effective date of this ordinance, or any applicable subsequent amendment thereof, does not comply with the area or width requirements of its zoning district, but does have a total area and width which are each equal to at least 90 percent of the area and width requirements of its zoning district, then such lot of record may be used for a single-family dwelling only, provided there is compliance with all side yard requirements of the zoning district. If a lot of record in

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an agricultural or residential zoning district which is platted or otherwise of legal record as of the effective date of this ordinance, or any applicable subsequent amendment, does not comply with the area or width requirements of its zoning district, or with 90 percent of each of such requirements of its zoning district as is provided above, then such lot of record may be utilized for a single-family dwelling only and then only if all the following requirements are met:

1. Side yards shall be reduced by the same percentage the total area of the lot of record bears to the minimum lot area requirement of the zoning district;
  2. No side yard shall be less than five feet; and
  3. All off-street parking requirements shall be met.
- B. *Adjacent nonconforming lots.* Where two or more such noncomplying lots of record have a common side lot line and are in common ownership, such lots of record shall be combined so that the lot of record created by this combination comply or more nearly comply with the minimum requirements of this ordinance.

## **ARTICLE 21. AMENDMENTS**

### **Sec. 21.1 Intent and purpose.**

The township board may from time to time, on recommendation from the planning commission, amend, modify, supplement, or revise the area boundaries or the provisions and regulations in this ordinance whenever the public necessity and convenience and the general welfare require such amendment.

### **Sec. 21.2 Initiation.**

Amendments may be initiated by the township board, the planning commission, township staff or by petition of a township property owner or owner-authorized applicant.

### **Sec. 21.3 Application procedures.**

- A. *Process and notice.* Amendments shall be processed as provided for in the Michigan Zoning Enabling Act, including notification to adjoining property owners and occupants, where applicable, and a public hearing. The notices for all public hearings before the planning commission concerning amendments shall comply with all of the requirements set forth in section 18.4.
- B. *Application and fee.* If an amendment is requested by a person, the request shall be filed on a form provided for that purpose and accompanied by an application fee, as set by the township board.
- C. *Petition procedure.* All petitions for amendment to this ordinance shall in writing, and shall be signed and filed with the zoning administrator for presentation to the planning commission. Such petitions shall include the following:
  1. 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;
  2. The nature and effect of the proposed amendment;
  3. 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 rights-of-way and easements bounding and intersecting the land to be rezoned;



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4. The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same;
  5. 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; and
  6. All other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.

#### **Sec. 21.4 Criteria for amendments.**

- A. *Criteria for map amendments.* The following guidelines shall be used by the planning commission, and may be used by the township board when considering amendments to the zoning map:
  1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the comprehensive plan; or, if conditions have changed significantly since the comprehensive plan was adopted, whether the map change would be consistent with recent development trends in the area.
  2. Whether the proposed district and the uses allowed are compatible with the physical, geological, hydrological and other environmental features of the site.
  3. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values, and traffic impacts.
  4. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting.
  5. Other factors deemed appropriate by the planning commission or township board.
- B. *Criteria for text amendments.* The following guidelines shall be used by the planning commission, and may be used by the township board when considering amendments to the zoning map:
  1. The proposed text amendment would clarify the intent of the ordinance.
  2. The proposed text amendment would correct an error or oversight in the ordinance.
  3. The proposed text amendment would address changes to the state legislation, recent case law or opinions from the Attorney General of the State of Michigan.
  4. The proposed text amendment would promote compliance with changes in other county, state or federal regulations.
  5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
  6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
  7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
  8. As applicable, the proposed change shall be consistent with the township's ability to provide adequate public facilities and services.

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9. The proposed change shall be consistent with the township's desire to protect the public health, safety, and welfare of the community.

### **Sec. 21.5 Conditional rezoning.**

It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to recognize the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) 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.

## *ARTICLE 22. GENERAL DEFINITIONS*

### **Sec. 22.1 Construction of language.**

- A. The following listed rules of construction shall apply to the text of this ordinance.
  1. The particular shall control the general.
  2. Except with respect to the definitions which follow in section 22.2, the headings which title an article, 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.
  3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  4. Unless the context clearly indicates to the contrary:
    - a. Words used in the present tense shall include the future tense;
    - b. Words used in the singular number shall include the plural number; and
    - c. Words used in the plural number shall include the singular number.
  5. A "building" or "structure" includes any part thereof.
  6. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person.
  7. The word "used" or "occupied," as applied to any land, building or structure, shall be construed to include the words "intended," "arranged," "designed to be used," or "occupied."
  8. The word "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built," "constructed," "reconstructed," "moved upon," or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
  9. The word "township" means the Charter Township of Holland, Ottawa County, Michigan.
  10. The words "township board" mean the Holland Charter Township Board.
  11. The words "planning commission" mean the Holland Charter Township Planning Commission.
  12. The words "board of appeals" mean the Holland Charter Township Zoning Board of Appeals.
  13. The words "zoning administrator" mean the Holland Charter Township Zoning Administrator or a designated representative.

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14. The words "legal record" mean the circumstance where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Ottawa County, Michigan.
- B. The words "building permit" mean the Holland Charter Township Zoning Permit issued under the rules and regulations of the Holland Charter Township Zoning Ordinance.
- C. For the purpose of their use in this ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

## **Sec. 22.2 Definitions.**

*Accessory use.* A use of a nature customarily and clearly incidental and subordinate to the main use of the land, lot, building or structure.

*Addition.* Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage, or a new room or wing.

*Agribusiness.* A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.

