

Chapter 38

ZONING

**ARTICLE I
In General**

Sec. 38-1. Title. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-2. Purpose. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-56, eff. 8-22-2006]

This chapter is based upon the Township Land Use Plan and is designed to:

- (1) Promote the public health, safety, morals and general welfare;
- (2) Encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
- (3) Avoid the overcrowding of population;
- (4) Provide adequate light and air;
- (5) Lessen congestion on the public streets and private roads;
- (6) Reduce hazards to life and property;
- (7) Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and
- (8) Conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.

This chapter is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

Sec. 38-3. Scope and interpretation. [Ord. No. Z, eff. 2-7-1974]

This chapter shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants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 chapter imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land, the height of buildings or structures, lot coverage, lot areas, yards or other open spaces or any other use or utilization of land than are imposed or required by such existing laws ordinances regulations private restrictions, or restrictive covenants, the provisions of this chapter shall control.

Sec. 38-4. Legal basis. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-56, eff. 8-22-2006]

This chapter is enacted pursuant to the Michigan Zoning Enabling Act, Public Act No.

110 of 2006 (MCL § 125.3101 et seq.).

Sec. 38-5. Rules applying to text. [Ord. No. Z, eff. 2-7-1974]

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

- (1) The particular shall control the general.
- (2) With the exception of this section and Section 38-6, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this chapter or as enlarging or restricting the terms and provisions of this chapter 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) The term "building" or "structure" includes any part thereof.
- (6) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (7) The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used, or occupied."
- (8) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Sec. 38-6. Definitions. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-3, eff. 2-3-1977; Ord. No. Z-12 eff. 12-4-1980; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-5, eff. 1-18-1983; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-17, eff. 6-14-1985; Ord. No. Z-18, eff. 2-13-1986; Ord. No. Z-21, eff. 1-20-1989; Ord. No. Z-23, eff. 7-17-1989; Ord. No. Z-26, eff. 10-5-1989; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-52, eff. 9-5-2003; Ord. No. Z-55, eff. 3-31-2005; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-58, eff. 12-13-2007; Ord. No. ZO16-1, eff. 6-16-2016; Ord. No. ZO17-1, eff. 5-15-2016; Ord. No. 2018-3, eff. 8-26-2018]

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABUT — To physically touch or border upon, or to share a common property line. A property is considered to abut another property when the two properties share all or a portion of a common property line or the property lines touch, such as at a corner.

ACCESSORY USE OR STRUCTURE — A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure. Without limitation of the foregoing definition of an accessory building, the following buildings are hereby determined to be accessory buildings: garages, storage buildings, guesthouses, boathouses, greenhouses, playhouses, pool equipment and storage buildings, and pump houses. Without limitation of the foregoing definition, docks are hereby determined to be accessory structures.

ADJACENT — To be near but not necessarily abut, adjoin, or be contiguous. A property is considered to be adjacent to another property when the two properties are nearby but do not share a common property line.

ADJOIN — To physically touch or border upon, or share all or part of a common property line with, another lot or parcel of land. A property is considered to adjoin another property when the two properties share all or part of a common property line.

ADULT FOSTER CARE FACILITY — A facility licensed under Public Act No. 218 of 1979 (MCL § 400.701 et seq.), as well as any other facility of substantially similar character and purpose.

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

BASEMENT — A portion of a building, or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located.

BED-AND-BREAKFAST OPERATION — An operation located in a single-family dwelling used to house a family unit as its principal place of residence, which offers overnight accommodations and a morning meal to transient guests in return for payment, including, but not limited to, any operation designed as an inn or tourist home.

BILLBOARDS and SIGNS —

- (1) **BILLBOARD** — Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- (2) **BUSINESS SIGN** — Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located or products primarily sold, manufactured, processed, or fabricated on such land.
- (3) **IDENTIFYING SIGN** — Any structure on the same premises it identifies which serves only:
 - a. To tell the name or use of any public or semipublic building or recreation space, club, lodge, church, or institution;
 - b. To tell the name or address of an apartment house, hotel, or motel; or
 - c. To inform the public as to the use of a parking lot.

- (4) NAMEPLATE — A structure affixed flat against the wall of a building, which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- (5) REAL ESTATE SIGN — Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

BLOCK — The property on either or both sides of the same street between the two nearest intersecting streets (crossing or terminating), railroad right-of-way, unsubdivided acreage, lake, rivers, or live streams, or between any of the foregoing and any other barrier to the continuity of development, or boundary line of the Township.

BUILDING — Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

BUILDING HEIGHT — The vertical distance measured from the average existing grade, measured three linear feet out from the structure, to the highest point of the roof surface. The average existing grade shall be established using the Ottawa County Geospatial Insights and Solutions Department, or successor department, 2018 contours and shall be measured by utilizing no more than four points, each located at the center of the generally north-facing elevation, east-facing elevation, south-facing elevation, and west-facing elevation of the proposed structure. **[Amended by Ord. No. 2021-02, eff. 8-4-2021]**

BUILDING SETBACK — The distance between the adjacent lot line and the nearest wall projection or structural component of any building as measured along a straight line at a right angle to the lot line. Certain exceptions or additional restrictions to building setbacks can be found in Sections 38-494, 38-495, 38-496, 38-497, 38-483 and various other parts of this chapter regulating the location of buildings or structures. A deck or raised patio may be located within the building setback only if it is not more than 30 inches above the average surrounding grade. A deck over 30 inches above grade on a waterfront lot must comply with Section 38-495.

BUILDING, PRINCIPAL — A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the lot.

CARPORT — An open-sided vehicle shelter usually, but not always, formed by the extension of the roof from the side of a building. A carport shall be considered both an outdoor parking space and an accessory structure.

COMMON OPEN SPACE — Any area or space other than required yard areas which is unobstructed and unoccupied by buildings, structures, roads, or other man-made objects and is readily accessible to all those for whom it is required.

CONTIGUOUS — To abut or adjoin another property by sharing all or portion of a boundary line or property line. A property is considered to be contiguous to another property when the two properties share all or a portion of a common property line.

CORNER LOT — A lot located at the intersection of two or more public streets, private roads, or combination of public streets and private roads, where the corner interior angle formed by the intersection of the streets and/or roads is 135° or less, or a lot abutting

upon a curved street and/or road if tangents to the curve, at the two points where the lot lines meet the curve, form an interior angle of 135° or less.

DOCK — Any structure, whether permanent or removable, that extends from the shoreline into a lake, river or stream and to which one or more boats or other watercraft may be docked or moored.

DWELLING — Any building or portion of a building that is occupied in whole or in part as a home or residence, either permanently or temporarily, by one or more families, but not including motels, hotels, resorts, tourist rooms or cabins. Subject to compliance with the requirements of Section 38-507, a mobile home shall be considered to be a dwelling.

- (1) **MULTIFAMILY** — A building designed for use and occupancy by three or more families.
- (2) **SINGLE-FAMILY** — A building designed for use and occupancy by one family only.
- (3) **TWO-FAMILY** — A building designed for use and occupancy by two families only.

DWELLING UNIT — A building, or a portion of a building, with one or more rooms, including bathroom, kitchen, and sleeping facilities, connected together in a manner designed and maintained as a self-contained unit for residential occupancy by one or more people living as a single housekeeping unit.

FAMILY — One or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that, unless members are related by blood, marriage or adoption, no such family shall contain more than five persons.

FIRE GRATE — A metal cover that fits over the fire pit or recreational fire that helps control sparks from leaving the outdoor recreational fire, fireplace, fire pit, or container with openings not to exceed 12.5 millimeters/1.25 centimeters in dimension. **[Added by Ord. No. 2020-2, eff. 9-17-2020]**

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

GREENBELT — An undeveloped or natural area, which may only be improved with landscaping and/or nature trails.

GROSS SITE ACREAGE — The total area in acres in any PUD that is determined according to the requirements of Section 38-367(2)a and that may include road right-of-way if the legal description for the land includes the road right-of-way.

GROSS USABLE ACRE — The total area per acre in any PUD District that is suitable for development, i.e., excluding areas of swamps, steep slopes, or other natural or man-made limitations, which preclude or limit development.

HOME OCCUPATION — An occupation that is traditionally or customarily conducted within a dwelling by the residents of the dwelling, which use is incidental and secondary to the use of the dwelling as a home, and which does not alter the residential character of the property.

HOTEL — A commercial establishment that offers lodging accommodations and additional services, such as restaurants, meeting rooms, entertainment, or recreational facilities, to transient guests in return for payment. Access to the lodging facilities is generally from indoor corridors.

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

KENNEL — Any land, building or structure where five or more cats and/or dogs over four months of age are boarded, housed or bred.

LOT — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this chapter.

LOT AREA — The total horizontal area within the lot lines of a lot. In the case of a waterfront lot, the lot area shall be measured to the 100-year floodplain elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM), as amended, issued by the United States Federal Emergency Management Agency. In determining lot area, land located within a public street right-of-way and/or a private road easement shall not be considered.

LOT LINE, FRONT — In the case of a lot not located on a corner, the line separating said lot from the street right-of-way. In the case of a corner lot, the front lot line shall be that line that separates said lot from the street which is designated as the front street on the site plan or which is designated as the front street on the site plan review application or request for a building permit.

LOT LINE, REAR — Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, or wedge-shaped lots or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet in length, lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE — Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT WIDTH — The horizontal distance between the side lot lines of a lot parallel to the front lot line. Lot width shall be measured at the front lot line and shall not be less than the minimum width required within the zoning district in which it is located continuously to the minimum depth necessary to meet the minimum lot area of the zoning district in which it is located.

LOT, IMPROVED — A property developed with a principal building, accessory structure, or combination thereof.

LOT, UNIMPROVED — A property left undisturbed in a natural state without a principal building, accessory structure, or combination thereof, or any other man-made feature.

MAJOR AUTOMOBILE REPAIR — General repair, rebuilding, or reconditioning of engines or vehicles, collision service, including body repair and frame straightening,

painting or upholstering; or vehicle steam cleaning and undercoating.

MARINA — A place where any one or more of the following conditions exist:

- (1) A commercial enterprise is operated for the sale, service or storage of boats or other watercraft; or
- (2) A dock and/or mooring is extended into or over an inland lake or stream for use by the public and/or land, condominium or dock owners and more than four boats will be moored to any one dock and/or more than four moorings will be located.

MINOR AUTOMOBILE REPAIR — Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons' capacity; provided, however, there is excluded any repair or work included in the definition of the term "major automotive repair" in this section.

MOBILE HOME — A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure; excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle.

- (1) **DOUBLE-WIDE** — A combination of two mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single-wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.
- (2) **SINGLE-WIDE** — A mobile home with a longitudinal width of no greater than 14 feet for its full length.

MOBILE HOME COMMISSION ACT — Michigan Public Act No. 96 of 1987 (MCL § 125.2301 et seq.), or other similar successor statute having similar licensing jurisdiction.

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

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

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for nontransient use.

MOBILE HOME SUBDIVISION — A mobile home park, except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Public Act No. 288 of 1967 (MCL § 560.101 et seq.).

MOTEL — A commercial establishment consisting of a building or group of buildings on the same lot, whether detached or in connected rows, which offers lodging accommodations and sleeping rooms to transient guests in return for payment. Access to

the lodging facilities is generally from the outside.

MOTOR VEHICLE — Every vehicle that is self-propelled.

NET BUILDABLE ACREAGE — The area in acres in any PUD that is determined according to the requirements of Section 38-367(2).

NONCOMMERCIAL ORGANIZATION — An organization which does not produce an income for any person; a nonprofit organization which raises funds for itself and which has 15 or more stockholders or members shall be considered a noncommercial organization.

NURSING HOME — A facility licensed under Public Act No. 368 of 1978 (MCL § 333.1101 et seq.).

OUTDOOR POND — Any 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 or partly below grade, capable of holding water to a depth of greater than two feet when filled to capacity.

OWNERSHIP INTEREST — A proprietary interest in land which confers certain rights and responsibilities, held by any individual, firm, association, syndicate, partnership, or corporation.

PARKING AREA, SPACE OR LOT — An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. The term "parking area" includes access drives within the actual parking area. For purposes of this definition, and as used throughout this chapter, the term "off-street," when related to off-street parking requirements, includes both public streets and private roads, thereby requiring the parking area to be located off both public streets and private roads.

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

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

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

RECREATIONAL FIRE — An outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of three feet (914 mm) or less in diameter and two feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose. **[Added by Ord. No. 2020-2, eff. 9-17-2020]**

RESORT — A commercial establishment, generally used as a vacation facility by the general public, which offers lodging accommodations, restaurants or meals, recreation and entertainment to transient guests in return for payment, and which provides on-site activities such as golfing, horseback riding, skiing, swimming, snowmobiling, hiking, biking, tennis, other court sports or other similar activities.

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

SATELLITE DISH ANTENNA — A parabolic or spherical reflective type of antenna used for communications with a satellite-based system located in planetary orbit.

STREET — A publicly or privately owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road or other thoroughfare, except an alley. The street right-of-way shall include all land deeded or dedicated for street purposes, or, in the absence of a deed or dedication for street purposes, the street right-of-way shall be considered to be 66 feet in width.

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

SWIMMING POOL — A structure either above or below or partly above and partly below grade, located either in part or wholly outside of a permanently enclosed and roofed building, designed to hold water to a depth of greater than two feet when filled, and intended to be used for swimming purposes.

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

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

UNDIVIDED PERMANENT OPEN SPACE — Property that is contiguous (i.e., undivided by any road, street, etc.) and in common ownership that will perpetually remain as undeveloped open space via a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

USABLE FLOOR AREA — The floor area of a dwelling exclusive of garages, porches, basement or utility area.

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

WATERFRONT LOT — A lot abutting or having frontage on either Lake Michigan or Lake Macatawa.

YARD — An open space, other than a court, unoccupied and unobstructed by any building or structure; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. "Yards" or "minimum yards" as required in other provisions of this chapter shall be considered as "required yards," and allowable building projections shall be the same as defined in this section for building setbacks.

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

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

the rear wall of the main building.

YARD, SIDE — A yard between a main building and the side lot line, extending from the front yard to the rear yard, or any yard that is not considered a front or rear yard.

ZONING ACT — The Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL § 125.3101 et seq.).

Sec. 38-7. Violation. [Ord. No. Z, eff. 2-7-1974]

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 term or provision of this chapter, is hereby declared to be a nuisance per se. Any person who shall violate a provision of this chapter or shall fail to comply with any of the requirements thereof, shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the municipal civil infraction ordinance adopted by the Township, and subject to a fine of \$50, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. An increased civil fine for repeat violation shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be \$250, plus costs and other sanctions;
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500, plus costs and other sanctions.

The Township Zoning Administrator is hereby designated as authorized Township official 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 the Township municipal chapter violations bureau) as provided by this chapter.

Sec. 38-8. through Sec. 38-30. (Reserved)

ARTICLE II
Administration And Enforcement

DIVISION 1
Generally

Sec. 38-31. Zoning administration. [Ord. No. Z, eff. 2-7-1974]

The provisions of this chapter shall be administered and enforced by the Zoning Administrator.

Sec. 38-32. Zoning Administrator. [Ord. No. Z, eff. 2-7-1974]

- (a) The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must be:
- (1) Generally informed of the provisions of this chapter;
 - (2) Have a general knowledge of the building arts and trades; and
 - (3) Be in good health and physically capable of fulfilling the duties of the Zoning Administrator.
- (b) Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

Sec. 38-33. Permits. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-17, eff. 6-14-1985; Ord. No. Z-18, eff. 2-13-1986; Ord. No. Z-20, eff. 8-7-1988; Ord. No. Z-30, eff. 11-1-1990; Ord. No. Z-56, eff. 8-22-2006]

- (a) Permit required. No building or structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except wholly interior alterations or repairs at a cost of \$100 or less, unless a permit therefor has been issued by the Zoning Administrator. An application for a permit shall be in writing and upon duplicate printed forms furnished by the Township. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over his signature and file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Administrator shall also provide the applicant with a construction card signed by the Zoning Administrator stating the extent of the work authorized. This card shall be attached to and remain on the lot or premises during the progress of the work authorized.
- (b) Contents of application. Each application shall include such reasonable information

as may be requested by the Zoning Administrator in order to determine compliance with the terms and provisions of this chapter and shall include, as a minimum, the following information:

- (1) The location and actual dimensions of the lot or premises to which the permit is to apply;
- (2) The kind of building or structures to which the permit is to apply;
- (3) The width of all abutting streets and private roads;
- (4) The area, size and location of all buildings or structures to which the permit is to apply;
- (5) The type of use to be made of the building or structure to which the permit is to apply;
- (6) The use of buildings or structures on adjoining lands; and
- (7) The estimated cost of the building or structure.

The Zoning Administrator, in the Zoning Administrator's discretion, may waive the inclusion of any of the foregoing information in an application if he shall determine that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this chapter.

- (c) Accessory buildings or structures. Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, place, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises.
- (d) Issuance of permit. Within 10 days after the receipt of any application, the Zoning Administrator shall either issue a permit if the proposed work is in conformance with the terms and provisions of this article, or deny issuance of a permit and state the reason or cause for such denial in writing. In each case the permit or the written reason or cause for such denial shall be transmitted to the owner or his agent.
- (e) Expiration of permits. A permit for any building or structure for which construction work has not begun within six months from the date of its issuance, or for which all construction work has not been completed within one year from the date of its issuance, shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once only upon payment of an additional fee as established by Township Board resolution. A renewed permit shall automatically expire if construction work has not begun within one year from the date of issuance of the original permit and shall also expire automatically if all construction work has not been completed within two years from the date of issuance of the original permit. **[Amended by Ord. No. 2020-001, eff. 1-27-2020]**
- (f) Cancellation of permits. The Zoning Administrator shall have the power to revoke

and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this article or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.

(g) Fees. For each permit issued, the base permit fee established from time to time by Township Board resolution shall be paid to the Zoning Administrator, who shall remit to the Township treasurer. The payment of such fee is a condition precedent to the validity of the permit.

(1) The amount of the base permit fee shall be determined from the estimated cost of the building or structure as set forth in the application for the permit. If upon completion of the building or structure, the Zoning Administrator shall determine that the estimated cost does not represent a fair valuation of the cost of the structure; he shall notify the applicant in writing of the permit deficiency and the building or structure shall not be used until such deficiency has been paid to the Zoning Administrator.

(2) In addition, special fees shall be paid to the Zoning Administrator as established from time to time by Township Board resolution. The Zoning Administrator shall remit all such fees to the Township treasurer. The payment of such fees is a condition precedent to the validity of such permit.

(h) Extraordinary fees. If work is commenced to erect, move, place, reconstruct, extend, enlarge or alter a building or structure without first having attained a permit as is required by this section, then the permit fee specified in Subsection (g) of this section shall be adjusted as follows:

(1) If it is the first time that this owner has commenced the erection, moving, placing, reconstructing, extending, enlarging or altering of a building or structure without first having obtained a permit, the permit fee shall be \$100 or twice the amount of the permit fee as computed pursuant to Subsection (g) of this section, whichever is greater; and

(2) If it is the second time that this owner has commenced the erection, moving, placing, reconstruction, extending, enlarging or altering of a building or structure without first having obtained a permit, the permit fee shall be \$250 or triple the amount of the permit fee as computed pursuant to Subsection (g) of this section, whichever is greater.

If a building contractor or other agent for an owner undertakes to obtain a permit for the owner, the imposition of extraordinary fees pursuant to this subsection, and specifically whether it is the first or second time that the erecting, moving, placing, reconstructing, extending, enlarging or altering of a building or structure has been undertaken without first obtaining a permit required therefor, shall consider prior occurrences with respect to the owner and also prior occurrences with respect to the building contractor or other agent.

(i) The provisions of this section shall not be construed to prohibit the Township from

prosecuting pursuant to Section 38-7 any failure to obtain a permit as required by this article.

Sec. 38-34. Inspection of buildings and structures. [Ord. No. Z, eff. 2-7-1974]

- (a) As work progresses under a permit, the holder thereof or his authorized agent shall cause the Zoning Administrator to be notified at the following stages of construction:
 - (1) Upon completion of the footing and foundation walls.
 - (2) Upon completion of the rough frame of the building or structure and the electrical wiring.
 - (3) Upon total completion of the work authorized by the permit and before occupancy or use.
- (b) Should the permit holder fail to comply with all of the terms and provisions of this article at any stage of construction, the Zoning Administrator is authorized to revoke and cancel the permit and cause notice of such cancellation and revocation to be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

Sec. 38-35. Certification of compliance. [Ord. No. Z, eff. 2-7-1974]

No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used, in whole or in part, until the owner thereof shall have been issued a certificate by the Zoning Administrator affirming that such building or structure conforms in all respects to the provisions of this article. Such certificate shall be issued after the work is complete and final inspection has been made.

Sec. 38-36. Special use authorization. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-14, eff. 4-19-1982; Ord. No. 2018-1, eff. 3-23-2018]

- (a) Where special use authorization is required by a provision of this chapter, a site plan, which is in accordance with the requirements of Division 3 of Article II of this chapter, shall be required by the Planning Commission when reviewing the special use.
- (b) Application for special use authorization shall be made on forms therefor provided by the Township and shall include such supporting materials as are reasonably necessary to evaluate the application. Notification of receipt of a request for special use authorization shall be given as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. A public hearing, with notice thereon as required by the Michigan Zoning Enabling Act, shall be held by the Planning Commission.
- (c) The Planning Commission may deny, approve, or approve with conditions the special use request. The decision on a special use shall be incorporated in a written statement containing the conclusions relative to the special use under consideration that specifies the basis of the decision and any conditions imposed in conformance

with the provisions of the Michigan Zoning Enabling Act that are determined to be necessary or appropriate.

- (d) The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. The Planning Commission shall find adequate evidence showing that the proposed use on the proposed lot generally satisfies the following:
- (1) Will be harmonious, and in accordance with objectives, intent, and purposes of this chapter;
 - (2) Will be compatible with the natural environment and existing and future land uses in the vicinity;
 - (3) Will be compatible with the Township Master Plan;
 - (4) Will be served adequately by essential public facilities and services, such as, but not limited to, highways, streets, police and fire protection, drainageways and structures, and refuse disposal, unless the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;
 - (5) Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and
 - (6) Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Sec. 38-37. Procedure. [Ord. No. Z, eff. 2-7-1974]

The Township Board, the Zoning Board of Appeals, the duly authorized attorney for the Township, the Ottawa County prosecuting attorney, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this chapter. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Sec. 38-38. through Sec. 38-64. (Reserved)

DIVISION 2
Zoning Board of Appeals

Sec. 38-65. Creation. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-3, eff. 2-3-1977]

- (a) There is hereby created under the Zoning Act a Zoning Board of Appeals, referred to in this division as the Zoning Board of Appeals.
- (b) The Zoning Board of Appeals shall be constituted and appointed as provided in the Zoning Act and shall be comprised of five members.

Sec. 38-66. Jurisdiction and powers. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-56, eff. 8-22-2006]

The Zoning Board of Appeals shall have all powers and jurisdiction granted by the Zoning Act, all powers and jurisdiction prescribed in other articles of this chapter and the following specific powers and jurisdiction:

- (1) The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official or body charged with enforcement of this division; excluding, however, decisions regarding the authorization of special uses and planned unit developments which are made by the Township Board or Planning Commission. **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**
- (2) The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this division, including interpretation of the Zoning Map.
- (3) The jurisdiction and power to decide matters referred to the Zoning Board of Appeals for decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603).
- (4) The jurisdiction and power to authorize, upon appeal, a variance or modification of this chapter where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.

Sec. 38-67. Adoption of rules of procedure. [Ord. No. Z, eff. 2-7-1974]

The Zoning Board of Appeals shall fix rules and regulations governing its procedures sitting as the Zoning Board of Appeals. Said rules and regulations shall be made available to the public and shall be in conformance with the terms of this chapter and the Zoning Act.

Sec. 38-68. Conditions. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

In granting a variance or in making any decision referred to it by this chapter, the Zoning Board of Appeals may impose and attach such conditions in conformance with the provisions of the Zoning Act as it shall determine are necessary and/or appropriate.

Sec. 38-69. Zoning Board of Appeals authorization. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-56, eff. 8-22-2006]

- (a) Where Zoning Board of Appeals authorization is required by this chapter pursuant to the authority granted it by Section 603 of the Zoning Act (MCL § 125.3603) or where a variance has been requested, the Zoning Board of Appeals may, in its discretion, require the preparation and filing of a site plan which is in accordance with the requirements of Division 3 of this article before application is made for a building permit.
- (b) The Zoning Board of Appeals shall hold a public hearing concerning the project for which Zoning Board of Appeals authorization has been requested and give due notice thereof. The Zoning Board of Appeals shall state the grounds of each decision and shall otherwise comply with all procedural notice and other requirements of the Zoning Act.

Sec. 38-70. Variance standards and time limitations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-60, eff. 5-14-2009]

As noted in Section 38-66(4), the Zoning Board of Appeals has the authority to grant variances where there are practical difficulties or an unnecessary hardship in the way of carrying out the strict letter of this chapter.

- (1) Non-use variances. A simple-majority vote of the members of the Board of Appeals is necessary to authorize a non-use variance. In determining whether there are practical difficulties in the way of carrying out the strict letter of this article, the Board of Appeals shall consider the following standards and shall make an affirmative finding as to each standard to authorize a non-use variance.
 - a. That strict compliance with the zoning ordinance regulating the minimum area, yard set backs, frontage, height, bulk, or density, or other regulation would render conformity with those restrictions of the zoning ordinance unnecessarily burdensome.
 - b. That granting the requested variance would do substantial justice to the applicant as well as to other property owners in the zoning district. If a lesser relaxation than that applied for would give substantial relief to the property owner and be more consistent with justice to other property owners in the district, the Board of Appeals may grant a lesser variance provided the other standards are met.
 - c. That the plight of the property owner/applicant is due to the unique circumstances of the property (e.g., an odd shape or a natural feature like a stream or a wetland) and not due to general conditions of the zoning district.
 - d. That the practical difficulties alleged are not self-created.
- (2) Use variances. A 2/3 majority vote of the members of the Zoning Board of Appeals is necessary to authorize a use variance. In determining whether there is any unnecessary hardship in the way of carrying out the strict letter of this chapter, the Zoning Board of Appeals shall consider the following standards and shall make an affirmative finding as to each standard to authorize a use variance:
 - a. That the property cannot be used for any of the uses permitted in the zoning district in which it is located (i.e., none of the uses permitted in the zoning

district as a matter of right or by special use permit would allow a reasonable economic return on the use of the property).

- b. That the plight of the property owner is due to unique circumstances peculiar to the property (e.g., an odd shape, topography, or other natural feature like a stream or wetland) rather than to general neighborhood conditions.
 - c. That the proposed use requested by the variance would not alter the essential character of the surrounding neighborhood.
 - d. That the hardship problem is not self-created (i.e., is not necessitated as a result of any action or inaction by the applicant).
- (3) Time limitations on variances. Any person who is granted a variance under this chapter must, within one year of the date on which the Zoning Board of Appeals takes action to grant the variance, take affirmative action to exercise the rights granted according to the variance. For purposes of this section, the term "affirmative action" means either commencing the use for which the variance has been granted, or obtaining all necessary permits in compliance with Section 38-33 for the construction of a building or structure authorized by the variance. Failure to take affirmative action in exercising the rights granted according to a variance within one year of the date on which the Zoning Board of Appeals takes action to grant the variance will result in the automatic cancellation of the variance granted. If the permit granted pursuant to Section 38-33 expires, or, if such permit is renewed, if the renewed permit expires, then the variance pursuant to which the permit was issued shall be automatically cancelled.

Sec. 38-71. Alternate members. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-49, eff. 3-22-2003]

The Township Board may appoint not more than two alternate members to serve the same term as regular members of the Zoning Board of Appeals. The alternate members shall be appointed by resolution of the Township Board. The chairperson of the Zoning Board of Appeals, or the acting chairperson, may call an alternate member to serve as a regular member of the Zoning Board of Appeals in the following situations:

- (1) An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if that regular member is:
 - a. Absent from or will be unable to attend two or more consecutive meetings of the Zoning Board of Appeals; or
 - b. Absent from or will be unable to attend meetings of the Zoning Board of Appeals for a period of more than 30 consecutive days.
- (2) An alternate member may be called to serve as a regular member of the Zoning Board of Appeals for the purpose of reaching a decision on a case in which the regular member has abstained from participating for reasons of a conflict of interest.

An alternate member called to serve as a regular member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member called to serve on a Zoning Board of Appeals' case shall serve on that case until the Zoning Board of Appeals makes a final decision.

Sec. 38-72. through Sec. 38-100. (Reserved)

DIVISION 3
Site Plan

Sec. 38-101. Review. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

Notwithstanding the failure of this chapter to specifically provide elsewhere for site plan approval of a particular use, site plan review and approval is required in each of the following instances:

- (1) A site plan shall be submitted to the Planning Commission for approval of any use or change of use permitted in the C-1 or C-2 Zoning District.
- (2) A site plan shall be submitted to the Planning Commission for approval of any multifamily dwelling in an R-5 Zoning District.
- (3) A site plan shall be submitted to the Zoning Administrator for approval of any two-family dwelling in an R-4 or R-5 Zoning District. The Zoning Administrator may, in his discretion, refer any such site plan to the Planning Commission for its review and approval.
- (4) A site plan shall be submitted to the Planning Commission for approval of any church, public school or private or parochial school, or any public or private recreational facility to be constructed in the R-1, R-2, R-3, R-4, or R-5 Zoning Districts.
- (5) For any special use and also for any planned unit development, provided that if the requirements for a site plan, as provided in this division, are met by plans and other documentation required in Article III, Division 8 of this chapter, then a separate site plan shall not be required pursuant to this division.
- (6) When any other section of this chapter requires site plan approval.

Sec. 38-102. Content. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-56, eff. 8-22-2006]

A site plan shall include all of the following information unless the same is not reasonably necessary, as determined by the Planning Commission:

- (1) A plot plan based on an accurate certified land survey showing:
 - a. Location, size and type of present buildings or structures to be retained or removed.
 - b. Location of all proposed buildings, structures or other improvements.
 - c. Location of existing and proposed streets, private roads, drives and parking lots.
 - d. Location of water and sewer lines.
 - e. Storm drainage.
 - f. Refuse and service areas.

- g. Utilities with reference to location, availability and compatibility.
 - h. Screening and buffering with reference to type, dimensions and character.
 - i. Topographical features, including contour intervals no greater than five feet.
 - j. Ditches and watercourses.
 - k. Ground cover and other pertinent physical features of the site, including, but not limited to existing vegetation, trees, etc.
 - l. Proposed landscaping.
 - m. Location of existing improvements.
 - n. Location of lot lines.
 - o. Loading and unloading of facilities.
 - p. Exterior lighting and signs.
 - q. Location of existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
 - r. 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 the subject property is three acres or more.
 - s. The name and address of the professional individual, if any, responsible for the preparation of the site plan.
- (2) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be provided. The height of buildings and structures shall be detailed from the existing grade (and proposed grade if there is to be any change in the grade), as well as from the crown of the street and/or private road adjoining the property upon which the building or structure will be erected.
- (3) The period of time within which the project will be completed.
- (4) Proposed staging of the project, if any.
- (5) Gross areas of buildings and parking.
- (6) Delineation of the one-hundred-year floodplain and any proposed uses therein.
- (7) A description of all aspects of such plan that might have an adverse effect on public health, safety and welfare.
- (8) 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.
- (9) Method of financing and commitments, or other proof of ability to obtain financing.
- (10) Additional information which the body or official reviewing and approving the site plan may request which is reasonably necessary to evaluate the site plan.

The body or official review the site plan shall have the discretion to waive the inclusion in the site plan of any of the information referenced in this section.

Sec. 38-103. Standards. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-14, eff. 4-19-1982; Ord. No. 2018-1, eff. 3-23-2018]

In addition to any standards or requirements specified in other sections of this chapter which are relevant to the project for which site plan approval is sought, the following standards shall be considered in reviewing and approving site plans:

- (1) The applicant may legally apply for site plan review.
- (2) All required information has been provided.
- (3) The proposed development conforms to all regulations of the zoning district in which it is located.
- (4) The adequacy of streets, alleys, parking areas, loading zones, sidewalks, drainage, water and sewer lines, and traffic control for the proposed use, building, or structure.
- (5) The adequacy of protection afforded lands and the surrounding neighborhood from adverse impact.
- (6) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- (7) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- (8) Natural resources will be preserved to and protected to the maximum feasible extent, and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
- (9) The proposed development will not cause soil erosion or sedimentation problems.
- (10) The drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area.
- (11) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
- (12) The plan meets the specifications of Park Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
- (13) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation;

separation of pedestrian and vehicular traffic; and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.

- (14) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township Fire Department.
- (15) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (16) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- (17) All lighting shall meet the requirements of Section 38-488(b) and be shielded from any public right-of-way.
- (18) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- (19) Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.

Sec. 38-104. Building permit. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

Where a site plan has been approved for any project, and building permit issued shall provide that the development be completed in accordance with the approved site plan and failure to conform with such site plan shall be a violation of this chapter and cause for revocation of the building permit.

Sec. 38-105. Conditions. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

In approving a site plan, the body or official granting approval may impose and attach such conditions and restrictions and require such improvements as shall be determined to be necessary and/or appropriate.

Sec. 38-106. Improvements; financial guarantees. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

To ensure compliance with this chapter and any conditions imposed thereunder, the body or official granting approval of a site plan may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of the improvements associated with the project for which

site plan approval is sought, be deposited with the Clerk of the Township to ensure faithful completion of the improvements.

Sec. 38-107. Expiration of approval. [Added by Ord. No. 2018-1, eff. 3-23-2018]

Approval of a final site plan will expire and be of no effect unless a building permit has been issued within one year of the date of the site plan approval. Extensions beyond the expiration date may be permitted by the Planning Commission provided the total extended time does not exceed one year.

Sec. 38-108. Amendments to approved site plan. [Added by Ord. No. 2018-1, eff. 3-23-2018]

A site plan may be amended upon application and in accordance with the procedures and requirements provided in Section 38-102 herein. Minor changes to a site plan may be made without following the procedures of Section 38-102 at the discretion of the Zoning Administrator. Minor changes include, but are not necessarily limited to, the reorientation of landscaping, modifications to dumpster enclosure materials and/or location, an increase in the number of parking spaces not requiring an alteration to the parking surface, the reduction of the size of any building, or other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to not adversely affect the initial basis for granting approval. In the event the Zoning Administrator determines a change is major or cannot reasonably conclude that the changes will not adversely affect the initial basis for granting approval, the request for change shall be forwarded to the Planning Commission. The Zoning Administrator or Planning Commission may require, in case of minor changes to an approved site plan, that a revised site plan drawing(s) be submitted showing such minor changes for purposes of record.

Sec. 38-109. through Sec. 38-125. (Reserved)

DIVISION 4
Amendments

Sec. 38-126. Initiation. [Ord. No. Z, eff. 2-7-1974]

The Township Board may initiate amendments to this chapter by resolution or by any interested person by petition to the Township Board.

Sec. 38-127. Petition procedure. [Ord. No. Z, eff. 2-7-1974]

All petitions for amendment to this chapter shall be in writing signed, and filed in triplicate with the Township Clerk for presentation to the Township Board. Such petitions shall include the following:

- (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 right-of-way and easements bounding and intersecting the land to be rezoned;
- (4) The alleged error in the chapter 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;
- (6) All other circumstances, factors, and reasons that the petitioner offers in support of the proposed amendment.

Sec. 38-128. Procedure. [Ord. No. Z, eff. 2-7-1974]

After initiation, amendments to this chapter shall be considered as provided in the Zoning Act.

Sec. 38-129. Zoning Map amendments and rezoning procedures. [Ord. No. Z-59, eff. 2-26-2009]

The Township Board, at its own initiative, upon recommendation from the Planning Commission, or upon petition, may amend, supplement, or change the district boundaries of the Zoning Map, pursuant to the authority and procedures set forth in the Zoning Act.

