



Zoning Ordinance

Effective April 30, 2010
 Updated December 9, 2019



| Updated To Include Zoning Text Amendment Ordinance Numbers: | | | | | |
|---|----------------------------|-----|--------------------------|-----|---------------------------|
| 223 | Adopted October 11, 2010 | 245 | Adopted January 26, 2015 | 270 | Adopted February 25, 2019 |
| 224 | Adopted October 11, 2010 | 246 | Adopted February 9, 2015 | 271 | Adopted February 25, 2019 |
| 226 | Adopted June 13, 2011 | 247 | Adopted July 13, 2015 | 276 | Adopted December 9, 2019 |
| 230 | Adopted February 27, 2012 | 248 | Adopted July 13, 2015 | 279 | Adopted December 14, 2020 |
| 232 | Adopted September 10, 2012 | 249 | Adopted July 13, 2015 | 280 | Adopted April 12, 2021 |
| 234 | Adopted February 11, 2013 | 254 | Adopted October 10, 2016 | 284 | Adopted November 8, 2021 |
| 237 | Adopted November 11, 2013 | 257 | Adopted March 27, 2017 | 285 | Adopted February 28, 2022 |
| 241 | Adopted September 8, 2014 | 263 | Adopted April 9, 2018 | | |
| 242 | Adopted September 8, 2014 | 264 | Adopted May 14, 2018 | | |
| 243 | Adopted September 8, 2014 | 267 | Adopted October 8, 2018 | | |

| | |
|---|----|
| ARTICLE ONE – ADMINISTRATION..... | 2 |
| 100 SHORT TITLE | 2 |
| 101 PURPOSE | 2 |
| 102 SCOPE AND INTERPRETATION | 2 |
| 103 LEGAL BASIS | 2 |
| 104 ADMINISTRATIVE LIABILITY | 2 |
| 105 SEVERABILITY | 2 |
| 106 VESTED RIGHTS..... | 3 |
| 107 REPEAL..... | 3 |
| 108 EFFECTIVE DATE | 3 |
| 109 AMENDMENTS | 3 |
| 110 CONDITIONAL REZONING..... | 4 |
| 111 PUBLIC NOTICE | 7 |
| 112 BOARD OF APPEALS..... | 8 |
| 113 PLANNING COMMISSION..... | 14 |
| 114 ZONING ADMINISTRATION | 14 |
| 115 ZONING ADMINISTRATOR..... | 14 |
| 116 PERMITS..... | 14 |
| 117 CERTIFICATION OF COMPLIANCE..... | 16 |
| 118 STOP WORK OR STOP USE ORDER | 16 |
| 119 VIOLATIONS NUISANCE PER SE..... | 17 |
| 120 PENALTIES | 17 |
| 121 AUTHORIZED TOWNSHIP OFFICIAL | 18 |
| 122 REDUCTION OR ELIMINATION OF WARNING PERIOD..... | 18 |
| 123 ADMINISTRATIVE APPROVAL PROCESS..... | 18 |
| 124 ADMINISTRATIVE DEPARTURE PROCESS | 18 |
| 200 RULES APPLYING TO TEXT | 1 |
| 201 DEFINED TERMS | 2 |
| 202 “A” | 2 |
| 203 “B” | 5 |
| 204 “C” | 6 |
| 205 “D” | 7 |
| 206 “E” | 9 |
| 207 “F” | 9 |
| 208 “G” | 11 |
| 209 “H” | 12 |
| 210 “I” | 12 |
| 211 “J” | 12 |
| 212 “K” | 13 |
| 213 “L” | 13 |
| 214 “M” | 14 |

| | | |
|-----|--|----|
| 215 | “N” | 16 |
| 216 | “O” | 17 |
| 217 | “P” | 18 |
| 218 | “Q” | 20 |
| 219 | “R” | 20 |
| 220 | “S” | 21 |
| 221 | “T” | 26 |
| 222 | “U” | 26 |
| 223 | “V” | 27 |
| 224 | “W” | 27 |
| 225 | “X” | 29 |
| 226 | “Y” | 29 |
| 227 | “Z” | 30 |
| | ARTICLE THREE – GENERAL PROVISIONS | 1 |
| 300 | THE EFFECT OF ZONING | 1 |
| 301 | RESERVED | 1 |
| 302 | RESTORATION OF UNSAFE BUILDINGS..... | 1 |
| 303 | ANIMALS..... | 1 |
| 304 | AREA, HEIGHT, USE CONDITIONS AND EXCEPTIONS..... | 2 |
| 305 | RESERVED | 4 |
| 306 | ACCESSORY BUILDINGS AND STRUCTURES | 4 |
| 307 | RESERVED | 8 |
| 308 | ACCESS GATES | 8 |
| 309 | ACCESSORY USES | 10 |
| 310 | RESERVED | 10 |
| 311 | ANTENNAS | 10 |
| 312 | BICYCLE PATHS AND SIDEWALKS | 11 |
| 313 | CLEAR VISIBILITY AT CORNERS | 12 |
| 314 | COMMON USE RIPARIAN LOTS | 12 |
| 315 | CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS | 14 |
| 316 | DANGEROUS BUILDINGS | 14 |
| 317 | DOUBLE FRONTAGE LOTS | 15 |
| 318 | RESERVED | 15 |
| 319 | DRAINAGE AND STORMWATER..... | 15 |
| 320 | RESERVED | 15 |
| 321 | DRIVEWAYS..... | 15 |
| 322 | DWELLINGS STANDARDS | 21 |
| 323 | ESSENTIAL SERVICES AND TOWNSHIP FACILITIES | 24 |
| 324 | FENCES | 24 |
| 325 | FLOOR AREA..... | 25 |

| | | |
|------|---|----|
| 326 | GENERAL REVIEW STANDARDS | 25 |
| 327 | GOVERNMENTAL IMPROVEMENTS | 27 |
| 328 | RESERVED | 27 |
| 329 | HEALTH DEPARTMENT APPROVAL..... | 27 |
| 330 | HEIGHT REQUIREMENTS AND MEASUREMENTS..... | 27 |
| 331 | RESERVED | 27 |
| 332 | LARGE SCALE RESIDENTIAL DEVELOPMENTS | 28 |
| 333 | MINIMUM STREET FRONTAGE | 28 |
| 334 | MOVING OF BUILDINGS..... | 29 |
| 335 | NONCONFORMITIES | 29 |
| 336 | OPEN SPACE PRESERVATION | 31 |
| 337 | OUTDOOR FURNACE..... | 36 |
| 338 | OUTDOOR STORAGE AND WASTE DISPOSAL..... | 37 |
| 339 | PERFORMANCE GUARANTEE FOR COMPLIANCE..... | 39 |
| 340 | PERFORMANCE STANDARDS..... | 39 |
| 341 | PERMIT REQUIRED/CERTIFICATE OF OCCUPANCY | 39 |
| 342 | RESERVED | 41 |
| 343 | SOLAR ENERGY COLLECTORS | 41 |
| 344 | RESERVED | 42 |
| 345 | RAZING OF BUILDING | 42 |
| 346 | REFUSE AND DUMPSTERS | 43 |
| 347 | REPAIR AND CLEAN UP OF DAMAGED OR DESTROYED BUILDINGS.... | 43 |
| 348 | RETAINING WALLS..... | 44 |
| 348A | SHORT-TERM RENTALS AND LIMITED SHORT-TERM RENTALS | 45 |
| 349 | STRUCTURES PROJECTING INTO SETBACKS..... | 45 |
| 350 | SWIMMING POOLS | 46 |
| 351 | TEMPORARY DWELLINGS..... | 46 |
| 352 | TEMPORARY USES OR STRUCTURES | 46 |
| 353 | TREE REMOVAL..... | 48 |
| 354 | UNCLASSIFIED USES..... | 49 |
| 355 | WATER AND SEWER AVAILABILITY | 49 |
| 356 | WATERFRONT AND SETBACKS..... | 49 |
| 357 | WETLAND SETBACK..... | 50 |
| 358 | PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS | 53 |
| | ARTICLE FOUR-DISTRICT STANDARDS | 1 |
| 400 | ZONING DISTRICTS AND MAP | 1 |
| 401 | OFFICIAL ZONING MAP..... | 1 |
| 402 | SUMMARY TABLES | 2 |
| 403 | RESERVED | 8 |
| 404 | RESERVED | 8 |
| 405 | AGRICULTURAL DISTRICT, AG | 8 |