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

*Agritourism.* The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting reserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

*Alley.* A publicly controlled right-of-way not more than 30 feet wide affording only secondary means of vehicular access to abutting lots and land and which is not intended for general traffic circulation.

*Altered or alteration.* Any change, addition or modification in the construction of any building or structure, including, without limitation, any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any addition to or diminution of a structure or building.

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

*Animal, domestic.* An animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

*Animal, farm.* An animal or fowl customarily raised on a farm such as equines, cattle, swine, sheep, goats, llamas, alpacas, poultry, waterfowl, rabbits, mink and exotic animals, such as emus, and ostriches.

*Animal services, animal clinic/hospital.* An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.

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*Animal services, kennel.* A commercial facility for the boarding, breeding, and/or maintaining of animals that are not owned by the operator for a fee. This use includes pet day care facilities, animal training facilities, and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops (see "general retail").

*Animal services, rescue or shelter.* A facility that keeps four or more impounded stray, homeless, abandoned, or unwanted animals.

*Animal, wild.* An animal not domesticated by humans or any animal which a person is prohibited from possessing by local, state or federal law.

*Amateur radio service.* A federally licensed radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97)

1. *Amateur radio antenna.* Any combination of materials or equipment used exclusively for the purpose of sending and/or receiving electromagnetic waves for amateur radio services.
2. *Amateur radio antenna support structure.* Any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting amateur radio antenna(e).
3. *Ground mounted amateur radio antenna and/or amateur radio antenna support structures* means amateur radio antenna and/or amateur radio antenna support structures that are not fixed to any building or accessory structure.
4. *Roof mounted amateur radio antenna and/or amateur radio antenna support structures* means amateur radio antenna and/or amateur radio antenna support structures that are fixed to any building or accessory structure.

*Aviation.* A runway or helicopter landing pad without normal airport facilities.

*Banquet Barn.* An accessory use which provides rental space in a barn or accessory building for functions such as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.

*Banquet hall.* A use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.

*Basement.* That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement is not counted as a story.

*Bed and breakfast.* A house, or portion of a house, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises or in adjacent premises.

*Buffer.* A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, or screening, or a combination of materials.

*Building.* A permanent independent structure with a roof, supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind, or to conduct business activities. Shipping containers, cargo containers, semi-trailers, and soft-sided structures shall not be permitted as temporary or permanent structures, whether accessory or principal.

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*Building, agricultural.* Any building, other than a dwelling, which is customarily used in connection with the agricultural activities conducted on the farm.

*Building, accessory.* A building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building. Accessory buildings also include portable sheds that are not stick-built and not affixed to the ground.

*Building footprint.* The area of a building measured around the exterior of a building foundation, not including upper stories.

*Building, principal.* A building in which is conducted the main or principal use of the lot on which the building is located.

*Cemetery.* One or a combination of more than one of the following: A burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.

*Commercial solar energy system.* A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.

*Commercial stable.* A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training equines may also be conducted.

*Community art.* A work of visual art, painting, banner, mural, photograph, drawing, script, sculpture, figure, monument, fountain, clock, arch, or other similar works in other media which are of a permanent character intended for ornament or commemoration and are constructed, displayed, or installed in conjunction with a gateway.

*Community cultural facility.* A public or non-profit facility that provides educational and cultural experiences for the general public, examples of which include: Aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

*Condominium, master deed.* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, P.A. 59 of 1978, as amended.

*Condominium project, site.* A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.

*Condominium unit.* The portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act, P.A. 59 of 1978, as amended.

*Contractors facility.* An office and warehouse facility accommodating a construction contracting business. This facility may have associated outdoor storage.

*Cul-de-sac.* A circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street.

*Day care.*

1. *Day care, family day care home (1—6 children).* A private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by

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blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

2. *Day care, group day care home (7+ children).* A private home in which more than six, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

*Day care, child care center.* A facility other than a private residence in which one or more preschool or school age children are given care and supervision for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program or drop-in center.

*Decibel.* A unit of measurement used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

*Distillery, small.* A facility operated by a small distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a small distiller.

*Dwelling.*

1. *Dwelling, accessory.* An attached dwelling subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area, and kitchen facilities, but can be internally accessed through the principal dwelling. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in classification as an attached accessory dwelling unit.
2. *Dwelling, multi-family.* A structure containing three or more dwelling units on a single lot designed for occupancy by three or more families living independently of one another.
3. *Dwelling, single-family.* A freestanding dwelling unit that is physically separate from any other dwelling.
4. *Dwelling, single-family attached.* A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.
5. *Dwelling, two-family.* A structure containing two dwelling units on a single lot designed for or used by two families living independently of one another, may also be referred to as a duplex.

*Dwelling unit.* A building or portion of a building, designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking and sanitation. A recreational vehicle, portable building, tent or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling.

*Easement.* A designated area surveyed, legally described, and recorded, which authorizes a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.

*Easement, private street.* A designated area surveyed, legally described, and recorded, applied to a private street, which authorizes vehicle travel and the installation and maintenance of public utilities.

*Family.* An individual or group of two or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than one additional unrelated person, who are domiciled together within a dwelling, or a collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club,

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fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

*Farm.* The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

*Farmers market.* A building or structure designed or used for the seasonal sale of farm or home grown agricultural products, or agriculturally related products, directly to the consumer from a designated area.

*Farm operation.* The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being MCL 257.1 to 257.923.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

*Farm product.* Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture and Rural Development.