- (1) Application submission.
 - a. Applicants requesting an amendment to the Zoning Map (aka, a rezoning of

property) shall submit an application to the zoning and planning department. The application materials for a rezoning shall include the following information at the time of submission:

1. The tax parcel identification number of the property to be rezoned;
2. A legal description of the property to be rezoned;
3. The current zoning district and master plan designation of the property to be rezoned, along with the requested zoning district of the property to be rezoned;
4. A small scale sketch of all properties, streets, structures, and current uses within 1/4 mile of the property to be rezoned;
5. Proof of ownership of the property to be rezoned, or evidence of a contractual ability to acquire such property (such as an option, purchase contract, or affidavit); and
6. Any additional information that Township staff, the Planning Commission or the Township Board may request which is reasonably necessary to evaluate the proposed rezoning and its effect on the surrounding neighborhood and the Township in general.

(2) Procedures.

- a. The Planning Commission shall hold a public hearing. After the public hearing has been held, the Planning Commission will consider the standards and criteria contained in Subsection (3) of this section in making its recommendation to the Township Board.
- b. The Township Board will receive and review the written recommendation from the Planning Commission. At a public meeting the Township Board may approve, deny or amend the Planning Commission's recommendation. In making the decision to approve, deny or amend the Planning Commission's recommendations the Township Board shall consider the standards and criteria contained in Subsection (3) of this section.

(3) Rezoning criteria. The following criteria and standards shall be considered by the Planning Commission and Township Board prior to any Zoning Map amendment.

- a. Whether there is consistency with the goals, policies and future land use map of the master plan, including any sub area or corridor studies. If conditions have changed significantly since the master plan was adopted, then consistency with recent development trends in the area shall also be considered.
- b. Whether there is compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- c. Whether there is evidence that if the current zoning remains enforced, the restriction may preclude the use of the property for any purpose to which it is

reasonably adapted.

- d. Whether there is compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic safety impacts, aesthetics, infrastructure, utilities, potential influence on property values, and the general health, safety and welfare of the Township.
- (4) Conditional rezoning. The Planning Commission in making its recommendation to the Township Board and the Township Board in making a decision to grant a requested Zoning Map amendment may consider conditions that are voluntarily offered in writing by the applicant in accordance with this section:
- a. In addition to the criteria listed in Subsection (c) of this section, in the event a land owner voluntarily offers in writing any conditions regarding the use and/or development of the land as part of a rezoning request application, the Planning Commission and the Township Board shall also consider whether the request and the conditions voluntarily offered:
 1. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning;
 2. Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
 3. Will lead to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without the proposed voluntarily offered conditional zoning agreement, or if the property were left to develop under the existing zoning classification; and
 4. Meet the basic requirements of the requested zoning district.
 - b. Any property that is conditionally rezoned must still nonetheless comply by ordinance, special use if permitted, or variance with all of the zoning requirements, including but not limited to use and yard setback requirements, of the zoning district to which the property has been rezoned. The approval of a conditional rezoning request does not guarantee or assume the approval of any special uses or variances. Site plan review in accordance with Subsection (1) of this section will be required where applicable.
 - c. Time limitations may be imposed as provided in the Zoning Act. If development and/or use does not occur within the time frame imposed by the Township the property shall revert to its former zoning district classification as set forth in the Zoning Act (see MCL § 125.3405).
 - d. If a property is conditionally rezoned and the approved development and/or use of the conditionally rezoned property does not comply with the conditions accepted by the Township it shall be a violation of the zoning ordinance. In the event that this violation is not corrected through the normal enforcement procedures of the Township the property shall revert to its former zoning

district classification as set forth in the Zoning Act (see MCL § 125.3405).

- e. In the event that a request for conditional rezoning is approved a copy of the conditions must be filed with the Ottawa County Register of Deeds within 30 days of the final approval.

Sec. 38-130. through Sec. 38-154. (Reserved)

ARTICLE III
District Regulations

DIVISION 1
Generally

Sec. 38-155. Zone districts. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-14, eff. 4-19-1982; Ord. No. 2018-3, eff. 8-26-2018; Ord. No. 2020-2, eff. 9-17-2020; Ord. No. 2021-02, eff. 8-4-2021]

The Township is hereby divided into the following zoning districts:

- (1) AG Agricultural and Permanent Open Space District.
- (2) R-1 Rural Estate Residence District.
- (3) R-2 Lakeshore Residence District.
- (4) R-3 Low Density Single-Family Residence District.
- (5) R-4 Medium Density Single- and Two-Family Residence District.
- (6) R-5 Low Density Multifamily Residence District.
- (7) C-1 Neighborhood Business District.
- (8) C-2 Resort Service District.
- (9) MP Macatawa Park Overlay District.
- (10) OB Ottawa Beach Overlay District.
- (11) LC Lake Court Overlay District.
- (12) EB Edgewood Beach Overlay District.

Sec. 38-156. Zoning Map. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-15, eff. 1-18-1983]

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Park Township, Ottawa County, Michigan," which is on file in the office of the Township Clerk and is hereby made a part of this chapter. When uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules of construction and interpretation shall apply.

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.

- (4) Boundaries indicated as following shorelines of Lake Michigan shall be construed as following such shorelines and in event of change in the location of such shorelines, shall be construed as moving with the shoreline. The boundaries of all zoning districts having frontage on Lake Macatawa and rivers or streams shall be construed as extending to the center of the lake or the thread of the stream.
- (5) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
- (6) Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of the ordinance from which this chapter is derived or applicable amendment thereto.

Sec. 38-157. Areas not included within a district. [Ord. No. Z, eff. 2-7-1974]

In every case where land has not been included within a district on the Zoning Map, such land shall be in the AG Agricultural and Open Space District.

Sec. 38-158. through Sec. 38-182. (Reserved)

DIVISION 2
AG Agricultural and Permanent Open Space District

Sec. 38-183. Description and purpose. [Ord. No. Z, eff. 2-7-1974]

The AG Agricultural and Open Space District is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural, or other agricultural activities.

Sec. 38-184. Use regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-18, eff. 2-13-1986; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-61, eff. 7-9-2009]

Land, buildings or structures in the AG Agricultural and Open Space District may be used for the following purposes only:

- (1) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms, including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Ottawa County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
- (2) Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
- (3) Riding stables, where horses are boarded and/or rented, if there is a minimum lot area of 20 acres and a site plan that is in accordance with the requirements of Article II, Division 3, of this chapter is approved by the Planning Commission.
- (4) Single-family dwellings.
- (5) Publicly owned athletic grounds and parks.
- (6) Business signs.
- (7) Home occupations when authorized in accordance with Section 38-506.
- (8) Removal and processing of topsoil, sand, gravel, or other such minerals when authorized by the Planning Commission in accordance with Section 38-505. **[Amended by Ord. No. 2020-001, eff. 1-27-2020]**
- (9) Kennels when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the kennel;
 - b. The proximity of the kennel to adjoining properties;
 - c. The possibility of noise or other disturbance for adjoining properties and the surrounding neighborhood on account of the operation of the kennel;
 - d. Potential traffic congestion on account of the kennel; and
 - e. The nature and character of the buildings and structures to be utilized for the

kennel operation.

- (10) Roadside stands when authorized by the Zoning Administrator. The Zoning Administrator may, in his discretion, decline to decide such matter and refer decision thereon to the Planning Commission. In considering such authorization, the following standards shall be considered:
- a. The proposed location of the roadside stand;
 - b. The size, nature and character of the building and/or structure to be utilized for the roadside stand;
 - c. The type and kind of produce and goods to be sold at the roadside stand;
 - d. The proximity of the roadside stand to adjoining properties;
 - e. The time or season during which the roadside stand will operate;
 - f. The parking facilities provided for the roadside stand;
 - g. Any traffic congestion or hazards which would result from the roadside stand; and
 - h. The effect of the roadside stand on adjoining properties and the surrounding neighborhood.
- (11) Adult foster care facilities that are subject to Township zoning jurisdiction and nursing homes are permitted if authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The number of residents who are to occupy the proposed facility;
 - b. The effect of the proposed facility on the immediate surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed facility;
 - d. Available parking for employees, visitors and others;
 - e. The adequacy of the recreational areas and the open space areas provided for the proposed facility; and
 - f. The proximity of the proposed facility to any other adult foster care facility or nursing home.
- (12) Foster family homes, foster family group homes, family child care homes, and adult foster care family homes are permitted uses as required by the Zoning Act. Group child care homes are special uses to the extent required by the Zoning Act.
- (13) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The size, character and nature of the church building;

- b. The proximity of the church to adjoining properties;
 - c. The off-street parking that is to be provided for the church;
 - d. The potential traffic congestion and hazards that will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (14) A building which has existed for at least five years may be used to store boats, trailers and other recreational vehicles during off season as an accessory use to an on-going farming operation. No outdoor storage of such articles shall be permitted. Stored articles may not be used for living or recreational purposes while on the property. No sales of the stored articles shall be permitted while on the property. Except for watercraft stored on the property, no repairs, maintenance or other work shall be permitted on the stored articles while on the property. Repairs to, maintenance of, or any other work on watercraft stored on the property may only be conducted within the building. No signage advertising the storage activities shall be permitted on the property. The storage of such articles shall not adversely affect surrounding neighborhoods or adjoining properties, nor shall it adversely affect the environment. Buildings located closer than 200 feet from a residential zoning district must first obtain a special use permit from the Planning Commission before being used to store such items. In considering such authorization the Planning Commission shall consider the following standards:
- a. The nature and character of the surrounding neighborhoods and adjoining properties, including the proximity of residential structures to the building to be used for such storage;
 - b. The effect of such use on surrounding neighborhoods and adjoining properties, such as but not limited to noise, screening, lights and fumes;
 - c. The ingress and egress to the property and the building to be used for such storage, including driveways and turnarounds;
 - d. The effect of increased traffic on the surrounding neighborhoods, including connections to major streets;
 - e. The nature and character of the building to be used for such storage, including but not limited to its architectural features, previous and/or current use;
 - f. The effect of current and/or increased outdoor storage of items and materials on the property, including parking of vehicles; and
 - g. The environmental effects of the requested use.

Sec. 38-185. Height regulations. [Ord. No. Z, eff. 2-7-1974]

No residential building or structure shall exceed 35 feet in height. All other buildings

and structures shall not exceed their usual and customary heights.

Sec. 38-186. Area regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-23, eff. 7-17-1989]

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

- (1) Front yard. There shall be a front yard of not less than 40 feet; provided, however, that there shall be a front yard of not less than 150 feet for all farm buildings and structures.
- (2) Side yard. For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 60 feet each.
- (3) Rear yard. There shall be a rear yard of not less than 50 feet.
- (4) Lot area. The minimum lot area and width for residential uses shall be 10 acres and 330 feet respectively; provided, however, that any lot which is platted or otherwise of record as of February 7, 1974, may be used for one single-family dwelling provided that lots not served with a public sewer shall have a minimum lot area and width of 15,000 square feet and 100 feet respectively, and that one lot may be created by division or splitting of any lot platted or otherwise of record as of February 7, 1974, if a single-family dwelling was located on the lot to be created by the splitting as of February 7, 1974, and is such lot created by the splitting is used for one single-family dwelling, has a minimum lot area of no less than one acre and a maximum lot area of no greater than three acres, has a minimum width of 100 feet, and the lot or parcel remaining after the split has an area of no less than 10 acres. The minimum lot area and width for a nonresidential building or structure shall be 10 acres and 100 feet respectively.

Sec. 38-187. Minimum floor area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-18, eff. 2-13-1986]

- (a) Each dwelling unit shall have a minimum of 1,000 square feet of usable floor area; provided, however, that all single-family dwellings with more than one floor level shall meet the following requirements: 1,100 square feet of usable floor area for a 1 1/2-story dwelling, 1,000 square feet of usable floor area in the main and upper level floors of a tri-level dwelling, and 1,400 square feet of usable floor area for a two-story dwelling.
- (b) The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section. Notwithstanding the requirements included in Subsection (a) of this section, on lots of record as of February 13, 1986, of less than 12,500 square feet, a single-floor dwelling may be constructed with a minimum of 864 square feet, provided it has an attached garage with a minimum width of 18 feet and 400 square feet in area.

Sec. 38-188. through Sec. 38-212. (Reserved)

DIVISION 3
R-1 Rural Estate District

Sec. 38-213. Description and purposes. [Ord. No. Z, eff. 2-7-1974]

The R-1 Rural Estate District is intended for large rural residential estates and farming.

Sec. 38-214. Use regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-6, eff. 9-7-1978; Ord. No. Z-12, eff. 12-4-1980; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-23, eff. 7-17-1989; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-61, eff. 7-9-2009]

Land, buildings or structures in the R-1 Rural Estate District may be used for the following purposes only:

- (1) Farms for both general and specialized farming, except livestock, feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms. Temporary housing for migratory workers is prohibited.
- (2) Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
- (3) Riding stables, where horses are boarded and/or rented, if there is a minimum lot area of 20 acres and a site plan that is in accordance with the requirements of Article II, Division 3, of this chapter is approved by the Planning Commission.
- (4) Single-family dwellings.
- (5) Home occupations when authorized in accordance with Section 38-506.
- (6) Removal and processing of topsoil, sand, gravel, or other such minerals when authorized by the Planning Commission in accordance with Section 38-505. **[Amended by Ord. No. 2020-001, eff. 1-27-2020]**
- (7) Roadside stands when authorized as a special use. The same standards as are provided in Section 38-184(10) shall be considered. **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**
- (8) Publicly owned athletic grounds and parks.
- (9) Business signs.
- (10) Private and public schools, libraries, museums, art galleries, and similar uses, when owned and operated by a governmental agency or nonprofit organization and when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazards that will be occasioned by the proposed use;
 - e. How well the proposed use harmonizes, blends with and enhances adjoining

- properties and the surrounding neighborhood; and
- f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (11) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking that is to be provided for the church;
 - d. The potential traffic congestion and hazards that will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (12) Recreational or church camps with no travel trailers, when owned and operated by a governmental agency or by a nonprofit organization which has been determined by the United States Internal Revenue Service to an organization tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or similar successor statute. A site plan for the recreational or church camp or any expansion or extension thereof, which is in accordance with the requirements of Article II, Division 3, of this chapter, shall be approved by the Planning Commission before a building permit is issued.
- (13) Adult foster care facilities that are subject to Township zoning jurisdiction and nursing homes are permitted if authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The number of residents who are to occupy the proposed facility;
 - b. The effect of the proposed facility on the immediate surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed facility;
 - d. Available parking for employees, visitors and others;
 - e. The adequacy of the recreational areas and the open space areas provided for the proposed facility; and
 - f. The proximity of the proposed facility to any other adult foster care facility or nursing home.
- (14) Foster family homes, foster family group homes, family child care homes, and adult foster care family homes are permitted uses as required by the Zoning Act. Group

child care homes are special uses to the extent required by the Zoning Act.

- (15) Bed-and-breakfast operations when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The number of bed-and-breakfast sleeping rooms;
 - b. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed bed-and-breakfast operation;
 - d. Available parking; and
 - e. The ability of the proposed bed-and-breakfast operation to comply with all requirements of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.
- (16) A building which has existed for at least five years may be used to store boats, trailers and other recreational vehicles during off season as an accessory use to an on-going farming operation. No outdoor storage of such articles shall be permitted. Stored articles may not be used for living or recreational purposes while on the property. No sales of the stored articles shall be permitted while on the property. Except for watercraft stored on the property, no repairs, maintenance or other work shall be permitted on the stored articles while on the property. Repairs to, maintenance of, or any other work on watercraft stored on the property may only be conducted within the building. No signage advertising the storage activities shall be permitted on the property. The storage of such articles shall not adversely affect surrounding neighborhoods or adjoining properties, nor shall it adversely affect the environment. Buildings that are located closer than 200 feet from a residential structure on neighboring property, or which are on a lot less than five acres in size, must first obtain a special use permit from the Planning Commission before being used to store such items. In considering such authorization the Planning Commission shall consider the following standards:
- a. The nature and character of the surrounding neighborhoods and adjoining properties, including the proximity of residential structures to the building to be used for such storage;
 - b. The effect of such use on surrounding neighborhoods and adjoining properties, such as but not limited to noise, screening, lights and fumes;
 - c. The ingress and egress to the property and the building to be used for such storage, including driveways and turnarounds;
 - d. The effect of increased traffic on the surrounding neighborhoods, including connections to major streets;
 - e. The nature and character of the building to be used for such storage, including but not limited to its architectural features, previous and/or current use;

- f. The effect of current and/or increased outdoor storage of items and materials on the property, including parking of vehicles; and
- g. The environmental effects of the requested use.

All bed-and-breakfast operations shall comply at all times with all requirements and other provisions of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.

Sec. 38-215. Height regulations. [Ord. No. Z, eff. 2-7-1974]

No residential building or structure shall exceed 35 feet in height. All other buildings and structures shall not exceed their usual and customary heights.

Sec. 38-216. Area regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-23, eff. 7-17-1989]

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

- (1) Front yard. There shall be a front yard of not less than 40 feet; provided, however, that there shall be a front yard of not less than 150 feet for all farm buildings and structures.
- (2) Side yard. For residential buildings and structures, there shall be a total side yard of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 60 feet each.
- (3) Rear yard. There shall be a rear yard of not less than 50 feet.
- (4) Lot area. The minimum lot area and width for all uses shall be two acres and 100 feet respectively; provided, however, that any lot which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived may be used for one single-family dwelling if it complies with all the R-3 Low Density Single-Family Residence District requirements for side yards.

Sec. 38-217. Minimum floor area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-18, eff. 2-13-1986]

- (a) Each dwelling unit shall have a minimum of 1,000 square feet of usable floor area; provided, however, that all single-family dwellings with more than one floor level shall meet the following requirements: 1,100 square feet of usable floor area for a 1 1/2-story dwelling, 1,000 square feet of usable floor area in the main and upper level floors of a tri-level dwelling, and 1,400 square feet of usable floor area for a two-story dwelling.
- (b) The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section. Notwithstanding the requirements included in the Subsection (a) of this section, on lots of record as of February 13, 1986, of less than 12,500 square feet, a single-floor dwelling may be constructed with a minimum of 864 square feet, provided it has an attached garage with a minimum width of 18 feet and 400 square

feet in area.

Sec. 38-218. through Sec. 38-242. (Reserved)

DIVISION 4
R-2 Lakeshore Residence District

Sec. 38-243. Description and purpose. [Ord. No. Z, eff. 2-7-1974]

The R-2 Lakeshore Residence District is intended for low density single-family residential uses and other seasonal residential uses along the Lake Michigan shoreline area in the Township.

Sec. 38-244. Use regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-6, eff. 9-7-1978; Ord. No. Z-12, eff. 12-4-1980; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-23, eff. 7-17-1989; Ord. No. Z-56, eff. 8-22-2006]

Land, buildings or structures in the R-2 Lakeshore Residence District may be used for the following purposes only:

- (1) Single-family dwellings.
- (2) Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The necessity for such use for the surrounding neighborhood;
 - b. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
 - c. The size, nature and character of the proposed use;
 - d. Potential traffic congestion that might be occasioned by the intended 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.
- (3) Private and public schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization and when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazards that will be occasioned by the proposed use;
 - e. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and

- f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (4) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking that is to be provided for the church;
 - d. The potential traffic congestion and hazards that will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with and enhances the adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (5) Recreational or church camps with no travel trailers, when owned and operated by a governmental agency or by a nonprofit organization which has been determined by the United States Internal Revenue Service to be an organization tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or similar successor statute. A site plan for the recreational or church camp or any expansion or extension thereof, which is in accordance with the requirements of Article II, Division 3, of this chapter, shall be approved by the Planning Commission before a building permit is issued.
- (6) Adult foster care facilities that are subject to Township zoning jurisdiction and nursing homes are permitted if authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The number of residents who are to occupy the proposed facility;
 - b. The effect of the proposed facility on the immediate surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed facility;
 - d. Available parking for employees, visitors and others;
 - e. The adequacy of the recreational areas and the open space areas provided for the proposed facility; and
 - f. The proximity of the proposed facility to any other adult foster care facility or nursing home.
- (7) Foster family homes, foster family group homes, family child care homes, and adult foster care family homes are permitted uses as required by the Zoning Act. Group child care homes are special uses to the extent required by the Zoning Act.

- (8) Bed-and-breakfast operations when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The number of bed-and-breakfast sleeping rooms;
 - b. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed bed-and-breakfast operations;
 - d. Available parking; and
 - e. The ability of the proposed bed-and-breakfast operation to comply with all requirements of Chapter 8, pertaining to bed-and-breakfast establishments, as amended. All bed-and-breakfast operations shall comply at all times with all requirements and other provisions of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.
- (9) Home occupations when authorized in accordance with Section 38-506.

Sec. 38-245. Height regulations. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-246. Area regulations. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. ZO15, eff. 9-21-2015]

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

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. For residential buildings, no side yard shall be less than 10 feet. For all other buildings, no side yard shall be less than 10 feet.
- (3) Rear yard. There shall be a rear yard of not less than 50 feet; provided, however, that no buildings shall be located closer than 50 feet from the one-hundred-year elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency.
- (4) Lot area and width. The minimum lot area and width for residential uses shall be 43,560 square feet and 100 feet, respectively. The minimum lot area and width for all other uses shall be three acres and 200 feet, respectively.

Sec. 38-247. Minimum floor area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-18, eff. 2-13-1986]

- (a) Each dwelling unit shall have a minimum of 1,000 square feet of usable floor area; provided, however, that all single-family dwellings with more than one floor level shall meet the following requirements; 1,100 square feet of usable floor area for a 1 1/2-story dwelling, 1,000 square feet of usable floor area in the main and upper

level floors of a tri-level dwelling, and 1,400 square feet of usable floor area for a two-story dwelling.

- (b) The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section. Notwithstanding the requirements included in Subsection (a) of this section, on lots of record as of February 13, 1986 of less than 12,500 square feet, a single-floor dwelling may be constructed with a minimum of 864, provided it has an attached garage with a minimum width of 18 feet and 400 square feet in area.

DIVISION 4A
LC Lake Court Overlay District
[Amended by Ord. No. 2021-02, eff. 8-4-2021]

Sec. 38-248. Description and purpose.

- (a) The LC Lake Court Overlay District is designed to promote the health, safety, and welfare of the Township through the following goals and objectives:
- (1) Limit site improvements to blend with the existing topographic character of the earth.
 - (2) Allow for the modernization of existing single-family dwellings.
 - (3) Maintain a stable single-family neighborhood on Lake Court.

Sec. 38-249. Use regulations.

- (a) The Lake Court Overlay District does not replace or restrict the range of land uses allowed in the underlying zoning district but provides additional development standards that must be met for any lot located partially or completely within the Lake Court Overlay District identified on the Zoning Map, which includes the lots listed within Section 38-252 of this chapter.
- (b) Where the standards of the Lake Court Overlay District are less restrictive or more restrictive than the underlying zoning district or any other provision of this chapter, as determined by the Zoning Administrator, the standards of the Lake Court Overlay District shall control. Where the standards of the Lake Court Overlay District are silent, the general regulations and restrictions of the Zoning Ordinance, including, but not limited to, the underlying zoning district, shall control.

Sec. 38-250. Height regulations.

In no instance shall the maximum building height of any wall of any residential principal building on a lot abutting Lake Court exceed 35 feet. The maximum building height shall be established by the vertical distance measured at the main entrance within the front yard wall, measured three feet out from the structure, to the highest point of the roof surface. The height shall be measured from the existing grade established using the Ottawa County Geospatial Insights and Solutions Department, or successor department, 2018 contours. In the instance no entrance is located within the front yard wall, the maximum building height shall be measured from the average existing grade of only the front yard wall, measured three feet out from the structure, to the highest point of the roof surface. In either event, no other wall shall exceed that of the front wall.

Sec. 38-251. Area regulations.

- (a) No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard requirements:
- (1) Front yard. No front yard shall be less than 15 feet.
 - (2) Side yard. No side yard shall be less than five feet.

- (3) Rear yard. No rear yard shall be less than five feet; provided, however, that no buildings shall be located closer than 50 feet from the 100-year floodplain elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency.

Sec. 38-252. Lots within the district.

70-15-09-148-01	70-15-09-148-03	70-15-09-148-03	70-15-09-148-01	70-15-09-148-032
70-15-09-148-01	70-15-09-148-01	70-15-09-184-00	70-15-09-184-00	70-15-09-184-010
70-15-09-184-03	70-15-09-148-01	70-15-09-184-00	70-15-09-184-00	70-15-09-148-018
70-15-09-184-03	70-15-09-184-00	70-15-09-184-00	70-15-09-184-03	70-15-09-148-014

Sec. 38-253. through Sec. 38-259. (Reserved)

DIVISION 4B
EB Edgewood Beach Overlay District
[Added by Ord. No. 2021-03, eff. 8-4-2021]

Sec. 38-260. Description and purpose.

- (a) The EB Edgewood Beach Overlay District is designed to promote the health, safety, and welfare of the Township through the following goals and objectives:
 - (1) Limit densities that would compromise safe access by emergency vehicles, unnecessarily increase fire loads, and restrict the ability to provide adequate emergency service.
 - (2) Limit site improvements to blend with the existing topographic character of the earth.
 - (3) Allow for the modernization of existing single-family dwellings.
 - (4) Maintain a stable single-family neighborhood within Edgewood Beach.

Sec. 38-261. Use regulations.

- (a) The Edgewood Beach Overlay District does not replace or restrict the range of land uses allowed in the underlying zoning district but provides additional development standards that must be met for any lot located partially or completely within the Edgewood Beach Overlay District identified on the Zoning Map, which includes the lots listed within Section 38-264 of this chapter.
- (b) Where the standards of the Edgewood Beach Overlay District are less restrictive or more restrictive than the underlying zoning district or any other provision of this chapter, as determined by the Zoning Administrator, the standards of the Edgewood Beach Overlay District shall control. Where the standards of the Edgewood Beach Overlay District are silent, the general regulations and restrictions of the Zoning Ordinance, including, but not limited to, the underlying zoning district, shall control.

Sec. 38-262. Area regulations.

- (a) No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard requirements:
 - (1) Front yard. No front yard shall be less than 35 feet.
 - (2) Rear yard. No rear yard shall be less than 10 feet; provided, however, that no buildings shall be located closer than 50 feet from the 100-year floodplain elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency.

Sec. 38-263. Preexisting principal building and reconstruction.

All setbacks for a principal building in existence prior to the adoption of this chapter shall be considered conforming. Any principal building destroyed by fire, wind, act

of God, public enemy, or any other means not self-inflicted, except that for which a demolition permit has been issued by the Township, may be rebuilt and restored to its former building footprint.

Sec. 38-264. Lots within the district.

70-15-09-348-03	70-15-09-384-02	70-15-09-385-01	70-15-09-384-01	70-15-09-348-031
70-15-09-385-03	70-15-09-385-00	70-15-09-384-00	70-15-09-384-02	70-15-09-384-025
70-15-09-385-03	70-15-09-384-02	70-15-09-385-01	70-15-09-348-03	70-15-09-348-033
70-15-09-384-01	70-15-09-385-03	70-15-09-384-03	70-15-09-385-00	70-15-09-348-032
70-15-09-384-01	70-15-09-348-03	70-15-09-385-00	70-15-09-348-02	70-15-09-384-023
70-15-09-385-03	70-15-09-384-03	70-15-09-385-03	70-15-09-348-02	70-15-09-348-040
70-15-09-385-00	70-15-09-348-04	70-15-09-384-01	70-15-09-385-00	70-15-09-384-014
70-15-09-384-02	70-15-09-348-01	70-15-09-385-003		

Sec. 38-265. through Sec. 38-272. (Reserved)

DIVISION 5
R-3 Low Density Single-Family Residence District

Sec. 38-273. Description and purpose. [Ord. No. Z, eff. 2-7-1974]

The R-3 Low Density Single-Family Residence District is intended for low density single-family residential uses together with required recreational, religious and educational facilities.

Sec. 38-274. Use regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-23, eff. 7-17-1989; Ord. No. Z-56, eff. 8-22-2006]

Land, buildings or structures in the R-3 Low Density Single-Family Residence District may be used for the following purposes only:

- (1) Single-family dwellings.
- (2) Private and public schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization and when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazards that will be occasioned by the proposed use;
 - e. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (3) Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization when authorized as a special use by the Planning Commission utilizing the same standards as are provided in Section 38-244(2).
- (4) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking that is to be provided for the church;
 - d. The potential traffic congestion and hazards that will be caused by the church use;

- e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (5) Adult foster care facilities that are subject to Township zoning jurisdiction and nursing homes are permitted if authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The number of residents who are to occupy the proposed facility;
 - b. The effect of the proposed facility on the immediate surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed facility;
 - d. Available parking for employees, visitors and others;
 - e. The adequacy of the recreational areas and the open space areas provided for the proposed facility; and
 - f. The proximity of the proposed facility to any other adult foster care facility or nursing home.
- (6) Foster family homes, foster family group homes, family child care homes, and adult foster care family homes are permitted uses as required by the Zoning Act. Group child care homes are special uses to the extent required by the Zoning Act.
- (7) Bed-and-breakfast operations when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The number of bed-and-breakfast sleeping rooms;
 - b. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed bed-and-breakfast operation;
 - d. Available parking; and
 - e. The ability of the proposed bed-and-breakfast operation to comply with all requirements of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.
- (8) All bed-and-breakfast operations shall comply at all times with all requirements and other provisions of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.
- (9) Home occupations when authorized in accordance with Section 38-506.

Sec. 38-275. Height regulations. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-276. Area regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-2, eff. 11-18-1974; amended by Ord. No. ZO16-1, eff. 6-16-2016]

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

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. No side yard shall be less than 10 feet.
- (3) Rear yard. There shall be a rear yard of not less than 50 feet. **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**
- (4) Lot area and width. The minimum lot area and width for residential uses shall be 15,000 square feet and 90 feet, respectively. The minimum lot area for all other permitted uses shall be 15,000 square feet.

Sec. 38-277. Minimum floor area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-18, eff. 2-13-1986]

- (a) Each dwelling unit shall have a minimum of 1,000 square feet of usable floor area; provided, however, that all single-family dwellings with more than one floor level shall meet the following requirements: 1,100 square feet of usable floor area for a 1 1/2-story dwelling, 1,000 square feet of usable floor area in the main and upper level floors of a tri-level dwelling, and 1,400 square feet of usable floor area for a two-story dwelling.
- (b) The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section. Notwithstanding the requirements included in the Subsection (a) of this section, on lots of record as of February 13, 1986, of less than 12,500 square feet, a single-floor dwelling may be constructed with a minimum of 864 square feet, provided it has an attached garage with a minimum width of 18 feet and 400 square feet in area.

Sec. 38-278. through Sec. 38-302. (Reserved)

DIVISION 6

R-4 Medium Density Single- and Two-Family Residence District**Sec. 38-303. Description and purpose. [Ord. No. Z, eff. 2-7-1974]**

The R-4 Medium Density Single- and Two-Family Residence District is intended for medium density single- and two-family uses.

Sec. 38-304. Use regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-23, eff. 7-17-1989; Ord. No. Z-56, eff. 8-22-2006]

Land, buildings or structures in the R-4 Medium Density Single- and Two-Family Residence District may be used for the following purposes only:

- (1) Any use permitted in the R-3 Low Density Single-Family District, subject, except as specifically provided otherwise in this division, to the same conditions, restrictions and requirements as are provided in said R-3 Zoning District.
- (2) Two-family dwelling.
- (3) Home occupations when authorized in accordance with Section 38-506.
- (4) Bed-and-breakfast operations when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The number of bed-and-breakfast sleeping rooms;
 - b. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed bed-and-breakfast operation;
 - d. Available parking; and
 - e. The ability of the proposed bed-and-breakfast operation to comply with all requirements of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.

All bed-and-breakfast operations shall comply at all times with all requirements and other provisions of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.

Sec. 38-305. Height regulations. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-306. Area regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-2, eff. 11-18-1974; amended by Ord. No. ZO16-1, eff. 6-16-2016]

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

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. There shall be total side yards of not less than 20 feet; provided, however, that no yard shall be less than seven feet.
- (3) Rear yard. There shall be a rear yard of not less than 25 feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than 50 feet. **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**
- (4) Lot area and width (single-family). The minimum lot area and width for a single-family dwelling shall be 8,500 square feet and 85 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 90 feet, respectively, and that the minimum lot area for lots served with public water but not served with public sewer shall be 10,000 square feet.
- (5) Lot area and width (two-family). The minimum lot area and width for a two-family dwelling shall be 15,000 square feet and 100 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 30,000 square feet and 100 feet, respectively, and that the minimum lot area for lots served with public water but not served with public sewer shall be 20,000 square feet.

Sec. 38-307. Minimum floor area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-6, eff. 9-7-1978; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-18, eff. 2-13-1986]

- (a) Single-family dwellings shall have a minimum of 1,000 square feet of usable floor area; provided, however, that all single-family dwellings with more than one floor level shall meet the following requirements: 1,100 square feet of usable floor area for a 1 1/2-story dwelling, 1,000 square feet of usable floor area in the main and upper level floors of a tri-level dwelling, and 1,400 square feet of usable floor area for a two-story dwelling. Each dwelling unit in a two-family dwelling shall have a minimum of 1,000 square feet of usable floor area; provided, however, if both units in the dwelling have an attached garage with 300 square feet of area, then the minimum usable floor area for each dwelling shall be 860 square feet.
- (b) The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section. Notwithstanding the requirements included in the Subsection (a) of this section, on lots of record as of February 13, 1986, of less than 12,500 square feet, a single-floor dwelling may be constructed with a minimum of 864 square feet, provided it has an attached garage with a minimum width of 18 feet and 400 square feet in area.

Sec. 38-308. through Sec. 38-319. (Reserved)

DIVISION 6A
MP Macatawa Park Overlay District
[Added by Ord. No. 2018-3, eff. 8-26-2018]

Sec. 38-320. Description and purpose.

- (a) The MP Macatawa Park Overlay District is designed to promote the health, safety, and general welfare of the Township through the following goals and objectives:
 - (1) Limit densities that would compromise safe access by emergency vehicles, unnecessarily increase fire loads, and restrict the ability to provide adequate emergency service.
 - (2) Improve access on roads by lessening congestion.
 - (3) Provide for the safe movement of pedestrian and vehicular traffic.
 - (4) Protect woodlands, dune areas, and areas adjacent to Lake Macatawa and Lake Michigan, and other environmentally sensitive areas from overdevelopment.
 - (5) Limit site improvements to blend with the existing topographic character of the earth.
 - (6) Allow for the modernization of existing single-family and two-family dwellings.
 - (7) Maintain stable single-family and two-family neighborhoods within Macatawa Park.

Sec. 38-321. Use regulations.