| | | |
|-----|---|----|
| 406 | RURAL RESIDENTIAL DISTRICT, RR | 10 |
| 407 | LOW DENSITY RESIDENTIAL-RESOURCE, R-1 | 12 |
| 408 | MEDIUM DENSITY RESIDENTIAL-SUBURBAN, R-2 | 16 |
| 409 | MEDIUM DENSITY RESIDENTIAL-COTTAGE, R-3 | 19 |
| 410 | HIGH DENSITY RESIDENTIAL DISTRICT, R-4 | 21 |
| 411 | NEIGHBORHOOD COMMERCIAL DISTRICT, NC | 23 |
| 412 | GENERAL COMMERCIAL DISTRICT, GC | 24 |
| 413 | MIXED USE COMMERCIAL DISTRICT, MU | 26 |
| 414 | LIGHT INDUSTRIAL DISTRICT, LI | 28 |
| 415 | INDUSTRIAL DISTRICT, I | 30 |
| 416 | PUBLIC/RECREATION DISTRICT, PR | 32 |
| 417 | MOBILE HOME DISTRICT, MH..... | 33 |
| | ARTICLE FIVE – SITE CONDOMINIUMS | 1 |
| 500 | PURPOSE AND SCOPE | 1 |
| 501 | PRE-QUALIFICATION FOR APPLICATION..... | 1 |
| 502 | REVIEW OF PRELIMINARY PLAN BY THE PLANNING COMMISSION..... | 2 |
| 503 | PLANNING COMMISSION RECOMMENDATION..... | 3 |
| 504 | REVIEW OF FINAL PLAN BY THE PLANNING COMMISSION | 4 |
| 505 | CONTENTS OF SITE CONDOMINIUM PROJECT PLAN | 4 |
| 506 | CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN | 5 |
| 507 | COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS..... | 5 |
| 508 | EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS | 5 |
| 509 | REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECTS..... | 6 |
| 510 | INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED | 6 |
| 511 | APPROVAL EFFECTIVE FOR ONE (1) YEAR..... | 6 |
| | ARTICLE SIX – LANDSCAPING | 1 |
| 600 | INTENT..... | 1 |
| 601 | APPLICABILITY..... | 1 |
| 602 | GENERAL STANDARDS | 1 |
| 603 | DETAILED PLANTING PLAN | 3 |
| 604 | LANDSCAPE REQUIREMENTS | 5 |
| 605 | PLANTING PLAN REVIEW PROCESS..... | 6 |
| | ARTICLE SEVEN - PARKING, LIGHTING AND SCREENING..... | 1 |
| 700 | GENERAL PURPOSES..... | 1 |
| 701 | GENERAL PARKING REQUIREMENTS | 1 |
| 702 | JOINT USE OF FACILITIES | 3 |
| 703 | LOCATION OF FACILITIES..... | 3 |
| 704 | SIZE OF PARKING SPACE AND AISLES..... | 3 |
| 705 | REQUIREMENTS FOR PARKING LOTS | 4 |

| | | |
|-----|---|----|
| 706 | BICYCLE PARKING | 5 |
| 707 | OFF-STREET LOADING SPACES | 5 |
| 708 | DEFERRAL OF CONSTRUCTION OF PARKING SPACES | 6 |
| 709 | OUTDOOR LIGHTING REQUIREMENTS | 6 |
| 710 | MECHANICAL SCREENING REQUIREMENTS | 7 |
| 711 | MODIFICATION OF REQUIREMENTS | 8 |
| | ARTICLE EIGHT - STANDARDS AND REQUIREMENTS FOR SIGNAGE..... | 1 |
| 800 | SIGNAGE PROVISIONS..... | 1 |
| 801 | GENERAL PROVISIONS FOR SIGNS | 1 |
| 802 | EXEMPT SIGNS | 3 |
| 803 | PROHIBITED SIGNS | 4 |
| 804 | PERMITTED SIGNS | 5 |
| 805 | PERMIT PROCESS | 11 |
| 806 | STANDARDS FOR CERTAIN SIGNS | 11 |
| 807 | LEGAL NONCONFORMING SIGNS | 14 |
| | ARTICLE NINE – SPECIAL LAND USES..... | 1 |
| 900 | SPECIAL LAND USES | 1 |
| 901 | SPECIAL LAND USE PROCEDURES | 1 |
| 902 | SPECIAL LAND USE REVIEW STANDARDS | 2 |
| 903 | RESERVED | 3 |
| 904 | RESERVED | 3 |
| 905 | RESERVED | 3 |
| 906 | ADULT FOSTER CARE (GROUP)..... | 3 |
| 907 | AGRICULTURAL RETAIL | 3 |
| 908 | ASSISTED LIVING/NURSING CARE FACILITIES | 3 |
| 909 | RESERVED | 4 |
| 910 | RESERVED | 4 |
| 911 | BED AND BREAKFAST..... | 4 |
| 912 | BOAT LAUNCH AND BOAT DOCKS | 5 |
| 913 | CAMPGROUND | 5 |
| 914 | CAR WASHES..... | 6 |
| 915 | CONVENIENCE STORE WITH FUEL PUMPS..... | 6 |
| 916 | DRIVE-THROUGH ESTABLISHMENT..... | 7 |
| 917 | EATING AND DRINKING ESTABLISHMENT | 7 |
| 918 | FARM, GENERAL | 8 |
| 919 | GOVERNMENT UNIT FACILITIES OR PUBLIC UTILITY | 8 |
| 920 | RESERVED | 8 |
| 921 | HOSPITAL | 9 |
| 922 | RESERVED | 9 |
| 923 | JUNKYARD | 9 |
| 924 | KENNEL | 10 |

| | | |
|------|--|----|
| 925 | KEEPING OF FARM ANIMALS..... | 10 |
| 926 | LAUNDRY AND DRY CLEANING PLANT..... | 11 |
| 927 | RESERVED..... | 12 |
| 928 | MANUFACTURING AND PROCESSING | 12 |
| 929 | MINERAL REMOVAL | 13 |
| 930 | MIXED USE DEVELOPMENT | 13 |
| 931 | MORTUARY/FUNERAL HOME | 14 |
| 932 | MOVING A BUILDING | 15 |
| 933 | NONCONFORMING BUILDINGS OR STRUCTURE, EXPANSION | 15 |
| 934 | OUTDOOR POND..... | 16 |
| 935 | OUTDOOR SALES FACILITY | 17 |
| 936 | OUTDOOR STORAGE OF DREDGE MATERIAL | 17 |
| 937 | PLACE OF PUBLIC ASSEMBLY (LARGE) | 18 |
| 938 | PLANNED UNIT DEVELOPMENT | 18 |
| 939 | POWER GENERATING FACILITY | 18 |
| 940 | PRIVATE ROADS..... | 20 |
| 941 | RETAIL, MAJOR..... | 24 |
| 942 | SELF STORAGE FACILITY..... | 24 |
| 943 | SEXUALLY ORIENTED BUSINESS | 25 |
| 944 | SITE CONDOMINIUM..... | 28 |
| 944A | SOLAR ENERGY COLLECTORS – GROUND-MOUNTED SYSTEMS | 29 |
| 945 | SUBDIVISION | 31 |
| 946 | TATTOO, PIERCING PARLOR | 31 |
| 947 | TREE REMOVAL..... | 32 |
| 948 | URGENT CARE..... | 33 |
| 949 | RESERVED | 33 |
| 950 | VETERINARY CLINIC/KENNEL | 33 |
| 951 | WELLS, EXTRACTION | 34 |
| 952 | WIND ENERGY TURBINES | 35 |
| 953 | WIRELESS COMMUNICATION TOWERS..... | 35 |
| 954 | VEHICLE REPAIR FACILITY | 43 |
| 955 | VEHICLE SALES FACILITY | 43 |
| 955A | WAREHOUSE AND/OR WHOLESALE FACILITY | 44 |
| 956 | WATERFRONT ACCESSORY STRUCTURE | 45 |
| | ARTICLE TEN – SITE PLAN REVIEW | 1 |
| 1000 | INTENT..... | 1 |
| 1001 | APPLICABILITY AND SCOPE..... | 1 |
| 1002 | REQUIRED SKETCH PLAN REVIEW | 1 |
| 1003 | SITE PLAN CONTENT | 2 |
| 1004 | APPLICATION PROCEDURE | 5 |
| 1005 | REVIEW CRITERIA | 12 |