*Fence.* A barrier intended to prevent access, create an enclosure, or to mark a boundary.

*Floor area.* The area of a building measured around the exterior of a building foundation and the perimeter measurements of upper stories. Floor area below the first floor shall be counted as part of the total floor area if at least one-half of its height is above finished grade and its construction is such that it meets all requirements for use as a living area by the applicable code requirements. Floor area below the first floor shall not be considered in determining the minimum first floor square footage requirement.

*Food processing.* Industries that transform livestock and agricultural products into products for intermediate or final consumption. Processes convert raw materials (generally of animal or vegetable origin) into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for

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distribution to consumers, but establishments primarily engaged in retailing bakery and candy products made on the premises not for immediate consumption are included.

*Food processing, small scale.* Establishments primarily engaged in producing and retailing bakery, delicatessen, ice cream and candy products made on the premises not for immediate consumption with no more than five employees.

*Food truck.* A truck serving or offering food and/or beverages for sale from a mobile food vending unit which means for purposes of this ordinance, a self-contained, fully enclosed vehicle including attached trailers for smokers or grills. This definition does not include food tents or food carts.

*Foster care.*

1. *Foster care, adult foster care family home (1—6 adults).* A private residence with an approved capacity of six or fewer adults, where foster care is provided 24 hours per day, five or more days per week, and for two or more consecutive weeks. It is licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The person issued the adult foster care family home license is a member of the household and an occupant of the residence.
2. *Foster care, adult foster care group home (7+ adults).* A private residence where adults are provided with foster care 24 hours a day, five or more days per week, and for two or more consecutive weeks. A foster care group home with an approved capacity of at least seven, but not more than 12 adults is a "small group home." A group home with an approved capacity of at least 13, but not more than 20 adults is a "large group home". An adult foster care facility is licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.
3. *Foster care, foster family home (children).* A private home, licensed under Act 116 of the Public Acts of 1973, in which at least one, but not more than seven minor children who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended), are given care and supervision 24 hours per day, four or more days per week for two or more consecutive weeks, unattended by a parent or guardian. The person issued the license is a permanent resident of the home. This zoning definition includes the foster family group homes, as defined by the Act.

*Funeral home.* A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including the storage of caskets, funeral urns, funeral vehicles and other funeral supplies, and may include cremator furnaces or cremation retorts for ashes.

*Garage.* A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.

*Gateway.* A major vehicular or pedestrian entry point which provides access to the township from an adjacent municipality, and includes the street and surrounding properties a person encounters when first entering the township.

*Governmental facility.* Buildings, structures and facilities that may include administrative offices, public works services, law enforcement, fire protection, libraries, museums, cemeteries, recreational centers and storage areas for public equipment and materials for local, county, state and federal public agencies.

*Grade, finished.* The lowest point of elevation between the exterior wall of the structure and a line five feet from the exterior wall of the structure.

*Grade, natural.* The elevation of the ground surface in its natural state, before man-made alterations.



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*Greenhouse and nursery.* A retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).

*Housing.*

1. *Independent and assisted living.* A building or buildings containing individual dwelling units designed for and restricted to occupancy by persons of a specified age who are retired or are nearing retirement and wish to live in a community environment, but do not require nursing or medical supervision. Group dining facilities and non-medical personal care services may also be provided. Such housing does not include a nursing or convalescent home.
2. *Convalescent and nursing.* A facility licensed as a "nursing home" by the state department of public health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq.), as amended. A "nursing home" shall include an extended care facility, hospice, and convalescent home.

*Home occupation.* A use which includes any activity which is clearly secondary to a residential use and carried out for economic gain. It is conducted within a dwelling, carried out by its occupants utilizing equipment typically found in a home and is not evident from the outside.

*Hotel/motel.* A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

*Household.* All persons occupying a house, apartment, group of rooms or a single room occupied as separate living quarters, regardless of their relationship to one another.

*Liquefied petroleum gas (LPG) sales.* An establishment providing LPG dispensing and bulk containers for sale.

*Loading space.* An off-street portion of a lot of record designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

*Lot of record.* Land intended for individual ownership and use, separately described on a deed or other instrument recorded in the office of the register of deeds, whether by metes and bounds, as part of a platted subdivision or site condominium, and assigned a parcel number.

*Lot area.* The area of land included within a lot as defined by lot lines but excluding any public rights-of-way and private street easements.

*Lot, corner.* A lot with at least two contiguous sides abutting two intersecting streets, and where the interior angle of the intersecting streets is less than 135 degrees. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

1. *Lot lines.* A corner lot shall have one primary front lot line, one secondary front lot line (side street), one interior side lot line, and one rear lot line.
2. *Setbacks.* On a corner lot with street frontage on two sides, buildings shall be subject to the following setbacks: Two front setbacks, one side setback, and one rear setback.
3. *Yards.* A corner lot has one primary front yard, one secondary front yard, one side yard, and one rear yard.

*Lot, interior.* A lot other than a corner, multi-frontage, through or corner lot, bordered on three sides by other lots.