- (a) The Macatawa Park Overlay District does not replace or restrict the range of uses allowed in the underlying zoning districts but provides additional development standards that must be met for any lot located partially or completely within the Macatawa Park Overlay District identified on the Zoning Map, which includes the lots listed within Section 38-322 of this chapter.
- (b) Where the standards of the Macatawa Park Overlay District are less restrictive or more restrictive than the underlying zoning district or any other provision of this chapter, as determined by the Zoning Administrator, the standards of the Macatawa Park Overlay District shall apply. Where the standards of the Macatawa Park Overlay District are silent, the general regulations and restrictions of this chapter, including, but not limited to, the underlying zoning district, shall control. No new planned unit developments within the Macatawa Park Overlay District shall be permitted.
- (c) Permitted and special uses within the Macatawa Park Overlay District shall be regulated in the underlying zoning district subject to the following additional provisions:
 - (1) Improved lot. A lot containing a single-family dwelling or a two-family dwelling shall comply with the following:

- a. Front yard averaging. The required front yard of the principal building may be reduced to 75% of the average depth of at least three front yards of existing principal buildings on lots within 300 feet of the lot in question and within the same block and within the same underlying zoning district; provided, however, if there are fewer than three such principal buildings within 300 feet of the lot in question, then the 300-foot distance shall be extended to the distance necessary to utilize a minimum of three such principal buildings for the purpose of determining the average depth, as established by a licensed surveyor or the Zoning Administrator.
- b. Side yard averaging. The required side yard of the principal building may be reduced to 75% of the average depth of at least three side yards of existing principal buildings on lots within 300 feet of the lot in question and within the same block and within the same underlying zoning district; provided, however, if there are fewer than three such principal buildings within 300 feet of the lot in question, then the 300-foot distance shall be extended to the distance necessary to utilize a minimum of three such principal buildings for the purpose of determining the average depth, as established by a licensed surveyor or the Zoning Administrator.
- c. Rear yard averaging. The required rear yard of the principal building may be reduced to 75% of the average depth of at least three rear yards of existing principal buildings on lots within 300 feet of the lot in question and within the same block and within the same underlying zoning district; provided, however, if there are fewer than three such principal buildings within 300 feet of the lot in question, then the 300-foot distance shall be extended to the distance necessary to utilize a minimum of three such principal buildings for the purpose of determining the average depth, as established by a licensed surveyor or the Zoning Administrator.
- d. Mitigation. Any improved lot subject to a building permit that reduces the front yard to less than five feet or increases the building area within five feet of the street right-of-way shall provide means to mitigate hazards for vehicular and pedestrian traffic within the adjacent street to the satisfaction of the Zoning Administrator, who shall confer with the appropriate expert(s) regarding the proposed means to mitigate hazards, including, but not necessarily limited to, the Ottawa County Sheriff's Department, the Township Fire Chief, the Township Planner, the Township Attorney, or any other Township staff or consultant qualified to assess hazard mitigation. Alternatively, a professional study or studies containing evidence that mitigation is impossible shall be provided.
- e. Automatic fire extinguishing system. Pursuant to Section 901.4.4 of the International Fire Code, as amended, because special hazards exist in addition to the normal hazards of occupancy, and access for fire apparatus is unduly difficult, the Park Township Fire Chief may require an automatic fire extinguishing system be installed within any single-family dwelling or two-family dwelling subject to a building permit.
- f. Parking area. Any improved lot subject to a building permit shall provide

an on-site parking area meeting the minimum number of parking spaces and the minimum dimensions for each parking space pursuant to Section 38-601 of this chapter. Alternatively, off-site parking or a combination of on-site parking and off-site parking, when located entirely within MP Overlay District, may be provided. In addition, for each 600 square feet of principal building floor area beyond the first 1,800 square feet of principal building floor area, one additional parking space shall be required.

- g. Preexisting principal building and reconstruction. All setbacks for a principal building in existence prior to the adoption of this chapter shall be considered conforming. Any principal building destroyed by fire, wind, act of God, public enemy, or any other means not self-inflicted may be rebuilt and restored to its former building footprint. Reconstruction of a preexisting principal building is subject to Section 38-321(c)(1)f of this division.
- (2) Unimproved lot. A lot vacant of a principal building, accessory structure or combination thereof shall comply with the following:
- a. New construction. No new principal building shall be constructed on an unimproved or vacant lot unless the lot meets the minimum lot area and the minimum lot width of the underlying zoning district.
 - b. Front yard averaging. The required front yard of the principal building may be reduced to 75% of the average depth of at least three front yards of existing principal buildings on lots within 300 feet of the lot in question and within the same block and within the same underlying zoning district; provided, however, if there are fewer than three such principal buildings within 300 feet of the lot in question, then the distance 300-foot distance shall be extended to the distance necessary to utilize a minimum of three such principal buildings for the purpose of determining the average depth, as established by a licensed surveyor or the Zoning Administrator.
 - c. Side yard averaging. The required side yard of the principal building may be reduced to 75% of the average depth of at least three side yards of existing principal buildings on lots within 300 feet of the lot in question and within the same block and within the same underlying zoning district; provided, however, if there are fewer than three such principal buildings within 300 feet of the lot in question, then the 300-foot distance shall be extended to the distance necessary to utilize a minimum of three such principal buildings for the purpose of determining the average depth, as established by a licensed surveyor or the Zoning Administrator.
 - d. Rear yard averaging. The required rear yard of the principal building may be reduced to 75% of the average depth of at least three rear yards of existing principal buildings on lots within 300 feet of the lot in question and within the same block and within the same underlying zoning district; provided, however, if there are fewer than three such principal buildings within 300 feet of the lot in question, then the 300-foot distance shall be

extended to the distance necessary to utilize a minimum of three such principal buildings for the purpose of determining the average depth, as established by a licensed surveyor or the Zoning Administrator.

- e. Building footprint. The building footprint shall include all foundation walls and any cantilevered building faces together with any attached accessory buildings, but excluding decks and patios of 30 inches or less in height.
- f. Automatic fire extinguishing system. Pursuant to Section 901.4.4 of the International Fire Code, as amended, because special hazards exist in addition to the normal hazards of occupancy, and access for fire apparatus is unduly difficult, the Park Township Fire Chief may require an automatic fire extinguishing system be installed within the entirety of any new single-family dwelling or two-family dwelling.
- g. Parking area. Any unimproved lot subject to a building permit shall provide an on-site parking area meeting the minimum number of parking spaces and the minimum dimensions for each parking space pursuant to Section 38-601 of this chapter. In addition, for each 600 square feet of principal building floor area beyond the first 1,800 square feet of principal building floor area, one additional parking space shall be required.

Sec. 38-322. Lots within the district.

- 70-15-33-379-0040-15-33-382-0140-15-33-384-0070-15-33-388-0300-15-33-393-004
- 70-15-33-380-0070-15-33-382-0150-15-33-384-0020-15-33-388-0370-15-33-393-005
- 70-15-33-380-0020-15-33-382-0180-15-33-384-0030-15-33-388-0320-15-33-393-006
- 70-15-33-380-0030-15-33-382-0270-15-33-384-0040-15-33-388-0370-15-33-394-002
- 70-15-33-380-0040-15-33-382-0220-15-33-384-0100-15-33-388-0380-15-33-394-003
- 70-15-33-380-0050-15-33-382-0230-15-33-384-0170-15-33-388-0390-15-33-394-004
- 70-15-33-380-0060-15-33-382-0240-15-33-384-0120-15-33-388-0400-15-33-394-006
- 70-15-33-380-0070-15-33-382-0260-15-33-384-0130-15-33-388-0470-15-33-394-007
- 70-15-33-380-0140-15-33-382-0290-15-33-384-0140-15-33-388-0430-15-33-394-008
- 70-15-33-380-0150-15-33-382-0300-15-33-384-0150-15-33-388-0450-15-33-394-009
- 70-15-33-380-0170-15-33-382-0370-15-33-385-0020-15-33-388-0460-15-33-394-010
- 70-15-33-380-0180-15-33-382-0320-15-33-385-0030-15-33-388-0470-15-33-394-011
- 70-15-33-380-0190-15-33-382-0330-15-33-385-0080-15-33-388-0480-15-33-394-012
- 70-15-33-380-0200-15-33-382-0340-15-33-385-0090-15-33-389-0070-15-33-394-013
- 70-15-33-380-0270-15-33-382-0350-15-33-385-0100-15-33-389-0040-15-33-394-015
- 70-15-33-380-0240-15-33-382-0470-15-33-386-0070-15-33-389-0050-15-33-394-016
- 70-15-33-380-0260-15-33-382-0450-15-33-386-0020-15-33-389-0090-15-33-394-017
- 70-15-33-380-0270-15-33-382-0460-15-33-386-0030-15-33-389-0100-15-33-394-018

70-15-33-380-03270-15-33-382-04770-15-33-386-00470-15-33-389-01170-15-33-394-019
70-15-33-380-03370-15-33-382-04970-15-33-386-00770-15-33-389-01270-15-33-394-020
70-15-33-380-03470-15-33-382-05270-15-33-386-00870-15-33-389-01370-15-33-394-021
70-15-33-380-03570-15-33-382-05370-15-33-386-01470-15-33-389-01570-15-33-394-023
70-15-33-381-00170-15-33-382-05470-15-33-387-00470-15-33-389-01670-15-33-394-024
70-15-33-381-00270-15-33-382-05570-15-33-387-00970-15-33-390-00170-15-33-394-025
70-15-33-381-00370-15-33-382-05770-15-33-387-02170-15-33-390-00370-15-33-460-006
70-15-33-381-00470-15-33-382-05870-15-33-387-02770-15-33-390-00470-15-33-461-001
70-15-33-381-00570-15-33-382-05970-15-33-387-02870-15-33-390-00770-15-33-461-010
70-15-33-381-00770-15-33-382-06070-15-33-388-00170-15-33-392-00270-15-33-461-011
70-15-33-381-00870-15-33-382-06170-15-33-388-00270-15-33-392-00470-15-33-461-015
70-15-33-381-00970-15-33-382-06270-15-33-388-00370-15-33-392-00570-15-33-461-016
70-15-33-381-01170-15-33-382-06370-15-33-388-00670-15-33-392-007
70-15-33-382-00270-15-33-383-00370-15-33-388-00770-15-33-393-001
70-15-33-382-00370-15-33-383-00670-15-33-388-00870-15-33-393-002
70-15-33-382-00970-15-33-383-00870-15-33-388-02470-15-33-393-003

DIVISION 6B
OB Ottawa Beach Overlay District
[Added by Ord. No. 2020-2, eff. 9-17-2020]

Sec. 38-323. Description and purpose.

The OB Ottawa Beach Overlay District is designed to promote the health, safety, and general welfare of the Township through the following goals and objectives:

- (1) Limit densities that would compromise safe access by emergency vehicles, unnecessarily increase fire loads, and restrict the ability to provide adequate emergency service.
- (2) Improve access on roads by lessening congestion.
- (3) Provide for the safe movement of pedestrian and vehicular traffic.
- (4) Prohibit the expansion of commercial uses to protect and promote the historic residential character and lessen the congestion of streets and pedestrian pathways.
- (5) Protect woodlands, dune areas, and areas adjacent to Lake Macatawa and Lake Michigan, and other environmentally sensitive areas from overdevelopment.
- (6) Limit site improvements to blend with the existing topographic character of the earth.
- (7) Allow for the modernization of existing single-family and two-family dwellings.
- (8) Maintain stable single-family and two-family neighborhoods within Ottawa Beach.

Sec. 38-324. Use regulations.

- (a) The Ottawa Beach Overlay District does not replace or restrict the range of land uses allowed in the underlying zoning districts but provides additional development standards that must be met for any lot located partially or completely within the Ottawa Beach Overlay District identified on the zoning map, which includes the lots listed within Section 38-325 of this division.
- (b) Where the standards of the Ottawa Beach Overlay District are less restrictive or more restrictive than the underlying zoning district or any other provision of this chapter, as determined by the Zoning Administrator, the standards of the Ottawa Beach Overlay District shall apply. Where the standards of the Ottawa Beach Overlay District are silent, the general regulations and restrictions of the Zoning Ordinance, including but not limited to the underlying zoning district, shall control. Except for home occupations, no new commercial uses within the Ottawa Beach Overlay District shall be permitted.
- (c) Permitted and special uses within the Ottawa Beach Overlay District shall be regulated in the underlying zoning district subject to the following additional provisions:
 - (1) Improved Lot. A Lot containing a single-family dwelling or a two-family dwelling shall comply with the following:

- a. Side Yard Averaging. Where the average depth of at least two side yards of existing buildings within 300 feet of the lot in question and within the same block on the same side of the street is less than the minimum side yard depth of the underlying zoning district, then the required side yard shall be modified to be no less than the average depth of the existing adjacent buildings, as established by a licensed surveyor or the Zoning Administrator; provided, however, that the depth of the side yard shall not be less than five feet, in any event.
- b. Principal Building Character Height. The maximum principal building height shall not exceed the average height of all principal buildings of the same use on lots within 300 feet of the lot in question within the same block and on the same side of the street, or the maximum height of the underlying zoning district, whichever is less.
- c. Parking Area. Any Improved lot subject to a building permit shall provide an on-site parking area meeting the minimum number of parking spaces and the minimum dimensions for each parking space pursuant to Section 38-601 of this chapter. Alternatively, off-site parking or a combination of on-site parking and off-site parking, when located entirely within the OB Overlay District, may be provided.
- d. Pre-Existing Principal Building and Reconstruction. All setbacks for a principal building in existence prior to the adoption of this chapter shall be considered conforming. Any principal building destroyed by fire, wind, act of God, public enemy, or any other means not self-inflicted, except that for which a demolition permit has been issued by the Township, may be rebuilt and restored to its former building footprint. Reconstruction of a pre-existing principal building is subject to Section 38-324(c)(1)c of this division and may be expanded pursuant to Section 38-324(c)(1)a through d.
- e. Any earth change or grade change that involves more than 100 cubic yards will be permitted only as a special use subject to the review and approval of the Planning Commission. In making its decision, the Planning Commission shall consider the following standards:
 1. The nature of the proposed change, including, without limitation, whether materials are to be excavated and removed from, or imported to, or moved upon the parcel and the purpose for the proposed change, together with the clearing of the land.
 2. The proposed change in the topography of the parcel. The change shall not cause significant change in the natural topography or have an adverse or destructive impact on the environment, a natural resource, adjoining properties, or the neighborhood.
 3. The effect and impact of such change on neighboring parcels and whether such change can be conducted in a manner harmonious with the neighboring uses of property.
 4. The potential of the change to create safety concerns or hazards, to

cause problems with noise, fumes, dust, lights and vibrations, to create erosion problems, to alter the groundwater table in the vicinity, to cause flooding or diversion of water, to result in the creation of sand blows, stagnant water pools, bogs and other similar problems affecting the adjacent properties and environment in the neighborhood.

5. The change must not create or cause a safety hazard, erosion by wind or water, alteration of groundwater tables and other similar problems. The change must not cause or create any sand blows, stagnant water pools, bogs or any similar type circumstances that cause injury to adjoining properties or the neighborhood.
 6. The types of trucks and other equipment to be used and the potential for traffic congestion, damage to roads, noise and debris, and safety hazards resulting from trucks and equipment used in the change activities. The change shall not result in traffic congestion, road safety hazards or other similar problems.
 7. Whether the change activities comply with all applicable federal, state, county and local laws, ordinances, rules, regulations, permits and requirements.
- (2) Unimproved Lot. A lot vacant of a principal building, accessory structure or combination thereof shall comply with the following:
- a. New Construction. No new principal building shall be constructed on an unimproved or vacant lot unless the lot meets the minimum lot area and the minimum lot width of the underlying zoning district.
 - b. Principal Building Character Height. The maximum principal building height shall not exceed the average height of all principal buildings of the same use on lots within 300 feet of the lot in question within the same block and on the same side of the street, or the maximum height of the underlying zoning district, whichever is less.
 - c. Side Yard Averaging. Where the average depth of at least two side yards of existing buildings within 300 feet of the lot in question and within the same block on the same side of the street is less than the minimum side yard depth of the underlying zoning district, then the required side yard shall be modified to be no less than the average depth of the existing adjacent buildings, as established by a licensed surveyor or the Zoning Administrator; provided, however, that the depth of the side yard shall not be less than five feet, in any event.
 - d. Building Footprint. The building footprint shall include all foundation walls and any cantilevered building faces together with any attached accessory buildings, but excluding decks and patios of 30 inches or less in height.
 - e. Parking Area. Any unimproved lot subject to a building permit shall provide an on-site parking area meeting the minimum number of parking

spaces and the minimum dimensions for each parking space pursuant to Section 38-601 of this chapter. Alternatively, off-site parking or a combination of on-site parking and off-site parking, when located entirely within the OB Overlay District, may be provided.

- f. Any earth change or grade change that involves more than 100 cubic yards will be permitted only as a special use subject to the review and approval of the Planning Commission. In making its decision, the Planning Commission shall consider the following standards:
 1. The nature of the proposed change, including, without limitation, whether materials are to be excavated and removed from, or imported to, or moved upon the parcel and the purpose for the proposed change, together with the clearing of the land.
 2. The proposed change in the topography of the parcel. The change shall not cause significant change in the natural topography or have an adverse or destructive impact on the environment, a natural resource, adjoining properties, or the neighborhood.
 3. The effect and impact of such change on neighboring parcels and whether such change can be conducted in a manner harmonious with the neighboring uses of property.
 4. The potential of the change to create safety concerns or hazards, to cause problems with noise, fumes, dust, lights and vibrations, to create erosion problems, to alter the groundwater table in the vicinity, to cause flooding or diversion of water, to result in the creation of sand blows, stagnant water pools, bogs and other similar problems affecting the adjacent properties and environment in the neighborhood.
 5. The change must not create or cause a safety hazard, erosion by wind or water, alteration of groundwater tables and other similar problems. The change must not cause or create any sand blows, stagnant water pools, bogs or any similar type circumstances that cause injury to adjoining properties or the neighborhood.
 6. The types of trucks and other equipment to be used and the potential for traffic congestion, damage to roads, noise and debris, and safety hazards resulting from trucks and equipment used in the change activities. The change shall not result in traffic congestion, road safety hazards or other similar problems.
 7. Whether the change activities comply with all applicable federal, state, county and local laws, ordinances, rules, regulations, permits and requirements.
- (d) Recreational fires. All recreational fires shall be prohibited except for not more than one recreational fire on a lot, which complies with following:
 - (1) Located no less than 25 feet from any structure, other combustible material,

lot line, roadway, bike path, sidewalk, boardwalk, alleyway, or fence. When contained within a portable outdoor fireplace, as defined by the International Fire Code, as amended, the recreational fire may be located no less than 15 feet from any structure, other combustible material, lot line, roadway, bike path, sidewalk, boardwalk, alleyway, or fence.

- (2) Located no less than 20 feet from tree branches and overhead wires.
- (3) Fire rings must be built or lined with noncombustible material, such as brick, rock, or metal, or be otherwise designed for recreational fires with a fire grate or cover approved by the Park Township Fire Department.
- (4) No greater than three feet in diameter and two feet in height.
- (5) Contains a fire grate as defined by this chapter.
- (6) Only seasoned wood may be burned. Leaves, yard waste such as grass clippings, dune grass, ornamental grass, household waste, construction materials, commercial or industrial waste, or any other material that would cause a public nuisance is prohibited to be burned.
- (7) A reliable water supply able to extinguish the fire shall be readily available any time a fire is present, which includes, but is not necessarily limited to, a portable fire extinguisher or garden hose connected to an active water service.
- (8) Wind speeds shall be of 10 miles per hour or less when a fire is present. Any fire that is present in wind speeds greater than 10 miles per hour shall be immediately extinguished.
- (9) Any fire shall be extinguished prior to midnight or when directed by the Park Township Fire Department or their designee.
- (10) Any fire shall be attended by a competent person of 18 years or older until fully extinguished.
- (11) Recreational fires are prohibited on an unimproved lot.
- (12) All recreational fire locations shall be subject to approval by the Park Township Fire Department.

Sec. 38-325. Lots within the district.

70-15-33-275-01 70-15-33-296-02 70-15-33-298-00 70-15-33-179-01 70-15-33-180-003
 70-15-33-298-005 70-15-33-177-005 70-15-33-330-007 70-15-33-290-01 70-15-33-290-025
 70-15-33-296-015 70-15-33-180-009 70-15-33-179-013 70-15-33-298-006 70-15-33-425-003
 70-15-33-201-013 70-15-33-275-023 70-15-33-290-005 70-15-33-290-027 70-15-33-283-001
 70-15-33-275-006 70-15-33-273-005 70-15-33-296-01 70-15-33-290-014 70-15-33-179-020
 70-15-33-290-030 70-15-33-296-012 70-15-33-291-003 70-15-33-177-01 70-15-33-424-001
 70-15-33-290-033 70-15-33-290-023 70-15-33-275-014 70-15-33-291-004 70-15-33-274-009
 70-15-33-180-006 70-15-33-275-022 70-15-33-279-005 70-15-33-298-00 70-15-33-290-020

70-15-33-290-01070-15-33-146-02470-15-33-283-00770-15-33-177-01270-15-33-291-006
70-15-33-275-0170-15-33-425-00670-15-33-274-0270-15-33-425-00270-15-33-295-005
70-15-33-290-00870-15-33-283-01070-15-33-296-00270-15-33-285-01070-15-33-290-012
70-15-33-290-01370-15-33-296-0070-15-33-146-02570-15-33-290-0070-15-33-272-001
70-15-33-290-01870-15-33-281-01370-15-33-290-00670-15-33-272-00570-15-33-279-003
70-15-33-181-00370-15-33-201-00670-15-33-181-00470-15-33-272-00970-15-33-284-007
70-15-33-275-01770-15-33-279-0070-15-33-179-01670-15-33-179-01270-15-33-330-003
70-15-33-179-01470-15-33-281-00470-15-33-425-00870-15-33-201-00470-15-33-426-001
70-15-33-179-00470-15-33-179-01870-15-33-180-00870-15-33-177-00470-15-33-424-003
70-15-33-295-00670-15-33-428-0070-15-33-275-00570-15-33-296-00470-15-33-272-003
70-15-33-281-00270-15-33-146-00670-15-33-275-00970-15-33-297-0070-15-33-296-010
70-15-33-283-0170-15-33-296-00670-15-33-274-00870-15-33-274-00570-15-33-428-002
70-15-33-298-00370-15-33-179-00570-15-33-281-01270-15-33-274-01470-15-33-201-005
70-15-33-283-00870-15-33-290-00770-15-33-298-00270-15-33-284-01470-15-33-296-003
70-15-33-275-02670-15-33-295-00970-15-33-274-01570-15-33-290-00370-15-33-296-019
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70-15-33-275-02070-15-33-181-00270-15-33-283-01570-15-33-180-00270-15-33-275-028
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70-15-33-275-02470-15-33-274-01970-15-33-275-02570-15-33-291-00970-15-33-296-014
70-15-33-274-02370-15-33-275-01370-15-33-290-02970-15-33-330-006
70-15-33-290-02670-15-33-201-01270-15-33-290-03270-15-33-281-015
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70-15-33-275-01070-15-33-275-00370-15-33-296-00870-15-33-274-018
70-15-33-180-00470-15-33-274-00770-15-33-274-02270-15-33-283-002
70-15-33-290-01670-15-33-181-0070-15-33-281-01470-15-33-275-008
70-15-33-290-03570-15-33-201-0170-15-33-180-0170-15-33-180-007

70-15-33-298-0070-15-33-298-0040-15-33-296-0170-15-33-283-009
70-15-33-290-0280-15-33-201-0030-15-33-425-0070-15-33-295-003
70-15-33-425-0070-15-33-272-0080-15-33-179-0070-15-33-279-002
70-15-33-290-0040-15-33-146-0070-15-33-281-0050-15-33-284-009
70-15-33-179-0150-15-33-291-0050-15-33-275-0040-15-33-281-003
70-15-33-295-0080-15-33-284-0130-15-33-295-0070-15-33-271-003

Sec. 38-326. through Sec. 38-332. (Reserved)

DIVISION 7
R-5 Low Density Multifamily Residence District

Sec. 38-333. Description and purpose. [Ord. No. Z, eff. 2-7-1974]

The R-5 Low Density Multifamily Residence District is intended for low density residential and group housing.

Sec. 38-334. Use regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-23, eff. 7-17-1989; Ord. No. Z-56, eff. 8-22-2006]

Land, buildings or structures in the R-5 Low Density Multifamily Residence District may be used for the following purposes only:

- (1) Any use permitted in the R-4 Medium Density Single- and Two-Family Residence District, subject, except as specifically provided otherwise in this division, to the same conditions, restrictions and requirements as are provided in the said R-4 Zoning District.
- (2) Multifamily dwellings provided they are served by public water.
- (3) Home occupations when authorized in accordance with Section 38-506.
- (4) Bed-and-breakfast operations when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The number of bed-and-breakfast sleeping rooms;
 - b. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood;
 - c. Potential traffic that will be generated by the proposed bed-and-breakfast operation;
 - d. Available parking; and
 - e. The ability of the proposed bed-and-breakfast operation to comply with all requirements of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.

All bed-and-breakfast operations shall comply at all times with all requirements and other provisions of Chapter 8, pertaining to bed-and-breakfast establishments, as amended.

Sec. 38-335. Height regulations. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-336. Area regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-2, eff. 11-18-1974; amended by Ord. No. ZO16-1, eff. 6-16-2016]

No building or structure nor any enlargement thereof shall be hereafter erected except in

conformance with the following yard, lot area and building coverage requirements:

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. There shall be total side yards as follows:
 - a. For single- and two-family dwellings, the total side yards shall be not less than 20 feet; provided, however, that no side yard shall be less than seven feet.
 - b. For multifamily dwellings and all other permitted uses, each side yard shall be not less than 20 feet.
- (3) Rear yard. There shall be a rear yard of not less than 25 feet provided, however, that in the case of lakefront lots, the rear yard shall be not less than 50 feet. **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**
- (4) Lot area and width (single-family). The minimum lot area and width for a single-family dwelling shall be 8,500 square feet and 85 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 90 feet, respectively, and that the minimum lot area for lots served with public water but not served with public sewer shall be 10,000 square feet.
- (5) Lot area and width (two-family). The minimum lot area and width for a two-family dwelling shall be 15,000 square feet and 100 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 30,000 square feet and 100 feet, respectively, and that the minimum lot area for lots served with public water but not served with public sewer shall be 20,000 square feet.
- (6) Lot area and width (other than one- and two-family). The minimum lot width shall be 100 feet. The minimum lot area for multifamily dwellings shall be 4,500 square feet per dwelling unit; provided, however, that the minimum lot area for multifamily dwellings not served with public sewer shall be 10,000 square feet per dwelling unit. The minimum lot area for all other permitted uses shall be 15,000 square feet.

Sec. 38-337. Minimum floor area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-18, eff. 2-13-1986]

- (a) Each single-family and two-family dwelling shall have minimum usable floor area as is required by Section 38-307. Each multifamily dwelling shall have minimum usable floor area as follows: one-bedroom unit, 650 square feet per unit; two-bedroom unit, 750 square feet per unit; three-bedroom unit, 900 square feet per unit; additional bedrooms require an additional 100 square feet of usable floor area for each additional bedroom.
- (b) The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section. Notwithstanding the requirements included in the Subsection (a) of this section, on lots of record as of February 13, 1986, of less than 12,500 square feet, a single-floor dwelling may be constructed with a minimum of 864 square feet,

provided it has an attached garage with a minimum width of 18 feet and 400 square feet in area.

Sec. 38-338. through Sec. 38-362. (Reserved)

DIVISION 8
Planned Unit Development (PUD)¹

Sec. 38-363. Description and purpose. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) The purpose of planned unit development ("PUD") regulations is to encourage and allow more creative and innovative design of land development and use than is possible under conventional zoning district regulations. Planned unit developments are intended to allow flexibility in planning and in designing development proposals, which ideally results in a development that contains more amenities through preservation of natural and cultural resources, and through providing a combination of complementary uses. The result is ultimately a development that is more desirable than one produced in accordance with conventional zoning ordinance and subdivision controls.
- (b) Through proper design and review, each PUD should substantially meet the following objectives:
 - (1) To allow a mix of uses, structures, facilities, housing types and open space that is compatible with existing and planned uses on nearby properties.
 - (2) To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and preserves natural resources such as wetlands, forests, floodplains, natural drainage patterns, agricultural lands, wildlife habitats and other natural site features.
 - (3) To provide for the regulation of lawful and reasonable land uses not otherwise authorized within this chapter.
 - (4) To provide for single- or mixed-use developments which respect the goals and objectives of this chapter and the Park Township Master Plan.
 - (5) To encourage the provision of open space and the development of recreational and other support facilities in generally central locations or within a reasonable distance of all dwellings or uses.
 - (6) To implement the vision of the Park Township Master Plan in order to provide a high standard of quality of life, varied housing options, and richness of natural assets.

Sec. 38-364. Authorization and permitted uses. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) The Township Board may approve a PUD in any location within Park Township, provided the property meets the qualifying conditions set forth in Section 38-365.
- (b) Any land use allowed by this chapter may be approved by the Township Board within a PUD as a principal or accessory use subject to adequate provisions for the public health, safety, and welfare within the PUD, except manufactured housing communities may only be approved within a PUD in areas recommended in the

1. Editor's Note: Pursuant to Ord. No. ZO17-1, former §§ 38-377 through 38-401 of this division were moved to Art. IX, former §§ 38-403 through 38-405 of this division were moved to Art. X, and former § 38-402 was repealed. The remainder of this division was amended and restated as follows.

Park Township Master Plan for high-density residential and zoned R-4 Medium Density Single- and Two-Family Residence District prior to consideration as a PUD.

- (c) Private roads are allowed in a PUD subject to the requirements of Section 38-512 herein.

Sec. 38-365. Qualifying conditions. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) Minimum PUD area size. In order to be eligible for a PUD, the area proposed for a PUD shall consist of a minimum of two contiguous acres; with the exception that, in the C-1 Neighborhood Business District and the C-2 Resort Service District, the minimum size shall be one contiguous acre.
- (b) Completion of PUD as approved. Upon the transfer of ownership or control of the entire PUD or individual properties within the PUD, all requirements approved by the Township Board shall continue to be met and the development shall be completed in its entirety as approved.

Sec. 38-366. Development requirements for all uses. [Ord. No. ZO17-1, eff. 5-15-2016]

The lot area, lot width, building height, setback, and other dimensional and yard requirements, supplemental regulations, landscaping, signs, lighting and parking regulations and other development regulations which would otherwise be applicable to the type of land use being requested for the PUD shall be determined by the Township Board following a recommendation from the Planning Commission in order to achieve the objectives of this division. Criteria which shall be used in making these determinations shall include the following:

- (1) Number, location, size, and type of dwelling units.
- (2) Type, location, and amount of nonresidential uses proposed.
- (3) Proximity and impact of the PUD on adjacent existing and future land uses.
- (4) Preservation of existing vegetation or other natural features on site.
- (5) Topography of the site.
- (6) Provision of public and/or community water, sanitary sewer and storm sewer or approval of the Ottawa County Health Department for on-site well and septic systems.
- (7) Access for emergency vehicles to all buildings and areas.
- (8) Provisions for pedestrian circulation, recreational amenities, and open space.
- (9) Traffic circulation and safety.

Sec. 38-367. Development requirements for PUDs with residential uses. [Ord. No. ZO17-1, eff. 5-15-2016; amended by Ord. No. 2020-001, eff. 1-27-2020]

For planned unit developments which will devote all or a portion of the site to residential use, the following requirements shall apply, in addition to the requirements of Section 38-366:

- (1) Number of dwellings permitted. An area which is requested for approval to a PUD shall be developed in accordance with the density determined by using the minimum lot size required by the current zoning district for the area for residential uses according to the requirements of Section 38-367(2).
- (2) Formula to determine number of dwellings on net buildable acreage. The number of dwellings which may be constructed within a PUD shall be determined as follows:
 - a. Determine gross site acreage. The gross site acreage may include the public road rights-of-way to which the site abuts only if the legal description for the land includes the road rights-of-way.
 - b. Subtract all the areas of existing wetlands, creeks, streams, ponds, lakes, or other water bodies, floodplains, critical dunes, and slopes of 20% or greater.
 - c. If requested by the Planning Commission or the Township Board, the determination of the existence of wetlands or floodplain areas on a parcel shall be demonstrated through a written determination by the Michigan Department of Natural Resources, or by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission or the Township Board and in compliance with the standards for wetlands or floodplains established by the Michigan Department of Natural Resources at the time of the review.
 - d. Subtract acreage proposed to be devoted to nonresidential uses, except those areas proposed for, but not limited to, parks, playgrounds, and dedicated open space, which shall not be subtracted.
 1. Facilities proposed for, but not limited to, community buildings, indoor recreational facilities, and similar facilities shall be considered nonresidential uses and shall be subtracted to determine net buildable acreage.
 2. Streets, alleys, drives, or similar improvements internal to the site designed for the circulation of traffic, with or without a right-of-way, shall be subtracted to determine net buildable acreage. The area for these improvements shall be calculated using a width of no less than 66 feet by their total length. Driveways generally perpendicular to the street, alley, drive, or similar improvement shall not be included within this calculation.
 - e. The number of acres remaining shall be the net buildable acreage.
 - f. Multiply the net buildable acreage by the number of dwelling units per acre that results using the minimum residential lot size required by the current

zoning district.

- (3) Additional dwellings. Additional dwellings above those authorized by Section 38-367(1) and (2) may be allowed at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional dedicated open space, beyond that required by Section 38-368, which would result in a significant recognizable benefit to the Township and residents of the PUD. In considering whether the PUD will result in a significant recognizable benefit to the Township and the residents of the PUD, the Planning Commission and Board shall consider whether the PUD includes one or more of the following items as well as similar items:
- a. Recreational facilities such as playground areas with play equipment, ball fields, bike paths, constructed lake, community building or similar recreation facilities, with the exception of golf courses.
 - b. Additional landscaping to preserve or enhance the views along the roadway.
 - c. Enhancement of existing wetlands, or creation of lakes or ponds which are not designed solely to function as retention or detention facilities, but are designed primarily as recreational or visual amenities, subject to applicable regulations.
 - d. Provision of additional unique dedicated open space or mature stands of trees which would be of recognizable benefit to Township residents and residents of the PUD.
 - e. Provision of a public or private community water and/or sanitary sewer system.
 - f. If additional dwelling units are to be allowed, the maximum number of dwelling units shall be determined according to the formula in Section 38-367(2)a and f by utilizing the gross site acreage. In no case shall the number of dwelling units exceed that allowed by this subsection.
- (4) Mixed-use developments.
- a. Where a mix of commercial, residential, or other combinations of land uses are proposed for one PUD, the density of the residential portion of the PUD site shall be calculated based upon the net buildable acreage of only that portion of the site where residential uses are permitted by the underlying zoning district.
 - b. The formula to determine additional dwellings for a mixed-use PUD shall be based upon the gross site acreage of only that portion of the PUD site where residential uses are permitted by the underlying zoning district.

Sec. 38-368. Dedicated open space requirements. [Ord. No. ZO17-1, eff. 5-15-2016; amended by Ord. No. 2020-001, eff. 1-27-2020]

- (a) A PUD with residential uses shall provide and maintain the following minimum amount of dedicated open space in accordance with the standards of this article. The Planning Commission shall have the discretion to recommend to the Township Board more than the minimum amount of dedicated open space required by the

following, if such recommendation is made pursuant to the Planning Commission finding that the purpose and the objectives of the PUD District as required by Section 38-363 are met.

- (1) For land zoned AG, a minimum of 40% of the gross site area devoted to residential use shall be permanently preserved as dedicated open space.
 - (2) For land zoned R-1, R-2 or R-3, a minimum of 20% of the gross site area devoted to residential use shall be permanently preserved as dedicated open space.
 - (3) For land zoned R-4 or R-5 and not served with public or private sewer, a minimum of 20% of the gross site area devoted to residential use shall permanently be preserved as dedicated open space. For land zoned R-4 or R-5 and served with public or private sewer, and for those uses proposed for multifamily development, a minimum of 15% of the gross site area devoted to residential use shall be permanently preserved as dedicated open space.
 - (4) For land zoned R-4 or R-5 and proposed for manufactured housing community, the regulations of Article IX of this chapter regarding minimum dedicated open space shall apply.
- (b) Areas not considered dedicated open space. The following land areas shall not be considered, allowed, or approved as dedicated open space for the purposes of this section:
- (1) The area within any public or private road easement or right-of-way or within streets, alleys, drives, or similar improvements pursuant to Section 38-367(2)d.2 of this chapter.
 - (2) Any easement for overhead utility lines, unless adjacent to qualified dedicated open space.
 - (3) Only 50% of the area of any existing floodplain, streams, wetlands, lakes, ponds, and slopes which are 20% or greater shall be counted as dedicated open space.
 - (4) The area within a platted lot or site condominium lot.
 - (5) The area of required setbacks or required distances between buildings.
 - (6) Proposed detention and retention ponds. Stormwater management facilities such as rain gardens, bioswales, vegetated filter strips, constructed wetlands, and similar facilities may be considered, allowed, or approved as dedicated open space upon recommendation of the Planning Commission and approval by the Township Board based upon a review of the purpose and objectives in Section 38-373 and the standards in Section 38-373(i).
 - (7) Community drain fields if such areas are not completely underground.
 - (8) Any area devoted to a golf course.
 - (9) Landscaping buffers and greenbelts as required by ordinance.