| | | |
|---|--|----|
| 1006 | CONFORMITY TO APPROVED SITE PLANS | 13 |
| 1007 | TERM OF APPROVAL OF THE SITE PLAN | 13 |
| 1008 | AMENDMENT TO THE SITE PLAN | 14 |
| 1009 | APPEALS..... | 15 |
| ARTICLE ELEVEN - HOME OCCUPATIONS | | 1 |
| 1100 | PURPOSE | 1 |
| 1101 | REGISTRATION REQUIRED | 1 |
| 1102 | PERFORMANCE STANDARDS..... | 1 |
| 1103 | REVOCATION OF PERMIT | 3 |
| ARTICLE TWELVE - ACCESS MANAGEMENT REGULATIONS | | 1 |
| 1200 | INTENT..... | 1 |
| 1201 | APPLICABILITY..... | 1 |
| 1202 | ADDITIONAL INFORMATION REQUIRED | 1 |
| 1203 | GENERAL ACCESS REQUIREMENTS | 1 |
| 1204 | NUMBER OF DRIVEWAYS | 2 |
| 1205 | TEMPORARY AND SHARED DRIVEWAYS, REAR SERVICE DRIVES, PARKING LOT CONNECTIONS AND FRONT SERVICE DRIVES | 2 |
| 1206 | DESIGN AND CONSTRUCTION OF SERVICE DRIVES | 3 |
| 1207 | DRIVEWAY SPACING AND SERVICE DRIVE SPACING AND LOCATION.. | 4 |
| 1208 | STATE TRUNK LINES | 6 |
| ARTICLE THIRTEEN - SUSTAINABLE COMMUNITY ASSESSMENT | | 1 |
| 1300 | PURPOSE AND INTENT | 1 |
| 1301 | APPLICABILITY..... | 1 |
| 1302 | POINT REQUIREMENTS | 1 |
| 1303 | REQUIREMENTS OF ANY SCA | 2 |
| 1304 | OPTIONAL POINT DETAILS SECTION | 2 |
| ARTICLE FOURTEEN - PLANNED UNIT DEVELOPMENT | | 1 |
| 1400 | INTENT..... | 1 |
| 1401 | QUALIFYING CONDITIONS | 1 |
| 1402 | SITE DEVELOPMENT REQUIREMENTS..... | 2 |
| 1403 | PRE-QUALIFICATION FOR APPLICATION..... | 3 |
| 1404 | PUD APPLICATION AND PRELIMINARY DEVELOPMENT PLAN..... | 5 |
| 1405 | NOTICE AND PUBLIC HEARING FOR PUD | 6 |
| 1406 | PLANNING COMMISSION RECOMMENDATION..... | 7 |
| 1407 | TOWNSHIP BOARD ACTION..... | 7 |
| 1408 | FINAL DEVELOPMENT PLAN APPLICATION | 7 |
| 1409 | PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN | 8 |
| 1410 | STANDARDS FOR APPROVAL | 8 |
| 1411 | DENSITY BONUS OPTION | 9 |
| 1412 | PUD AGREEMENT..... | 11 |
| 1413 | CHANGES TO AN APPROVED PUD..... | 12 |

| | | |
|------|---|----|
| 1414 | TIME LIMIT FOR APPROVED PUD | 12 |
| 1415 | WAIVER OR MODIFICATION OF REQUIREMENTS | 13 |
| | ARTICLE FIFTEEN - WIND ENERGY TURBINES..... | 1 |
| 1500 | INTENT..... | 1 |
| 1501 | APPLICABILITY..... | 1 |
| 1502 | SUMMARY OF WETS PERMITTED | 1 |
| 1503 | TEMPORARY USES – ANEMOMETERS..... | 1 |
| 1504 | PERMITTED USES – SSMWETS, STMWETS | 2 |
| 1505 | SPECIAL LAND USES – MWETS, LWETS..... | 3 |
| 1506 | GENERAL REQUIREMENTS FOR ALL WETS | 7 |
| | ARTICLE SIXTEEN – ARCHITECTURAL STANDARDS | 1 |
| 1600 | APPLICABILITY..... | 1 |
| 1601 | INTENT..... | 1 |
| 1602 | STANDARDS..... | 1 |

SPRING LAKE TOWNSHIP ZONING ORDINANCE

An ordinance to establish Zoning Districts and regulations governing the development and use of land within the unincorporated portions of Spring Lake Township, Ottawa County, Michigan, in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended; to provide for regulations governing nonconforming uses and Structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations.

The Township of Spring Lake, Ottawa County, Michigan, Ordains:

ARTICLE ONE – ADMINISTRATION

100 SHORT TITLE

This ordinance shall be known and may be cited as the "Spring Lake Township Zoning Ordinance."

101 PURPOSE

This Ordinance is based on the Spring Lake Township Community Master Plan ("Community Master Plan") and is designed to promote the public health, safety, and general welfare; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location, size of and the specific uses for which Buildings and Structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such Buildings and Structures; to lessen congestion on Streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; to conserve life, property and natural resources, and the expenditure of funds for public improvements and services; and to encourage the most advantageous use of land, resources and properties.

102 SCOPE AND INTERPRETATION

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restriction, limitations, or requirements upon (1) the use of Buildings, Structures, or land, (2) the height of Buildings or Structures, (3) Lot coverage, (4) Lot Areas, (5) Yards or other open spaces or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of the Ordinance shall control.

103 LEGAL BASIS

This Ordinance is enacted pursuant to Michigan Act 110 of 2006, as amended, the Michigan Zoning Enabling Act (the "Zoning Act").

104 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission, Township Board or Board of Appeals shall be personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

105 SEVERABILITY

This Ordinance and its various parts, Sections, subsections, paragraphs, sentences, phrases and clauses are declared to be severable. If any part, Section, subsection, paragraph, sentence,

phrase or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

106 VESTED RIGHTS

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein; and, they are declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

107 REPEAL

The existing Spring Lake Township Zoning Ordinance, which became effective July 1, 1989, and any and all amendments thereto, is repealed in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

108 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on April 12, 2010, and is ordered to take effect on April 30, 2010.

109 AMENDMENTS

- A. Initiation of Amendments: Only the Township Board may amend this Ordinance. Proposals for the amendment of this Ordinance may be initiated by the Township Board on its own motion or by any interested person or persons by petition to the Township Board.