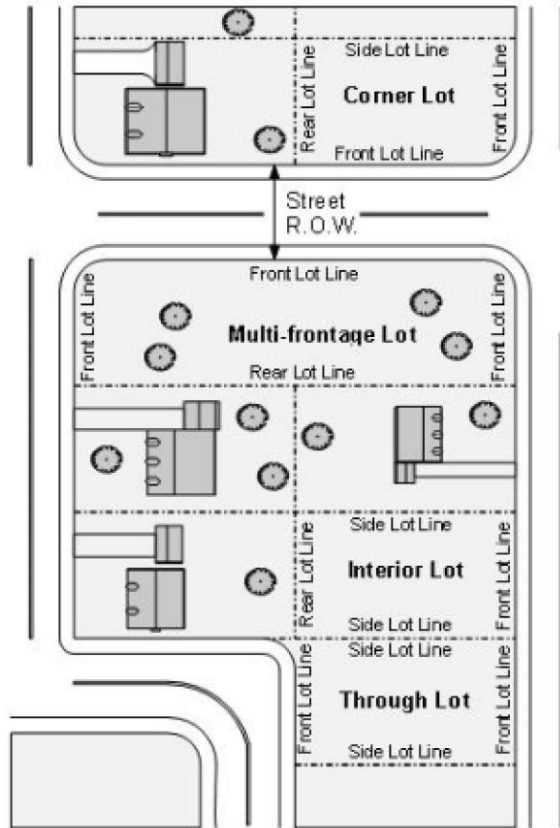


Figure 22-1

1. *Lot lines.* Interior lots shall have one front lot line, one front yard, two side lot lines, two side yards, one rear lot line, and one rear yard.
2. *Setbacks.* Buildings on interior lots shall be subject to one front setback, two side setbacks, and one rear setback.
3. *Yards.* An interior lot has one front yard, two side yards, and one rear yard.

*Lot, multi-frontage.* A lot bordered by streets on three sides.

1. *Lot lines.* If the dwelling is oriented toward one of the two parallel streets, the lot shall have two front lot lines, one secondary front lot line, one interior side lot line, and no rear lot line. If the dwelling is oriented toward the middle street, the lot shall have three primary front lot lines abutting the streets and one rear lot line.
2. *Setbacks. Multi-frontage.* If the dwelling is oriented toward one of the two parallel streets, buildings shall be subject to three front yard setbacks, and one side setback. If the dwelling is oriented toward the middle street, buildings shall be subject to three front setbacks and a one rear setback.
3. *Yards.* If the dwelling is oriented toward one of the two parallel streets, the lot shall have two front yards, one secondary front yard (street side), one interior side yard, and no rear yard. If the dwelling is oriented toward the middle street, the lot shall have three primary front yards abutting the streets and one rear yard.

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*Lot, through.* An interior lot bordered by two, more or less parallel streets. For the purposes of this definition, if one side of the lot is bordered by an alley opposite of a street the lot is not considered a through lot.

1. *Lot lines.* Through lots shall have two front lot lines, and two side lot lines.
2. *Setbacks.* Buildings shall be subject to two front setbacks and two side setbacks.
3. *Yards.* Through lots shall have two front yards and two side yards.

*Lot, waterfront.* A lot with one or more of its lot lines adjoining a stream, river, or lake.

*Lot coverage.* The lot area, stated as a percentage of the total, covered by all buildings and areas under roof, driveways, parking lots, patios, decks, and other impervious surfaces. The zoning administrator shall determine the extent to which partially pervious materials are exempt from lot coverage, such as pervious parking areas, patios, and decks.

*Lot depth.* The average distance between the front lot line and the rear lot line. The average shall include measurements of the side lot lines, if extending from front lot line to rear lot line, and the shortest measurement from the front lot line to the farthest point of the rear lot line.

*Lot frontage.* The length of the front lot line measured at the public street right-of-way or private street easement.

*Lot lines.* The lines bounding a lot, as defined below:

1. *Lot line, front.* In the case of an interior lot, the line separating the lot from the street right-of-way or road easement.
2. *Lot line, primary front.* On lots with existing buildings, the primary front lot line shall be the location of the traditional front entrance of the building. On corner lots without buildings, it is the shorter of the two front lot lines. Where the front yards are of equal width and/or the primary front lot line is not evident, the Zoning Administrator shall determine the primary front lot line.
3. *Lot line, rear.* The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line. On irregularly-shaped lots, the rear lot line is determined based on a line perpendicular to the front lot line extending to the point where a rear lot line would be ten feet in width and parallel to the front lot line. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only.
4. *Lot line, side.* The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.

*Lot width.* The horizontal distance between side lot lines measured at the two points where the required setback intersects the side lot lines or along the front property line on a curvilinear lot.

*Manufactured home.* A factory-built, single-family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one or more sections, built on a permanent chassis or foundation and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.

*Manufactured home community.* A single lot of record that contains two or more manufactured homes for use as dwelling units where home sites are leased to individuals who retain customary leasehold rights.

*Manufacturing, processing, and packaging.*

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1. *Heavy.* A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following: Chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing; food products manufacturing.
  2. *Light.* A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: Artisan/craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing and publishing, food preparation and packaging, winery, brewery.

*Marina and boat storage.* A facility extending into or over a body of water which offers service to the public or members of the marina for docking, loading, servicing, or other activities related to recreational or commercial watercraft.

*Medical services.*

1. *Clinic.* A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: Medical offices with five or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories and/or pharmacies. Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."
2. *Medical office.* A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is classified under "Clinic." Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."
3. *Hospital.* An institution licensed by the state, where people, including inpatients, receive medical, surgical or psychiatric treatment and nursing care.

*Meeting facility.* A facility for public or private meetings, including: community centers, meeting halls for clubs and other membership organizations, etc.

*Micro-brewery.* A facility operated by a micro brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) to brew ales, beers, meads, and/or similar beverages within the limits established by the State of Michigan for a micro brewer.

*Mini-warehouse/self-storage.* A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.