Sec. 38-369. Standards for dedicated open space. [Ord. No. ZO17-1, eff. 5-15-2016]

The following standards shall apply to the dedicated open space provided in a PUD:

- (1) Dedicated open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands, or significant cultural features, such as existing landmark structures or vegetation.
- (2) A portion of the dedicated open space may be required to be located along the public road frontage abutting the site. This area shall be left in its natural condition or landscaped to provide a view compatible with the existing or desired character of the area. When required, the depth of this area shall be recommended by the Planning Commission and as approved by the Township Board, but in no case shall it be less than 30 feet, and it shall not include the road right-of-way.
- (3) If the site contains a lake, stream, or other body of water, the Township Board, following a recommendation from the Planning Commission, may require a portion of the dedicated open space to abut the body of water.
- (4) Dedicated open space areas shall be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths where practicable.
- (5) Grading in the dedicated open space shall be minimal, with the intent to preserve existing topography where practicable.
- (6) Dedicated open space may consist of ballfields, tennis courts, children's play area, skate parks, swimming pools and related buildings, community buildings, and similar recreational facilities. No more than 50% of the dedicated open space may be devoted to these uses.
- (7) The dedicated open space shall be available and usable for all residents of the PUD, subject to reasonable rules. Safe and convenient pedestrian access to the dedicated open space shall be provided.
- (8) The dedicated open space shall be designed to be used primarily by residents of the PUD, but this shall not prohibit non-PUD residents from utilizing these accessory uses, provided rules for such use are set forth in the open space agreement required by Section 38-371 herein.
- (9) Noncontiguous dedicated open space. If requested by the applicant, the Planning Commission may recommend and the Township Board may approve dedicated open space that is not contiguous with the rest of the PUD. In determining whether to approve noncontiguous dedicated open space, one or more of the following criteria shall apply:
 - a. The noncontiguous dedicated open space is located such that residents of the PUD can reasonably access and use the noncontiguous dedicated open space.
 - b. The noncontiguous dedicated open space will be open to use by the residents of the PUD and the general public.
 - c. The dedicated open space contains unique features not found on the lands

contiguous to the PUD, and the noncontiguous dedicated open space will be open to use or observation by the residents of the PUD and the general public.

Sec. 38-370. Dedicated open space for nonresidential uses. [Ord. No. ZO17-1, eff. 5-15-2016]

The intent of this section is to ensure that each PUD that proposes nonresidential uses (such as commercial or institutional uses) shall provide permanent dedicated open space for the nonresidential portion of the PUD site in the form of civic space, such as a central green for sitting or viewing of small outdoor events, or provide objects or areas of interest such as a fountain or plaza, or provide rain gardens or other bioretention areas for the purpose of stormwater detention which shall also function as a visual amenity.

- (1) Dedicated open space areas shall be arranged and designed to contribute to the attractiveness and function of the PUD and shall, insofar as reasonably possible, be interspersed throughout the site.
- (2) At least one dedicated open space area shall be a central green, plaza, or civic square which functions as a focal point for the nonresidential portions of the PUD and serves as an area where social, civic, or passive activities can take place. This area shall be of sufficient size and design to serve as a visual and functional civic amenity for sitting, viewing, dining, or other similar outdoor activity and which, in the opinion of the Township Board, satisfies the intent of this section.

Sec. 38-371. Guarantee and maintenance of dedicated open space. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) The applicant shall provide an open space preservation and maintenance agreement to the Township guaranteeing that all dedicated open space portions of the PUD shall always be maintained in the manner approved. The agreement shall permanently bind all successors and future owners in title. This provision shall not prohibit a transfer of ownership or control of all or any part of the PUD, provided notice of such transfer is provided to the Township and the land uses continue as approved in the PUD plan, unless an express amendment is approved by the Township Board.
- (b) The agreement will be subject to the review and approval of the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land, or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended.
- (c) The agreement shall:
 - (1) Indicate the permitted use(s) of the dedicated open space.
 - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the dedicated open space.
 - (3) Provide for scheduled maintenance of the dedicated open space, including necessary pruning, mowing, replacement of dead or diseased vegetation, and harvesting of trees and new plantings.

- (4) Provide for scheduled maintenance of any structures or facilities located within the dedicated open space, including trails.
- (5) Provide that maintenance may be undertaken by Park Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance. The agreement shall also provide that any costs incurred by the Township in providing such maintenance, including, but not limited to, all costs of labor (wages and benefits), materials, equipment, and administrative costs, shall be proportionately assessed to the owners of the properties within the PUD and that any unpaid assessment will become a lien against the property.

Sec. 38-372. Public and private street connections to adjacent property. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) Public or private streets may be required to be extended to an adjacent property line by the Township Board following a recommendation from the Planning Commission. In making such a decision and recommendation, the Township Board and Planning Commission shall consider the following standards:
 - (1) The road extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the amount of vehicle trips which would otherwise need to utilize the street system to access adjoining residential areas. In making this determination, the Township Board and Planning Commission shall consider the likelihood of the adjacent property being developed, whether the natural site features on the adjacent property preclude or present difficulty in extending the public or private road, and if the adjacent site is already developed so as to prevent the extension of the public or private road.
 - (2) The road extension would not result in future traffic from off site creating unsafe situations for the residents of the project proposed by the applicant.
- (b) If such a connection is required, the applicant shall construct the road to the adjacent property line at the time that the public or private road is built or the applicant shall grant an appropriate easement to the adjoining property for the road connection and illustrate that easement for the future road on the approved PUD site plan, and shall record an agreement (subject to the approval by the Township) to construct the road connection within the easement when the adjacent property develops and the Planning Commission determines the necessity of the road connection. The Township Board may require the applicant to provide a bond, letter of credit, or other financial guarantee at the time of the PUD approval to ensure that the road is extended as required.

Sec. 38-373. Procedures. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) Preapplication conference and presentation.
 - (1) Before submitting an application for PUD approval, the applicant shall meet with the Zoning Administrator, who may request the attendance of the Township Planner, Township Engineer, or other professional or Township

official.

- (2) The applicant shall provide a conceptual drawing or other information about the development of the property.
 - (3) The purpose of the preapplication meeting is to explain the PUD review process to the applicant along with site design requirements in order to assist the applicant in preparing a PUD site plan for review by the Planning Commission.
 - (4) No formal action may be taken at a preapplication conference, nor will any statements made at the preapplication conference be legally binding commitments.
 - (5) The applicant shall, upon request by the Zoning Administrator or other Township official, make a preapplication presentation to the Planning Commission. This presentation shall include a conceptual drawing and other information sufficient to inform the Planning Commission of the proposal and to provide the applicant with preliminary comments from the Planning Commission. No formal action may be taken at a preapplication presentation, nor will any statements made at the preapplication presentation be legally binding commitments.
- (b) Submit PUD application materials. Following the preapplication conference, the applicant shall submit an application for PUD approval that shall include a completed application form and 10 sets of the preliminary PUD development plan, including an electronic file of the development plan. The application materials shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission, along with the fee or fees as set by resolution of the Township Board. The application shall at a minimum contain all of the following information:
- (1) The applicant's name, address, and phone number.
 - (2) Proof that the applicant is the owner of the property or has a sufficient legal or financial interest in the property.
 - (3) The name, address and phone number of the owner(s) of record if different than the applicant.
 - (4) The address of the property.
 - (5) Legal description of the property.
 - (6) Current zoning of the property.
 - (7) Project description.
 - (8) Size of the property in acres, and any information deemed necessary by the Planning Commission to determine gross site acreage and net buildable acreage.
 - (9) Signature of the applicant and owner of the property.

- (10) A narrative describing:
- a. The objectives of the PUD and how it relates to the intent of the PUD District as described in Section 38-363.
 - b. The relationship of the PUD to the Park Township Master Plan.
 - c. Phases of development and approximate time frame for each phase.
 - d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 - e. Anticipated start and completion of construction.
 - f. Location, type, and size of areas to be dedicated open space.
 - g. All proposed modifications from the zoning regulations which would otherwise be applicable to the uses and structures of the current zoning of the property in the absence of a PUD.
- (c) Preliminary PUD development plan. The preliminary PUD development plan shall be drawn at a scale of not more than one inch equals 100 feet and shall contain all of the information as required by Section 38-102 of this chapter and the following information, unless specifically waived by the Planning Commission:
- (1) Small scale sketch of properties with parcel lines, streets, zoning, and uses of land within 1/2 mile of the site. This sketch shall be sufficient to illustrate the character of the area surrounding the proposed PUD.
 - (2) Significant natural features and other natural characteristics on the site and within 100 feet of the site, including, but not limited to, open space, stands of trees, bodies of water, brooks, streams, wetlands, floodplains, slopes of 20% or greater, and similar natural features.
 - (3) Significant cultural amenities, such as historic sites or structures, fence rows of trees, specimen trees, or other culturally significant features.
 - (4) Proposed lots, with lot line dimensions and the area of all lots or site condominium units, and all proposed setbacks. Notes on the PUD development plan shall state all proposed modifications from the zoning regulations which would otherwise be applicable to the uses and structures of the current zoning of the property in the absence of a PUD.
 - (5) All driveways opposite the site.
- (d) Environmental impact assessment. The Planning Commission may require an environmental impact assessment as part of the preliminary or final PUD development plan.
- (e) Review of preliminary PUD development plan. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof.

- (f) Final PUD development plan.
- (1) After receiving the recommendations of the Planning Commission on the preliminary PUD development plan, the applicant for a PUD shall submit a final PUD development plan to the Township in accordance with the requirements for submittal of the preliminary PUD development plan, along with the fee or fees as set by resolution of the Township Board.
 - (2) The final PUD development plan shall contain all of the information required for preliminary PUD plan review (unless specifically waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD), plus the following:
 - a. All of the drawings, narrative, studies, assessments, and other information and materials comprising the preliminary PUD development plan, including all of the recommendations of the Planning Commission thereon; or if the applicant has not incorporated all of such recommendations, the final PUD development plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.
 - b. Projected time for completion of the entire PUD, proposed phasing, if any, of the PUD, and the projected time for completion of each phase.
 - c. Any other information reasonably required by the Planning Commission or Township Board in connection with the review of the PUD and consideration of the approval of development of the lands in accordance with the PUD plan.
- (g) Planning Commission review of final PUD development plan. The Planning Commission shall prepare a report containing its recommendation to the Township Board concerning the PUD request. The report shall state the conclusions of the Planning Commission concerning the PUD request, the basis for the Planning Commission's recommendation, and any conditions recommended for approval of the PUD.
- (h) Planning Commission public hearing on final PUD development plan. Prior to making a recommendation to the Township Board, the Planning Commission shall hold an advisory public hearing on the final PUD development plan. The giving of public notice for the public hearing shall be as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.²
- (i) Standards for approval. The recommendation of the Planning Commission and the decision of the Township Board to approve a PUD shall be based on a finding that the application meets all of the following standards:
- (1) The PUD will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.

2. Editor's Note: See MCL § 125.3101 et seq.

- (2) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
 - (3) The PUD will be generally compatible with the Master Plan and consistent with the intent and objectives of this Chapter 38, Article III, Division 8, and this chapter.
 - (4) The PUD will not result in significant adverse effects upon nearby or adjacent lands and will be generally compatible with the character of the surrounding area.
 - (5) The PUD will protect all floodplains and wetlands from filling, except as approved for essential services or recreation amenities.
 - (6) The PUD will preserve and maintain mature woodlands, fields, pastures, and meadows and create sufficient buffer areas to minimize conflicts between residential and agricultural uses.
 - (7) The PUD will leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way, insofar as practicable.
 - (8) The PUD will protect the rural roadside character where desirable.
 - (9) Pedestrian walkways may be provided so that pedestrians can walk safely and easily throughout the site.
 - (10) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of natural and environmental site features.
 - (11) The PUD will be adequately served by public utilities and services such as police and fire protection or public or on-site community water or sanitary sewer.
 - (12) The PUD shall be in compliance with all applicable federal, state, county, and Township laws, ordinances, and regulations.
 - (13) If a PUD is to be completed in phases, the PUD shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all of the features necessary to ensure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area. The Planning Commission may recommend and the Township Board may require that neighborhood amenities such as recreational facilities, walkways, and similar facilities be completed upon occupancy of a determined number or percentage of dwelling units or nonresidential uses.
- (j) Public hearing and final consideration of the PUD by Township Board.
- (1) The Township Board shall review the final PUD development plan and the recommendations submitted by the Planning Commission. The Township Board shall conduct a public hearing and provide notice as required by the

Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

- (2) Following the public hearing, the Township Board shall determine whether the final PUD development plan complies with the standards of Section 38-673(i) and with the conditions recommended by the Planning Commission; whether the PUD promotes the intent and purpose of this chapter; and whether the PUD will be consistent with the public health, safety, and welfare needs of the Township.
 - (3) Upon a determination that a proposed project meets all such standards, conditions, and requirements, the Township Board shall approve the final PUD development plan and may impose reasonable conditions on approval as provided in Subsection (k) below.
- (k) Conditions of approval.
- (1) The Township Board may impose reasonable conditions upon any PUD approval. Such conditions may include those reasonably necessary to ensure that public services and facilities affected by a PUD will be capable of accommodating 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. Conditions imposed shall meet all of the following requirements:
 - a. They shall be designed to protect natural resources; the health, safety, and welfare and the social and economic well-being of those who will use the PUD; residents, and landowners immediately adjacent to the PUD; and the community as a whole.
 - b. They shall be related to the valid exercise of the police power and the purposes which are affected by the PUD.
 - c. They shall be reasonably necessary to meet the intent and purpose of this chapter, be related to the standards established in this Chapter 38, Article III, Division 8, for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.
 - (2) The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual written consent of the Township Board and the property owner. The Township Board shall maintain a record of all conditions which are imposed.

Sec. 38-374. Planned unit developments subject to land division, subdivision, condominium and site condominium regulations. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) Applications for planned unit developments proposed as land divisions or subdivisions shall be subject to the Park Township regulations for land divisions and subdivisions of Chapter 18, Land Divisions and Subdivisions.

- (b) Applications for planned unit developments proposed as condominiums shall be subject to the requirements of the State of Michigan Condominium Act, Act 59 of 1978, as amended.³

Sec. 38-375. Amendments to an approved PUD. [Ord. No. ZO17-1, eff. 5-15-2016]

An approved final PUD development plan (and any conditions imposed upon final PUD approval) shall not be changed except upon the mutual written consent of the Township Board and the applicant as required by this section.

- (1) Minor amendments. A minor change may be approved by the Zoning Administrator, who shall notify the Planning Commission of the minor change and shall indicate that such change does not substantially change the basic design or alter the conditions required for the PUD. The following items shall be considered as minor changes:
- a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than 10 feet.
 - c. Plantings approved in the landscape site plan may be replaced by similar types of landscaping.
 - d. Changes in floor plans which do not alter the character of the use.
 - e. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes required or requested by the Township for safety reasons.
 - g. Changes which will preserve the natural features of the site without changing the basic site layout.
 - h. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- (2) The Zoning Administrator may refer any decision regarding any proposed change to an approved PUD to the Planning Commission for review and approval regardless of whether the change may qualify as a minor change. In making a determination whether a proposed change is a minor change, or whether to refer a proposed change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
- (3) If the Zoning Administrator determines that the requested modification to the approved PUD is not minor, resubmission to the Planning Commission for a formal amendment shall be required and shall be conducted in the same manner as an original application. Adding additional land to an approved PUD may not be

3. Editor's Note: See MCL § 559.101 et seq.

deemed a minor change but will always require an amendment to the approved PUD.

Sec. 38-376. Performance guarantees. [Ord. No. ZO17-1, eff. 5-15-2016]

The applicant may be required to provide a bond, letter of credit, escrow deposit, or other reasonable performance guarantees or assurances deemed satisfactory to the Township Board in the circumstances and as authorized by law. The amount and form of the performance guarantee shall be determined by the Township Board and may be based upon a recommendation from the Planning Commission.

Sec. 38-377. Time limitations on development. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) Each PUD shall be under substantial construction within one year after the date of approval of the final PUD development plan and adoption by the Township Board of a PUD resolution that includes a report stating all conditions of approval of the PUD. If the requirement for substantial construction within one year is not met, following a review and recommendation of the Planning Commission, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the Township showing that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD.
- (b) If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD (or any part thereof) shall be of no further effect, and all approvals of the PUD shall be void.
- (c) If the PUD has been approved with more than one phase, and substantial construction on any phase has not commenced within one year from the period of completion of the preceding phase, or within any authorized extension thereof, following a review and recommendation of the Planning Commission, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the Township showing that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the phases of the PUD. If approval of any extensions for construction of phases of the PUD are denied, any building permits issued for the PUD (or any part thereof) shall be of no further effect, and all approvals of the PUD shall be void.

Sec. 38-378. Appeal or variance. [Ord. No. ZO17-1, eff. 5-15-2016]

The Zoning Board of Appeals shall not have jurisdiction to accept appeals or to grant variances with respect to an approved PUD. Variances within a PUD that is within a subdivision shall be subject to the requirements of Chapter 18, Article II, Division 5, Section 18-151, of the Code of Ordinances.

Sec. 38-379. Existing approved PUDs. [Ord. No. ZO17-1, eff. 5-15-2016]

- (a) Planned unit developments that were given either preliminary or final PUD development plan approval prior to May 22, 2017, shall be considered to be

conforming uses and shall continue to be regulated by the approved preliminary or final PUD development plan and any conditions imposed for that particular PUD.

- (b) A minor change to a planned unit development that was given either preliminary or final PUD development plan approval prior to May 22, 2017, may be approved by the Zoning Administrator according to the requirements of Section 38-375. Any change that is not a minor change shall be resubmitted to the Township in the same manner as the original application and shall be subject to the requirements of Division 8 of Article III as of the effective date of May 22, 2017.

Sec. 38-380. through Sec. 38-421. (Reserved)

DIVISION 9
C-1 Neighborhood Business District

Sec. 38-422. Description and purpose. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

The C-1 Neighborhood Business District is for neighborhood convenience shopping, including retail businesses or service establishments that supply commodities or perform services that meet the daily needs of the neighborhood.

Sec. 38-423. Use regulations. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-58, eff. 12-13-2007; Ord. No. 2018-1, eff. 3-23-2018]

Land, buildings or structures in the C-1 Neighborhood Business District may be used for the following purposes only:

- (1) Those nonresidential uses which are permitted in the residential zoning districts, subject, except as specifically provided otherwise in this chapter, to the same conditions, restrictions and requirements as are provided in the residential zoning districts.
- (2) Bakery goods store.
- (3) Banks, loan and/or finance offices.
- (4) Barbershop or beauty shop.
- (5) Book, stationery or gift store.
- (6) Candy store, soda foundation and/or ice cream store.
- (7) Clothes cleaning and/or laundry pickup station.
- (8) Clothing and dry goods store.
- (9) Delicatessen store.
- (10) Dress shop.
- (11) Drugstore.
- (12) Florist and gift shop without nursery.
- (13) Funeral home.
- (14) Grocery store and meat market.
- (15) Hardware store.
- (16) Household appliance store.
- (17) Jewelry store.
- (18) Nursery school and day nurseries.
- (19) Paint and wallpaper store.

- (20) Parking lots.
- (21) Photographer.
- (22) Radio and television store.
- (23) Restaurants and/or cafes without dancing, floor shows or drive-in service.
- (24) Laundromats.
- (25) Service stations, including minor auto repairs, if all repair work is conducted wholly within a completely enclosed building, when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the gas station;
 - b. The proposed location of the gas station;
 - c. The location of entrance drives and access to the gas station with respect to potential traffic congestion or hazards;
 - d. How well the gas station harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
 - e. The need and necessity for the products and services of the gas station at the proposed location; and
 - f. The effect of the gas station on adjoining properties and the surrounding neighborhood.
- (26) Shoe repair shop.
- (27) Tailor and/or dressmaker.
- (28) Variety store, including notions and "5 and 10" stores.
- (29) Other similar retail business or service establishments when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
 - e. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (30) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, character and nature of the church building;
- b. The proximity of the church to adjoining properties;
- c. The off-street parking that is to be provided for the church;
- d. The potential traffic congestion and hazards that will be caused by the church use;
- e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- f. The effect of the church on adjoining properties and the surrounding neighborhood.

(31) Offices for businesses that are consistent with a Neighborhood Business District.

(32) Single-family dwelling units combined with nonresidential units in the same building, if the building conforms to Chapter 10, Buildings and Building Regulations.

Sec. 38-424. Required conditions. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

- (a) With the exception of automobile parking and off-street parking, all business, service or processing shall be conducted wholly within a completely enclosed building.
- (b) All uses permitted in the C-1 Neighborhood Business District shall be serviced with public water.
- (c) The Planning Commission shall approve a site plan for any permitted use in this zoning district, which is in accordance with the requirements of Article II, Division 3, of this chapter, before a building permit is issued.
- (d) Lighting facilities shall be equipped with shielding so as to reflect the light downward and away from adjoining properties.

Sec. 38-425. Height regulation. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

No building or structure shall exceed 35 feet in height.

Sec. 38-426. Area regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-56, eff. 8-22-2006]

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

- (1) Front yard. Except as otherwise provided in Section 38-494, there shall be a front yard of not less than 75 feet.
- (2) Side yard.

- a. Where the side of a lot in a C-1 Neighborhood Business Zoning District abuts upon the side of a lot in any R or AG Zoning District, each side yard shall be not less than 25 feet.
 - b. There shall be a side yard of not less than 50 feet on the public street side or private road side of a corner lot.
 - c. No side yard shall be required when directly abutting other commercial uses or land included in a C Zoning District.
- (3) Rear yard.
- a. Where the rear of a lot in a C-1 Zoning District abuts any R Zoning District or AG Zoning District, there shall be a rear yard of not less than 25 feet; provided, however, that where a public alley separates the rear of a C-1 Zoning District lot from the side yard of a lot in any R Zoning District or AG Zoning District, the full width of the alley shall be considered as part of the rear yard in determining its depth. This shall apply to all structures and accessory buildings.
 - b. In all other cases, there shall be a rear yard of not less than 10 feet.
- (4) Screening and buffering. Side yards and rear yards adjoining any lot in an R or AG Zoning District shall be screened by a solid-wall or tight-board fence six feet in height or equivalent screening with vegetative plantings. A green space of not less than 15 feet deep shall be maintained along each public street and private road to act as a buffer.
- (5) Lot area. The minimum lot area shall be 1/2 acre; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Ottawa County Health Department. The minimum lot width shall be 125 feet.

Sec. 38-427. through Sec. 38-450. (Reserved)

DIVISION 10
C-2 Resort Service District

Sec. 38-451. Description and purpose. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

The C-2 Resort Service District is for commercial uses that primarily serve tourists and seasonal residents.

Sec. 38-452. Use regulations. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-58, eff. 12-13-2007; Ord. No. 2018-1, eff. 3-23-2018]

Land, buildings, or structures in the C-2 Resort Service District may be used for the following purposes only:

- (1) Amusement enterprises.
- (2) Bakery goods store.
- (3) Barbershop or beauty shop.
- (4) Book, stationery or gift store.
- (5) Campgrounds when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The proposed location for the campground;
 - b. The size, nature and character of the campground and any buildings or structures to be utilized with the campground;
 - c. The proximity of the campground to adjoining properties;
 - d. The parking facilities provided for the campground;
 - e. The location of entrances and access to the campground in terms of any traffic congestion or hazards which will be occasioned by the campground; and
 - f. The effect of the campground on adjoining properties and the surrounding neighborhood.
- (6) Candy store, soda fountain, ice cream store.
- (7) Delicatessen store.
- (8) Drive-in car eating places when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The proposed location for the drive-in;
 - b. The size, nature and character of the buildings and structures to be utilized for the drive-in;

- c. The proximity of the drive-in to adjoining properties;
 - d. The parking facilities provided for the drive-in;
 - e. The location of entrances and drives in terms of any traffic congestion or hazards which will be occasioned by the drive-in;
 - f. How well the drive-in harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
 - g. The hours of drive-in operation and any potential disturbance or nuisance of the drive-in operation for adjoining properties and the surrounding neighborhood; and
 - h. The effect of the drive-in on adjoining properties and the surrounding neighborhood.
- (9) Drugstore.
 - (10) Florist, gift and antique shop, but not including nursery.
 - (11) Grocery store and meat market.
 - (12) Hotels and motels.
 - (13) Laundromats.
 - (14) Liquor store, including beer and wine sales.
 - (15) Lodge hall, private clubs, and banquet facilities.
 - (16) Single-family, two-family, or multifamily dwellings combined with nonresidential units in the same building if the building conforms to Chapter 10, Buildings and Building Regulations; multifamily dwelling units that comply with Division 7 of this article (R-5 Low Density Multifamily Residence District) if the development is five acres or less.
 - (17) Parking lots.
 - (18) Photographer.
 - (19) Resorts, if the development is four acres minimum.
 - (20) Restaurants, cafes, cocktail lounges.
 - (21) Service stations when authorized as a special use by the Planning Commission, including minor auto repairs, provided all repair work is conducted wholly within a completely enclosed building. In considering such authorization, the Planning Commission shall consider the same standards as are provided in Section 38-423(25).
 - (22) Theater, except drive-in theater.
 - (23) Marinas when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, nature and character of the marina;
 - b. The proposed location of the marina;
 - c. The location of entrances and drives leading to the marina with respect to potential traffic congestion or hazards;
 - d. The parking facilities to be provided for the marina;
 - e. The location and character of the storage areas and facilities to be provided by the marina for boats, cradles, and other boat accessories;
 - f. The facilities to be provided by the marina for the display of new and used boats for sale;
 - g. How well the marina harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
 - h. Any potential disturbance or nuisance from the marina operation for adjoining properties and the surrounding neighborhood; and
 - i. The effect of the marina on adjoining properties and the surrounding neighborhood.
- (24) Other similar retail business, offices, or service establishments when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
 - e. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (25) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking that is to be provided for the church;
 - d. The potential traffic congestion and hazards that will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and

- f. The effect of the church on adjoining properties and the surrounding neighborhood.

Sec. 38-453. Required conditions. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

- (a) A site plan for any permitted use in the C-2 Resort Service District, which is in accordance with the requirements of Article II, Division 3, of this chapter, shall be approved by the Planning Commission before a building permit is issued.
- (b) Lighting facilities shall be equipped with shielding so as to reflect the light downward and away from adjoining properties.
- (c) All uses permitted in this zoning district shall be serviced with public water.

Sec. 38-454. Height regulation. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

No building or structure shall exceed 35 feet in height.

Sec. 38-455. Area regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-56, eff. 8-22-2006]

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

- (1) Front yard. Except as otherwise provided in Section 38-494, there shall be a front yard of not less than 75 feet.
- (2) Side yard.
 - a. Where the side of a lot in a C-2 Resort Service District abuts upon the side of a lot in any R or AG Zoning District, each side yard shall be not less than 25 feet.
 - b. There shall be a side yard of not less than 50 feet on the public street side or private road side of a corner lot.
 - c. No side yard shall be required when directly abutting other commercial uses or land included in a C Zoning District.
- (3) Rear yard.
 - a. Where the rear of a lot in a C-2 Zoning District abuts any R Zoning District or AG Zoning District, there shall be a rear yard of not less than 25 feet; provided, however, that where a public alley separates the rear of a C-2 Zoning District lot from the side yard of a lot in any R Zoning District or AG Zoning District, the full width of the alley shall be considered as part of the rear yard in determining its depth. This shall apply to all structures and accessory buildings.
 - b. In all other cases, there shall be a rear yard of not less than 10 feet.

- (4) Screening and buffering. Side yards and rear yards adjoining any lot in an R or AG Zoning District shall be screened by a solid-wall or tight-board fence six feet in height or equivalent screening with vegetative plantings. A green space of not less than 15 feet deep shall be maintained along each public street or private road to act as a buffer.
- (5) Lot area. The minimum lot area shall be 1/2 acre; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Ottawa County Health Department. The minimum lot width shall be 125 feet.

Sec. 38-456. Hotel, motel, resort regulations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

- (a) Minimum unit size. No hotel, motel, or resort unit may be less than 250 square feet.
- (b) Density requirements.
 - (1) A hotel, motel, or resort that is served by both public water and sewer shall comply with the following density requirements by meeting the minimum lot area established in the following table.

Density for Facilities Served by Public Water and Sewer	
Unit Size Interior Dimensions	Minimum Lot Area
(square feet)	(square feet per unit)
250	2,500
400	3,500
650	4,500

- (2) A hotel, motel, or resort that is not served by both public water and sewer shall comply with the following density requirements by meeting the minimum lot area established in the following table.

Density for Facilities Not Served by Public Water and Sewer	
Unit Size Interior Dimensions	Minimum Lot Area
(square feet)	(square feet per unit)
250	5,000
400	7,000
650	9,000

- (c) Kitchen regulations.
 - (1) Any hotel, motel or resort unit that is between 250 square feet and 500 square feet in size may have a microwave and refrigerator installed within the unit, but shall have neither a kitchen sink nor a stove/oven.
 - (2) Any hotel, motel or resort unit that is more than 500 square feet in size may have a kitchen. If a kitchen is installed in any hotel, motel or resort unit, there must be a designated eating area, a stove, a kitchen sink, and a refrigerator.

- (d) General requirements. All hotels, motels, and resorts shall have an on-site manager and shall provide housekeeping services.

DIVISION 11
P Public Lands and Open Space District
[Added by Ord. No. 2021-1, eff. 4-24-2021]

Sec. 38-457. Description and purpose.

The Public Lands and Open Space District is designed to provide area and apply guidelines for buildings and facilities that are used to provide governmental or public services. This zoning district also provides for public park and recreational facilities, natural areas, trails, wetlands, and similar types of open space, through the following goals and objectives:

- (1) To acknowledge the publicly owned properties that presently exist within the Township as assets to the community intended to remain as such for future generations.
- (2) To immediately include any properties currently owned or acquired by Park Township that are used or authorized for public use and/or are reserved as open space or for public recreation.
- (3) To accommodate dedicated areas of open space.
- (4) To accommodate dedicated areas for government buildings and uses.
- (5) To accommodate dedicated areas for institutional uses.
- (6) To accommodate dedicated areas for recreational use.
- (7) To promote public land usage and development that are compatible with the preservation of natural amenities and open space areas.

Sec. 38-458. Use regulations.

Land, buildings, or structures in the Public Lands and Open Space District shall be used for the following purposes only:

- (1) Public conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forests, and wildlife resources;
- (2) Noncommercial public recreational facilities, including parks, playgrounds, camps, centers, parkways, and other similar recreational facilities;
- (3) Public buildings and public service installations;
- (4) Public cemeteries;
- (5) Parking lots to serve a use provided for within the P District;
- (6) Wireless and broadcast communication facilities;
- (7) Accessory uses or structures, clearly incidental to any of the above permitted uses, and subject to Section 38-491; and
- (8) Other similar uses of a public or open space nature, when authorized by the

Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, nature and character of the proposed use;
- b. The proximity of the proposed use to adjoining properties;
- c. The parking facilities provided for the proposed use;
- d. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- e. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

Sec. 38-459. Required conditions.

- (a) The Planning Commission may approve a site plan for any permitted use in this zoning district, which is in accordance with the requirements of Article II, Division 3, of this chapter, before a building permit is issued.
- (b) Lighting facilities shall be equipped with shielding so as to reflect the light downward and away from adjoining properties.

Sec. 38-460. Height regulation.

No building or structure shall exceed 35 feet in height, except when authorized pursuant to Section 38-458(6) herein.

Sec. 38-461. Area regulations.

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

- (1) Front yard. No requirement, except when abutting a residential zoning district, in which case the front yard setback to the building or parking area shall be the required setback of the abutting residential zoning district.
- (2) Side yard. No requirement, except when abutting a residential zoning district, in which case the side yard setback to the building or parking area shall be 10 feet.
- (3) Rear yard. No requirement, except when abutting a residential zoning district, in which case the rear yard setback to the building or parking area shall be 10 feet.
- (4) Lot area. No requirement.

Sec. 38-462. through Sec. 38-479. (Reserved)

ARTICLE IV
Supplemental Regulations

Sec. 38-480. Provisions apply to all districts.

These general provisions shall apply to all zoning districts.

Sec. 38-481. The effect of zoning. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-482. Restoration of unsafe buildings. [Ord. No. Z, eff. 2-7-1974]

Subject to the provisions of Article VIII of this chapter, pertaining to nonconforming uses, buildings or structures, nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure that is unsafe.

Sec. 38-483. Area, height and use conditions and exceptions. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-3, eff. 2-3-1977; Ord. No. Z-9, eff. 4-3-1980; Ord. No. Z-14, eff. 4-191982; Ord. No. Z-20, eff. 7-8-1988; Ord. No. Z-27, eff. 1-15-1990; Ord. No. Z-56, eff. 8-22-2006; Ord. No. ZO16-1, eff. 6-16-2016]

- (a) Required area or space. A lot, yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this article. If already less than the minimum requirements of this article, a lot, yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- (b) Existing lots of record. If a lot in an agricultural or residential zoning district which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived does not comply with the area and/or width requirements of its zoning district, then such lot may be used for single-family use only and then only if such single-family use is first authorized by the Zoning Board of Appeals as a matter for the Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603); provided, however, that a lot which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived which is located in an AG, R-1, R-2, R-3 or R-4 Zoning District may be used for single-family use only without authorization from the Zoning Board of Appeals if the lot has a minimum lot area of 6,500 square feet and if there is compliance with all yard requirements for the R-3 Low Density Single-Family Residence District or there is compliance with any specific exception to the area and/or width requirements of the particular zoning district in which the lot is located. In considering such authorization, the Zoning Board of Appeals shall consider the following standards:
 - (1) The size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot:

- a. The maximum height of the residential building shall be reduced by the same percentage the total area of the lot or parcel of land bears to 6,500 square feet, or 20 feet, whichever is greater.
 - b. Side yards may be reduced by the same percentage the total area of the lot or parcel of land bears to the minimum lot area requirement of the zoning district, or five feet, whichever is greater;
- (2) The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - (3) The effect of the proposed use on light and air circulation of adjoining properties;
 - (4) The effect of any increased density of the intended use on the surrounding neighborhood; and
 - (5) All off-street parking requirements are met.
- (c) If the lot in a commercial zoning district which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived does not comply with the area and/or width requirements of the commercial zoning district, then such lot may be used only if first authorized by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603); provided, however, that a lot which is platted or otherwise of record as of the effective date of the ordinance from which this chapter is derived may be used for a commercial use without authorization of the Zoning Board of Appeals if the lot has a minimum area of 12,000 square feet and if there is compliance with all yard requirements for the commercial zoning district. In considering such authorization, the Zoning Board of Appeals shall consider the following standards:
- (1) The size, character and nature of the commercial building and accessory buildings to be constructed on the lot;
 - (2) The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - (3) The effect of the increased density of the intended use on the surrounding neighborhood; and
 - (4) Available parking for the intended use.
- (d) Contiguous lots under common ownership.
- (1) Subject to Subsection (d)(4) below, if two or more lots, or combination of lots or portions of lots, located adjacent to each other are at any time held in common ownership, and if all or part of such lots do not satisfy the minimum requirements for a buildable lot in the zoning district in which they are located, then all of such lots shall automatically be considered to be combined into one conforming lot, or one lot that is more nearly conforming than the individual lots.