- B. Amendment Petition Process: All petitions for an amendment to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Township Board. Such petitions shall be accompanied by the required fee and 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 Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same;
 - 5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
 - 6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

7. A written response justifying a rezoning with regards to the following statements. These statements will be used as conditions for the Planning Commission and Township Board to use in their consideration of the requested amendment:
 - a. Whether there are changed conditions in the community that have occurred since the property was originally zoned warranting the rezoning request.
 - b. Whether the property is reasonably able to be used as zoned and whether the property can be reasonably used under the proposed zoning.
 - c. Whether there are other areas of the community that are better suited and planned for the proposed zoning.
 - d. Whether the rezoning is consistent with the goals, policies and future land use map of the Spring Lake Township Master Plan.
 - e. Whether the rezoning is compatible with the site's physical, geological, hydrological and other environmental features given uses permitted in the proposed Zoning District.
 - f. Whether the property is compatible with all the potential uses allowed in the proposed Zoning District and with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.
 - g. Whether there is capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested District without compromising the "health, safety and welfare" of the Township or its residents.
 - h. Whether there is capacity of the Street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested Zoning District.
 - i. Whether the rezoning would support a rational and sequential development pattern keeping potential development near existing development and infrastructure, avoiding "leap frog" type development.

C. Amendment Procedure: After initiation, amendments to this Ordinance shall be considered as provided in the Zoning Act.

110 CONDITIONAL REZONING

It is recognized that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking an amendment to zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this Section to provide a process consistent with the Zoning Act by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

- A. An Applicant may voluntarily offer in writing, and the Township may approve, certain uses and/or development of the land or other activities as a condition to a rezoning of the land, as set forth herein.

B. Application Procedure.

1. If the Applicant wishes to submit an offer of conditions or restrictions along with a petition to rezone land, the Applicant shall do so in writing. The offer of conditions or restrictions shall be received with the application to rezone the land.
2. The Applicant may request a pre-application meeting, in which the Zoning Administrator and other Township officials may identify concerns reasonably related to the rezoning request. The Township shall not require the Applicant to offer conditions or restrictions as a prerequisite for rezoning nor shall the presentation of an offer of conditions or restrictions create any obligation on the part of the Township to rezone any land.
3. The Township shall not add to, alter, or augment the offer of conditions or restrictions except as voluntarily agreed to by the Applicant.
4. If an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the Township time to consider the offer; and if an offer of conditions is proposed at a Township Board meeting, the rezoning request and such conditions shall be remanded to the Planning Commission for consideration.
5. The Planning Commission or Township Board may table a request to give residents of the Township more time to fully understand the offer of conditions.
6. The offer of conditions may not purport to authorize uses or developments not permitted in the requested Zoning District.
7. The Applicant's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
8. Any use or development proposed as part of an offer of conditions that requires a Special Land Use permit, Variance, and/or Site Plan approval under the terms of this Ordinance shall also comply with such other applicable provisions or regulations.

C. Standards of Approval for Conditional Rezoning.

1. When reviewing a rezoning request and an offer of conditions, the Township may consider, but shall not be limited to: future land use recommendations in the Master Plan, as amended; the directions for community Building in the Master Plan, as amended; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.
2. Offers of conditions shall not be approved if such conditions violate or cause a violation of this Ordinance or other regulations or ordinances promulgated by, or applicable in, the Township.
3. When considering an offer of conditions, the Township Board may determine whether the conditions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

D. Expiration of Agreement, Reversion and Extensions.

1. In approving the conditions, the Township Board may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph 3 hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, as set forth in subparagraph 4 hereof.

2. Neither the Applicant nor the Township Board shall add to or alter the approved conditions during the time period specified in subparagraph 1 except by mutual agreement.
3. The time period specified in subparagraph 1 may be extended upon the request of the Applicant and with the approval of the Township Board.
 - a. The Applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and the Zoning Administrator's recommendation on the request to the Planning Commission. The written request shall include reasons why the extension is being sought.
 - b. Upon recommendation of the Planning Commission, the Township Board may extend the time period specified under subparagraph 1. In the event such request is approved, if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, as set forth in subparagraph 4.
4. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. At a public hearing, the Planning Commission shall determine whether the Applicant has failed to satisfy the approved conditions, shall state what specific conditions were not met, shall note all comments and reports requested or the absence of such, and shall recommend to the Township Board whether to rezone the land back to its former zoning classification. The Township Board shall make a decision as to the rezoning of the property.

E. Coordination and Performance Bonds.

1. Where proposed conditions involve public improvements, the Applicant shall submit to the Township Board a construction schedule prior to final approval of the rezoning and proposed conditions.
2. A construction schedule shall include the following:
 - a. Costs and obligations;
 - b. Responsible parties for obtaining permits; and
 - c. Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of required public improvements.
3. The Township Board may require a performance bond or similar financial guarantee in a form approved by the Township Attorney, as part of the agreement or approval.

F. Recording.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form acceptable to the Township Attorney and recordable with the Register of Deeds of Ottawa County;

- b. Contain a legal description of the land to which it pertains;
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successive owners of the land.;
 - d. Incorporate, by attachment, any diagrams, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions; and
 - e. Contain the notarized signature of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

G. Amendment of Conditions.

The statement of conditions may be amended thereafter in the same manner as was prescribed for in the original rezoning and Statement of Conditions.

H. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

111 PUBLIC NOTICE

All applications for development approval, amendments, Variances or other deliberations requiring a public hearing under the terms of this Ordinance shall comply with the Zoning Act, and the other provisions of this Section with regard to public notification.

- A. When the provisions of this Ordinance or the Zoning Act, require notice to be published, the Zoning Administrator shall cause such notice to be prepared and published in accordance therewith.
- B. All such notices for public hearings shall include:
 1. A description of the nature of the request: (identify whether the request is for a rezoning, text amendment, Special Land Use, Planned Unit Development, Variance, appeal, ordinance interpretation or other purpose);
 2. An identification of the property that is the subject of the hearing;
 3. An indication of when and where the request will be considered; and
 4. An indication of when and where written comments will be received concerning the request.
- C. Unless otherwise provided in the Zoning Act, or this Ordinance, notice of a public hearing on an application for a rezoning, text amendment, Special Land Use, Planned Unit Development, Variance, appeal, or ordinance interpretation, shall be provided as follows:
 1. Publication shall occur not less than fifteen (15), nor more than forty-five (45) days before the date the application or other matter will be considered;

2. Personal notice by mail or delivery to the persons identified in subparagraphs D(1), (2) and (3) below shall occur not less than fifteen (15), nor more than forty-five (45), days before the date the application or other matter will be considered.
- D. If the hearing involves a request for an interpretation of this Ordinance by the Board of Appeals, an appeal of an administrative decision by the Board of Appeals, or consideration of a Zoning Map change involving ten or fewer adjacent properties, in addition to publication of the notice as required, notice shall be provided by mail or personal delivery to:
1. The owner(s) of record of the property at issue in the hearing; and
 2. The owners of record of real property located within three hundred (300) feet of the property at issue, regardless of whether the surrounding property is located within the Township; and
 3. The occupant(s) of all Structures within three hundred (300) feet of the property at issue, regardless of whether the occupant(s) are located within the Township. If the name of an occupant(s) is not known, the notice may be addressed to "occupant." If a single Structure contains more than four (4) Dwelling Units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the Structure, who shall be requested to post the notice at the primary entrance to the Structure.
- E. Once the application has been set for public hearing, the Applicant shall request from the Township a notification Sign announcing the date, time, place, and manner of the public hearing. A Sign shall be provided by the Township and posted by the Applicant along all Street Frontages of the subject site. The Applicant shall install the notification Sign(s) in a location not more than twenty (20) feet from any property line no fewer than seven (7) days prior to the public hearing.