*Mural.* Non-commercial message, picture, scene, or diagram exhibited on the outside wall of a building or structure through application of paint, canvas, tile, panels or similar materials such that the wall becomes the background surface or platform for the mural.

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*Nacelle.* On a wind energy turbine, the encasement which houses all of the generating components, gear box, drive tram, and other equipment.

*Net-metering.* A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

*Nonconforming building or structure.* A structure or building lawfully constructed that does not conform to the requirements of the area in which it is situated and existed prior to the effective date of this ordinance or any amendment to this ordinance.

*Nonconforming lot.* A lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the zoning district in which it is located.

*Nonconforming use.* A land use that does not conform to the regulations of the zoning district in which it is situated and lawfully existed on the effective date of this ordinance, or any amendments to the ordinance.

*Offices and services.*

1. *Bank/financial services.* Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities.
2. *Business services.* Establishments providing direct services to consumers, including, but not limited to: Employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage.
3. *Business support services.* Establishments providing services to other businesses, including, but not limited to: Computer rental and repair, copying, quick printing, mailing and mailbox services.
4. *Personal services.* Establishments providing non-medical services to individuals, including, but not limited to: Barber and beauty shops, commercial health and fitness facilities, tattoo parlors, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.
5. *Professional and administrative services.* Office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property.
6. *Temporary construction office.* An office, typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.
7. *Temporary sales office.* An office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.
8. *With a drive through facility.* Facilities where services may be obtained by motorists without leaving their vehicles. Examples of drive-through services include bank teller windows and drive-up ATMs, dry cleaners, etc.

*Outdoor display, sales.* The outdoor placement, storage or keeping, for display purposes, of equipment, vehicles, trailers and other similar goods for sale on a premises.

*Outdoor display, sales, temporary.* Sales associated with a permanent, principal use of a property, for temporary durations and in temporary locations.

*Outdoor display, sales, yard and garage sales.* A sale of personal household goods and clothing on the same premises as a principal residential use.

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*Outdoor storage.* The outdoor placement of goods such as, building or construction materials, equipment, vehicles, trailers and other supplies, for future use, production, assembly, preservation or disposal.

*Over-the-air reception device.* Antennas and dish antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, to receive or transmit fixed wireless signals via satellite, receive video programming services via broadband radio service (wireless cable), receive or transmit fixed wireless signals other than via satellite, or receive local television broadcast signals.

*Parking facility, public or commercial.* A public or commercial parking lot or structure providing parking either for free or for a fee. Does not include towing impound and storage facilities.

*Place of worship.* A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

*Planning commission.* The Holland Charter Township Planning Commission.

*Plat.* A map of a subdivision of land, recorded with the County Register of Deeds, pursuant to the Subdivision Control Act, PA 288 of 1967, Land Division Act, PA 591 of 1996 (MCL 560.101 et seq.), as amended.

*Pond.* An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression in the earth, either above or below or partly above and partly below grade, capable of holding water to a depth of greater than two feet when filled to capacity.

*Pool access structure.* A structure or object used to provide access to a pool or complement the use of a pool. Examples of pool access structures include, but are not limited to the following, ladders, decks, and awnings.

*Principal use.* The primary or predominant use of a lot of record.

*Public utility.* Any person furnishing to the public, transportation, water, gas, electricity, telephone, cable television, communication, steam, telegraph, sewage disposal or other similar service, including the township. The erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy turbines; offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.

*Recreational equipment.* Any of the following: Recreation camper, boat, boat trailer, snowmobile, snowmobile trailer, motorcycle or motorcycle trailer, all-terrain vehicle, all-terrain vehicle trailer, enclosed trailers, utility trailers, or similarly licensed vehicles, trailers, or equipment.

*Recreation facility.*

1. *Campground.* A form of lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience natural environments. Campgrounds rent pads or spaces to guests. May also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
2. *Community-based, public.*
  - a. *Indoor.* A facility providing a variety of indoor recreational opportunities including, but not limited to: Gymnasium, swimming pool, tennis, racquetball and/or handball courts, batting cages, and other indoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services.

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- b. *Outdoor.* A facility providing a variety of outdoor recreational opportunities including, but not limited to: Playground equipment, playing fields, tennis and basketball courts, swimming pools, boat ramps and fishing piers, and areas for passive recreation such as hiking trails, picnic areas and bird blinds. This use includes all not-for-profit organizations chartered to provide community-based recreation services.
3. *Commercial.*
- a. *Indoor.* A facility providing a variety of indoor recreational opportunities and entertainment services, often for a fee, including, but not limited to: Gymnasium, swimming pool, tennis, racquetball and/or handball courts, batting cages, bowling alleys, coin-operated arcades, movie theaters, ice skating and roller skating rinks, pool and billiard rooms as primary uses. Any establishment with four or more electronic games or amusement devices is considered an indoor recreation facility.
    - i. This use does not include adult-oriented businesses.
    - ii. Facility may include bars and restaurants as accessory uses.
  - b. *Outdoor.* A facility providing a variety of outdoor recreational opportunities and entertainment services, often for a fee, including, but not limited to amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. May also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants, coin-operated arcades, etc.
    - i. This use does not include golf courses or campgrounds.
    - ii. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage.
4. *Golf course.* A use consisting of regulation and par 3 golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage facilities.

*Restaurant.* A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building, but does not include drive-through services, which are separately defined and regulated. Service of alcoholic beverages by the drink is incidental to the service of food and food receipts exceed 50 percent of sales.