- (2) Each individual lot which has been combined under Subsection (d)(1) shall cease to be considered a separate lot of record and shall no longer be considered to be a buildable lot.
 - (3) Lots combined under Subsection (d)(1) shall not thereafter be split, redivided, or otherwise reduced in area unless all of the resulting lots comply with the minimum lot area requirement for a buildable lot in the district in which the land is located.
 - (4) The Planning Commission may allow contiguous lots of record under the same ownership to be merged into a lot less than the minimum requirement of the zoning district in which it is located, but equal to or similar to existing lots in the surrounding neighborhood, as a special use. In considering this authorization, the Planning Commission shall consider the following standards, in addition to Subsection (b) of this section:
 - a. The size, character, and nature of any buildings to be erected and constructed on the lot;
 - b. The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - c. Available parking for the intended use; and
 - d. The size of the lot in question compared to the lots in the surrounding neighborhood.
- (e) Building setback exceptions. **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**
- (1) The following projections are exempt from setback requirements:
 - a. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area and project not more than three feet into the required setback.
 - b. Roof overhangs that do not project more than two feet into the required setback.
 - c. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four feet into the required setback.
 - (2) Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
 - a. The proportion of the main wall which has been altered by the addition;
 - b. The overall effect of the proposed addition on adjoining properties and

the character of the surrounding neighborhood; and

- c. The addition shall not be less than five feet from the side and rear lot lines and shall not be less than 10 feet from the front lot line.
- (f) Exceptions.
- (1) The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, monuments, cupolas whose length and width, or diameter, are each less than five feet, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed 50 feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building. The height of any cupola that has a length, width, or diameter greater than five feet must be approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
 - a. The area and height of the cupola;
 - b. The area and height of the cupola in relation to the building on which it is to be placed;
 - c. Whether or not the cupola will affect light and air circulation of the adjoining property; and
 - d. The height of other buildings on adjoining properties and in the general neighborhood.
 - (2) Notwithstanding the first sentence of this Subsection (f), all towers and antennas regulated by Article V of this chapter, pertaining to wireless communications towers and antennas, shall be subject to all height limitations contained in that article.
- (g) Mobile homes. Mobile homes are not permitted as an accessory use to a permitted principal use. Mobile homes are permitted only in approved mobile home parks and as specifically authorized by §§ 38-489 and 38-507.
- (h) Transition zoning. When first authorized by the Planning Commission as a special use, the first lot in an R-3 or R-4 Zoning District, which has a side yard adjacent to a lot in a commercial zoning district, without any street or private road intervening, may be used for transition zoning as is hereinafter provided. This transition zoning for such first lot shall not extend more than 150 feet from the commercial zoning district. If this first lot is in the R-3 Zoning District, it may be used for the uses permitted and as regulated in the R-4 Zoning District. If this first lot is in the R-4 Zoning District, it may be used for the uses permitted and as regulated in the R-5

Zoning District. In considering such authorization, the following standards shall be considered: **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**

- (1) The intended use of the lot;
 - (2) Ingress and egress to the lot and the proposed buildings or structures to be located thereon;
 - (3) Potential traffic congestion;
 - (4) The nature and character of buildings and structures or properties in the surrounding neighborhood;
 - (5) Effect of the intended use on light and air circulation for properties which are both adjoining and in the surrounding neighborhood; and
 - (6) Effect of any increased density of the intended use on the surrounding neighborhood.
- (i) Mechanical appurtenances, such as blowers, ventilating fans and air-conditioning units, must be attached to the principal building or, if not attached to the principal building, the mechanical appurtenance shall be screened to reasonably limit the audible and visual impact of the mechanical appurtenance from neighboring property.
 - (j) Mechanical work on trucks of one ton or more, on race cars, stock or otherwise, and on dune buggies owned by the occupant of a lot or on any vehicles not owned by an occupant of the lot is prohibited in all residential zoning districts. Any permitted work on vehicles must be performed entirely within a building.
 - (k) Private fallout shelters for a particular lot are permitted in any zoning district as an accessory use, provided there is compliance with all yard and coverage requirements of the zoning district. Community fallout shelters are permitted in any zoning district as a special use when this use is authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - (1) Size, proposed location, type and kind of construction and general architectural character of the shelter;
 - (2) Unanimity of surrounding neighborhood participation in the shelter; and
 - (3) The effect of the shelter on the surrounding neighborhood.
 - (l) In all residential zoning districts, all motor vehicles (except passenger motor vehicles, including motor homes, snowmobiles and motorcycles) shall only be parked in a building or covered structure.
 - (m) No boat, travel trailer, camper, or similar vehicle parked or stored in a residential zoning district shall be used as a sleeping quarters, be connected to utilities or be used for human habitation in any manner.
 - (n) No semitrailer shall be parked or stored in a residential zoning district.

Sec. 38-484. Razing of buildings. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

No building or structure, excluding farm buildings and structures, shall be razed unless a permit therefore has first been obtained from the Zoning Administrator. Such razing shall be completed within such reasonable time period as shall be specified by the Zoning Administrator in the razing permit. Such razing shall be completed in such a manner that:

- (1) It shall not be obnoxious to occupants of surrounding properties on account of dust, noise, vibration, traffic and the like;
- (2) Adequate provision shall be made for the safety of person and property;
- (3) All waste materials shall be removed from the razing site;
- (4) All debris and rubble, including concrete and brick, shall be removed from the razing site; and
- (5) The razing site shall be restored at a level grade The Zoning Administrator may, in his discretion, require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township be deposited with the Township Clerk by the razing permit applicant to guarantee compliance by the applicant with all the requirements of this section and completion of the razing and all required cleanup and removal within the time specified in the permit. The amount of such financial guarantee shall be determined by the Zoning Administrator but shall in no event be greater than \$1,000 for each 1,000 square feet or fraction thereof of floor area of the building or structure to be razed.

Sec. 38-485. Essential service. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998]

- (a) The erection, construction, alteration or maintenance, by public utilities or municipal departments, boards or commissions, of overhead or underground gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility buildings including maintenance and repair shops, vehicle or equipment storage buildings, outdoor vehicle or equipment storage yards, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare shall be permitted, as authorized or regulated by law and other ordinances of the Township in any district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this article. However, all towers and antennas regulated by Article V of this chapter, pertaining to wireless communications towers and antennas, are not permitted or authorized pursuant to the provisions of this section but are, instead, permitted only as is provided in Article V of this chapter.
- (b) Notwithstanding the exceptions contained in the immediately preceding sentence:

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

Sec. 38-486. Outdoor storage and waste disposal. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-8, eff. 9-6-1979; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-15, eff. 1-18-1983; Ord. No. Z-28, eff. 3-15-1990; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-60, eff. 5-14-2009]

- (a) All outdoor storage facilities utilized in connection with nonresidential activities shall be enclosed by a solid fence or wall of not less than six and no more than 10 feet in height that is adequate to conceal such facilities from adjacent properties and from public view.
- (b) If materials or wastes are stored outside which might cause fumes, odors 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.
- (c) No materials or wastes shall be deposited on a lot or property in such form or manner that they may be moved off the lot or property by natural causes or forces.
- (d) Waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.
- (e) All outdoor storage facilities for fuel, raw materials and products located less than 100 feet from any other property shall be enclosed by a solid fence or wall of not less than six nor more than 10 feet in height.
- (f) In all residential zoning districts, during the time period beginning November 1 and ending the last day of February of each year, all utility trailers, boats, boat trailers, boat cradles, portable boat docks, shore stations, travel trailers, camper or similar vehicles, (specifically excluding motor homes) shall be stored in back of the front building line or at least 100 feet back from the street right of way (or private road easement) line which is adjacent to the front yard, whichever requires a lesser setback. In the case of a corner lot, during the time period beginning November 1 and ending the last day of February of each year, such items shall be stored in back of the front and street/road side building lines or at least 100 feet back from the front and side street right of way (or private road easement) lines, whichever requires a lesser setback. In addition, with respect to any multifamily dwelling in any zoning district, no boat cradle, boat trailer, portable boat dock, shore station, boat or other watercraft shall at any time be located, placed or stored on the lot used for such multifamily dwelling, except for boats and other watercraft located on trailers legal for use on public highways without special permit.

Sec. 38-487. Required yard or lot. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-488. Control of heat, glare, fumes, dust, noise, vibration and odors. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. ZO16-1, eff. 6-16-2016]

- (a) Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located.
- (b) Lighting facilities shall be equipped with shielding so as to reflect the light downward and away from adjoining properties.

Sec. 38-489. Temporary uses or structures requiring Zoning Administrator authorization. [Ord. No. Z, eff. 2-7-1974]

- (a) Upon application, the Zoning Administrator shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
- (b) Upon application, the Zoning Administrator shall issue a permit for a temporary office that is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

Sec. 38-490. Accessory uses. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-58, eff. 12-13-2007; Ord. No. Z-60, eff. 5-14-2009; Ord. No. 2019-2, eff. 1-31-2019]

- (a) In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry.
- (b) The keeping of household pets, including cats, dogs, household fish and household birds, is expressly permitted as an accessory use in any zoning district; provided, however, that no more than four adult dogs or cats or any combination thereof shall be kept or housed in or at one dwelling unit.
- (c) The keeping of any other animals or poultry in any zoning district except the AG Agricultural and Permanent Open Space District, or as a part of a riding stable in the R-1 Rural Estate Residence District, is prohibited except when authorized by a

permit from the Zoning Administrator. The Zoning Administrator may, in his discretion, decline to decide such matter and refer decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In considering such authorization, the following standards shall be considered:

- (1) The land area where such animals are to be housed;
- (2) The location of adjacent property;
- (3) Whether or not noise or odors are likely to adversely affect the use of adjoining properties or the surrounding neighborhood;
- (4) For properties less than one acre in area, the slaughter of animals shall be prohibited; and
- (5) Poultry and fowl shall be permitted as follows:

Number of Poultry and Fowl Permitted

Area of Lot	Total Number of Poultry and Fowl Permitted	Setback From Adjoining Dwelling (feet)
8,500 square feet to 14,999 square feet	4 poultry/fowl	50
15,000 square feet to 24,999 square feet	6 poultry/fowl	50
25,000 square feet to 1 acre	10 poultry/fowl	100
Over 1 acre	15 poultry/fowl	100

- a. Poultry and fowl shall not be free range and shall be securely contained within a fenced area so as to restrict such animals to the lot on which they are kept.
- b. The fenced area where the poultry and fowl are kept shall be located within the rear yard and shall be at least 10 feet from any side or rear lot line.
- c. Poultry and fowl coops shall contain no less than four square feet per hen.
- d. Poultry and fowl runs shall contain no less than four square feet per hen.
- e. If poultry and fowl are caged, each cage shall be no less than one square foot in area.
- f. The area where the poultry and fowl are kept shall be kept clean so as to prevent noxious odors.
- g. Food for the poultry and fowl shall be stored in enclosed containers.
- h. Roosters shall not be permitted.

- i. The keeping of poultry and fowl is not permitted at multifamily residences.
- (d) The keeping of any animal or poultry as an accessory use in a residential zoning district shall not be authorized unless it is for recreational purposes only.
- (e) The keeping of horses as an accessory use shall only be permitted if all of the following requirements are met:
 - (1) The grazing area upon which the horses are kept shall be a minimum of one acre in area. For purposes of this section, "grazing area" shall mean the fenced open pasture land used for grazing by the horses and the accessory building required in Subsection (e)(2) of this section immediately below, and shall specifically exclude the portion of the lot occupied by the principal building and its accessory structures and/or buildings as well as all required front, side, and rear yards.
 - (2) An accessory building shall be erected in compliance with all requirements and restrictions of Section 38-491 to be used as a shelter for the horses.
 - (3) The accessory building and the grazing area upon which the horses are kept must be entirely fenced. All gates in the fence should be kept locked. The fencing must comply with Section 38-498 and be adequate in height, strength, and general design to prevent a horse from escaping from the grazing area.
 - (4) The number of horses permitted shall be limited to the ratio of one large horse per full acre, or two miniature horses per full acre, as shown in the following table. For purposes of this section, a large horse shall be any horse whose size is greater than 38 inches in height (including a foal of a large mare, regardless of the size of the foal), and a miniature horse shall be any horse (except for the foal of a large mare) whose size is less than or equal to 38 inches in height.

Number of Horses Permitted for Parcels Smaller Than Eight Acres

Size of Grazing Area	Total Number of Horses Permitted	Possible Combinations Permitted
5 acres to	5 large or 10 mini	(2 large + 4 mini)
		(1 large + 6 mini)
		(0 large + 8 mini)
		(5 large + 0 mini)
		(4 large + 2 mini)
		(3 large + 4 mini)
		(2 large + 6 mini)
		(1 large + 8 mini)
6 acres to	6 large or 12 mini	(0 large + 10 mini)
		(6 large + 0 mini)
		(5 large + 2 mini)
		(4 large + 4 mini)

Number of Horses Permitted for Parcels Smaller Than Eight Acres

Size of Grazing Area	Total Number of Horses Permitted	Possible Combinations Permitted
7 acres to	7 large or 14 mini	(3 large + 6 mini)
		(2 large + 8 mini)
		(1 large + 10 mini)
		(0 large + 12 mini)
		(7 large + 0 mini)
		(6 large + 2 mini)
		(5 large + 4 mini)
		(4 large + 6 mini) (3 large + 8 mini)
		(2 large + 10 mini)
		(1 large + 12 mini)
(0 large + 14 mini)		

- (f) In addition to initial authorization by the Zoning Administrator or the Zoning Board of Appeals, the housing of nonhousehold pets, animals, fish or birds in any zoning district except the AG Agricultural and Permanent Open Space District, or as a part of a riding stable in the R-1 Rural Estate Residence District shall require a nontransferable permit to be issued by the Zoning Administrator for one year when authorization is first granted with renewal annually thereafter. In renewing such permit, the Zoning Administrator shall determine whether or not the permit holder is in compliance with the requirements of this chapter and any requirements, conditions, or restrictions established when authorization was granted.
- (g) The permit may be revoked upon violation of any of the regulations stated above.

Sec. 38-491. Accessory buildings. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-48, eff. 9-1-2002; Ord. No. Z-53, eff. 10-22-2003; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-58, eff. 12-13-2007; amended by Ord. No. ZO16-1, eff. 6-16-2016]

- (a) Attached garages.
 - (1) Attached garages are permitted in any zone district. A garage shall be considered an attached garage when it is connected to the principal building with a roof structure.
 - (2) An attached garage shall meet the setback and yard requirements for a principal building of the zone district in which it is located.
 - (3) The footprint of an attached garage must not exceed 75% of the footprint of the usable floor area of the dwelling unit to which it is attached.
- (b) Detached accessory buildings.
 - (1) General requirements.

- a. No accessory building shall be allowed on any lot that does not have a principal structure located on the lot.
 - b. Except as provided in Subsection (b)(1)b.1 through 5 of this section, only one accessory building will be allowed on any lot, provided that the accessory building does not exceed the greater of 200 square feet or 2% of the calculated lot size, up to a maximum accessory building size of 2,500 square feet.
 1. On lots equal to or greater than two acres, the total allowable accessory building square footage may be split into two accessory buildings.
 2. One additional accessory building used exclusively as a pool storage building (i.e., to house equipment and supplies necessary to operate and maintain an on-site swimming pool and for a toilet and/or shower) is permitted, provided the pool storage building has a maximum height of 16 feet, and a maximum area of 100 square feet for lots equal to one acre or less in size and 200 square feet for lots exceeding one acre in size.
 3. One additional accessory building used exclusively as a pump house (i.e., to house a pump and related equipment for sprinkling purposes) is permitted, provided the pump house has a maximum height of four feet, and a maximum area of 16 square feet for lots equal to one acre or less in size and 36 square feet for lots exceeding one acre in size.
 4. One additional accessory building used exclusively as a decorative gazebo is permitted, provided the gazebo has a maximum area of 144 square feet and a maximum height of 12 feet. For purposes of this subsection, an accessory building will be deemed a gazebo only if a minimum of 50% of each sidewall is left open and/or is covered only with either a screen or transparent glass.
 5. An additional 576 square feet is permitted on a lot when there is not an attached garage on the principal building. This may be as an additional accessory building, or additional square footage allowed to an accessory building.
 - c. No accessory building or structure shall include residential or living quarters for human beings.
- (2) Location and height limitations.
- a. The height of an accessory building shall not exceed that listed in the table in Subsection (b)(2)e of this section.
 - b. The roof pitch of an accessory building shall not be less than 3/12.
 - c. An accessory building must be at least 10 feet away from any other building.

d. An accessory building shall meet the setback requirements listed in the table in Subsection (b)(2)e of this section.

e. Table.

Building Size (square feet)	Maximum Height of Building (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
< 240	14	40	5	5
240 - 350	16	40	5	5
351 - 700	18	40	10	25
701 - 1,050	20	60	10	25
1,051 - 1,400	22	80	25	35
> 1,400	24	100	25	50

f. On lots abutting Lake Michigan and Lake Macatawa, no accessory building shall be placed between the principal building and the water's edge.

g. The Zoning Board of Appeals may authorize lesser front, rear, or side yard setbacks or the placement of an accessory building between the principal building and the water's edge as an administrative approval on lots abutting Lake Michigan or Lake Macatawa. In establishing such yard requirements, the Zoning Board of Appeals shall consider the following standards:

1. The location of buildings on the lot or adjoining properties;
2. The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.; and
3. The character of the proposed accessory building and the effect on the surrounding neighborhood.

h. The Zoning Board of Appeals may authorize one or more accessory buildings in excess of the square footage limitations or in excess of the height limitations as an administrative approval. In considering such a request, the Zoning Board of Appeals shall consider the following standards:

1. The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;
2. The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;
3. The location of the accessory building in relation to other buildings

on adjoining lots and in relation to the principal building on the lot;

4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
5. Whether the accessory building will adversely affect the view of any adjoining property.

Sec. 38-492. Swimming pools. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-6, eff. 9-7-1978; Ord. No. Z-56, eff. 8-22-2006; amended by Ord. No. ZO16-1, eff. 6-16-2016; Ord. No. 2020-001, eff. 1-27-2020]

- (a) No swimming pool (referred to as "pool" in this section) shall be constructed, erected or installed on any lands in the Township unless a permit therefor has first been obtained from the Zoning Administrator.
- (b) The outside edge of the pool wall shall not be located nearer than four feet to any lot line; provided, however, that if any part of the pool wall is more than two feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than 10 feet to any lot line.
- (c) A pool of which any wall, including retaining walls designed to structurally support the pool, is greater than 30 inches above grade shall not be located in the required rear yard of a waterfront lot. Any fence used as a barrier for a pool located in the rear yard of a waterfront lot shall be glass, or other see-through material approved by the Zoning Administrator, which results in minimal visual obstruction. Any retaining walls that structurally support a pool shall result in minimal visual obstruction of waterfront lots.

Sec. 38-493. Principal building on lot. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-29, eff. 4-9-1990]

In the agricultural and all Residence (R) Zoning Districts, no more than one single-family dwelling and/or two-family dwelling shall be placed on any lot or parcel of land. If it is proposed that more than one single-family dwelling and/or two-family dwelling will be located on any lot or parcel of land, then such proposal may only be approved if authorized as a planned unit development as provided in Article III, Division 8, of this chapter.

Sec. 38-494. Front yard and rear yard averaging. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-56, eff. 8-22-2006; amended by Ord. No. ZO16-1, eff. 6-16-2016]

- (a) Residential front yard averaging. In any residential zoning district where the average depth of at least two front yards of existing adjacent buildings within 300 feet of the lot in question and within the same block on the same side of the street or private road is less than the minimum front yard depth prescribed for the residence zoning district in which the lot is located, then the required front yard shall be modified to be no less than the average depth of the existing adjacent buildings, as established by a licensed surveyor or the Zoning Administrator; provided, however, that the depth of the front yard shall not be less than 10 feet in

any event.

- (b) Residential rear yard averaging. In any residential zoning district where the average depth of at least two rear yards of existing adjacent buildings within 300 feet of the lot in question and within the same block on the same side of the street or private road is less than the minimum rear yard depth prescribed for the residence zoning district in which the lot is located, then the required rear yard shall be modified to be no less than the average depth of the existing adjacent buildings, as established by a licensed surveyor or the Zoning Administrator; provided, however, that the depth of the rear yard shall not be less than 10 feet in any event.
- (c) Commercial front yard averaging. In any commercial zoning district (the C-1 Neighborhood Business District and the C-2 Resort Service District) where the average depth of at least two front yards of existing commercial buildings within 300 feet of the lot in question and within the same block on the same side of the street or private road is less than the minimum front yard depth prescribed for the commercial zoning district in which the lot is located, then the required front yard shall be modified to be no less than the average depth of the existing commercial buildings as established by a licensed surveyor or the Zoning Administrator; provided, however, that the depth of the front yard shall not be less than 50 feet in any event. For purposes of this section, if an existing commercial building has a varying front yard setback, then the average of the closest point front setback and the farthest point front setback shall be used as the front yard setback for that building when calculating the average front yard setbacks to determine the minimum front yard for the new building.

Sec. 38-495. Rear yard abutting a body of water. [Ord. No. ZA, eff. 2-7-1974; Ord. No. Z-14A, eff. 4-19-1982; Ord. No. Z-32A, eff. 5-20-1991; amended by Ord. No. ZO15-1, eff. 9-21-2015]

In addition to the district regulations of Article III, the following requirements shall apply to lots abutting Lake Michigan or Lake Macatawa:

- (1) Lake Michigan. Most of the Lake Michigan shoreline is under regulation of the Michigan Department of Environmental Quality (MDEQ) as a critical dune, and/or a high-risk erosion area (HREA). In the event that the MDEQ would ever authorize a setback less than the distance required in Article III, the requirements of Article III shall be met. For lots abutting Lake Michigan not under MDEQ regulation, the setback shall be established using the median distance of ten adjacent buildings which are not under MDEQ regulation, to the one-hundred-year elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency.
- (2) Lake Macatawa. In an area of nonconforming lots abutting Lake Macatawa, the Zoning Board of Appeals may authorize a lesser rear yard setback. In establishing the setback, the Zoning Board of Appeals shall consider the following standards:
 - a. The location of buildings on adjoining properties;
 - b. The effect of construction on the lot in question on the view from adjoining properties;

- c. The potential effect of erosion and flooding from high water on the lot in question;
- d. The effect, if any, of the proposed building and any related improvements on existing seawall or other flood control or erosion devices located on adjoining properties;
- e. The relative proximity of the proposed building to adjoining properties, specifically including proximity to occupied dwellings; and
- f. The effect of the proposed building on adjoining properties and the surrounding neighborhood.

Sec. 38-496. Double frontage lots. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-56, eff. 8-22-2006]

Buildings on lots having frontage on two intersecting or nonintersecting streets or private roads, or combination of streets and private roads, shall comply with front yard requirements on both such streets or roads.

Sec. 38-497. Additional setbacks for structures adjacent to major streets. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-54, eff. 4-21-2004]

Notwithstanding any other provision of this article to the contrary, no building shall be constructed, erected or enlarged on a lot abutting a primary arterial road (i.e., a road designated in the Township general land use and circulation plan, as a road that collects traffic and channels traffic into or out of the Township, as the plan may be amended from time to time), unless the building meets the minimum setback of 83 feet as measured from the center line of the road right-of-way, or 40 feet as measured from the end of the road right-of-way, whichever is greater.

Sec. 38-498. Fences. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-48, eff. 9-1-2002; amended by Ord. No. ZO16-1, eff. 6-16-2016]

- (a) General requirements. General requirements regarding fences are as follows:
 - (1) No fence, hedge, or other landscaping shall be erected, constructed, located or maintained in any zoning district which constitutes a traffic hazard because of obstruction of visibility or any other reason.
 - (2) No fence shall contain barbed wire unless the fence is used as a part of a farming operation.
 - (3) A fence used in connection with the keeping of horses shall be constructed or erected as a split-rail fence, a three-board fence, or an electric-wire fence.
 - (4) Every electric-wire fence, whether or not used in connection with the keeping of horses, shall be labeled as an electric fence at intervals of not less than once every 100 feet.
- (b) Height limitations. No fence in excess of six feet in height shall be erected, constructed, located or maintained in any residential zoning district. In addition, no fence in excess of 36 inches in height shall be erected, constructed, located or

maintained in a front yard in any residence zoning district or in the front or rear yard of any waterfront lot in any residence zoning district, except that fences required for the keeping of horses pursuant to § 38-490(b) shall be four feet in height in the front yard and shall be no less than four feet in all other yards. The Zoning Administrator may, in his discretion, authorize fences of a height greater than six feet or fences of a height greater than 36 inches as an administrative approval. In granting such authorization, the Zoning Administrator shall consider the following standards:

- (1) The effect upon the adjoining properties;
- (2) Whether it will affect the light and air circulation of any adjoining properties;
- (3) Whether it will adversely affect the view from any adjoining property;
- (4) The reason for the request to construct the fence higher than permitted by this chapter;
- (5) The size, type and kind of construction, proposed location and general character of the fence; and
- (6) The size of other fences on properties that are adjoining and in the surrounding neighborhood.

Sec. 38-499. Minimum frontage and lot width. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-4, eff. 5-5-1977; Ord. No. Z-6, eff. 9-7-1978; Ord. No. Z-24, eff. 9-7-1989; Ord. No. Z-25, eff. 9-7-1989; Ord. No. Z-56, eff. 8-22-2006]

- (a) Every principal building and use shall be located on a lot that has a minimum of 85 feet of frontage on either a public street or a private road authorized as a special use pursuant to Section 38-512; provided, however, that lots located on the curve portion of a curved public street or private road or on the curved portion of a cul-de-sac public street or private road may have a lot width at the front lot line of less than 85 feet if the lot is not less than 85 feet wide at a distance of 35 feet from the front lot line. The minimum frontage and minimum lot width required by this section shall be provided with land that is owned by the lot owner; land over which the lot owner has an easement, license or other nonownership interest may not be used to meet the minimum frontage or minimum lot width required by this section.
- (b) The provisions of this section requiring a minimum frontage on a public street or private road of 85 feet shall not apply to any lot which was platted or otherwise of record as of July 17, 1989, or if an owner or other party in interest in the land has proposed the creation of the lot to the Township and received tentative approval of the creation of the lot from the Township Supervisor or Township employee on or before July 17, 1989.

Sec. 38-500. Moving of building. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

- (a) No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless authorization therefor as a special use is obtained from the Planning Commission. In considering the granting of such authorization, the following

standards shall be considered: **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**

- (1) The type and kind of construction of the existing structure or building in relation to its strength and whether or not said structure or building might be a fire hazard;
 - (2) The type and kind of buildings and structures adjoining and in the neighborhood surrounding the lot to which the structure or building is to be moved and whether or not the type and age of the building or structure to be moved is in keeping with the type and age of such buildings and structures which are adjoining and in the surrounding neighborhood; and
 - (3) The type and kind of materials used in the construction of the structure or building desired to be moved as such construction materials relate and compare to the type and kind of materials used in the construction of other buildings and structures adjoining and in the neighborhood surrounding the lot to which the building or structure is to be moved.
- (b) No existing building or structure utilizing balloon construction shall be moved into the Township or moved from one lot in the Township to another lot in the Township in any event. This section shall not apply to the moving of mobile homes.

Sec. 38-501. Repair and cleanup of damaged or destroyed buildings. [Ord. No. Z, eff. 2-7-1974]

The owner of any building or structure that has been damaged or destroyed by fire, windstorm or other casualty shall repair such damage within one year after its occurrence. In the event the building or structure is damaged beyond repair, any part left standing after such damage or destruction shall be razed pursuant to a permit therefor to be granted pursuant to Section 38-484.

Sec. 38-502. Governmental improvements. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-503. Health Department approval. [Ord. No. Z, eff. 2-7-1974]

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 which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Ottawa County.

Sec. 38-504. Ponds. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-44, eff. 2-28-2000; Ord. No. Z-56, eff. 8-22-2006; amended by Ord. No. 2020-001, eff. 1-27-2020]

- (a) Required authorization. No pond shall be constructed, erected, installed, located, deepened, expanded, reconstructed, or widened unless it has first been authorized, as is provided in this section, by either the Zoning Administrator or by the Planning Commission. If an existing pond is to be expanded or widened beyond its existing

footprint, the pond shall be brought into full compliance with all requirements of this section. If an existing pond is to be reconstructed within its existing footprint (e.g., deepened, cleaned out, etc., but not expanded or widened), the pond shall not be required to be brought into full compliance with all requirements of this section; provided, however, that an existing pond that is reconstructed within its existing footprint shall have a slope no steeper than 1:3. For purposes of this subsection, the term "existing pond" means a pond that was constructed, erected, installed, or otherwise located on a lot prior to February 10, 2000. All ponds that are constructed, erected, installed, or otherwise located on a lot on or after February 28, 2000, must, at all times, comply fully with all requirements of this section, including, without limitation, if and when the pond is deepened, expanded, reconstructed, or widened.

(b) Application. An application for authorization of a pond shall be made to the Township. The application shall include the following:

- (1) The name of the person who will be the owner of the pond. If the owner of the pond will be someone other than a natural person, the application shall indicate the name of the president/chief executive officer of the firm, association, partnership, joint venture, corporation, limited liability company, or other equivalent entity that will be the owner of the pond. If the owner of the pond will be a trust or an estate, the application shall indicate the name of the trustee or personal representative.
- (2) The location of the proposed pond or the existing pond that is to be deepened, expanded, reconstructed, or widened.
- (3) A statement of purpose or use of the pond.
- (4) The safety precautions to be taken to protect those persons making use of the pond or who might be in danger thereby. These safety precautions shall address not only those persons who are anticipated to utilize the pond and its adjoining lands but also any third parties who may elect to utilize the pond and its adjoining lands without authorization from the owner.
- (5) A survey map shall contain the following:
 - a. The dimensions of the pond.
 - b. The distances from the pond to the parcel's boundaries, to any existing or proposed structures on the parcel, to any septic system, to any existing ponds, lakes, streams or other watercourses located within the parcel and/or on adjacent properties, and to any buildings and structures on adjacent parcels.
- (6) Drawings of the pond prepared by an engineer licensed by the state showing or otherwise stating the following information:
 - a. The depth of the pond.
 - b. The surface area of the pond at the normal water elevation.
 - c. The surface area of the pond that meets the minimum depth requirement

contained in Subsection (d)(6)b of this section.

- d. The contour of the pond's side slopes and of the area in the general vicinity of the pond.
 - e. The volume of soil to be excavated for the pond and the volume of that soil which will be kept on the site of the pond.
 - f. Plans regarding excavation for the pond, including equipment access and the placement of soil on the parcel, if applicable.
 - g. Landscaping to be installed around the pond, including any berms, fencing or screening.
 - h. The effect of the pond on the water table of the parcel to be occupied by the pond, the water table of parcels in the vicinity of the pond, and on the quality and quantity of water available from wells on parcels in the vicinity of the pond. This information and analysis shall specifically address the consequences of any dewatering planned in conjunction with the construction, erection, installation, expansion, reconstruction, deepening, or widening of an outdoor pond. In its discretion, the Planning Commission may require that the engineer's statement concerning the matters included in Subsection (b)(6)h of this section state that it can be relied upon by the Township and by the owners of all lands within the vicinity of the pond.
 - i. Provisions for maintenance of the pond, including equipment such as bubblers, aerators, fountains, etc., and the method of filtration and treatment of the pond water, if applicable.
- (7) A soil borings report showing soil borings on the proposed site of the pond. There shall be a minimum of one soil boring for each full pond acre for the first five acres of pond coverage and, thereafter, one additional soil boring for each additional five acres or fraction thereof of pond coverage, i.e., six borings for a pond with coverage of more than five acres but no more than 10 acres, seven borings for a pond with coverage of more than 10 acres but no more than 15 acres, etc. All soil borings shall be reasonably distributed so as to give comprehensive coverage of the proposed pond area and shall be at least to the anticipated depth of the pond in the vicinity where the soil boring is taken. A geotechnical engineer licensed by the state shall prepare the soil borings report.
 - (8) A statement concerning the hours of operation relating to the construction of the pond and the duration of the pond construction project.
 - (9) Drawings showing the low-water clearance level over stumps and other materials constituting an underwater hazard.
 - (10) Such additional information as the Zoning Administrator or the Planning Commission may request in order to evaluate the application.
- (c) Procedure. The following procedures shall apply to applications for ponds:

- (1) An application for pond approval for a pond that is less than 1 1/2 acres in size, covers less than 25% of the area of the lot on which it is to be located, and is the only pond on the lot shall be considered and decided by the Zoning Administrator. In considering the approval of such a pond, the Zoning Administrator may, in his discretion, waive any of the application requirements contained in Subsection (b)(6) and/or (b)(7) of this section. The Zoning Administrator may, in his discretion, decline to make a decision on a pond approval application and refer the decision thereon to the Planning Commission. No pond shall be approved pursuant to this subsection unless the pond meets all of the restrictions and requirements contained in Subsection (d) of this section.
- (2) An application for pond approval for a pond that is not subject to Zoning Administrator consideration and approval pursuant to Subsection (c)(1) of this section shall be heard and decided by the Planning Commission as a special use. No pond shall be approved pursuant to this subsection unless the pond meets all of the restrictions and requirements contained in Subsection (d) of this section.
- (d) Restrictions and requirements. The following restrictions and requirements shall apply to all ponds, and ponds may only be located as follows:
 - (1) Landscaping and visual enhancement of the parcel: all zoning districts.
 - (2) Recreation, swimming and boating: AG, R-1, R-2, R-3, R-4, R-5 and C-2 Zoning Districts only as an accessory use to a permitted principal use of the parcel.
 - (3) Livestock watering and fish production for commercial purpose: AG Zoning District only.
 - (4) Wildlife habitat, not used for any commercial purposes: all zoning districts.
 - (5) Source of water for irrigation, spraying or fire suppression: AG Zoning District and for a planned unit development if included as an approved accessory use in the planned unit development.
 - (6) Stormwater retention, detention, or drainage: all zoning districts.
 - a. The pond shall comply with all of the yard requirements for the zoning district in which it is located. As part of the authorization of a pond, the Zoning Administrator or the Planning Commission may approve the location of a pond in a front yard.
 - b. Each pond shall have a required depth over a minimum of 15% of the area of the pond as follows:

Pond Size (acres)	Required Depth (feet)
1 or smaller	10 or more
Larger than 1	15 or more

- c. If the Planning Commission determines that compliance with the required depth requirement of this subsection is not necessary to maintain acceptable water quality in the pond, then the Planning Commission, in its discretion, may waive the required depth requirement of this subsection.
- d. The side slopes (contour) of a pond shall be constructed and maintained below normal water level with a slope no steeper than 1:6 until a depth of three feet and thereafter with a slope no steeper than 1:3.
- e. The side slopes (contour) of a pond shall be constructed and maintained above the normal water elevation with a slope no steeper than 1:6 for a minimum distance of 10 feet measured along the slope from the normal water elevation. This ten-foot area shall be maintained with stone, rock, sand, or other similar materials.
- f. All stumps and other materials that could constitute an underwater hazard shall be removed; provided, however, that stumps and other materials need not be removed if there is at least a ten-foot clearance between the stump or other underwater material and the normal water elevation of the pond.
- g. The discharge pipe from any pond without a direct outlet to an established drain shall have the drain size designed and engineered by an engineer licensed by the state and approved in writing by the Ottawa County Drain Commissioner. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another, and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is prohibited.
- h. No water drawn from a governmentally owned or operated water system shall be used in connection with the filling or operation of a pond.
- i. If any sand, topsoil, gravel, or other such material is to be removed from the parcel on which the pond will be located, all requirements of this article and all other Township ordinances, rules, and regulations shall be complied with as well as all requirements of all county, state, and federal ordinances, statutes, laws, rules, and regulations.
- j. No pond located on land that is not included in a subdivision, site condominium, or other residential development consisting of multiple building sites shall be located closer than 75 feet to the exterior boundary of the land on which it is located. No pond located inside a subdivision, site condominium, or other residential development consisting of multiple building sites shall be located closer than 75 feet to the outside boundary of the subdivision, site condominium, or other residential development, consisting of multiple building sites. However, if written consent is obtained and provided to the Township from the adjoining landowner, the Zoning Administrator (if he is considering and deciding on the pond application) or the Planning Commission (if it is considering and deciding on the pond application) may, in approving a pond, permit

a setback of less than 75 feet in either of the two situations described in this subsection, subject, however, to a minimum setback of 25 feet in any event.