112 BOARD OF APPEALS

- A. Creation: There is created under the Zoning Act a Township Board of Appeals, referred to in this Ordinance as the "Board of Appeals". The Board of Appeals shall be constituted and appointed as provided in the Zoning Act and shall be comprised of five (5) members.
- B. Jurisdiction and Powers: The Board of Appeals shall have all powers and jurisdiction granted by the Zoning Act, all powers and jurisdiction prescribed in other chapters of the Ordinance 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 Ordinance, excluding, however, decisions regarding the authorization of Special Land Uses and Planned Unit Developments which are made by the Zoning Administrator, Township Board or Planning Commission;
 2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the Zoning Map and text of this Ordinance;

3. The jurisdiction and power to decide matters referred to the Board of Appeals for decision pursuant to Section 603 of the Zoning Act;
 4. The jurisdiction and power to authorize, upon appeal, a Variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- C. Adoption of Rules and Regulations: The Board of Appeals shall fix rules and regulations governing its procedures sitting as the Board of Appeals. The rules and regulations shall be made available to the public and shall be in conformance with the terms of this Ordinance and the Zoning Act.
- D. Conditions: In granting a Variance or in making any decision referred to it by this Ordinance, the 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.
- E. Board of Appeals Authorization:
1. Where Board of Appeals authorization is required by this Ordinance pursuant to the authority granted it by Section 603 of the Zoning Act or where a Variance has been requested, the Board of Appeals may, in its discretion, require the preparation and filing of a Site Plan which is in accordance with the requirements of this Ordinance before application is made for a Building permit.
 2. The Board of Appeals shall hold a public hearing concerning the project for which Board of Appeals authorization has been requested and give notice in the manner required by law. The 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.
- F. Stay of Proceedings: An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in such certification, a stay would in the opinion of the body or officer cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.
- G. Rehearings by Board of Appeals: Subject to Section 112.K, the Board of Appeals may, by majority vote of its total membership, grant a rehearing on any matter within its jurisdiction and upon which matter the Board of Appeals has already rendered a decision. After such a rehearing, the Board of Appeals may re-decide any such matter; in that event, the re-decision rather than the prior decision shall be controlling. Notice of such a rehearing shall be given as required by law for the original hearing. However, Applications that have been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first decided by the Board of Appeals.

H. Alternate Members:

1. The Township Board may appoint not more than two (2) alternate members to serve the same term as regular members of the Board of Appeals. The alternate members shall be appointed by resolution of the Township Board.
2. An alternate member shall be called to serve as a regular member of the Board of Appeals in the absence of a regular member if that regular member is absent from or will be unable to attend one (1) or more meetings of the Board of Appeals.
3. An alternate member shall be called to serve as a regular member of the 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.
4. An alternate member called to serve as a regular member shall have the same voting rights as a regular member of the Board of Appeals. An alternate member called to serve on a Board of Appeals case shall serve in that case until a final decision is made by the Board of Appeals.
5. A regular member of the Board of Appeals who is subject to being replaced by an alternate member for any of the reasons described in subsection (a) above shall advise the Zoning Administrator as soon as possible. The Zoning Administrator shall then designate an alternate member to serve on the Board of Appeals in place of the regular member, according to any procedure established by the Township Board.
6. Alternate members of the Board of Appeals may attend meetings of the Board of Appeals on a regular basis even if their services are not necessary.
7. If the Township Board appoints two (2) alternate members of the Board of Appeals, the Township Board shall also designate the priority by which the two (2) alternate members shall be called (e.g., alphabetical order, order of appointment, alternating months, etc.), subject to the requirement in subsection (b) that an alternate member who begins to serve in a case shall continue with that case until a final decision is made by the Board of Appeals.

I. Standards for Variances: The Board of Appeals may grant a dimension Variance from the provisions or requirements of this Ordinance, only if the Board of Appeals finds from reasonable evidence that all of the applicable facts and conditions exist:

1. For a dimension Variance, the Board of Appeals must find that all of the following facts and conditions exist:
 - a. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
 - b. The Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the

same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a Variance.

- c. The Variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
 - d. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
 - e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
 - f. The enforcement of the literal requirements of this Ordinance would involve practical difficulties.
- J. Time Limitations on Variances: Any Variance granted under the provisions of this Ordinance shall become null and void unless the construction or other work authorized by the Variance shall be completed not later than one (1) year after the granting of the Variance.
- K. Appeals and other Applications for Relief:
- 1. An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.
 - 2. An application for an appeal, a Variance or other authorized relief shall be accompanied by payment of the required application fee.
 - 3. An application or appeal shall be filed not later than thirty (30) days after the order, decision or determination as to which the application or appeal is taken.
 - 4. An Applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application form provided by the Township, together with a scaled drawing with sufficient detail to indicate the nature and necessity of the request, and shall pay the required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.
 - 5. After an application for an appeal, a Variance or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Zoning Administrator shall forward to the Board of Appeals the application or notice of appeal and other materials comprising the record of the matter from which the application or appeal is taken. The Zoning Administrator shall schedule the application or appeal for a public meeting or, if required, for a public hearing, within a reasonable time. Any required notice of hearing shall be given in accordance with this Ordinance.
- L. Decisions of the Board of Appeals
- 1. The Board of Appeals shall decide all applications and appeals within a reasonable time.

2. The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board of Appeals shall be deemed to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.
3. The affirmative vote of a majority of the full membership of the Board of Appeals shall be required to reverse or affirm the order, decision or determination that is being appealed, or to grant a Variance from any provision of this Ordinance.
4. In cases of alleged practical difficulties or unnecessary hardship, the Board of Appeals shall, if relief is warranted, grant only such relief as is necessary to relieve the practical difficulties or unnecessary hardship. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the circumstances. The Township Building Official shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the Applicant pursuant to the decision.
5. A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, that a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, within the time limit, to the extent and in the manner permitted by law.

M. The members of the Board of Appeals who are members of the Township Board and of the Planning Commission, respectively, shall not participate in or vote on the same applications that the members previously voted on in their respective capacities as Township Board member or Planning Commission member.

N. Officers:

1. The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.
2. The chairperson shall preside at meetings of the Board of Appeals; the vice-chairperson shall preside in the absence of the chairperson.
3. The secretary shall prepare and sign the minutes of each Board of Appeals meeting; provided, however, that minutes may be taken by a recording secretary, but the minutes as approved by the Board of Appeals shall be signed by the secretary.
4. The Board of Appeals member who is a Township Board member may not serve as chairperson of the Board of Appeals.
5. An officer of the Board of Appeals shall have a term of one (1) year and until the officer's successor is elected and qualifies. An officer may be reelected.
6. An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board of Appeals, but an alternate member who is called upon to serve as a member of the Board of Appeals in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

O. Meetings and Procedures

1. The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.
2. The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member.
3. At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.
4. The Board of Appeals may convene special meetings at such times as it shall determine.
5. The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination, or on an application for an interpretation of this Ordinance or the Zoning Map or when considering a Variance or request.
 - a. Notice of the public hearing, and the manner of providing such notice, shall comply with Section 111.
 - b. The Board of Appeals shall keep minutes of its proceedings, showing the actions of the Board.

P. Removal Of Members; Conflicts Of Interest

1. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.
2. A member of the Board of Appeals shall disqualify the member from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify the member from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

Q. Appeals from Decisions of the Board Of Appeals

1. Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all of the following requirements:
 - a. That it complies with the Constitution and laws of the state;
 - b. That it is based upon proper procedures;
 - c. That it is supported by competent, material and substantial evidence on the record of the Board of Appeals; and
 - d. That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.
2. If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings in the matter. In such

further proceedings, the Board of Appeals may modify its findings and decision as a result of the additional proceedings or the Board of Appeals may affirm its original decision. The record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse or modify the decision of the Board of Appeals.