1. *Restaurant with drive-through.* A business establishment whose method of operation involves the delivery of prepared food or beverages to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor or outdoor seating.
2. *Restaurant with micro-brewery, small distillery or small winery.* A restaurant that serves and brews handcrafted beer, wine, or spirits intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management.

*Retail.* Stores and shops that sell and/or rent goods and merchandise to the general public.

*Roadside stand.* An accessory structure for the seasonal retail sale of products grown on the site only, with no space for customers within the structure itself.

*Salvage or impound operations.* Any land or structure used for storing, dismantling, reconditioning, collecting, purchasing or selling of scrap metal or other discarded goods and materials, including the collection,

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dismantlement and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperable vehicle associated with towing or wrecker services.

*School.*

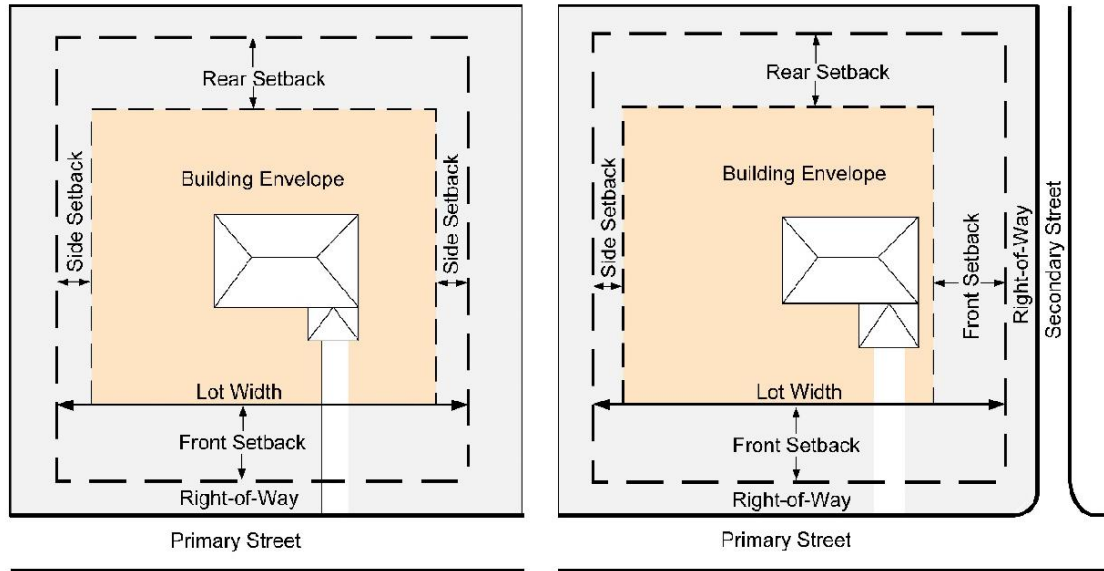
1. *College or university.* A facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
2. *Private.* A private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
3. *Specialized training.* Small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, including, but not limited to: the arts, dance, photography, martial arts training, gymnastics instruction, production studios for individual musicians, painters, sculptors, photographers, and other artists, business and vocational schools, and driver education schools.
4. *Driving and truck instruction.* Commercial facilities which provide instruction and education concerning the driving of passenger vehicles and trucks.

*Service station.* An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services (see vehicle repair, minor); retail sales of convenience items (see retail), restaurant (see restaurant and restaurant with drive-through) and a single bay vehicle wash (see vehicle wash), but not overnight vehicle storage.

*Setback.* The minimum horizontal distance that buildings and any structure 30 inches in height or greater shall be separated from a public street right-of-way or private street easement, lot line, shore of a lake, edge of a stream, or river bank, to meet the minimum requirements of this ordinance. On cul-de-sac lots, the front yard setback shall follow the curve of the front lot line.

1. *Setback, front.* The line marking the required setback from the public street right-of-way or private street easement, which establishes the required front yard.
2. *Setback, rear.* The line marking the required setback distance from the rear lot line, which establishes the required rear yard.
3. *Setback, side.* The lines marking the required setback distance from the side lot lines, which establishes the required side yards.





**Figure 22-2**

*Shadow flicker.* The moving shadow, created by the sun shining through the rotating blades of a wind energy turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

*Sign.* Any object or device containing letters, figures and/or other means of communication, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service, or to bring attention to a message.

*Sign, awning.* A sign that is part of or located on a canopy or awning that is attached to and projects from a building wall.

*Sign, billboard.* A sign advertising a land use, business, general message, product or service, not typically located on, related to, or available upon the premises where the sign is located. These signs are distinguished from other types of freestanding signs by their larger than otherwise permitted size and typical location along Interstate, U.S. and State routes. Additionally, billboards are often erected to attract the attention of motorists that may be unfamiliar with the area, such as tourists, or pass-through travelers.

*Sign, community.* A sign that is installed, owned, and maintained by the township, or other public agency or entity approved by the township, and is constructed, displayed, or installed in conjunction with a gateway.

*Sign, electronic changeable message (ECM).* A sign with content can be changed or altered by means of electronically controlled electronic impulses.

*Sign face.* The portion of a sign structure which includes a message or image. A sign face may be a removable sign panel, permanently attached element(s), trivision, or ECM.

*Sign, feather.* A freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft. Also known as a feather flag.

*Sign, government.* Any sign erected by the township, county, state, or federal government.

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*Sign, ground.* A freestanding sign that is supported by a standard or base, or installed directly upon the ground.

*Sign, human.* A sign represented by a person, such as a person covered with a sandwich board or other message or a person holding a sign for commercial purposes.