- (e) Standards. In considering approval of a pond, the Zoning Administrator and the Planning Commission shall consider the following standards:
- (1) Whether all other permits or approvals from other governmental units or agencies have been obtained; for example, approval of the Ottawa County Drain Commissioner for any ponds that would come under the jurisdiction of that office and any approval/permit that may be under Part 301 of the Natural Resources and Environmental Protection Act (MCL § 324.30101 et seq.).
 - (2) The location of the pond on the parcel and its proximity to adjoining parcels.
 - (3) The potential for the pond to become a safety hazard for adjoining property or the public.
 - (4) The number of other ponds on the parcel or in the vicinity of the parcel.
 - (5) The character, nature and size of the pond and its effect on the parcel, including the effect on other appropriate uses of the parcel.
 - (6) The potential for the pond to result in stagnant water or insect breeding so as to become a nuisance.
 - (7) The effect of the pond on adjacent properties, on wells and the water table in the vicinity and on the health, safety and welfare of the public.
- (f) Conditions for authorization. In giving its authorization, the Zoning Administrator or the Planning Commission may:
- (1) Require financial assurance for the completion of the pond project within the time set in the issued building permit. The financial assurance shall be in the form of cash or a letter of credit acceptable to the Planning Commission and which shall permit the Township to access such funds to enable the Township to remedy a violation of the authorization and the issued building permit. The Planning Commission shall determine the amount of such bond or letter of credit at the time of authorization.
 - (2) Require proof of liability insurance in amounts acceptable to the Planning Commission, which shall be in place at the time the building permit is issued and shall be maintained until the pond construction project is completed.
 - (3) Require that the pond be enclosed with a wall, fence, or other type of enclosure. Such wall, fence, or other type of enclosure shall not be less than four feet above the grade line. The wall, fence, or other type of enclosure shall be designed so there are no openings of such a nature or size as to permit any child to pass through or under the fence, wall, or other type of enclosure except as a gate or door, and shall be of a type not readily climbable by children. All gates or doors leading to a pond, except a door in any building forming a part of the enclosure, shall be kept closed when no one is present on the lot on which the pond is located, and such gates and doors shall be fitted with a

positive latching device which will automatically latch them when said gate or door is in a closed position.

- (4) Require the construction, installation, operation, maintenance, and repair of bubblers, aeration equipment, fountains, or similar devices intended to maintain and enhance the pond water quality.
 - (5) Impose such other conditions or require such modifications in the plans for the pond as are determined reasonable and necessary for the protection of the health, safety and welfare of the general public.
- (g) Responsibility.
- (1) By applying for approval of the pond, the applicant shall be deemed to have consented to and agreed to all of the following:
 - a. That the applicant and all parties at any time owning or having any interest in the premises on which the pond is located agree that they shall, at no time, petition for the establishment of a lake board pursuant to Part 309 of Public Act No. 451 of 1994 (MCL § 324.30901 et seq.), and they shall, at no time, petition for or otherwise investigate any other legal proceeding under any federal or state statute or other provision of federal or state law which would result in the imposition of an assessment, charge or other financial responsibility on the Township in connection with the pond. Without limiting the generality of the immediately preceding sentence, the applicant and all parties at any time owning or having any interest in the premises on which the pond is located shall at no time petition for the maintaining of normal height and level of waters, maintenance, improvement, or development of the pond for fishing, wildlife, boating, swimming, algae and other vegetative controls, or for any other recreational or agricultural use.
 - b. That the applicant has designed and engineered the pond and the applicant assumes all responsibility with respect to the adequacy of its design, the adequacy of any outlet, the safety of the pond with respect to adjoining landowners and the public generally, and all other aspects of the pond's construction, erection, installation, location, repair, maintenance, expansion, widening, reconstruction, or deepening.
 - c. That the applicant shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the Township and its officers, board, Planning Commission, Zoning Board of Appeals, employees, and agents against any and all claims, damages, demands, expenses, liabilities, and losses of any character or nature whatsoever arising out of or resulting from the construction, erection, installation, location, maintenance, repair, reconstruction, deepening, expanding, or widening of the pond, including, but without limitation, any liability to third parties on account of any negative effect caused by the pond on the water table of parcels of land in the vicinity of the pond. The indemnification obligation provided in the preceding sentence shall include the payment of all reasonable attorneys' fees and other expenses of defense.

- (2) The provisions of this subsection shall be included as part of the application for a pond, and the applicant shall be required, as a condition of making an application for a pond, to accept and agree to all of the provisions of this subsection.
- (h) Zoning permit. Upon authorization and compliance with all conditions, the Zoning Administrator shall issue a zoning permit for the pond construction project. The zoning permit shall be valid for a period of one year, provided that the permit may be renewed prior to its expiration date by the Zoning Administrator for a period not exceeding an additional six months.
- (i) Garden/landscaping ponds. This section shall not apply to small garden and/or decorative landscaping ponds having a permanent liner with an aggregate surface area of 150 square feet or less.
- (j) Verification of compliance. Upon completion of the pond, the engineer who prepared the drawings of the pond as required in Subsection (b)(6) of this section, unless that requirement has been waived by the Zoning Administrator pursuant to Subsection (c)(1) of this section, shall certify that the pond has been constructed, erected, installed, located, deepened, expanded, reconstructed, or widened in accordance with the application and the Zoning Administrator or the Planning Commission approval. The engineer's certification shall be made within 30 days of the completion of the pond and prior to the utilization of the pond for its intended purposes. The Zoning Administrator may, in his discretion, require a review by the Township's engineer, at the sole cost and expense of the applicant, to verify such compliance. In such circumstance, the applicant shall deposit with the Township a fee in the amount of the reasonable anticipated cost of the Township Engineer's review. If the advanced payment of fees exceeds the actual expense of the Township Engineer's review, the Township shall return the entire or unused portion of the deposit to the applicant. If the advanced payment is insufficient to pay the actual expense of the Township Engineer's review, then the applicant shall promptly pay the Township the balance of the engineering expense.

Sec. 38-505. Earth change regulations and permits. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-46, eff. 2-27-2001; Ord. No. Z-56, eff. 8-22-2006; amended by Ord. No. 2020-001, eff. 1-27-2020]

- (a) Permit required. Except as exempted under Subsection (e) of this section, no earth change shall be conducted on any parcel of land unless such earth change has been authorized by and is in compliance with a permit issued pursuant to this section. For purposes of this section, the term "earth change" means a man-made change in the natural or existing cover or topography of land, including, without limitation, the excavating, mining, removing, importing, moving, filling, stockpiling, depositing and/or storing of topsoil, subsoil, sand, gravel, clay, aggregate, stone, sludge, ash and/or any similar materials and resources.
- (b) Application for permit. An application for an earth change permit shall be filed with the Zoning Administrator. An application fee, as established by the Township Board from time to time, shall be paid when the application is filed. Such application shall contain the following information and documentation:

- (1) The name and address of the applicant. If the applicant is not an individual, the name and title of a contact person for the applicant shall be provided.
- (2) If the applicant is not the owner of the parcel, the name and address of the holder of record title and the nature of the applicant's interest in the parcel shall be stated.
- (3) A survey and legal description of the parcel for which the earth change permit is sought.
- (4) A statement together with a map that details the specific nature and extent of the proposed earth change activity, including the following:
 - a. The type of materials involved in the proposed earth change.
 - b. A fair and reasonable estimate of the number of cubic yards of materials involved and description as to what volume of materials are to be excavated from, removed from, imported onto, moved on and/or stored on the parcel as part of the proposed activities.
 - c. A map depicting the proposed contours of the parcel upon completion of the earth change activities and showing the location of the proposed earth change activities in relation to the boundaries of the parcel and to buildings, septic systems, existing bodies of water and watercourses, both on the parcel and on adjacent lands.
 - d. The location and type of any fencing or other screening to be located on the parcel during the earth change activities.
 - e. The proposed landscaping and/or revegetation to secure and stabilize the ground and any slopes during and at the completion of the earth change activities.
 - f. A description of the type and amount of equipment proposed to be employed in the earth change activities.
 - g. The points of ingress and egress for the parcel and the route the applicant intends to use in transporting materials to and/or from the parcel. The location and size of aprons and scrub pads, if any are proposed, shall be detailed, together with a cleaning and maintenance plan. Aprons and scrub pads may be required as a condition to issuance of the permit and, if so, they shall be constructed of concrete or asphalt with scrub pads having a minimum length of 100 feet from the road onto the parcel and a minimum width of 12 feet and with aprons having a minimum radius of 25 feet, unless the Planning Commission determines other dimensions under the circumstances of the project.
 - h. Any proposed road signage for "slow trucks," "truck crossings," etc.
 - i. Proposed hours of operation.
 - j. Duration of earth change activities.
- (5) Information regarding approvals and/or permits required under any other

federal, state or local government or agency.

- (6) Information regarding financial assurance (in the form of a bond or letter of credit) to be provided to the Township to ensure compliance with the permit.
- (c) Action on application. If the Zoning Administrator determines the application to be complete, the application will be forwarded to the Planning Commission.
- (1) In making its decision, the Planning Commission shall consider the following standards:
 - a. The nature of the proposed earth change, including, without limitation, whether materials are to be excavated and removed from, or imported to, or moved upon the parcel and the purpose for the proposed earth change, together with the clearing of the land.
 - b. The size of the parcel.
 - c. The effect of such earth change on neighboring parcels and whether such earth change can be conducted in a manner harmonious with the neighboring uses.
 - d. The potential of the earth change to create safety concerns or hazards, to cause problems with noise, fumes, dust, lights and vibrations, to create erosion problems, to alter the groundwater table in the vicinity, to cause flooding or diversion of water, to result in the creation of sand blows, stagnant water pools, bogs and other similar problems affecting the adjacent properties and environment in the vicinity.
 - e. The change in the topography and loss of natural resources.
 - f. The types of trucks and other equipment to be used and the potential for traffic congestion, damage to roads, noise and debris, and safety hazards resulting from trucks and equipment used in the earth change activities.
 - g. Whether the earth change activities comply with all applicable federal, state, county and local laws, ordinances, rules, regulations, permits and requirements.
 - (2) The Planning Commission may approve, approve with appropriate conditions, or deny the application for an earth change permit and shall state the findings and conclusions for its decision. The Planning Commission shall have the right subsequently to impose additional conditions of approval or to amend any conditions of approval if reasonably necessary to achieve the purposes of the zoning chapter and/or address any change in circumstances or problems; provided that, such action shall not be taken without notice to the applicant and a hearing pursuant to Section 38-36.
 - (3) If the Planning Commission approves, with or without conditions, the issuance of the earth change permit, it shall also establish the appropriate amount and type of financial assurance to be provided by the applicant to ensure compliance with the permit and to make funds available to the Township to correct any noncompliance.

- (d) Issuance of permit. Upon approval of the Planning Commission, the Zoning Administrator at the request of the applicant shall issue an earth change permit. The issuance and the permit are subject to the following conditions:
- (1) The applicant must request and obtain the permit within six months from the date of approval by the Planning Commission; otherwise the approval is null and void and reapplication is required.
 - (2) At the time the permit is requested, the applicant shall provide the required financial assurance.
 - (3) At the time the permit is requested, the applicant shall provide proof of adequate comprehensive general liability insurance, and such insurance shall be maintained during the earth change activities.
 - (4) The permit shall allow only those earth change activities specified in the terms and provisions of the application, as modified and/or supplemented by any conditions of approval made by the Planning Commission, which terms, provisions and conditions shall be deemed included in the permit without further recitation.
 - (5) The permit issued shall not be transferable or assignable by the applicant, unless an application to approve such transfer or assignment is made and the Planning Commission, after a hearing, approves the transfer or assignment, which approval may be with appropriate conditions. The permit, including all terms, provisions and conditions, shall be binding upon the applicant, parties having an interest in the parcel and any successors or assigns.
 - (6) The permit shall be issued for the duration of the earth change activities as approved in the decision of the Planning Commission; provided, however, that no permit shall be issued for a period exceeding three years. Prior to expiration of the initial permit period, the applicant may request the Planning Commission, in its discretion, to grant an extension of the permit not to exceed one year. Such request will be subject to the laws, ordinances, rules and regulations then in effect and, there is no assurance or commitment for approval of such request under the laws and circumstances that may exist.
- (e) Exemptions from permit requirements.
- (1) The following earth change activities do not require a permit, but are subject to the provisions of Subsection (e)(2) of this section:
 - a. Up to 2,500 cubic yards of topsoil, subsoil and sand may be removed from or imported to a parcel for purposes of the construction of a building or structure on the parcel.
 - b. Topsoil or sand may be moved from one part of a parcel to another area of the same parcel.
 - (2) Exempted earth changes shall comply with the following standards:
 - a. The earth change shall not create or cause a safety hazard, erosion by wind or water, alteration of groundwater tables and other similar

problems.

- b. The earth change shall not cause or create sand blows, stagnant water pools, bogs or any similar type circumstances that cause injury to adjoining properties.
 - c. The earth change shall not cause a significant change in the natural topography or have an adverse or destructive impact on the environment or a natural resource.
 - d. The earth change shall not result in traffic congestion, road safety hazards or other similar problems.
- (f) Violations. A violation of this section or of any term, provision or condition of an approval granted and/or permit issued under this section shall constitute a violation of this chapter, and, in addition to the remedies provided in this chapter, the Zoning Administrator may issue a stop-work order and/or may revoke or cancel any permit in the manner provided in Section 38-33(f).
- (g) Relation to ponds. The requirements of this section are in addition to and separate from any requirements, approvals and permits relating to the creation of ponds under Section 38-504.

Sec. 38-506. Home occupations. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-58, eff. 12-13-2007; amended by Ord. No. ZA-63, eff. 7-1-2013]

The Township is committed to creating a community environment that sustains and promotes the health, safety and welfare of its residents. The Township recognizes the growth of the community and the need to have regulations that reflect the current needs and realities of the residents' lives, including economic lives. This section is designed to permit home occupations as an accessory use to a residential dwelling while helping to regulate and control traffic, parking, noise, advertising, diminished community aesthetics, and noxious odors that could otherwise negatively affect our residential neighborhoods.

- (1) All home occupations, whether permitted by right pursuant to Subsection (2) of this section or permitted as a special use pursuant to Subsection (3) of this section, shall be subject to the following requirements.
- a. A home occupation shall be permitted only as an accessory use to a residential dwelling in the AG, OB, R-1, R-2, R-3, R-4 and R-5 Zoning Districts. **[Amended by Ord. No. 2020-2, eff. 9-17-2020]**
 - b. A home occupation shall not alter the residential character of the dwelling in which it is operated, the character of the property on which the dwelling is erected, nor the character of the neighborhood in which the property is located.
 - c. No signage for the home occupation, or other structures of any kind related to the conduct of the home occupation shall be permitted on the property except as otherwise may be specifically authorized by this chapter.
 - d. A home occupation shall not include any type of motor vehicle or automobile

- repair, including, but not limited to, any type of bodywork or engine repair.
- e. Retail sales are prohibited within the OB Ottawa Beach Overlay District. **[Added by Ord. No. 2020-2, eff. 9-17-2020]**
- (2) Unless otherwise authorized as a special use permit elsewhere in this zoning chapter, home occupations that meet all of the following requirements, restrictions and regulations shall be permitted by right.
- a. The home occupation shall be conducted entirely within the dwelling by occupants of the residence. No outside employees, consultants, or independent contractors shall be permitted to be directly employed and work at the dwelling as part of the home occupation. No outdoor storage of any equipment, merchandise, articles for sale, or any other materials related to the home occupation shall be permitted for the home occupation.
 - b. With the exception of home occupations that have been authorized by state law including those involving the instruction in a craft or fine art, or in-home day care providers, the home occupation shall not result in an increase in vehicular traffic to the property and shall not allow commercial parking on the property. No customers shall be permitted on the premises to conduct business as part of a home occupation, with the exception of home occupations engaged in the instruction in a craft or fine art, or in-home day care providers. The home occupation shall not result in having regular deliveries by trucks larger than step side vans come to the property for the purpose of making a pick up or delivery to the property.
 - c. No merchandise or articles for sale shall be displayed on the property used for the home occupation.
- (3) For a proposed home occupation that is not authorized as a special use permit elsewhere in this zoning chapter or does not meet the requirements, regulations and restrictions contained in Subsection (2) of this section, the home occupation will be permitted only if approved as a special use by the Planning Commission. When deciding an application for a home occupation as a special use, the Planning Commission shall consider the following standards: **[Amended by Ord. No. 2018-1, eff. 3-23-2018]**
- a. The nature of the home occupation, including whether it is of a type that has traditionally and historically been carried on as a home occupation;
 - b. The nature of the surrounding neighborhood;
 - c. The effect of the home occupation on the surrounding neighborhood;
 - d. The environmental effects of the home occupation;
 - e. Whether customers conduct business on the premises;
 - f. Potential traffic congestion as a result of the home occupation; and
 - g. Provision for parking for traffic or clientele that may result from the operation of the home occupation (for those home occupations where customers or

clientele are permitted on the premises).

Sec. 38-507. Single-family dwellings. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-18, eff. 2-13-1986; Ord. No. Z-30, eff. 11-1-1990; Ord. No. 2018-1, eff. 3-23-2018]

Any single-family dwelling erected on site, a modular home, or a manufactured dwelling or precut structure shall be permitted in the agricultural and residential zoning districts only if in conformance with all of the following requirements:

- (1) A modular home or manufactured dwelling must either be:
 - a. New and certified by the manufacturer and/or appropriate inspection agency as meeting the manufactured home construction and safety standards of the Manufactured Housing Commission, as amended, or any similar successor or replacement standards which may be promulgated; or
 - b. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection (1)a of this section and found, on inspection by the Zoning Administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.
- (2) The dwelling shall comply with all Township building, electrical, plumbing, fire, energy and other similar codes; provided, however, that where a dwelling is required by law to comply with any federal or state standards or regulations for construction, then the federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Township Zoning Administrator.
- (3) The dwelling shall comply with all restrictions and requirements of this article, including, without limitation, floor area, yard requirements and lot area for the zoning district within which it is located.
- (4) A manufactured dwelling shall be installed with the wheels removed.
- (5) The dwelling shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall to be constructed of such materials and type as required by the State Construction Code for on-site constructed single-family dwellings. If the dwelling is a manufactured dwelling, its foundation shall hide the chassis, undercarriage and towing mechanism.
- (6) A manufactured dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Manufactured Housing Commission, or any similar or successor agency having regulatory responsibility for manufactured housing communities.
- (7) The dwelling shall have a minimum width across any front, side or rear elevation of 20 feet.
- (8) Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation differential greater than eight inches between the dwelling first floor and ground level.

- (9) The dwelling shall have no fewer than two exterior doors, with the second one being in either the rear or the side of the dwelling.

Sec. 38-508. Adult foster care facilities. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-18, eff. 2-13-1986; Ord. No. Z-21, eff. 1-20-1989]

No adult foster care facility shall in any event be located within a one-thousand-five-hundred-foot radius of any other adult foster care facility unless required by the Zoning Act.

Sec. 38-509. Docking of watercraft. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-18, eff. 2-13-1986]

With respect to docks which are accessory structures to single-family and two-family dwellings in all zoning districts, docks which are accessory structures to all nonresidential uses permitted in any residential zoning district, and docks extending from vacant lots located in all residential districts, no more than four boats or other watercraft shall be docked or moored to a dock at any time and, further, no boat or other watercraft which is not owned by or under written charter to the owner or occupant of the dwelling or lot shall be docked or moored for longer than 72 consecutive hours.

Sec. 38-510. Small antennas and satellite dishes. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-18, eff. 2-13-1986; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-58, eff. 12-13-2007; amended by Ord. No. ZA-63, eff. 7-1-2013]

Small video or audio signal receiving antennas, including conventional VHF and UHF television antennas, and not more than one small receiving satellite dish of one meter or less in diameter shall be allowed without Township authorization for each individual dwelling unit or business tenant; provided, however, that no such antenna or satellite dish shall be placed such that building height restrictions or front yard setback requirements for the zone in which it is located have been violated without a written declaration of need being issued by a qualified installer certifying that a signal of reasonable quality can be found in no other complying location on the site. All other video or audio antennas or satellite dishes, including those which receive or transmit signals, which are not regulated by Article V of this chapter, shall meet the following restrictions and regulations:

- (1) Freestanding satellite dish antennas shall not exceed 15 feet in height, including support structures, and no dish shall be larger than six feet in diameter. Licensed amateur radio station towers which not regulated under Article V of this chapter shall not exceed 90 feet in height.
- (2) Satellite dish antennas shall be a neutral color and, except for one manufacturer name or logo and no more than two safety warnings of five inches by 20 inches, no portion of a satellite dish antenna shall contain any other names, message, symbol or other graphic representation visible from adjoining properties.
- (3) A zoning or use permit shall first be obtained from the Zoning Administrator in accordance with Section 38-33 of this zoning chapter. The application shall include drawings showing the proposed method of erection, construction and installation, including details concerning anchoring; and by a site plan showing the proposed

location of the satellite dish antenna and its proposed height. The Zoning Administrator shall approve the request if the following criteria have been met:

- a. The lot or premises on which the antenna is located is sufficiently sized to accommodate the antenna(s);
- b. The area and/or height of the antenna(s) will be consistent with other similar structures in the area;
- c. The proposed location of the antenna(s) in relation to the adjoining properties shall not cause interference with uses being conducted on those properties;
- d. The antenna will not adversely affect the view of any adjoining properties;
- e. A declaration of need being issued by a qualified installer certifying that a signal of reasonable quality cannot be obtained unless more than one satellite dish or a satellite dish larger than one meter in diameter is placed on the site; and
- f. Proposed screening shall be provided to conceal the antenna from adjoining properties.

Sec. 38-511. Sale of tangible personal property. [Ord. No. Z, eff. 2-7-1974]

- (a) Except in the C-1 and C-2 Zoning Districts or where specifically authorized under the terms of an approved planned unit development, no owner of real property or person possessing a current possessory interest in real property shall publicly display for sale, or permit to be publicly displayed for sale, on such real property tangible personal property for which the owner or other person does not hold legal title.
- (b) For the purposes of this section, the term "publicly display for sale" shall include, but not be limited to, the parking or locating of a vehicle, trailer, snowmobile, jet ski, boat or other item of tangible personal property with a "For Sale" sign or similar sign affixed to or adjacent to such item, whether or not the item's owner or representative is present while the item is being displayed.

Sec. 38-512. Private roads. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-43, eff. 8-27-1999; Ord. No. Z-56, eff. 8-22-2006; amended by Ord. No. ZO16-1, eff. 6-16-2016]

- (a) General requirements.
 - (1) A private road shall be located within a deeded private road easement. The area in which the private road is to be located shall have a minimum cleared width of 28 feet, or 30 feet if the traveled road width must be 26 feet, which shall always be maintained.
 - (2) A private road shall be connected to and extend from a public street right-of-way either directly or via other private roads.
 - (3) A private road shall be given a name that is different from any other private road or public street within the county. Written approval for the name shall be

obtained from the Ottawa County Road Commission.

- (4) A street sign bearing the approved name of the private road shall be erected and maintained by the owner of the proposed private road at each location where a private road connects to and extends from a public street or another private road. Street signs and traffic control signs where the private road meets a public street shall comply with and be installed in accordance with Ottawa County Road Commission standards and specifications. This provision shall also apply to existing private roads, where such a street sign shall be erected by the current owner of the private road on or before December 31, 1999. Private roads serving two or more dwellings shall have a standard stop sign where the private road abuts the public road.
- (5) An existing private road constructed prior to September 1, 1999, and any private road constructed on or after that date may be reconstructed, extended, maintained, improved or relocated only in accordance with the standards and requirements of this article.
- (6) Private roads are permitted only as a part of an approved planned unit development (see Article III, Division 8, of this chapter) in any zoning district, or as a special use [see § 38-512(c)] in the AG Agricultural District, the R-1 Rural Estate Residence District, the R-2 Lakeshore Residence District, and the R-3 Low Density Single-Family Residence District. However, under no circumstances shall a private road be permitted in a subdivision established under the Land Division Act (MCL § 560.101 et seq.), in a single-family site condominium, or in a two-family site condominium, regardless of the zoning district within which such subdivision or site condominium is located, unless it is located in an approved planned unit development. Where a private road is permitted in a subdivision or a single-family or two-family site condominium because it is located in an approved planned unit development, the private road shall, in any event, have a minimum width of bituminous hard surface of at least 22 feet and shall be paved as is provided in Subsection (b)(2) of this section. In addition, in the case of a private road that is accessible by more than six building sites, the Planning Commission and the Township Board, in recommending and acting upon the proposed planned unit development, shall consider whether a wider paved surface should be provided. If it is determined that a wider paved surface should be provided, this shall be included as a condition of the approval of the planned unit development. Except as is otherwise specifically provided in this subsection, a private road located in an approved planned unit development shall not be subject to any of the requirements of this section specifically including, but without limitation, the construction specifications contained in Subsection (b) of this section. However, the immediately preceding sentence shall not be construed to prevent the inclusion in the conditions that govern an approved planned unit development of any or all of the requirements of this section.
- (7) The owner of a proposed private road shall provide to the Zoning Administrator a proposed maintenance and access agreement in recordable form that provides for the necessary maintenance, repair, improvement and reconstruction of the private road. At a minimum, this agreement shall contain the following provisions:

- a. A method of initiating and financing such maintenance, repair, improvement and reconstruction of the private road as is necessary to maintain the private road in a reasonably good and usable condition and necessary snowplowing of the private road.
 - b. A method of apportioning the cost of maintenance, repair, improvement, reconstruction and snowplowing among the private property owners who benefit from and have access to the private road.
 - c. A notice that no public funding is available or will be used to construct, reconstruct, maintain, repair, improve or snowplow the private road.
 - d. A notice that, if repairs and maintenance of the private road are not made so as to maintain the road in reasonably good and usable condition, the Township shall have the authority, but not the obligation, to repair and maintain the road and assess owners of the parcels having frontage on the private road for the total cost, plus an administrative fee in the amount of 10% of the total cost of the repairs and maintenance. The agreement shall also state that any person purchasing a parcel having frontage on the private road shall be deemed to have petitioned for the repair and maintenance of the private road specified in this subsection as is provided by Public Act No. 188 of 1954 (MCL § 41.721 et seq.), authorizing the special assessment by townships of the cost of the maintenance and repair of a private road, and to have consented in all respects to the imposition of a special assessment pursuant to such Act for the cost for the Township to repair and maintain the private road.
 - e. A provision that the owners of any and all of the property with rights to use the private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with the normal ingress and egress and use by other owners who use the private road. This provision shall also apply to other family members, guests, invitees, agents, emergency vehicles and others bound to or returning from any of the properties having a right to use the private road.
- (8) In determining the compliance of a lot with all area and yard requirements, land area located within the easement for a private road shall not be considered.
- (b) Construction specifications.
- (1) The length of a dead-end private road shall not exceed 850 feet. Unless it is approved as part of a planned unit development, a private road shall not provide access to more than six lots. A lot that is located on the corner of a street and a private road shall not be considered to have access from the private road if the lot has a principal building which has existing driveway access to the street. A lot that is located on the corner of a street and a private road that does not have an existing principal building which has an existing driveway access to the street shall be counted as one of the six lots and shall have vehicle access from the private road only and shall be prohibited from having vehicle access from the street.

- (2) As a condition of its approval as a special use of a private road that terminates at a dead end, the Planning Commission may require that the private road and its easement be configured so as to facilitate connection of the private road with another private road or a street in order to provide the potential for a second ingress/egress route. This may include requiring that the private road easement be extended to the property boundary line even though this extension is not necessary to provide access to a lot or lots. This provision permitting the Planning Commission to impose a condition requiring that the private road and its easement be configured so as to facilitate a second ingress/egress route for a dead-end private road is included in this article based on a legislative finding of the Township Board that it is in the interest of public safety for fire, ambulances, and police vehicles to have two ingress/egress routes to access a lot.
- (3) Table.

Private Road Construction Requirements				
Requirement		Parcels Served		
		1 to 2	3 to 5	6 or More
Right-of-way easement width		33 feet	55 feet	66 feet
Traveled road bed width		13 feet	18 feet	22 feet
				26 feet if storm sewer is included, including valley gutters
Minimum construction materials	Subbase	10 inches of sand	12 inches of sand	2 to 1 1/2 inches of bituminous hard surface layers, meeting MDOT Specification 22A, 1990 edition, or any applicable set of replacement standards
	Surface	6 inches of finished compacted gravel (No. 22A) on top of sand		

- (4) Where a private road terminates in a dead-end, a cul-de-sac with a minimum cleared turnaround radius of 60 feet shall be provided. The cul-de-sac shall be constructed as follows:

- a. If there is no island, with a radius of 42 feet; and
 - b. If there is an island, with a traveled surface width of 20 feet around the island.
- (5) The bituminous hard surface layers may be applied at separate times, but two layers shall be applied not more than six months apart. The minimum width of the bituminous hard surface shall be at least 22 feet. The private road shall be a crowned road; there shall be no valley gutters included within the 22 feet of road surface. Valley gutters may be located outside the 22 feet of road surface.
 - (6) A lot that is located on the corner of a street and a private road shall not be considered to have access from the private road if that lot has a principal building which has existing driveway access to the street. A lot that is located on the corner of a street and a private road that does not have an existing principal building that has existing driveway access to the street shall be considered as a lot that is accessed from the private road.
 - (7) After a review and written approval is obtained from the Ottawa County Drain Commissioner, a private road shall be constructed in a manner to provide effective stormwater drainage and to prevent runoff onto adjacent property. If a private road crosses a natural drainage course or easement, stream or other natural body of water, a bridge, culvert or other structure permitting the flow of water under the private road shall be constructed in accordance with applicable Ottawa County Road Commission and State Department of Transportation requirements.
 - (8) A private road shall not exceed a grade of 10%, provided that, within 50 feet of any private road or public street intersection, the grade shall not exceed 4%.
 - (9) A driveway permit for the private road shall be obtained from the Ottawa County Road Commission.
- (c) Review and approval provisions.
- (1) Permit application and fee.
 - a. Unless approved as part of a planned unit development, private roads shall only be permitted as a special use. The application for approval of a private road as a special use shall be filed with the Planning Commission in accordance with § 38-36 and shall be accompanied by a fee as established by the Township Board pursuant to § 38-33(g) to cover expenses incurred in processing the application.
 - b. The application for approval of the private road as a special use shall contain or be accompanied by the following information:
 1. The name of the owner and any other parties having any legal interest in the private road and the property across which it is to be constructed.
 2. The legal description of the property over which the private road is to be constructed.

3. A site location map, drawn to scale, which shows the location of the parcel containing the proposed private road to surrounding properties and all public streets and private roads located within 1/2 mile of the site.
 4. A scaled drawing, prepared by a state-licensed engineer, showing the precise location, route, elevations, dimensions, specifications, cross section and design of the private road and any proposed extensions of the private road, existing or proposed curb cuts and the location and distance to any public street (or private road) which the private road is to intersect.
 5. A scaled drawing, prepared by a state-licensed engineer, surveyor or architect, or a state-registered planner, illustrating the proposed lot divisions and building envelopes on the site, as well as the location of all structures presently on neighboring or adjoining properties within 100 feet of the private road easement.
 6. A copy of the proposed maintenance and operation agreement required by Subsection (a)(7) of this section.
 7. A copy of a driveway permit for the private road issued by the Ottawa County Road Commission.
 8. A copy of a document showing preliminary conceptual approval by the Ottawa County Drain Commissioner.
 9. A copy of a document showing preliminary conceptual approval by the Ottawa County Health Department.
 10. Any other additional information which the Planning Commission may request which is reasonably necessary to evaluate the proposed private road and its effect on the surrounding neighborhood and the Township in general.
- (2) Review of application. The application for special use authorization for a private road shall be reviewed and acted upon by the Planning Commission in accordance with the procedures specified in § 38-36 for special use permits. All private roads shall meet the general requirements and construction specifications required in this § 38-512 in order to receive approval by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
- a. The nature and character of the surrounding area;
 - b. The nature and character of the buildings and the structures currently existing or proposed to be built on the lots which will access the private road;
 - c. The distance of any existing or proposed buildings and structures from the proposed private road;
 - d. The potential traffic congestion and/or hazards that will be generated or

- alleviated by the private road;
- e. The adequacy of the private road for school buses, fire trucks, or similar vehicles to access all lots located on the private road;
 - f. The effect of the private road on the ability of further future divisions or splits of the parcels or lots located on or near the private road; and
 - g. The environmental effects of the private road and proposed development of the property.
- (d) Final compliance requirements. Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:
- (1) A letter from a state-licensed professional engineer stating and certifying that the private road has been constructed in all respects in compliance with the approved private road plans and the requirements of this article; provided, however, that if application of the second bituminous hard surface layer is being deferred as is authorized by Subsection (e) of this section, then the application of that second layer can be excepted from the scope of the engineer's letter; and
 - (2) Documentation that the maintenance and access agreement referred to in Subsection (a)(7) of this section and all easements have been recorded in the office of the Ottawa County Register of Deeds.
- (e) Permits for buildings on private roads. A building and any other permit shall not be issued for any building or structure that derives its primary access from a private road unless the private road has been approved as a special use and all other requirements of Subsection (d) of this section have been met. However, if the second bituminous hard surface layer has not yet been applied, building and other permits may nonetheless be issued for buildings or structures which derive their primary access from the private road, provided the second hard surface bituminous layer is applied within six months of the date of the application of the first bituminous hard surface layer. If this six-month deadline is not complied with, then no additional building or other permit shall be issued for any building or structure which derives its primary access from the private road and, further, a stop-work order shall be issued with respect to all building and other permits presently outstanding with respect to all buildings or structures which derive their primary access from the private road.
- (f) Township liability. The owner of the private road agrees, as a condition of applying for and receiving a special use permit for a private road, to indemnify and save and hold the Township, and its Township Board, Planning Commission, officers and employees, harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road and all expenses incurred in defending such claims. The substance of this subsection shall appear on the application for the special use permit and be signed by the applicant property owner.

Sec. 38-513. Wind energy. [Added by Ord. No. ZA-62, eff. 10-30-2009]

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

ANEMOMETER — A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind turbine at a given site.

SHADOW FLICKER — The moving shadow created by the sun shining through the rotating blades of a wind turbine.

WIND TURBINE — Any structure or appurtenance that converts wind energy into electricity or any other form of energy.

- (b) Anemometers are permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein.

(1) The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal safety, construction, environmental, electrical, communications, and FAA requirements.

(2) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that apply to the proposed wind turbine on the property.

(3) An anemometer that does not meet the requirements of Subsection (c) or (d) shall be permitted for no more than 13 months.

- (c) Wind turbines, whether permitted by right pursuant to Subsection (d) or permitted as a special use pursuant to Subsection (e), shall be subject to the following requirements:

(1) The lowest extension of any blade or other exposed moving component of a wind turbine shall be at least 15 feet above the ground or any walking surface such as a deck or balcony.

(2) No wind turbine shall be located in or over a body of water.

(3) All wind turbines, including their components, connections and placement, must conform to: the design standards of the IEC 61400-SER {Ed.1.0}, FAA requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL § 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL § 259.481 et seq.), the Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

(4) The owner(s) and/or operator(s) of a wind turbine shall complete decommissioning within 24 months after the end of its useful life. All decommissioning expenses are the responsibility of the owner(s) and/or operator(s).

(5) Wind turbines shall not interfere with communication systems, such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

(6) No commercial advertising or displayed messages shall be allowed on a wind

turbine.

- (7) Wind turbines 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.
- (d) Wind turbines shall be permitted in any zoning district, provided that, in addition to the requirements listed in Subsection (c), the following requirements are met:
- (1) The total height of the wind turbine may not exceed 50 feet, measured from the immediate adjacent grade.
 - (2) Wind turbines shall meet all the yard requirements applicable to the zoning district and Section 38-494(a).
 - (3) Wind turbines must not create a nuisance for adjoining properties, such as noise, vibration and shadow flicker.
 - (4) The diameter of the blades must not exceed 10 feet.
 - (5) No more than two wind turbines may be located on a property.
 - (6) Wind turbines may only be installed as an accessory to an approved use in the applicable zoning district.
 - (7) An application for a building permit showing that all applicable ordinances, codes and other restrictions are met and specific engineering pertaining to support and/or foundation for the wind turbine must be submitted and approved prior to the installation of a wind turbine.
- (e) Special use permits.
- (1) If a wind turbine(s) is (are) not permitted under Subsection (d) of this section, then a special use permit shall be required from the Planning Commission for the construction of a wind turbine(s) in any zoning district.
 - (2) Applicants for a special use permit for a wind turbine shall submit the following information, in addition to any other information required by this section:
 - a. A scaled site plan showing the following:
 1. The location, type and height of the proposed wind turbine.
 2. On-site land uses and zoning and adjacent land uses (including buildings and structures located thereon) and zoning (even if adjacent to another municipality).
 3. The proposed means of access and parking.
 4. Setbacks from property lines.
 - b. A detailed topographical landscape plan showing specific landscape materials, both existing and proposed.