3. An appeal from a decision of the Board of Appeals shall be filed within thirty (30) days after the Board of Appeals issues its decision in writing signed by the chairperson, if there is then a chairperson, or signed by another member of the Board of Appeals, if there is then no chairperson, or within twenty-one (21) days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.

113 PLANNING COMMISSION

- A. The Planning Commission previously established is hereby continued as the Planning Commission and shall be composed of not less than five (5) nor more than nine (9) members pursuant to the provisions of the Act 33 of 2008, as amended (hereinafter referred to as the “Michigan Planning Enabling Act”). The members of the Planning Commission duly holding office at the time of the adoption of this Ordinance shall remain in office through the completion of their terms of office.
- B. The Planning Commission shall adopt rules, bylaws and regulations to govern its activities under the terms of this Ordinance. Such rules, bylaws and regulations may be in the Township Code or as policy statements or resolutions on file with the Township Clerk.

114 ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or the Zoning Administrator's designee.

115 ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. The person serving as Zoning Administrator 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.

116 PERMITS

Permit Required - No Building or Structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered unless a permit has been issued by the Zoning Administrator. Permits shall not be required for redecorating, repainting, or ordinary repairs. An application for a permit shall be in writing. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavation, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the Lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over the Zoning Administrator's signature and return the other copy to the Applicant.

- A. Contents of Application - Each application shall include such reasonable information as may be requested by the Zoning Administrator in order to determine compliance with the terms and provisions of this Ordinance and shall include, as a minimum, the following information:
1. The location and actual dimensions of the Lot or premises to which the permit is to apply;
 2. The kind of Buildings or Structures to which the permit is to apply;
 3. The width of all abutting Streets;
 4. The area, size and location of all Buildings or Structures to which the permit is to apply;
 5. The type of use to be made of the Building or Structure to which the permit is to apply;
 6. The use of Buildings or Structures on adjoining lands; and
 7. The estimated cost of the Building or Structure.
- B. Accessory Buildings or Structures - Accessory Buildings or Structures, when erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal Building on the same Lot or premises and when shown on the application for the permit for the principal Building, shall not require the issuance of a separate permit. A separate permit shall be required if any Accessory Building or Structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal Building on the same Lot or premises.
- C. Issuance of Permit - Within ten (10) days after the receipt of any application, the Zoning Administrator shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance, or (2) deny issuance of a permit and state the reason(s) for such denial in writing. In each case the permit or the written reason(s) for denial shall be transmitted to the Applicant or the Applicant's agent.
- D. Expiration of Permits - A permit for any Building or Structure, including a Single-Family Dwelling, for which all construction work has not been completed within one (1) year from the date of its issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once for an additional term of one (1) year on payment of an additional fee for such renewal. If the work is still not completed after the third year, the permit may not be renewed again unless authorized by the Board of Appeals as a matter for Board of Appeals decision pursuant to Section 603 of the Zoning Act. In deciding whether or not to grant the authorization, the Board of Appeals shall consider the following standards:
1. The degree to which the work has been completed;
 2. The progress made toward completing the work during the past year;
 3. The amount of time which would be needed to complete the work;
 4. The visibility of the unfinished work from the adjoining property and/or the surrounding neighborhood;
 5. The degree of danger created for children or other individuals by the uncompleted work; and
 6. The viability of finishing all exterior work first to remove any offensive view and/or unnecessary danger as soon as reasonably possible.

- E. Cancellation of Permits - The Zoning Administrator shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.
- F. Fees - The Township Board shall periodically establish by resolution a zoning fee schedule, which shall satisfy those fees applicable to all permits, certificates, approvals or applications required by this Ordinance. All fees shall be paid to the Zoning Administrator, who shall promptly remit the same to the Township Treasurer. The fee schedule shall be posted on public display in the Township Hall and may be changed only by resolution of the Township Board. No permit, certificate, approval or application shall be issued or considered unless and until such fees have been paid in full and payment of the required fee shall be a condition precedent to the validity of any permit, certificate or approval.
- G. The amount of the fees for permits 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 Building or Structure, the Zoning Administrator shall notify the Applicant in writing of the permit fee deficiency and the Building or Structure shall not be used until such deficiency has been paid to the Zoning Administrator.

117 CERTIFICATION OF COMPLIANCE

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

118 STOP WORK OR STOP USE ORDER

In addition to any other rights or remedies the Township may have pursuant to this Ordinance or other applicable law, upon finding the existence of any one of the conditions listed in this Section, the Zoning Administrator shall be empowered to issue stop work or stop use orders as defined herein and in accord with the terms of this Section and may order a stoppage of work or a cessation of a land use.

- A. A stop work or stop use order will be issued when:
 - 1. An imminent threat to the public health, safety or welfare exists;
 - 2. Work is being done or has been done without a permit;
 - 3. Work is being done beyond the scope of the issued permit;
 - 4. Work being done does not match approved plans;
 - 5. The Zoning Administrator finds evidence of a violation of any ordinance, code, state or federal law or any other applicable law or legal requirement;

6. The Zoning Administrator finds evidence of a permittee's failure to comply with any of the terms, conditions and/or requirements of the permit;
 7. The Zoning Administrator finds evidence of a land use, other than a legal nonconforming use, being conducted in violation of this Ordinance;
 8. A permittee's fails to pay any fees required by this Ordinance and/or any other applicable ordinances, codes, statutes or laws; or
 9. The Zoning Administrator finds evidence a permittee is causing, allowing and/or maintaining a nuisance as determined by the Township.
- B. Procedure. In the event a stop work or stop use order is issued, the Zoning Administrator shall do the following:
1. Mail or deliver a written notice of the stop work order to the Permittee at the last address furnished to the Township by Permittee, as well as the location of the site which is in violation. Notice shall include:
 - a. Detailed description of the nature of the violation and required actions to remedy the violation;
 - b. Date and time of recorded violation;
 - c. A statement informing the permittee that an appeal of the stop work order may be filed and a hearing with the Board of Appeals on the matter may be requested, at which time the permittee may present witnesses, evidence, information and arguments on the permittee's behalf, and that the permittee has the right to be represented by counsel.
 2. A hearing shall be scheduled no sooner than ten (10) days after a request is received by the Township from the permittee.
 3. At the hearing the permittee shall be given an opportunity to be represented by counsel and to present witnesses, evidence, information and arguments. Other interested persons shall also be permitted to attend the hearing and may present evidence, information and comments on the matters addressed at the hearing.
 4. Following the hearing, the Board of Appeals shall make a decision to continue, modify or dissolve a stop work order and/or revoke a permit, as applicable. In the event the Board of Appeals decides to revoke a permit or to continue or modify a stop work use order, the Board of Appeals Board shall state the reasons for its decision on the record and shall mail or deliver written notice of its decision and reasons to the permittee.

119 VIOLATIONS NUISANCE PER SE

Uses of land, Dwellings, Buildings or Structures, including tents and Mobile Homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance or regulations adopted under the authority of this Ordinance, are declared to be a nuisance per se.

120 PENALTIES

- A. Any Buildings 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 Ordinance, is declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement thereof shall be responsible for a municipal civil

infraction. A person who commits a civil infraction shall be issued a notice advising the person of the violation and granting the person a fourteen (14) day period to remedy the violation. If the violation is not remedied with fourteen (14) days, the person shall be subject to a fine of \$50.00, plus costs and other sanctions for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be \$100.00, plus costs and other sanctions.

- B. Procedure: The Township Board and/or Township Supervisor may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

121 AUTHORIZED TOWNSHIP OFFICIAL

The Zoning Administrator or the Zoning Administrator's designee is designated as the 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 Spring Lake Township Municipal Ordinance Violations Bureau) as provided by this Ordinance.