*Sign, incidental.* A small sign, not more than one square foot in size.

*Sign, inflatable.* A tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.

*Sign, menu board.* A sign board accommodating drive-in or drive-through businesses.

*Sign, permanent.* A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, non-movable, nonportable supporting structure.

*Sign, portable.* Any sign designed to be moved easily and not permanently affixed to the ground, a building or a structure. Portable signs shall include, but are not limited to, trailer mounted signs, A-frame signs, sandwich board signs, etc., but not including signs on a motor vehicle. For purposes of this ordinance, a portable sign is also referred to as a temporary sign.

*Sign, projecting.* A sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined.

*Sign, pylon or pole.* A sign having a sign face that is elevated above the ground by one or more uprights, pylons or poles.

*Sign, roof.* A sign erected upon or above the roof or parapet of a building or structure.

*Sign, temporary yard.* A sign that is intended to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building.

*Sign, vehicle.* A sign mounted on a vehicle or trailer, designed to be visible to motorists or pedestrians while the sign is being transported. A logo painted on a vehicle identifying the business owning or using the vehicle, or a lettering depicting the name of the owner of the vehicle, is not considered a vehicle sign.

*Sign, wall.* A sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, not projecting more than 12 inches from the wall, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.

*Sign, window.* A sign placed on the inside of a window and intended to be viewed from the outside.

*Site plan.* A plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.

*Solar energy collector.* A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the lot of record on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. *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 window or other element, in whole or in part, of a building.

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2. *Ground-mounted solar energy collector.* A solar energy collector that is not attached to and is separate from any building on the lot of record on which the solar energy collector is located.

*Special event.* A temporary and non-commercial community event, such as a festival, fair, car show, or sporting event.

*Special land use.* A use of land which can be permitted within a zoned district if certain conditions exist to assure compatibility with surrounding property and within conformance to the provisions of all township ordinances. Special land uses can be approved with stipulations to assure that nuisances are not generated as a result of the land use.

*Story.* The portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it. A story shall have vertical walls.

*Street, private.* A privately maintained thoroughfare constructed on a private street easement used for travel by vehicles and which affords traffic circulation, provides access to more than one lot of record, and serves as principal means of access to abutting property (i.e., road).

*Street, public.* A publicly maintained thoroughfare used for travel by vehicles which affords traffic circulation and serves as principal means of access to abutting property, not including alleys (i.e., road).

*Structure.* A combination of materials constructed, erected, or placed in or upon the ground, or is attached to something having such a location. Structures may include but are not limited to: Buildings, elevated decks, radio towers, signs and storage bins, but exclude sidewalks and paving on streets, driveways, parking areas or patios placed at grade.

*Structure, accessory.* A separate and detached structure on the same lot of record as the main building, the use of which is of a nature customarily and clearly incidental and subordinate to that of the main building.

*Swimming pool.* A structure located inside, outside or partly in each, designed to hold water to a depth of greater than 24 inches when filled, and intended to be used for swimming purposes.

1. *Swimming pool, above-ground.* A swimming pool with exposed sides with heights of more than 24 inches, capable of containing water to a depth at any point greater than 24 inches.
2. *Swimming pool, in-ground.* A swimming pool whose sides are not exposed and are below the immediate adjacent natural ground, capable of containing water to a depth at any point greater than 24 inches.

*Tavern.* A commercial establishment licensed to sell at retail and serve beer, wine, liquor or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. Taverns include nightclubs, lounges, and bars.

*Theater.* A building or part of a building use to show motion pictures or a facility used for drama, dance, musicals, or other live performances.

*Traverse line.* A series of intersecting lines whose lengths and angles of intersection, at instrument stations, are shown graphically on a map. These lines are located on maps and can be determined by survey in the field.

*Tower, wind energy turbine.* A freestanding monopole that supports a wind energy turbine (WET).

*Township board.* The Holland Charter Township Board.

*Tree, canopy.* A deciduous shade tree.

*Tree, evergreen.* A tree with foliage that persists and remains green throughout the year.

*Tree, ornamental.* A small deciduous tree grown for its foliage and/or flowers.

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*Unwholesome substance.* Any trash, garbage, tin can, automobile body, trailer body, stone, junk, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, ashes, clinkers, cinders, night soil, industrial byproducts or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety, or general welfare of the public.

*Upwind turbine.* A wind energy turbine (WET) positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.

*Variance.* An allowed modification to the spatial and dimensional requirements of this ordinance, as authorized by the zoning board of appeals under the provisions of this ordinance.

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

*Vehicle, automobile body.* Any vehicle which is unable to be driven upon a street under its own power; and/or lacks all of the necessary component parts to make it operable and serviceable as a vehicle.

*Vehicle, trailer body.* Any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of the necessary component parts to make it then operative and serviceable as a trailer to be pulled as such on a street.

*Vehicles and trailers, commercial.* Any vehicle or trailer bearing or required to bear commercial license plates and/or DOT numbers. Examples include, but are not limited to:

1. Semi-truck tractors;
2. Semi-truck trailers, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures;
3. Food trucks and vehicles of a type that are commonly used for the delivery of food or vending supplies;
4. Pickup trucks, vans, and trailers commonly used by construction industry contractors;
5. Tow trucks and repair service trucks;
6. Vehicles designed to transport 16 or more passengers, including the driver; and
7. Commercial trailers designed to haul heavy equipment, materials, and supplies.