- c. Elevation drawings of the proposed wind turbine(s) and any other structures. If the wind turbine(s) is (are) to be illuminated, this should be clearly depicted on the elevation drawing.
 - d. Signed and sealed construction plans for the wind turbine(s), including documentation that shows compliance with manufacturers' specifications.
- (3) In addition to any other standards specified in this section, the Planning Commission shall also consider the following factors in determining whether to issue a special use permit for a wind turbine(s):
- a. Height and number of the proposed wind turbine(s).
 - b. Proximity of the proposed wind turbine(s) 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 wind turbine(s), with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress to the proposed wind turbine(s).
 - h. The effect of the proposed wind turbine(s) on the surrounding neighborhood.
 - i. The effects on the environment.

Sec. 38-514. Marihuana establishments and facilities prohibited. [Added by Ord. No. ZO 2019-1, eff. 7-26-2019]

- (a) Pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act (Michigan Initiated Law 1 of 2018), as amended,⁴ marihuana establishments are prohibited within the boundaries of the Township.
- (b) Marihuana facilities are prohibited within the boundaries of the Township. As used in this section, "marihuana establishment(s)" means that term as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended,⁵ and "marihuana facility(ies)" means that term as defined in the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.⁶

Sec. 38-515. Condominium project approval. [Added by Ord. No. 2019-3, eff. 5-16-2019]

- (a) Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of

4. Editor's Note: See MCL 333.27956.

5. Editor's Note: See MCL 333.27951 et seq.

6. Editor's Note: See MCL 333.27101 et seq.

1978, (MCL § 559.101 et seq.; MCL § 559.241), as amended, all condominium subdivision plans shall be submitted to the Planning Commission for Township approval. In determining whether to approve a condominium subdivision plan, the Planning Commission and Township Board shall consult with the Zoning Administrator, Township Planner, Township Attorney, and Township Engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act. For purposes of interpreting and applying this Section 38-515, the words and phrases used shall have the meanings respectively ascribed to them in Sections 3 through 10 of the Condominium Act (MCL §§ 559.103 through 559.110).

- (1) Initial information. Concurrently with notice required to be given to the Township pursuant to Section 71 of the Condominium Act (MCL § 559.171), a person intending to develop a condominium project shall provide the following information with respect to the project:
 - a. The name, mailing address, electronic mail address, and telephone number of:
 1. All persons with an ownership interest in the land on which the condominium project will be located, together with a description of the nature of each person's interest (for example, fee owner, optionee, or land contract vendee).
 2. All engineers, attorneys, architects or registered land surveyors associated with the project.
 3. The developer of the condominium project.
 - b. The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers.
 - c. The acreage content of the land on which the condominium project will be developed.
 - d. The purpose of the condominium project (for example, residential, commercial, industrial, etc.).
 - e. The number of condominium units to be developed as part of the condominium project.
 - f. Whether or not a community water system is contemplated.
 - g. Whether or not a community septic system is contemplated.
- (2) Information to be kept current. All information required by this Section 38-515 shall be furnished to the Zoning Administrator and shall be kept current and updated until such time as a certificate of compliance pursuant to Section 38-35 has been issued.
- (3) Site plans - new projects, master deed, and engineering and inspections. Prior to recording the master deed as required by Section 72 of the Condominium

Act (MCL § 559.108), the condominium project shall undergo site plan review and approval pursuant to Article II, Division 3, of this chapter by the Planning Commission, unless the condominium project is proposed as a planned unit development, in which case the review and approval of the planned unit development condominium project shall be subject to Article III, Division 8, of this chapter. The Township Board may approve a condominium project in any location within Park Township, provided the condominium project meets the provisions of Section 38-515. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any certificates of compliance.

- (4) Site plans - expandable or convertible projects. Prior to expansion or conversion of a condominium project to additional land, the new phase of the condominium project shall be subject to site plan review and approval pursuant to Article II, Division 3, of this chapter by the Planning Commission. The Township Board may approve an expansion or conversion, provided the condominium project meets the provisions of Section 38-515.
- (5) Master deed, restrictive covenants and as-built survey to be furnished. The developer shall furnish the Zoning Administrator with the following:
 - a. One copy of the recorded master deed and one copy of all restrictive covenants. In the event of any conflict between the restrictive covenants, the approved plan, and this chapter, the approved plan and this chapter shall control. Two copies of an as-built survey shall also be provided. The as-built survey shall be reviewed by the Zoning Administrator for compliance with all applicable Township ordinances.
- (6) Compliance with federal, state and local law. All condominium projects shall comply with federal and state statutes and local ordinances.
- (7) State and county approval. The developer shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed condominium project and with regard to the wastewater disposal system for the proposed condominium project.
- (8) Easements for utilities. The condominium subdivision plan shall include all necessary easements granted to Park Township, or Ottawa County if appropriate, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of the public structures.
- (9) Condominium plan - required content. All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act and the following:
 - a. A survey plan of the condominium subdivision.

- b. A floodplain plan, when appropriate.
 - c. A site plan showing the location, size, shape, area and width of all condominium units.
 - d. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
 - e. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
 - f. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.
- (10) Relocation of boundaries. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this chapter for the district in which the condominium project is located and shall be subject to the review and approval of the Zoning Administrator. These requirements shall be made part of the bylaws and recorded as part of the master deed.
- (11) Subdivision of condominium units. All subdivisions of individual condominium units shall conform to the requirements of this chapter for minimum lot width, lot area, and building setback requirements and shall be subject to the review and approval of the Zoning Administrator. These requirements shall be made part of the bylaws and recorded as part of the master deed.
- (12) Manufactured housing condominium project. Manufactured housing condominium projects shall conform to all requirements of this chapter and shall be located only in a planned unit development.
- (13) Site condominium projects. All condominium projects that consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall provide in the condominium plan a building envelope which complies with the setback, area and width requirements of the applicable zoning district and shall be subject to the review and approval of the Zoning Administrator.
- (14) Single-family detached condominiums. Single-family detached condominium units shall be subject to all requirements and standards of the applicable residential district regulations, including minimum floor area requirements. There shall be maintained a minimum distance of 80 feet from the center of one residential dwelling unit to the center of another residential dwelling unit. This eighty-foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to ensure that the minimum area requirements can be met.
- (15) Streets and roads and sidewalks.
- a. All streets and roads in a site condominium project shall, at a minimum, conform to the standards and specifications promulgated by the Ottawa

County Road Commission, or private roads built to Section 38-512 of this chapter.

- b. The developer shall install sidewalks, designed and installed to Ottawa County Road Commission standards, along the development side of all public streets on which the development has frontage if the public street has a bituminous hard surface or if the developer is proposing to hard surface the public street on which the development has frontage. In cases where a sidewalk, or portion of a sidewalk, is outside of the public street right-of-way, a public easement for sidewalk purposes is required.
- c. The developer shall install internal sidewalks according to the requirements of Chapter 18, Land Divisions and Subdivisions, as amended.

(16) Paved public streets.

- a. The land for which a condominium project is proposed under this chapter shall have frontage on and abut a paved public street for the entire width of the parcel being proposed for the condominium project. If such land is a corner lot, each public street abutting the land must be paved as noted herein.
- b. If the land does not have such paved public street frontage, the developer of the condominium project may make such improvements as are necessary to comply with the paved public street frontage requirement of Section 38-515(16) above, subject to the approval of the Ottawa County Road Commission. If a parcel has frontage on only one public street, such improvements shall be extended from an existing paved public street to the farthest lot line of the parcel containing the proposed condominium project.
- c. If the parcel is a corner lot, only one of the street frontages must be paved as extended from an existing paved public street to the farthest lot line of the parcel containing the proposed condominium project. This street shall be considered the primary street frontage for the condominium project.
- d. In order to comply with the paved public street frontage requirement of Section 38-515(16) above, the remaining street frontage (the secondary street frontage) for the condominium project must be paved at such time that an entrance to the condominium project is provided onto the secondary street frontage. This paving shall be extended from the paved primary street frontage to the condominium project entrance on the secondary street.

(17) Public water and sanitary sewer. Public water and sanitary sewer service shall be provided to all condominium projects according to the requirements of Chapter 18, Land Divisions and Subdivisions, as amended.

(18) Streetlights and street trees. The developer shall install streetlights and street trees according to the requirements of Chapter 18, Land Divisions and Subdivisions, as amended.

- (19) Public hearing. Prior to making a recommendation to the Township Board, the Planning Commission shall hold a public hearing on the condominium plan. Public notice shall be provided as required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Sec. 38-516. (Reserved)

Sec. 38-517. Garage sales. [Added by Ord. No. 2020-001, eff. 1-27-2020]

Garage sales, rummage sales, yard sales, moving sales, and similar activities are considered temporary accessory uses within any residential zoning district and are subject to the following conditions:

- (1) Any garage sale, rummage sale or similar activity will be allowed without a temporary zoning permit for a period not to exceed four days within a three-month period. Any such activities operating for a period of time in excess of four days will require a temporary zoning permit from the Zoning Administrator.
- (2) All such sales must be conducted a minimum of 18 feet from the front lot line and a minimum of 15 feet from the side lot lines.
- (3) No signs advertising such sales may be placed upon a public right-of-way or other public property. All signs advertising such sales must be placed upon private property with the consent of the owner of the private property and must be removed within 24 hours of the conclusion of the sale or similar activity.

Sec. 38-518. Tree preservation. [Added by Ord. No. 2020-1022-1, eff. 11-4-2020]

- (a) Purpose and Intent. Tree preservation is recognized as essential throughout the Township to protect the health, safety, and general welfare of the natural environment and the residents. The intent of this section is to promote the aesthetic, biological, and environmental benefits of trees. Further, the Township seeks to implement the goals of protection, preservation, and reforestation of trees, as encouraged by the Park Township Master Plan, recognizing:
 - (1) The natural beauty and rural character of the Township are increased.
 - (2) Tree-lined streets are an asset to the historic resort character of the community, particularly along, but not necessarily limited to, Lakeshore Drive.
 - (3) Mature trees create a spectacular canopy along roadways and create shade, particularly along, but not necessarily limited to, North Lakeshore Drive.
 - (4) New development should preserve tree stands.
 - (5) The restoration of a street tree canopy is important along street right-of-way corridors, particularly along, but not necessarily limited to, Ottawa Beach Road.
 - (6) Avoiding the loss of significant woodlots to disease and infestation is important.
 - (7) Tree canopy and health analysis, maintenance, and reforestation should

regularly occur.

- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

ARBORIST — A professional, who is both certified by the International Society of Arboriculture and is a registered member of the Arboriculture Society of Michigan, and who cultivates, manages, and studies trees, shrubs, vines, and other perennial woody plants in dendrology and horticulture.

BUFFER — A vegetative screening of mature trees, or planted trees, or a combination of both, that protects and enhances the existing natural beauty and is sufficient to reduce noise and visually screen abutting property from the impacts of the development property.

CANOPY — The layer of tree leaves, branches, and stems that provide coverage of the ground when viewed from above.

CLEAR-CUT or CLEAR-CUTTING — The removal of any tree beyond that reasonably required to construct development infrastructure and buildings.

DEVELOPMENT — Any planned unit development, condominium, site condominium, plat, private road, site plan, or other application subject to review by the Park Township Planning Commission.

DIAMETER BREAST HEIGHT — The measurement of a tree diameter at 4.5 feet above the ground.

FORESTER — A professional, who is registered with the State of Michigan Department of Natural Resources Registered Forester program, and who practices the science of ecological restoration and management of forests.

IMPROVED SURFACE — The bituminous pavement or concrete or other hard surface, including gravel shoulders, of a traveled roadbed.

MANAGEMENT or MANAGEMENT PLAN — The sustainable practice of creating or improving a healthy biodiversity, carbon sequestration, and air quality equal to the original natural environment prior to development.

REFORESTATION — The intentional restocking of trees that have been removed.

STANDS OF TREES (TREE STANDS) — An aggregation of trees or other growth occupying a specific area and sufficiently uniform in species composition, size, age, arrangement, and condition as to be distinguished from the forest or other growth on adjoining areas.

TREE — A woody perennial plant with six inches or greater of diameter breast height, typically containing a single stem or trunk, and bearing lateral branches.

WILDLIFE CORRIDOR — An area of natural habitat that provides passage for wildlife, colonization, and the breeding of plants and animals, throughout a development and across artificial obstacles such as dams, roads, pedestrian pathways, and railways.

- (c) Residential, Commercial, and Industrial Development. Any development with commercial use, industrial use, or a residential development of two or more

residential building sites or units shall be subject to the following:

- (1) Buffers. The designation of a buffer along all lot lines for a residential development boundary, including the street right-of-way, and along all side and rear lot lines for commercial or industrial development. The Planning Commission has the discretion to increase, decrease, or eliminate the buffer in whole or in part, based upon a consideration of the following factors:
 - a. Whether trees within or near the proposed buffer are mature trees;
 - b. Whether the buffer contains or could contain tree stands;
 - c. The area of the proposed buffer related to the area of the overall development property;
 - d. The location and type of existing adjacent uses;
 - e. The type of permitted adjacent uses;
 - f. The density permitted by the underlying zoning district; and
 - g. The density permitted within a planned unit development when a development is sought pursuant to Chapter 38, Article III, Division 8, of this chapter.
- (2) Wildlife Corridor. The designation of a wildlife corridor abutting one or more lot lines of the development boundary at locations that provide a logical continuation of the wildlife corridor on the adjacent properties and beyond.
 - a. The Planning Commission has the discretion to increase, decrease, or eliminate the wildlife corridor in whole or in part, based upon a consideration of the following factors:
 1. The species of animals to benefit from the wildlife corridor;
 2. The quality and quantity of vegetative cover and habitat resource;
 3. Whether man-made or natural features, such as a body of water, exist on adjacent properties that would obstruct the natural continuation of the wildlife corridor; and
 4. Whether the migration of animals is viable without the wildlife corridor.
 - b. No vertical or otherwise upright tree that is deceased or dying shall be removed from a wildlife corridor, unless it is determined to be a threat to human life or property outside of the wildlife corridor. Such determination shall be made by the Zoning Administrator based on sufficient evidence provided by the lot or property owner.
- (3) Clear-cutting. Clear-cutting is prohibited.
- (4) Tree Canopies. All trees within the development shall maintain a canopy. A canopy shall include all of the tree leaves, branches, and stems for any tree without a building beneath the tree, and the canopy shall not be removed to a

height more than eight feet from ground level. A canopy shall include all of the tree leaves, branches, and stems for any tree with a building beneath the tree in whole or in part, and the canopy shall not be removed to a height more than five feet above the highest point of the building.

- (5) Tree Stands. Tree stands shall be preserved to the extent practicable within residential development.
 - (6) Health Analysis. For residential developments with six or more building sites or units, and for commercial or industrial developments, the Planning Commission may require an inventory and general health analysis of all existing trees of six inches or greater in diameter measured at the diameter breast height, identifying the species and approximate height of each tree, performed by an arborist.
 - (7) Reforestation Plan. A reforestation plan of no less than 25% of the trees removed at six inches or greater in diameter measured at the diameter breast height, which removal was necessary to construct the related development infrastructure, including, but not necessarily limited to, any easements and physical improvements of internal roads, drives, public utilities, and stormwater, shall be provided. The reforestation plan shall be performed by a forester and shall include a management plan for the entire development property.
 - (8) Outside Agency Approvals. Final approval from the Ottawa County Road Commission, Ottawa County Environmental Health Department, Ottawa County Water Resources Commissioner, and any other pertinent government agency with jurisdiction over applicable approvals for the development shall be obtained.
- (d) Street Trees. Pursuant to the purpose and intent of this section, the Township seeks to preserve, enhance, and create tree-lined streets along street rights-of-way. No person or property owner shall allow the removal of any tree within the street right-of-way nor remove any tree within 20 feet from the improved surface of the street, linearly measured to the diameter breast height of the tree trunk. Tree removal shall be permitted for only the purpose of driveways or private roads intersecting the street right-of-way. Tree removal shall be the minimum amount necessary to reasonably access the lot for vehicular access and emergency services. Tree stands shall not be removed unless absolutely unavoidable. The following street rights-of-way shall be subject to this section:
- (1) 152nd Avenue from Butternut Drive to Post Avenue.
 - (2) 160th Avenue from New Holland Street to Post Avenue.
 - (3) 168th Avenue.
 - (4) Butternut Drive.
 - (5) James Street.
 - (6) Lakeshore Drive.

- (7) Lakewood Boulevard.
 - (8) Ottawa Beach Road.
 - (9) Riley Street, west of 152nd Avenue.
 - (10) Quincy Street, west of Butternut Drive.
 - (11) Southshore Drive.
- (e) Appeals. In lieu of Section 38-70 of this chapter, the Zoning Board of Appeals may grant relief from any provision of this section and shall consider the following standards:
- (1) That strict compliance with this section would render conformity with those restrictions unnecessarily burdensome.
 - (2) That the plight of the property owner/applicant is due to the unique circumstances of the property and not due to general conditions of the zoning district.
 - (3) In the case of a development, whether appropriate buffers and wildlife corridors can be adequately provided if the variance is granted.
 - (4) The location of buildings on adjoining properties.
 - (5) The size of the lot in question and the size of adjoining properties.
 - (6) The effect of construction on the lot in question on the view from adjoining properties.
 - (7) The potential effect of erosion.

Sec. 38-519. through Sec. 38-532. (Reserved)

ARTICLE V
Wireless Communications Towers And Antennas

Sec. 38-533. Definitions. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads, barns, silos, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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.

CO-LOCATION — The use of a tower by more than one wireless telecommunications provider.

FAA — The Federal Aviation Administration.

FCC — The Federal Communications Commission.

GUYED TOWER — Any tower that utilizes guy wires.

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 parcel 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.

LATTICE TOWER — A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.

MONOPOLE TOWER — A support structure constructed of a single, self-supporting pole, securely anchored to a foundation without guy wires.

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 of the amendment to the ordinance adding this article, 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.

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 "tower" includes the structure and any support for the structure.

Sec. 38-534. Background. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

- (a) The Township has received or expects to receive requests to site wireless communications towers and antennas within its boundaries.
- (b) The Township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries.
- (c) It is the Township's intent to permit the siting of wireless communications towers and antennas within its boundaries.
- (d) 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.

Sec. 38-535. Purpose and goals. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

- (a) The purpose of this article is to establish reasonable guidelines and general regulations for siting wireless communications towers and antennas.
- (b) The goals of this article are to:
 - (1) Protect residential areas and land uses from potential adverse effects 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 effect 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
 - (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

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.

Sec. 38-536. Applicability. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998;

Ord. No. Z-57, eff. 12-13-2007]

- (a) New towers and antennas. All new towers and new antennas in the Township shall be subject to this article, except as otherwise provided in this section.
- (b) Amateur radio station operators/receive-only antennas; television antennas. This article shall not govern any tower, or the installation of any antenna that is under 90 feet in height and is owned and operated by a federally licensed amateur radio station or is used exclusively for receive only antennas for voice or television reception.
- (c) Preexisting towers and antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this article, other than the requirements of Section 38-537(f) and (g), and the general requirements of this article concerning preexisting structures (i.e., Article VII of this chapter, pertaining to parking and loading spaces).

Sec. 38-537. General requirements. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

- (a) 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.
- (b) 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.
- (c) Height. Towers shall not exceed a maximum height of the lesser of 199 feet or one foot lower than the height that would require illumination of the tower on the date of the commencement of construction of the tower.
- (d) 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.
- (e) Design of tower site. All towers shall be designed and constructed to accommodate the co-location of a minimum of three wireless communication carriers or providers. 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.
- (f) 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.

- (g) 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.
- (h) 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 article 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.
- (i) State construction codes and safety standards. The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with the standards contained in applicable state construction code 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 or standards and constitutes a danger to persons or property, then the Township may proceed under applicable law in Article IV of Chapter 10, pertaining to dangerous buildings or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.
- (j) Measurement. Tower setbacks and separation distances shall be measured and applied to facilities without regard to municipal and county jurisdictional boundaries.
- (k) Not essential services. With the exception of towers and antennas erected or installed by Ottawa County central dispatch or other similar public entities for purposes of public safety, which are considered by the Township to be essential services, all commercial towers and antennas shall be regulated and permitted pursuant to this article, and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (l) 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, and they shall file a copy of all required franchises with the Zoning Administrator.
- (m) Signs. No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign no larger than 12 square feet in area designating a person to contact in an emergency, together with the person's telephone number and address.
- (n) Metal towers. Metal towers shall be constructed with a corrosion-resistant material.
- (o) No interference. Towers shall not interfere with television or radio reception on surrounding properties.

- (p) Paving requirement. All parking and drive areas shall be paved with an asphalt or concrete binder and shall be constructed in accordance with the requirements of Section 38-605. In the alternative, the Planning Commission may allow appropriate environmentally friendly paving materials, such as pervious concrete or other porous paving material that allows water to pass through it.

Sec. 38-538. Permitted uses. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

- (a) General. The uses listed in this section are deemed to be permitted uses by right in any zoning district and shall not require a special use permit.
- (b) Permitted uses.
 - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.
 - (2) Antennas which are themselves not more than 30 feet in height and located upon legally existing electric transmission towers are permitted uses.

Sec. 38-539. Special use permits. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

- (a) General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission.
 - (1) If the tower or antenna is not a permitted use under Section 38-538, then a special use permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.
 - (2) Applications for special use permits under this section shall be subject to the general procedures and requirements of this article for special uses, except as modified in this section.
 - (3) 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.
 - (4) 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.
- (b) Processing special use applications.
 - (1) Submittal information required. Applicants for a special use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this article.
 - 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 Township); comprehensive plan classification of the site and all properties within the applicable separation distances set forth in Subsection (b)(6) 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 article.

- b. Legal description of the lot and of the leased portion of the lot (if applicable), together with a copy of the applicant's deed or lease.
- c. The separation distance between the proposed tower or antenna and the nearest dwelling, platted residential properties, and unplatted residentially zoned properties.
- d. An inventory of the 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, design, type of construction, capacity to locate additional antennas, and the owners/operators of those existing towers and antennas, along with the separation distance between those other towers or antennas and the proposed tower and/or antenna.
- e. A detailed landscape plan showing specific landscape materials, both existing and proposed.
- f. A description of the method of fencing, finished color and, if applicable, the method of camouflage and illumination of the tower and/or antenna.
- g. Signed and sealed construction plans for the tower and/or antenna.
- h. A description of compliance with the requirements of this article, 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 co-location 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, and evidence (in the form of a report, study, or other relevant documentation) that no existing tower, antenna, alternative tower structure, structure, or alternative technology can provide the services sought by the applicant.
- k. A description of the feasible location 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.

- (2) Factors considered in granting special use permits for towers or antennas. In addition to any other standards specified in this article for considering special use permit applications, the Planning Commission shall also consider the following factors in determining whether to issue a special use permit under this article.
 - a. Height of the proposed tower or antenna;
 - 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 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.
- (3) Township intentions concerning the location of most if not all towers and antennas. The Township intends that most if not all towers and antennas will be located as described in this subsection.
 - 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, where they will have a minimal adverse effect on residential uses.
 - b. The Township encourages the location of antennas on existing towers.
 - c. 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.

- (4) 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 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. At the applicant's sole cost and expense, the Township will contract with an engineer, or other professional consultant, to review the information submitted by the applicant and then provide a report to the Planning Commission regarding whether this requirement has been adequately met. Evidence that no existing tower, antenna, alternative tower structure, structure, or alternative technology can provide the services sought by the applicant may consist of the following.
- a. The applicant could demonstrate that 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. The applicant could demonstrate that 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. The applicant could demonstrate that 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 applicant could demonstrate that 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 applicant could demonstrate that the costs to collocate an antenna exceed the costs of erecting a new tower or antenna.
 - f. The applicant could demonstrate that there are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable.
 - g. The applicant could demonstrate that an alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.
- (5) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required.
- a. Towers must be set back a minimum distance equal to at least 75% 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.
 - b. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.

- (6) Separation. The following separation requirements shall apply to all towers for which a special use permit is required.
 - a. All monopole towers shall have a separation distance of the greater of 200 feet or two times the height of the tower from residentially zoned or used property.
 - b. All lattice or guyed towers shall have a separation distance of the greater of 300 feet or three times the height of the tower from residentially zoned or used property.
 - c. All new lattice or guyed towers shall be separated a minimum distance of 5,000 feet from any existing tower (lattice, guyed, or monopole). Separation distances between towers shall be applicable for and measured between the proposed lattice or guyed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.
- (7) 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 anti-climbing devices.
- (8) Landscaping. The following requirements shall govern the landscaping 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 and shall be irrigated.
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least eight feet wide outside the perimeter of the compound. The landscaping buffer shall include native, indigenous species, including, but not limited to evergreens, planted at intervals that provide effective, year-round screening.
 - b. 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.

Sec. 38-540. Accessory utility buildings. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

All utility buildings and structures accessory to a tower or an antenna shall comply with all other requirements of this article, 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.

Sec. 38-541. Removal of abandoned antennas and towers. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

Notwithstanding anything to the contrary elsewhere in this article, any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of 24 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 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.

Sec. 38-542. Expansion of nonconforming use. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-38, eff. 1-8-1998; Ord. No. Z-57, eff. 12-13-2007]

Notwithstanding any other provisions of this article to the contrary, towers that are constructed and antennas that are installed in accordance with this article shall not be deemed to be the expansion of a nonconforming use or structure.

Sec. 38-543. through Sec. 38-562. (Reserved)

ARTICLE VI

Signs

Sec. 38-563. Definitions. [Ord. No. Z.02, eff. 2-7-1974; Ord. No. Z-14.02, eff. 4-19-1982; Ord. No. Z-20.02, eff. 8-7-1988; Ord. No. Z-22.02, eff. 2-20-1989; Ord. No. Z-39.02, eff. 1-1-1999]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BANNER — A fabric or plastic sign hung on a wall or from poles, on which lettered, figured, promotional phrases, or pictorial matter is displayed for advertising a business, service, or entertainment.

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

BUSINESS SIGN — Any structure, including the wall of any building, on which lettered, figured, promotional phrases, or pictorial matter is displayed for advertising or identifying a profession, business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

IDENTIFYING SIGN — Any structure on the same premises it identifies which serves only to tell the name or use of any public or semipublic building or recreation space, apartment building or apartment complex, subdivision, club, lodge, church, or institution or parking lot.

POLITICAL SIGN — A sign used to advertise a candidate for public office or a position on an issue to be voted on at a general or special election.

PORTABLE SIGN — A temporary sign which is not permanently affixed to the ground, a building or structure, including, without limiting the generality of the foregoing, all banners, pennants, balloons, A-frame signs, light chains, and signs on wheels or portable stands, but excluding real estate signs and political signs.

REAL ESTATE SIGN — A sign used only to advertise, with pertinent information, the sale, rental, or leasing of the premises upon which it is located.

Sec. 38-564. Purpose and scope. [Ord. No. Z.01, eff. 2-7-1974; Ord. No. Z-14.01, eff. 4-19-1982; Ord. No. Z-20.01, eff. 8-7-1988; Ord. No. Z-22.01, eff. 2-20-1989; Ord. No. Z-39.01, eff. 1-1-1999]

- (a) This section is intended to protect and further the health, safety and welfare of the people of the Township by regulating the construction, erection, reconstruction, alteration, repair, maintenance, size, location and number of all signs, to ensure that such signs do not create a hazard to the public, to ensure that they do not interfere with the safe and efficient movement of pedestrians or traffic within the Township and to ensure that their size, location and number compliment harmoniously the

nature of development within the various zoning districts of the Township.

- (b) When more restrictive with respect to location, use, size, height or other requirements relating to structural safety, the provisions of the state construction code and/or any other applicable state construction code shall take precedence over this section.

Sec. 38-565. General conditions. [Ord. No. Z.03, eff. 2-7-1974; Ord. No. Z-14.03, eff. 4-19-1982; Ord. No. Z-20.03, eff. 8-7-1988; Ord. No. Z-22.03, eff. 2-20-1989; Ord. No. Z-39.03, eff. 1-1-1999; Ord. No. Z-56.03, eff. 8-22-2006]

- (a) No sign shall be erected, constructed or reconstructed in any location where it may interfere with, or obscure the view of, or be confused with, an authorized traffic sign.
- (b) No sign shall have any visible moving components, or a moving or changing message, either constantly or at intervals, regardless of whether the motion or change is caused by artificial or physical means, except as permitted by Section 38-569 and Section 38-575(g)(4).
- (c) A sign which is an integral part of a building may not extend higher than the sidewall of the building on which it is mounted.
- (d) No freestanding sign shall exceed eight feet in height. The Zoning Administrator may authorize freestanding signs of a greater height. The Zoning Administrator may, in his discretion, decline to decide such matter and refer decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). In granting such authorization, either by the Zoning Administrator, or the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603), the following standards shall be considered:
 - (1) The number of businesses using the building and/or sign;
 - (2) The sign height related to the height of the principal buildings on the lot and neighboring lots;
 - (3) The effect of the sign on the surrounding neighborhood; and
 - (4) How the sign affects light, visibility and the circulation of air.
- (e) No sign, temporary or permanent, shall be erected, constructed, installed or located on private property without the written consent of the owner of such property; provided, however, the requirement that the consent be written shall not apply to political and real estate signs. Real estate signs may only be placed on the property that is for sale, rental or lease.
- (f) No sign, including, without limitation, political signs, shall be located in the public right-of-way or 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.
- (g) No sign, or any part thereof, attached to a wall shall extend more than 12 inches

therefrom.

- (h) No item or article of tangible personal property, including, but without limitation, a vehicle, trailer, snowmobile, or watercraft, including personal watercraft, shall be used as a sign by displaying or placing thereon or attaching thereto letters or words, figures, or pictures or any type or kind of promotional material which provides information about or advertises a business, service, entertainment or any other activity or enterprise and locating or parking this item or article of tangible personal property at a location or place where such item or article of tangible personal property can be viewed by members of the general public. As examples of the application of this subsection, but without limitation, the following described circumstances constitute violations of this subsection:
- (1) Watercraft with temporary vinyl lettering used as signs and parked in a commercial lot.
 - (2) Vehicles with temporary vinyl lettering used as signs and parked in a commercial lot.
 - (3) Signs mounted on trailers.
 - (4) Banners hung on watercraft.
 - (5) A personal watercraft with a vinyl or fabric "For Rent" sign on it.

Sec. 38-566. Maintenance. [Ord. No. Z.04, eff. 2-7-1974; Ord. No. Z-14.04, eff. 4-19-1982; Ord. No. Z-20.04, eff. 8-7-1988; Ord. No. Z-22.04, eff. 2-20-1989; Ord. No. Z-39.04, eff. 1-1-1999]

All signs shall be maintained in good condition and repair, including, without limiting the foregoing, maintenance of supports and fastenings to prevent the sign from falling.

Sec. 38-567. Traffic hazard. [Ord. No. Z.05, eff. 2-7-1974; Ord. No. Z-14.05, eff. 4-19-1982; Ord. No. Z-20, eff. 8-7-1988; Ord. No. Z-22.05, eff. 2-20-1989; Ord. No. Z-39.05, eff. 1-1-1999]

No sign shall be constructed, erected, reconstructed or located in such a manner as to cause a hazard to vehicle or pedestrian traffic, including, without limiting the foregoing, a visual hazard caused by flashing lights or glare where the visual hazard impairs vision or is unreasonably distracting.

Sec. 38-568. Right-of-way. [Ord. No. Z.06, eff. 2-7-1974; Ord. No. Z-14.06, eff. 4-19-1982; Ord. No. Z-20.06, eff. 8-7-1988; Ord. No. Z-22.06, eff. 2-20-1989; Ord. No. Z-39.06, eff. 1-1-1999]

No sign, temporary or permanent, shall be constructed, erected or reconstructed upon or over any sidewalk, street, alley or other public right-of-way.

Sec. 38-569. Illumination. [Ord. No. Z.07, eff. 2-7-1974; Ord. No. Z-14.07, eff. 4-19-1982; Ord. No. Z-20.07, eff. 8-7-1988; Ord. No. Z-22.07, eff. 2-20-1989; Ord. No. Z-39.07, eff. 1-1-1999; Ord. No. Z-56.07, eff. 8-22-2006]

All signs that are to be illuminated shall be illuminated by electrical power. All electrical wiring and electrical installation shall be in conformance with the electrical code currently in force in the Township. Time and/or temperature signs and changeable letter signs are only permitted as is provided by Section 38-575(g)(4). No other type of sign shall be illuminated with flashing, blinking, intermittent or on and off lighting. Open neon lights are prohibited. All sign illumination shall be employed in such a manner so as to prevent intense or brilliant glares or rays of light from being directed at any street, private road, or at any adjoining property.

Sec. 38-570. Measurement of sign area. [Ord. No. Z.08, eff. 2-7-1974; Ord. No. Z-14.08, eff. 4-19-1982; Ord. No. Z-20.08, eff. 8-7-1988; Ord. No. Z-22.08, eff. 2-20-1989; Ord. No. Z-39.08, eff. 1-1-1999]

The area of a sign includes the entire area within a circle, triangle or multisided figure enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed, but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere or other three-dimensional object used as a sign, the total area of the sphere or other three-dimensional object is divided by two for purposes of determining the sign area.

Sec. 38-571. Portable signs. [Ord. No. Z.09, eff. 2-7-1974; Ord. No. Z-14.09, eff. 4-19-1982; Ord. No. Z-20.09, eff. 8-7-1988; Ord. No. Z-22.09, eff. 2-20-1989; Ord. No. Z-39.09, eff. 1-1-1999]

Except for signs, pennants, and banners permitted pursuant to Section 38-576(b)(16), portable signs are prohibited in all zoning districts unless located inside the window of a building. Only one portable sign is permitted per window, with the total area of each sign not to exceed 25% of the total area of the window in which it is placed.

Sec. 38-572. Political signs. [Ord. No. Z.10, eff. 2-7-1974; Ord. No. Z-14.10, eff. 4-19-1982; Ord. No. Z-20.10, eff. 8-7-1988; Ord. No. Z-22.10, eff. 2-20-1989; Ord. No. Z-39.10, eff. 1-1-1999]

Political signs shall be permitted in all zoning districts provided they are temporary, not illuminated, do not exceed six square feet in area in the AG, R-1, R-2, R-3, R-4, and R-5 Zoning Districts and do not exceed 32 square feet in the C-1 and C-2 Zoning Districts. There shall be no more than one political sign per 25 feet of property road frontage or fraction thereof. All political signs shall be removed within 10 days after the holding of the election with which the political sign is concerned. All political signs shall comply at all times with the requirements of Sections 38-565 through 38-568.

Sec. 38-573. Billboards. [Ord. No. Z.11, eff. 2-7-1974; Ord. No. Z-14.11, eff. 4-19-1982; Ord. No. Z-20.11, eff. 8-7-1988; Ord. No. Z-22.11, eff. 2-20-1989; Ord. No. Z-39.11, eff. 1-1-1999]

Billboards are prohibited in the Township.

Sec. 38-574. Nonconforming signs. [Ord. No. Z.12, eff. 2-7-1974; Ord. No. Z-14.12, eff. 4-19-1982; Ord. No. Z-20.12, eff. 8-7-1988; Ord. No. Z-22.12, eff. 2-20-1989; Ord. No. Z-39.12, eff. 1-1-1999; (Ord. No. Z-56.12, eff. 8-22-2006)]

Subject to the provisions of this section, a sign which is existing and lawful on the effective date of the ordinance from which this chapter is derived, or in the case of an amendment to this article, then on the effective date of such amendment, may be maintained and continued although such sign does not conform with the provisions of this article or any amendment thereto, as the case may be.