122 REDUCTION OR ELIMINATION OF WARNING PERIOD

The Zoning Administrator or the Zoning Administrator's designee shall have the authority to determine, in the discretion of the Zoning Administrator or the Zoning Administrator's designee, that immediate enforcement of this Ordinance is required and that the fourteen (14) day period to remedy a violation of this Ordinance, discussed in Section 120.100, is not in the Township's best interests. In that event, either a shorter warning period shall be allowed or the person who commits a civil infraction shall immediately be subject to a fine of \$50.00, plus costs and other sanctions for each violation of this Ordinance (or subject to the increased civil fines for a repeat violation of this Ordinance).

123 ADMINISTRATIVE APPROVAL PROCESS

Administrative approval shall follow the submittal, review and approval of a Basic Site Plan as per Article Ten.

124 ADMINISTRATIVE DEPARTURE PROCESS

Administrative Departure shall follow the submittal and review process as outlined in the applicable Section of the Zoning Ordinance.

ARTICLE TWO – DEFINITIONS

200 RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. The headings which title a chapter, Section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- E. A "Building" or "Structure" includes any part thereof.
- F. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- G. The words "used" or "occupied," as applied to any land or Building, shall be construed to include the words "intended," "arranged," or "designed to be used," or "occupied".
- H. The words "erected" or "erection" as applied to any Building or Structure, shall be construed to include the words "built," "constructed," "reconstructed," "moved upon," or any physical operation or work on the land on which the Building or Structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- I. The word "Township" means the Township of Spring Lake, Ottawa County, Michigan.
- J. The words "Township Board" mean the Spring Lake Township Board.
- K. The words "Planning Commission" mean the Spring Lake Township Planning Commission.
- L. The words "Board of Appeals" means the Spring Lake Township Zoning Board of Appeals.
- M. The words "Zoning Administrator" mean the Spring Lake Township Zoning Administrator.
- N. The words "Legal Record" mean the circumstance where the legal description of a Lot or Lot of land has been recorded as part of a document on record in the office of the Register of Deeds, Ottawa County, Michigan.

201 DEFINED TERMS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined in Section 202. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition. All defined terms in this ordinance are capitalized throughout the document to inform the reader of when a definition is available.

202 “A”

Access Gate: A device used to control entry and regulated by the Zoning Ordinance.

Accessory Uses Related to Permitted Special Land Uses: Uses which are clearly incidental to, customarily found in connection with, and located on the same Lot as a Principal Use permitted as a Special Land Use.

Accessory Use, Building 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 limiting the foregoing definition of an Accessory Building, the following Buildings are determined to be Accessory Buildings: Detached garages, storage Buildings, green houses, Pool equipment and storage Buildings, and pump houses.

Administrative Approval: A review and approval, denial or approval with conditions issued by the Zoning Administrator following the process set forth in Section 123.

Administrative Departure: A review and approval, denial or approval with conditions issued by the Zoning Administrator.

Adult Arcade: A commercial establishment that offers coin-operated (or operation by any other form of consideration) electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of Specified Anatomical Areas or Specified Sexual Activities.

Adult Bookstore Or Adult Video Store: A commercial establishment that has as a substantial or significant portion of its stock in trade, and as one of its principal business purposes offers for sale or rental for any form of consideration, any one (1) or more of the items set forth in subsections (1) or (2). A commercial establishment may have other principal business purposes that do not involve offering for sale or rental the material identified in subsections (1) and (2), and still be categorized as an Adult Bookstore or Adult Video Store.

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or any other visual representations or media which depict or describe Specified Anatomical Areas or Specified Sexual Activities; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a State of Nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities; or
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Entertainment Booking Agency: A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Adult Foster Care Home: A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care Family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An Adult Foster Care Home care does not include any of the following:

1. Nursing homes and Hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
2. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the Department of Mental Health under Act 258 of the Public Acts of 1974, as amended;
3. County infirmary operated by a County Department of Social Services under Section 55 of Act 280 of the Public Acts of 1939, as amended;
4. A child care institution, children's camp, foster Family home, or foster Family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
5. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a Hotel or rooming house which does not provide or offer to provide foster care; and
6. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

Adult Foster Care Home (GROUP): An Adult Foster Care Home having as its principal function the receiving of twelve (12) or more adults for foster care.

Adult Motel: A Hotel, Motel or similar commercial establishment that does any of the following:

1. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities and has a Sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a State of Nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agricultural Retail: Engaging in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; and facilities used in the research and testing of farm products and techniques.

Alternative Tower Structure: Man-made trees, clock Towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting Structures that camouflage or conceal the presence of Antennas or Towers.

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

Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a WET at a given site. This includes the Tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold

equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Animal Grooming: Any property, Structure, Building, or premises in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary or clinical services.

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), or other communication signals. For wireless communication, see Wireless Communication Tower.

Applicant: The party, property owner, person, entity, firm, agent, or corporation in an application for a Site Plan or development proposal, permit or approval.

Assembly Operation: Buildings, Structures and premises used for the combining of parts into finished products and/or sub-assembly components for subsequent finishing on or off site and for the packaging, shipping and receiving of such products.

Assisted Living/Nursing Care Facilities: A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, licensed in accord with Article 17 of Act 368 of 1978, as amended.

Attached: Permanently fixed to and an integral part of.

203 “B”

Basement: That portion of a Building which is partly or completely below Grade Plane. A Basement shall be considered as a Story when the finished surface of the floor above the Basement is more than six (6) feet above Grand Plane, more than six (6) feet above the finished ground level for more than fifty (50) percent of the total building perimeter, or more than twelve (12) feet above the finished ground level at any point.

Bed and Breakfast: An operation in which transient guests are provided a sleeping room and board in return for payment, which operation is located in a Single Family Dwelling which is used to house a Family as its principal place of residence.

Bicycle Path: An asphalt or concrete facility for non-motorized users that is physically separated by an open space buffer or physical barrier from the portion of a Street or Private Road traveled by Motor Vehicles.

Building: Anything which is constructed or erected, including a Mobile Home, having a roof, which is used for the purpose of housing, sheltering or storing persons, animals, or personal property or carrying on business activities or other similar uses.

Building Envelope: The area of a condominium unit within which the principal Building or Structure may be constructed, together with any Accessory Buildings or Structures, as described in the master deed for the Site Condominium Project. In a Single Family Dwelling Site Condominium Project, the Building Envelope refers to the area of each condominium unit within which the Dwelling and any accessory Buildings or Structures may be built.

Building Height: The vertical distance measured from the average level of the highest and lowest point of that portion of a Lot covered by the Building to the highest point of the roof surface. The highest and lowest point of the Lot shall be measured from the existing natural grade prior to any site alteration, grading, or filling.

Building Setback: The minimum distance by which any Building or Structure must be separated from a public Street or private road right-of-way or Lot line.

Building Site: A Building Site as related to a Site Condominium Project may be considered as either:

1. The area within the Site Condominium Unit itself (i.e., exclusive of any appurtenant Limited Common Element), including the area under the Building Envelope and the area around and contiguous to the Building Envelope; or
2. The area within the Site Condominium Unit itself, with any appurtenant Limited Common Element.

204 “C”

Campground: A public or private establishment to accommodate an organized, supervised recreational program of outdoor activities for children or families, normally housed in tents or cabins, usually operated during the summer.

Car Wash: A Building and equipment used for the commercial washing, waxing, and detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated and hand-wash facilities, as well as any combination thereof.

Cemetery: Any one (1) or a combination of more than one (1) of the following: a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

Clear and Passable Area: An area free of debris, roots, brush, shrubs, gates, trees or other obstructions.