*Vehicle, recreational equipment, manufactured homes, heavy equipment sales and rental.* An operation selling the specified items at retail or wholesale, or renting of the same items. May also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

*Vehicle repair.*

1. *Major.* The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning.
2. *Minor.* A building or premises used primarily to provide general maintenance on motor vehicles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

*Vehicle wash.* A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of vehicles and heavy equipment.

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*Warehousing.* Facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include mini-storage facilities offered for rent or lease to the general public (see "mini-warehouse/self-storage") or warehouse facilities primarily used for wholesaling and distribution (see "wholesaling and distribution").

*Waste management facility.* A site used for collecting waste and recyclables, sorting and transferring materials.

*Wholesaling and distribution.* An establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

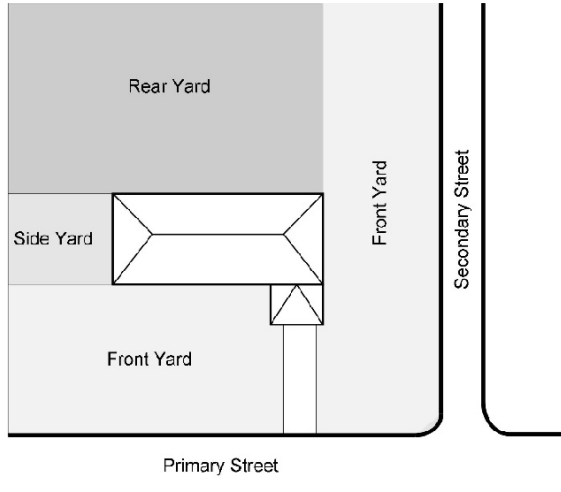
*Wind energy turbine (WET).* Any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.

1. *Anemometer.* A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
2. *Large wind energy turbine (LWET).* A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate above 250 kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.
3. *Medium wind energy turbine (MWET).* A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed 250 kilowatts. The total height does not exceed 150 feet.
4. *Small tower-mounted wind energy turbine (STMWET).* A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed 30 kilowatts. The total height does not exceed 120 feet.
5. *Small structure-mounted wind energy turbine (SSMWET).* A system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed 10 kilowatts. The total height does not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

*Winery, Small.* A facility operated by a small wine maker duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture, bottle and sell wine within the limits established by the State of Michigan for a small wine maker.

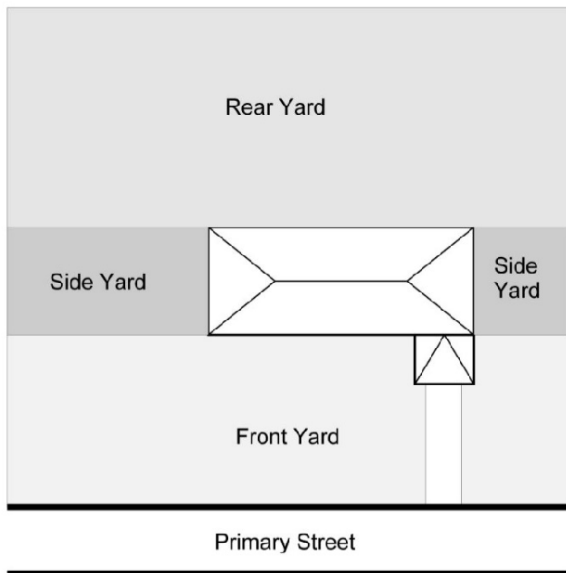
*Wireless communications.*

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1. *Wireless communications facility.* The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services. Wireless communication facilities shall be specifically excluded from the definition of "essential services."
  2. *Wireless communication tower.* Any structure, such as a mast, pole, monopole, guyed tower, or lattice tower which is designed and constructed primarily for the purpose of supporting one or more antennas. Wireless communication tower shall be specifically excluded from the definition of "essential services."
  3. *Alternative tower structure.* Manmade trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
  4. *Antenna.* Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.
  5. *FAA.* The Federal Aviation Administration.
  6. *FCC.* The Federal Communications Commission.
  7. *Height.* When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the lot of record at the center of the front of the tower or other building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.
  8. *Lattice tower.* A support structure constructed of vertical metal struts and cross braces, forming a triangular and square structure which often tapers from the foundation to the top.
  9. *Preexisting towers and preexisting antennas.* Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date this ordinance, or any amendment to this ordinance, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
  10. *Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting (i.e., without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.
  11. *Tower pair.* Any two towers which are located within 100 feet of each other.
- Yard.* An open space at grade between a building and the adjoining lot lines.



**Figure 22-3 Corner Lot**

1. *Yard, front.* An open space between the front of a principal building and the front lot line, generally adjacent to a street, and extending the full width of the lot of record.
2. *Yard, Lake Macatawa waterfront.* An open space between a principal building and Lake Macatawa extending the full width of the lot of record.
3. *Yard, primary front.* The narrower of the two front yards. Where the lot lines are of equal length, and/or the primary front yard is not evident, the zoning administrator shall determine the primary front yard.



**Figure 22-4 Interior Lot**

4. *Yard, rear.* An open space between the rear of a principal building and the rear lot line and extending the full width of the lot of record.

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5. Yard, Side. An open space between the side of a principal building and the side lot line extending from the front yard to the rear yard.

*Zoning administrator.* A Township official authorized to administer, interpret, and enforce the Holland Charter Township Zoning Ordinance.

*Zoning district.* A designation on the Official Township Zoning Map in which requirements for the use and dimensions of the land and buildings are prescribed.

(Ord. No. 596, § 11, 8-15-2019)