- (1) No nonconforming sign:
 - a. Shall be changed to another non-conforming sign;
 - b. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size or type;
 - c. Shall be reestablished or continued after the activity, business, or use to which it was attached has been discontinued for 90 days or longer.
- (2) No owner shall be required to remove a sign that was erected in compliance with this article if such sign becomes nonconforming due to a change in the location of buildings, streets, private roads, or other signs if the change was beyond the control of the owner of the sign and the premises on which it is located.
- (3) If the owner of a sign, or the premises on which a sign is located, changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign shall be removed or made to conform to this chapter.

Sec. 38-575. Permitted signs in each zoning district. [Ord. No. Z.13, eff. 2-7-1974; Ord. No. Z-14.13, eff. 4-19-1982; Ord. No. Z-20.13, eff. 8-7-1988; Ord. No. Z-22.13, eff. 2-20-1989; Ord. No. Z-39.13, eff. 1-1-1999; Ord. No. Z-56.13, eff. 8-22-2006; Ord. No. Z-58.13, eff. 12-13-2007; amended by Ord. No. ZA-63, eff. 7-1-2013]

- (a) AG Agricultural and Permanent Open Space District. Signs shall be permitted in this zoning district only as follows:
 - (1) One real estate sign for each 450 feet or fraction thereof of property road frontage, not in excess of six square feet each in area, provided the real estate signs are not illuminated and are placed entirely within the boundaries of the parcel of land or lot to which the signs refer.
 - (2) One permanent identifying sign, provided such sign shall:
 - a. Not exceed an area of 32 square feet;

- b. Not extend more than 12 inches from the surface of the building if mounted on a wall;
 - c. Have all lighting shielded from adjoining residences in such a manner that direct light does not leave the property on which the sign is located.
 - (3) One construction sign per construction project, denoting architects, engineers, banking institutions, subcontractors, or contractors connected with the work under construction. For one- and two-family dwelling projects, the area shall not exceed 12 square feet. For all other construction projects, the maximum area is 32 square feet. This sign may be displayed only during the time the improvements are under construction.
 - (4) One freestanding business sign for each farm or property, not in excess of 32 square feet in area, and located not less than 40 feet from the edge of the street right-of-way or private road easement.
 - (5) One or more temporary seasonal signs advertising business operations such as being "open" or the sale of products on the lot where the sign is located. The collective total square footage of such signs shall not exceed an area of 64 square feet per lot; provided, however, that the lot shall meet the minimum lot area for the district, and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than 50 feet. Where temporary seasonal signs are located on one or more legal nonconforming lots advertising business operations, the collective total square footage of temporary seasonal signs throughout all of the lots shall not exceed an area of 64 square feet, and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than 50 feet. **[Amended by Ord. No. 2020-001, eff. 1-27-2020]**
- (b) "R" designated residential zoning districts.
 - (1) In all "R" designated residential zoning districts, signs shall be permitted only as follows:
 - a. One real estate sign not in excess of six square feet in area, if the real estate sign is not illuminated and is placed entirely within the boundaries of the parcel of land or lot to which the sign refers.
 - b. One permanent identifying sign, provided such sign shall:
 1. Not exceed an area of 32 square feet;
 2. Not extend more than 12 inches from the surface of the building if mounted on a wall;
 3. Have all lighting shielded from adjoining residences in such a manner that direct light does not leave the property on which the sign is located;
 4. Be placed at least five feet from the edge of the road right-of-way; and

- c. One and/or two permanent identifying signs at each entrance to a residential development (i.e., subdivision, condominium, or apartment complex), provided that the total square footage of the sign at each entrance does not exceed an area of 32 square feet, and all requirements of Subsection (b)(2) of this section are met.
 - d. One construction sign per construction project, denoting architects, engineers, banking institutions, subcontractors, or contractors connected with the work under construction. For one- and two-family dwelling projects, the area shall not exceed 12 square feet. For all other construction projects, the maximum area is 32 square feet. This sign may be displayed only during the time the improvements are under construction.
 - e. Plat or site condominium advertising signs provided there shall be only one such sign per plat or site condominium, and that no such sign shall exceed 32 square feet in area. Plat or site condominium advertising signs shall be removed when 75% of the building sites of the last approved phase have buildings located thereon or are under construction.
- (2) In the R-1 Rural Estates Residence District, one or more temporary seasonal signs advertising business operations such as being "open" or the sale of products on the lot where the sign is located. The collective total square footage of such signs shall not exceed an area of 64 square feet per lot; provided, however, that the lot shall meet the minimum lot area for the district, and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than 50 feet. Where temporary seasonal signs are located on one or more legal nonconforming lots advertising business operations, the collective total square footage of temporary seasonal signs throughout all of the lots shall not exceed an area of 64 square feet, and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than 50 feet. **[Added by Ord. No. 2020-001, eff. 1-27-2020]**
- (c) In all "C" designated commercial zoning districts, signs shall be permitted only as follows:
- (1) All signs permitted in the R-1 Rural Estate Residence District, subject to the same conditions, restrictions, and requirements as provided in the R-1 Rural Estate Residence District, except that political signs and real estate signs may be larger than permitted in the R-1 Rural Estate Residence District, but shall not be greater than 32 square feet in area, signs permitted by § 38-575(b)(2) shall not exceed 50% of the dimensional provisions therein but may be permitted per business on a lot, and home occupation signs are prohibited. **[Amended by Ord. No. 2020-001, eff. 1-27-2020]**
 - (2) Business signs if the signs:
 - a. Are placed flat against the building on which they are located;
 - b. Are limited to one sign per tenant space per side or sides of the building which fronts on principal streets, private roads or waterways providing

access to the building;

- c. Are not in excess of 10% of the wall area of the tenant space to which they are attached, but not to exceed 32 square feet in area in any event;
 - d. Have no dimension greater than 30 feet.
- (3) One freestanding business sign if it is located in the front yard and does not exceed 32 square feet in area.
- (4) One changeable letter sign, per building, not to exceed 32 square feet in area, is allowed on the side of a building or on the same support as the freestanding business sign permitted under Subsection (c)(3) of this section. Message changes may be accomplished through either electronic and/or mechanical means, or through the use of illumination, provided that the following criteria are met:
- a. There shall be no animation, cartoons or moving pictures or similar depictions of motion.
 - b. Movement of any kind shall be prohibited except the simultaneous and instantaneous change of letters, numbers or symbols necessary to convey the changing message.
 - c. The rate of change between messages shall be no more frequent than 10 seconds.
- (5) Where two or more businesses are located in the same building, the freestanding business signs for each business shall be combined on the same pole or ground sign. In this instance, the total area of all freestanding business signs mounted on the same pole or ground sign shall not exceed 64 square feet.
- (d) Planned unit development. Such signs as are approved by the Township Board in authorizing the planned unit development.

Sec. 38-576. Permit required. [Ord. No. Z-14, eff. 2-7-1974; Ord. No. Z-14.14, eff. 4-19-1982; Ord. No. Z-20.14, eff. 8-7-1988; Ord. No. Z-22.14, eff. 2-20-1989; Ord. No. Z-39.14, eff. 1-1-1999]

- (a) Except as specifically excused in Subsection (b) of this section, no sign shall be constructed, erected, located, placed, attached to a building, installed, structurally altered, or relocated prior to the issuance of a permit by the Zoning Administrator. For all signs, the application for the sign permit shall include the name of the applicant, the size of the sign, plans and specifications for the sign, the proposed location of the sign, the proposed method of construction, erection, structural alteration, or relocation, and a description of the equipment to be used for such work.
- (b) No permit shall be required for any of the following:
 - (1) Normal sign maintenance and repair;
 - (2) Change of lettering or display panels on a sign;

- (3) Real estate signs (may only be placed on the actual property for sale);
- (4) Highway signs erected by the United States of America, State of Michigan, Counties of Allegan or Ottawa, or the Township;
- (5) Governmental use signs erected by governmental agencies to designate hours of activity or conditions for use for parks, parking lots, recreational area, other public areas or for governmental buildings;
- (6) Directional signs erected in conjunction with private, off-street parking areas, provided the sign does not exceed four square feet in area and is limited to traffic control functions only;
- (7) Historic signs designating sites recognized by the state historical commission as centennial farms and historic landmarks;
- (8) Signs posted to control or prohibit hunting within the Township;
- (9) Essential public service signs denoting utility lines, railroad lines, hazards and precautions;
- (10) Memorial signs or tablets which 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;
- (11) One construction sign per construction project, subject to the provisions of Section 38-575;
- (12) One model home sign per project not exceeding 12 square feet in area to be displayed only during the actual time the home is being used as a model;
- (13) Political signs;
- (14) One sign per street address not exceeding two square feet in area and bearing only property address and/or names of occupants of residential premises. No other words or letters are permitted;
- (15) Flags and insignia of the governments of the United States, the State of Michigan and the Township;
- (16) Signs, pennants and banners announcing civic occasions, festivals, celebrations, sports events or arts and humanities events only when for an agency of government or a private nonprofit organization and when authorized in advance in writing by the Zoning Administrator. The Zoning Administrator may, at his discretion, decline to decide such matter and refer decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCL § 125.3603). Advertising symbols, logos or titles identifying contributors to such event or occasion shall be permitted, provided that such identification shall be limited to 15% of the area of the sign, pennant or banner. In considering such authorization, the Zoning Administrator or Zoning Board of Appeals shall consider the following standards:
 - a. The proximity of the sign, pennant or banner to traffic signals and other

signs, pennants and banners;

- b. The size of the sign, pennant or banner;
- c. The time period during which the sign, pennant or banner is to be displayed;
- d. The effect of the sign, pennant or banner on traffic safety and the general neighborhood; and
- e. No sign, pennant, or banner permitted under this Subsection (16) shall be erected more than 30 days prior to the date on which the civic occasion, festival, celebration, or event announced therein begins. All signs, pennants, and banners shall be removed within 10 days after the date on which the civil occasion, festival, celebration, or event announced therein has ended.

(17) Legal notices;

(18) Open house signs on the day of the open house only; and

(19) Auction signs on the day of the auction only.

Sec. 38-577. through Sec. 38-600. (Reserved)

**ARTICLE VII
Parking And Loading Spaces**

Sec. 38-601. General parking requirements. [Ord. No. Z, eff. 2-7-1974; amended by Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-60, eff. 5-14-2009; Ord. No. 2018-3, eff. 8-26-2018; Ord. No. 2020-2, eff. 9-17-2020]

In all zoning districts, there shall be provided, before any building or structure is occupied, or is enlarged or increased in capacity, off-street, outdoor parking spaces for motor vehicles as provided in the following table, except that the required parking spaces may be located inside one garage or one other accessory building on parcels within the MP Overlay District or the OB Overlay District or may be located off-site or a combination of on-site and off-site when located entirely within the MP Overlay District or the OB Overlay District. All parking shall be designed and constructed to be in compliance with relevant provisions of all state and federal laws and regulations, including but not limited to the Michigan Persons with Disabilities Civil Rights Act and the federal American Disabilities Act. This shall include, but not be limited to, the requisite number of handicapped parking spaces to be made available.

Use	Minimum Parking Spaces Required
Dwellings	2 for each dwelling unit
Assembly uses such as theaters, clubs, community halls, arenas, museums, pools, studios, mortuary, or other similar uses; this specifically excludes restaurants and bars	1 for each 25 square feet of assembly area and 1 for each employee
Hospitals, institutions	2 for each patient bed
Sanitariums, convalescent, or nursing homes	1 for each patient bed
Homes for senior citizens	2 for each dwelling unit
Hotels, motels, resorts	1 space per each unit between 250 square feet and 400 square feet; 2 spaces per each unit between 400 square feet and 650 square feet; 3 spaces per each unit 650 square feet and larger; in addition, there shall be 1 space for each employee on duty; in addition, there shall be designated loading zones
Bowling alleys	8 for each alley
Private, elementary and junior high schools	1 for each employee normally engaged in or about the buildings and grounds plus 1 for each 4 seats used in a public assembly area

Use	Minimum Parking Spaces Required
Senior high schools and institutions of higher learning	1 for each employee normally engaged in or about the buildings and grounds, and 1 for each 3 students enrolled in the institution
Churches	1 for each 3 seats in the main worship unit
Professional offices and buildings	1 for each 200 square feet of floor area, and 1 for each employee
Medical doctor's office, dental clinic, or veterinarian office	8 for each doctor, plus 1 for each employee
Banks, business offices, and public buildings not specifically mentioned elsewhere	1 for each 150 square feet of floor area
Taverns, bars, restaurants and ice cream parlors	1 for each 2 seats
Marinas	1 for each slip or mooring
Drive-in establishments	1 for each employee, plus 4 additional spaces
Outdoor cafes and ice cream shops without indoor seating	1 for each employee, plus 1 for each 2 outdoor seats but not less than a minimum of 4 additional spaces
Retail stores, supermarkets, department stores, billiard/pool rooms, personal service shops	1 for each employee, and 1 for each 150 square feet of retail sales area
Other uses not specifically mentioned	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply
Mixed uses in same building	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided, and the space for one use shall be not considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein

Sec. 38-602. Joint use of facilities. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

- (a) Provision of common parking facilities for several uses in the same vicinity is encouraged. Where multiple principal uses utilizing common parking facilities exist

on the same property in the same vicinity, the total space requirement is the sum of the minimum individual requirements for each use.

- (b) Where a principal use and an accessory use exist on the same property, the total space requirement is the sum of the minimum individual requirements for the principal and accessory uses unless the Planning Commission authorizes as a special use a smaller number of parking spaces. In granting such authorization, the Planning Commission shall consider the following standards:
 - (1) Whether the proposed number of parking spaces is sufficient to meet the need for parking facilities of both the principal and accessory uses. The number of parking spaces authorized by the Planning Commission shall not be less than the minimum number required for the principal use.
 - (2) The reason for the request that a smaller number of parking spaces than that required be authorized.
 - (3) The effect on adjoining property and the surrounding neighborhood.
- (c) The Planning Commission shall hold a public hearing with notice thereon in accordance with the requirements of the Zoning Act with respect to special use authorization.
- (d) The Planning Commission shall hold a public hearing and shall meet all the requirements of the Zoning Act, with respect to special use authorization, including requirements concerning notification of the public hearing.

Sec. 38-603. Location of facilities. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

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

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

Sec. 38-604. Size of parking space. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-60, eff. 5-14-2009]

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

Sec. 38-605. Requirements for parking areas. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-56, eff. 8-22-2006]

Every parcel of land hereafter established as an off-street public or private parking area for 10 or more vehicles, including a municipal parking lot, commercial parking lot,

automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (1) The parking lot and its driveways shall be effectively screened on each side which adjoins premises situated in any R or AG Zoning District by a fence of acceptable design, wall, or compact evergreen hedge. There shall also be provided on each side and rear which adjoins any R or AG Zoning District, a greenbelt 10 feet in width landscaped with lawn or low shrubbery clumps or trees.
- (2) The parking lot and its driveway shall be designed to provide adequate drainage. Environmentally friendly drainage systems are encouraged including, but not limited to, on-site water retention, permeable paving surfaces, rain gardens, etc.
- (3) The parking lot and its driveway shall be surfaced with concrete, asphalt pavement or a type of environmentally friendly porous paving, and maintained in good condition, free of dust, trash, and debris.
- (4) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- (5) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
- (6) The parking lot shall be provided with wheel or bumper guards so located that no part of a parked vehicle will extend beyond the parking area.
- (7) Lighting facilities shall be equipped with shielding so as to reflect the light downward and away from adjoining properties.
- (8) No part of any public or private parking area regardless of number of spaces provided shall be closer than 10 feet to the street right-of-way line or private road easement.

Sec. 38-606. Off-street loading and unloading spaces. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003]

For every building or addition to an existing building hereafter erected to be occupied by storage, retail store or block of stores, hotel, motel, resort, hospital, mortuary, laundry, restaurant or other similar uses, requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles and off-street loading and unloading spaces in relation to floor areas as follows:

- (1) Up to 10,000 square feet: one space at least 14 feet in width, 35 feet in length and 14 feet in height;
- (2) Ten thousand square feet or more: at least two spaces at least 14 feet in width, 55 feet in length and 14 feet in height.

No such space shall be located closer than 50 feet to any lot in any R Zoning District.

Sec. 38-607. through Sec. 38-630. (Reserved)

ARTICLE VIII
Nonconforming Uses, Buildings Or Structures

Sec. 38-631. Continuance of nonconforming uses, buildings or structures. [Ord. No. Z, eff. 2-7-1974]

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

Sec. 38-632. Expansion. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

- (a) Structures, buildings or uses nonconforming by reason of height, area and/or parking loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provision and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.
- (b) No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area, and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use and such extensions or enlargements are authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:
 - (1) Whether the extension or enlargement will substantially extend the probable duration of such nonconforming use; and
 - (2) Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this article.

Sec. 38-633. Restoration and repair. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-5, eff.

3-2-1978]

All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event fire, wind, act of God or public enemy damages any nonconforming building or structure, it may be rebuilt and restored to its former condition.

Sec. 38-634. Discontinuance. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

The nonconforming use of a building or structure or of any land or premises shall not be:

- (1) Reestablished after discontinuance, vacancy, lack of operation or otherwise for a period of nine months.
- (2) Reestablished after it has been changed to a conforming use.

Sec. 38-635. Existing building or structure under construction. [Ord. No. Z, eff. 2-7-1974]

Any building or structure shall be considered existing and lawful and for purposes of Section 38-631, to have been in use for the purpose for which constructed if on the effective date of the ordinance from which this chapter is derived, a building permit has been obtained therefor, if required, or if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

Sec. 38-636. Changing of uses. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

A nonconforming use of any building, structure or land shall not be changed to any other nonconforming use unless authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- (1) Whether the proposed use is equally, 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 Planning Commission;
- (2) Whether the proposed use will substantially extend the probable duration 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 article; and
- (4) The effect of the proposed use on adjoining lands and the surrounding neighborhood.

ARTICLE IX
Manufactured Housing Community⁷

Sec. 38-637. Mobile home parks. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Mobile home parks are permitted planned unit developments provided they are in conformance with all state statutes and regulations governing mobile home parks, including the Mobile Home Commission Act (MCL § 125.2301 et seq.) and this chapter.

Sec. 38-638. Minimum area and maximum densities. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home park shall be owned and operated as one entity or on a condominium basis. Each mobile home park shall contain a minimum of 50 mobile home lots at first occupancy.

Sec. 38-639. Buffer zones. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

All mobile home parks shall provide and maintain as a minimum, a seventy-five-foot landscaped setback from any street right-of-way line that borders the park and a fifty-foot landscaped buffer zone where the park boundary is adjacent to neighboring properties. The Township Board may require that an additional landscaped setback be provided. The landscaping shall consist of deciduous or evergreen trees that reach a minimum of five feet in height and five feet in width in one growing season. Such trees shall be spaced so they provide a continuous screen from adjacent streets. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described in this section.

Sec. 38-640. Minimum lot area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home lot shall have a minimum lot area of 4,750 square feet and a minimum width of 50 feet at the front setback line.

Sec. 38-641. Minimum mobile home size. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

No mobile home in any mobile home park shall contain less than 600 square feet of living area nor have outside dimensions of less than 12 feet in width and 50 feet in length.

Sec. 38-642. Yard requirements. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

The front yard of each mobile home lot shall be no less than 20 feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be no less than 10 feet. The nonentry side of a mobile home shall

7. Editor's Note: This Article Was Created By Ord. No. ZO17-1, Eff. 5-15-2017, By Moving Already Effective Sections Here From Another Part Of This Chapter.

have a side yard of no less than 10 feet and the entry side shall have a side yard of no less than 26 feet. In the case of a double wide mobile home, side yard requirements shall be met by the provision of larger lots sufficient in width to meet these requirements.

Sec. 38-643. Corner lots. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Where a mobile home is bounded by two streets, the front yard requirement shall be met for each street. No fence, structure, or planting over 30 inches in height shall be located on any corner lot within the required front yards.

Sec. 38-644. Street requirements. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

If two-way traffic is to be accommodated, the street pavement width shall be no less than 22 feet. If only one-way traffic is to be accommodated, the street pavement width shall be no less than 20 feet.

Sec. 38-645. Parking. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Parking shall be provided in off-street parking bays with two parking bays for each mobile home. Each parking bay shall be no less than 200 square feet in area. Each parking bay shall be conveniently located in relation to the mobile home for which it is provided. In addition to the two required off-street parking bays, one additional parking space is permitted on the mobile home lot, provided it is a hard surface area containing at least 200 square feet of area.

Sec. 38-646. Access from major streets. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home park shall have a minimum of two access streets that enter from a primary or secondary arterial street as designated in the Township general land use and circulation plan, as amended, and provide a continuous route of travel throughout the park. No ingress or egress shall be provided via collector streets as designed in the Township general land use and circulation plan, as amended.

Sec. 38-647. Signs. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

A maximum of one identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed 30 square feet in area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the combined total area of both signs when combined shall not exceed 30 square feet.

Sec. 38-648. Mobile home sales prohibited. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. Mobile homes located on the lots within the mobile home park may be sold by the owner or operator of the park provided no more than five are offered for sale at any one time. This section shall not prohibit the sale of a new or used mobile home by a resident of a mobile home

park.

Sec. 38-649. Underground utilities. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

All public and private utilities shall be installed underground.

Sec. 38-650. Site improvements. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home shall be provided with a continuous pad of four-inch-thick concrete running the full length and width of the mobile home. In lieu of a continuous concrete pad, concrete piers four inches thick may be provided if they run the full length of the mobile home. Each pad shall be equipped with hurricane anchors or tie down equipment capable of being connected to the mobile home to secure the home during high winds. Decorative skirting which is aesthetically pleasing shall be installed along the base of each mobile home sufficient to hide the under carriage and supports from view.

Sec. 38-651. Sidewalks. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Paved sidewalks shall be provided throughout each mobile home park. Sidewalks shall be a minimum of four feet in width, be adjacent to each street, and be laid out such that they connect the recreation area, common open spaces and the community building with mobile home sites.

Sec. 38-652. Streets and parking areas. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

All streets and parking areas in a mobile home park shall be surfaced with asphalt or concrete.

Sec. 38-653. Refuse disposal. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home park shall provide an effective system of garbage and rubbish storage, collection, and disposal.

Sec. 38-654. Lighting. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home park shall be provided with sufficient lighting to illuminate all parking bays, streets and sidewalks.

Sec. 38-655. Central television antenna. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home park shall have a master underground television antenna system. Exterior television antennas shall not be permitted on individual mobile homes.

Sec. 38-656. Ground cover. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

All exposed ground surfaces in the mobile home park must be sodden, seeded or covered with ornamental stone. One shade tree at least 10 feet in height when planted shall be provided for each two mobile home sites.

Sec. 38-657. Drainage. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

- (a) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided. The Ottawa County Drain Commissioner shall establish the requirements for each particular mobile home park.
- (b) Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Ottawa County Drain Commissioner. All proposed storm drainage construction plans for mobile home parks shall be approved by the Ottawa County Drain Commissioner.

Sec. 38-658. Storage area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home lot shall be equipped with a storage building with a length of no less than eight feet and no more than 12 feet and a width of no less than eight feet and no more than 10 feet, or, in lieu thereof, a minimum of 350 cubic feet of storage area in a central storage building. The height of such storage building shall not exceed eight feet. Such storage building shall be placed or constructed within the required rear or entry side yard. No storage building shall be located closer than five feet to any lot line or closer than three feet to the mobile home. All storage buildings shall be erected, constructed and secured in conformance with all state construction codes and other ordinances.

Sec. 38-659. Recreation vehicle storage. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

All mobile home parks shall contain a storage area for the storage of campers, trailers, motor homes, boats, snowmobiles and other vehicles ordinarily towed or driven for a special purpose. The storage of these vehicles in the mobile home park is specifically prohibited except in the storage area. The storage area shall be screened by a solid type fence five feet in height around its perimeter or by some other screening device that is approved by the Township Board as part of its approval of the planned unit development.

Sec. 38-660. Recreation area. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff. 9-5-2003]

Each mobile home park shall include a recreation area or areas equal in size to no less than 10% of the total gross usable park area. Required setbacks or buffer zones may not be used for the required recreation areas. All recreation areas shall be centrally located, well drained, accessible to all residents of the mobile home park, and improved with playground equipment and other facilities for all age groups. In no case shall any intensive use playground equipment be located closer than 50 feet to any mobile home.

Sec. 38-661. Community building. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-52, eff.

9-5-2003]

Each mobile home park shall have a community building to provide a tornado shelter of sufficient size to provide a safe refuge for all mobile home park residents. Such a building may also house offices and other facilities that are necessary for the management of a mobile home park.

ARTICLE X
Open Space Preservation Development⁸

Sec. 38-662. Open space design development. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-47, eff. 8-1-2002; Ord. No. Z-52, eff. 9-5-2003]

- (a) Description and purpose.
- (1) Open space design developments are permitted as a planned unit development in order to encourage the flexible and innovative arrangement of residential developments, to preserve and enhance natural features and open lands without a sacrifice in residential quality or excessive density, and to make an appropriate transition between lands zoned or used for agricultural and rural estate residential purposes and lands zoned or used for more intense development.
 - (2) Open space design developments shall be subject to the planned unit development approval process and, in addition to complying with the requirements and procedures contained in Sections 38-363 through 38-379, shall also comply with the requirements contained in this section.
- (b) Location. Open space design developments may only be located on lands which are designated as Open Space Design District on the current general land use and circulation plan map in the Township Comprehensive Plan Land Use and Circulation Plan, which was adopted by the Township pursuant to state law.
- (c) Use regulations. The land, buildings and structures located in open space design developments shall be used only for single-family dwellings and permitted accessory uses.
- (d) Maximum height regulations. No building or structure shall exceed 35 feet in height. No building or structure shall consist of more than 2 1/2 stories.
- (e) Yard regulations. No building or structure, nor any enlargement thereof, shall be hereafter erected in an open space design development except in conformance with the following yard requirements:
- (1) Front yard. There shall be a front yard of not less than 40 feet.
 - (2) Side yard. No side yard shall be less than 10 feet.
 - (3) Rear yard. There shall be a rear yard of not less than 50 feet; provided, however, that if the rear yard abuts undivided permanent open space established as is provided in Subsection (g) of this section, the rear yard shall be not less than 35 feet.
- (f) Density. The maximum density shall be equal to the base density as determined by the Planning Commission upon its review of the parallel plan pursuant to Sections 38-366(6) and 38-373(b),⁹ unless the proposed open space design development

8. Editor's Note: This Article Was Created By Ord. No. ZO17-1, Eff. 5-15-2017, By Moving Already Effective Sections Here From Another Part Of This Chapter.

9. Editor's Note: The provisions of former Sections 38-366(6) and 38-373(b) of Article III, Division 8, were replaced by

qualifies as a cluster open space design development as provided in Subsection (g) of this section. A project that qualifies as a cluster open space design development as provided in Subsection (g) of this section may receive a density bonus of up to 20% of the base density, so that the maximum density for a cluster open space design development could be 1.2 times the base density as determined by the Planning Commission upon review of the parallel plan pursuant to Sections 38-366(6) and 38-373(b). In any case where the fractional portion of the calculated dwellings is equal to or greater than 0.5, the number of dwellings shall be rounded up to the nearest whole unit. In any case where the fractional portion of the calculated dwellings is less than 0.5, the number of dwellings shall be rounded down to the nearest whole unit.

- (g) Cluster open space design developments. A cluster open space design development shall be defined as an open space design development in which 50% of the acreage of the project is designated as undivided permanent open space, which shall be owned and managed by a homeowner's association, a condominium association, the Township, or a recognized land trust or conservancy.
- (1) Undivided open space. An exception may be made to the requirement that the permanent open space be undivided (i.e., contiguous throughout the development and not completely bisected or separated by any street, lot, etc.) for the sole purpose of permitting a public street to provide a second means of ingress and egress to the development. This exception to the undivided aspect of the permanent open space will apply only with respect to the density bonus provided in Section 38-402(f), and not to the lesser rear yard requirement provided in Section 38-402(e).¹⁰
- (2) Calculation of open space.
- a. When existing or created wetlands and/or floodplain or other nondevelopable land is less than 20% of the area of the project designated as open space, then all of that area shall be used in the calculation of open space for purposes of meeting the fifty-percent requirement to be considered a cluster planned residential development. When existing or created wetlands and/or floodplain or other nondevelopable land is equal to or greater than 20% but less than 50% of the area of the project designated as open space, then 50% of that area shall be used in the calculation of open space for purposes of meeting the fifty-percent requirement to be considered a cluster planned residential development. When existing or created wetlands and/or floodplain or other nondevelopable land is equal to or greater than 50% of the area of the project designated as open space, then none of that area shall be used in the calculation of open space for purposes of meeting the fifty-percent requirement to be considered a cluster planned residential development.
- b. For example, a project that involves 40 acres must set aside a minimum of 20 undivided acres as open space to qualify as a cluster open space

Ord. No. ZO17-1. The new sections do not contain provisions regarding determination by parallel plan.

10. Editor's Note: The provisions of former Section 38-402(e) and (f) of Article III, Division 8, were replaced by Ord. No. ZO17-1. The new sections do not contain provisions regarding a density bonus or lesser rear yard requirements.

design development. If the proposed open space contains a 3 1/2 acre pond, then the entire 3 1/2 acre pond will count as open space for purposes of calculating the amount of designated open space, and an additional 16.5 acres must be designated as undivided open space in order to qualify as a cluster open space design development. If the proposed open space contains a six-acre pond, then 1/2 of the six-acre pond will count as open space for purposes of calculating the amount of designated open space, and an additional 17 acres must be designated as undivided open space in order to qualify as a cluster open space design development. If the proposed open space contains a pond that is 10 acres or more in size, then none of the pond will count as open space for purposes of calculating the amount of designated open space, and an additional 20 acres must be designated as undivided open space in order to qualify as a cluster open space design development.

- (3) Management and maintenance of permanent open space.
 - a. The final site plan required by Section 38-370¹¹ shall include a complete description and plan for the management of the undivided permanent open space including, but without limitation, ownership, assurance as to the permanent continuation of the open space through a conservation easement or other appropriate permanent legal restriction or document subject to the review and approval of the Township Attorney, specific plans and arrangements for the maintenance of the permanent open space, specific plans and arrangements for the financing of the cost of the maintenance of the permanent open space and all other matters pertinent to the continuation and maintenance of the permanent open space.
 - b. The Township shall have the authority, but not the obligation, to repair and maintain any permanent open space and to assess the owners of all parcels located within the planned residential development for the total cost, plus an administrative fee in the amount of 10% of the total cost of the maintenance. This amount may be assessed and collected by the Township against those private properties within the planned residential development in the same manner as Township special assessments are assessed and collected pursuant to Public Act No. 188 of 1954 (MCL § 41.721 et seq.), for private roads.
- (4) Explanation of undeveloped state. The undivided permanent open space shall remain in an undeveloped state. For purposes of this section, the phrase "undeveloped state" means a natural state preserving the natural resources, the natural features or the scenic or wooded conditions of the property, or the use of the property solely for agricultural use, open space use, or a similar use or condition. Property in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For purposes of this section, agricultural uses permitted in the open space shall be limited to those uses specified in Section 38-184(1), (2), (3), (5), (6), and (10).

11. Editor's Note: The provisions of former Section 38-370 of Article III, Division 8, were replaced by Ord. No. ZO17-1. For current provisions, see Art. III, Division 8.

- (h) Minimum floor area. Each dwelling unit in an open space design development shall have a minimum of 1,000 square feet of usable floor area, provided; however, that all single-family dwellings with more than one floor level shall meet the following requirements: 1,100 square feet of usable floor area for a 1 1/2-story dwelling; 1,000 square feet of usable floor area in the main and upper level floors of a tri-level dwelling; and 1,400 square feet of usable floor area for a two-story dwelling. The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section.
- (i) Requirement of public utilities. Each dwelling shall be served by public utilities for public water and sanitary sewer. All public and private utilities shall be installed underground.
- (j) Requirement of public streets. All streets located within an open space design development shall be dedicated to the public and shall be publicly owned and maintained.
- (k) Requirement of greenbelts. All open space design developments shall have a greenbelt measuring at least 100 feet from the edge of the road right-of-way along any preexisting street that borders the development. A landscaping plan, which may include a berm, must be submitted for approval.

Sec. 38-663. Open space preservation provisions. [Ord. No. Z, eff. 2-7-1974; Ord. No. Z-47, eff. 8-1-2002; Ord. No. Z-52, eff. 9-5-2003]

- (a) Description and purpose.
 - (1) This section is intended to provide a property owner with the option to develop property zoned for residential development in a manner that allows no more than 50% of the property to be developed with the same number of single-family dwelling units that could otherwise be developed on the entire property, provided that the remaining property (at least 50% of the property) is permanently preserved as open space in an undeveloped state, in accordance with the Township Zoning Act.
 - (2) Property owners exercising this option shall follow the process established for planned unit development approval, and in addition to complying with the requirements and procedures contained in Sections 38-363 through 38-379 for planned unit development approval, the property owners must also comply with the requirements contained in this section.
- (b) Eligibility requirements. A property owner may exercise the open space preservation option only with respect to property that meets the following requirements.
 - (1) The property must be zoned for residential development. For purposes of this section, the term "zoned for residential development" means property located in any zoning district that permits single-family dwellings.
 - (2) The property must be zoned at a density equivalent to:

- a. Two or fewer dwelling units per acre if the land is not served by a public sewer; or
 - b. Three or fewer dwelling units per acre if the land is served by a public sewer.
- (3) The development of the property must not be dependent upon the extension of a public sewer or public water supply system, unless the development of the property without the exercise of the option would be dependent upon the extension of a public sewer or public water supply system.
 - (4) The property, or any portion of the property, must not have previously been subject to the development under the open space preservation option. Once a property owner has exercised the open space preservation option with respect to certain property, no portion of that property shall be eligible for any further or future open space preservation options.
- (c) Open space preservation development option.
- (1) Notwithstanding any provision of this chapter to the contrary, property that meets the eligibility requirements of Subsection (b) of this section may be developed, at the option of the property owner, on a maximum of 50% of the property with the same number of dwelling units that the Township determines could otherwise have been developed on the entire property under existing Township chapters and state and county laws, rules and regulations, while perpetually preserving a minimum of 50% of the property as open space.
 - (2) With the exception of the minimum lot area regulations required for the underlying zoning district in which the property is located, the development of property under this open space preservation option shall be subject to all other provisions of this chapter, and all other Township chapters and state and county laws, rules and regulations. Without limitation, the development of the property shall be subject to the use regulations, maximum height regulations, and minimum yard regulations of the underlying zoning district in which the property is located, and it shall be subject to rules relating to suitability of groundwater for on-site water supply for property not served by public water and rules relating to suitability of soils for on-site sewage disposal for property not served by public sewers.
- (d) Density determination by parallel plan. The number of dwelling units permitted shall be determined through preparation of a parallel plan. In addition to the documents required to be submitted for planned unit development approval, the applicant shall submit a parallel plan for the proposed development that is consistent with state, county and Township requirements and design criteria for a tentative preliminary plat, including, without limitation, the requirements of this chapter and the Article II of Chapter 18, pertaining to land division and subdivisions. The parallel plan shall meet all standards for lot size, lot width and setbacks as required by the underlying zoning district, shall include public roadway improvements, and shall contain an area that conceptually would provide sufficient area for stormwater detention. The Planning Commission shall review the parallel plan and determine the number of lots that could be feasibly developed following the parallel plan. This number, as determined by the Planning Commission, shall be

the maximum number of dwelling units permitted on the property developed pursuant to the open space preservation option.

- (e) Open space preserved in an undeveloped state. In exercising the open space preservation option, the property owner must provide that a minimum of 50% of the property will perpetually remain as open space in an undeveloped state. This shall be accomplished through the use of a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land, subject to approval by the Township Attorney. For purposes of this section, the term "undeveloped state" means a natural state preserving the natural resources, the natural features or the scenic or wooded conditions of the property, or the use of the property solely for agricultural use, open space use, or a similar use or condition. Property in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Property preserved in an undeveloped state may be, but is not required to be, dedicated to the use of the public.