Clearance Zone: Those portions of a Building Envelope which are required to be excavated or cleared of existing vegetation and/or topsoil for the purposes of construction of principal Buildings, Accessory Buildings, utility lines, driveways, sidewalks, and other similar necessary Structures or facilities.

Connectivity Index: A calculation whereby the number of Street links (Street Sections between intersections, including cul-de-sacs) is divided by the number of nodes (intersections and cul-de-sacs) within a development. The higher the index is, the greater the Street connectivity.

Construction Zone: An area used on a temporary basis for the storage and process of materials and supplies used in actual construction of a project for a limited period of time and may include areas that will become developed at a later date.

Contractor's Facility: A facility, Building, Structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by Building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly or staging areas.

Convenience Store (w/ Fuel Pumps): A Convenience Store as defined herein that may also sell gasoline.

Convenience Store (w/o Fuel Pumps): Any retail establishment offering for sale such items as prepackaged food products, beverages, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Corner Lot: A Lot located at the intersection of two (2) or more Streets where the corner interior angle formed by the intersection of the Streets is one hundred thirty-five (135) degrees or less, or a Lot abutting upon a curved Street or Streets if tangents to the curve, at the two (2) points where the Lot lines meet the curve, form an interior angle of one hundred thirty-five (135) degrees or less.

Country Club: Land area and Buildings containing Golf Courses, recreational facilities, a clubhouse, and customary Accessory Uses, open to only members and their guests.

205 "D"

Day Care Center or Child Care Center: A facility, other than a private Dwelling, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a Child Care Center, Day Care Center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Care Center or Day Care Center does not include any of the following:

1. A Sunday school, a vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12)-month period.

2. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

Day Care, Family: A private Dwelling in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the Family by blood, marriage, or adoption. Family Day Care home includes a Dwelling that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group: A private Dwelling in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the Family by blood, marriage, or adoption. Group Day Care home includes a Dwelling that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Decibel: A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dBA weighted scale as defined by the American National Standards Institute.

Decommissioning: The process of terminating operation and completely removing a WET(s) and all related Buildings, Structures, foundations, access roads, and equipment.

Density: The number of Dwellings per unit of land.

Detached: Standing by itself, not connected by any wall or other Structure.

Diameter Breast Height (D.B.H.): The diameter in inches of a tree measured at four and one-half (4½) feet above the established grade.

Dredge Material Storage, Onsite: The placement of dredge material in an upland location adjacent and contiguous to the water body where dredging occurs, and under the same ownership.

Dripline: The line farthest away from but surrounding the trunk of a tree, on the ground underneath the tree, onto which moisture drips straight down from the tree (i.e., the tree canopy). Alternatively, the Dripline shall be a circle, with the tree at the center, whose radius equals one (1) foot per inch of caliper at the tree's D.B.H. In the event the above two measurements are not the same, the lesser measurement shall be used. The area within the Dripline is considered the protected root zone.



Drive-Through Establishment: A Principal Use or Accessory Use of an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their Vehicles.

Dwelling: Any Building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one (1) or more Families, but not including Motels or tourist rooms. Subject to compliance with the requirements of Section 322, a Mobile Home shall be considered to be a Dwelling.

1. Dwelling, Single-Family: A Building designed for use and occupancy by one (1) Family only.
2. Dwelling, Two-Family: A Building designed for use and occupancy by two (2) Families only and having separate living, cooking and eating facilities for each Family.
3. Dwelling, Multi-Family: A Building designed for use and occupancy by three (3) or more Families and having separate living, cooking and eating facilities for each Family.

Dwelling Unit: One (1) room or a suite of two (2) or more rooms designed for use or occupancy by one (1) Family only.

206 “E”

Eating and Drinking Establishment: A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

Educational Institution: Any Building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including a preschool, elementary, middle, or high school, college or university, trade school and the like, whether public or private, that meets state requirements, where applicable.

Emergency Access: An access that does not serve Buildings and is being provided for emergency Vehicles only and is not intended for public use, such as access into natural areas.

207 “F”

FAA: The Federal Aviation Administration.

Family: A single individual or individuals, domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students, or other

individuals whose relationship is of a transitory or seasonal nature, or for anticipated limited duration of school terms, or other similar determinable period of time.

Farm, General: Any tract of land, devoted to general agricultural activities not involving Farm Animals or Livestock, for general commercial purposes, such as field crops, truck farming, orchards and Nurseries. Farms may include related Dwelling Units, customary barns, and similar Buildings, and “U-pick” operations where customers may pay for and pick their own produce.

Farm Animals or Livestock: Animals customarily kept by humans for the purpose of providing food, clothing or work, and which are customarily raised for profit, including but not limited to, equine, bovine, ovine, caprine, porcine, fowl, and bees and as further defined in Act 93 of 1981.

Farm Buildings: Any Building or Structure, other than a Dwelling, used or maintained on a farm which is essential and customarily used on farms in the pursuit of agricultural activities.

Farm, Specialized: Any tract of land used for specialized animal operations, such as apiaries, chicken hatcheries, poultry farms, dairying, beef farms, animal husbandry, stockyards, livestock feed Lots, swine farms or establishments keeping fur bearing animals or game or operating fish hatcheries.

Farmer’s Market: A market usually held out-of-doors where farmers can sell produce and plants and food stuffs to the public.

Fence: A barrier for the purpose of enclosing space or separating lots, composed of (1) masonry or concrete walls, excluding retaining walls; or (2) wood, metal, or concrete posts connected by solid wood or rigid vinyl boards, wrought iron rails, or chain links, or other material with similar purpose, strength and durability approved by the Zoning Administrator.

FCC: The Federal Communications Commission.

Financial Institution: Commercial establishments such as banks, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

Floor Area: The sum of the area within the inside perimeter of the exterior walls of the Building or Structure under consideration and excluding areas of Basements, unfinished attics, Attached garages or carports, breezeways, and enclosed and unenclosed porches.

Floor Area, Gross (GFA): The sum of the area within the inside perimeter of the exterior walls of the Building or Structure under consideration including the several floors of the Building, including those areas used for or intended to be used for the sale

of merchandise or services, or for use to serve patrons, clients or customers; and including those areas which are used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities.

Floor Area, Usable (UFA): The sum of the area within the inside perimeter of the exterior walls of the Building or Structure under consideration; including those areas used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers; and not including those areas which are used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities.

Frontage: That side of a Lot, Building or Structure facing a public Street, Private Road or waterfront.

208 “G”

General Common Element: An area designated for use by all owners within a Site Condominium Project.

Golf Course: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related Accessory Uses.

Governmental (Office): The offices of any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, District, or other governmental unit.

Grade Plane: A reference point representing the average of the finished ground level adjoining the Building at the exterior walls.

Greenbelt: A strip of land of definite width and location reserved for the planting of vegetation as required by this Ordinance to serve as an obscuring screen or buffer.

Greenhouse or Nursery: Land used, or portion thereof, including Building(s) whose roof and sides are made largely of glass or other transparent or translucent material for regulation of temperature and humidity, can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Grid: An electrical Grid is an interconnected network for delivering electricity from suppliers to consumers.

Ground Mounted Mechanical Equipment: Equipment at ground level and intended or used for heating, air conditioning, make-up air, dust collection, plumbing ventilation, exhaust, telecommunication, or other purposes associated with the occupancy of the Building, with the exception of solar panels, wind generators, or other energy producing equipment.

209 “H”

Height, Tower: When referring to a Tower or other Building or Structure upon which an Antenna is mounted, the distance measured from the finished grade of the Lot at the center of the front of the Building or Structure to the highest point on the Tower or other Building or Structure, including the base pad and any Antenna.

High-water Mark: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

Home Occupation: A gainful occupation traditionally and historically carried on in the home, carried on by members of the Family only as a use clearly incidental and secondary to the use of the home as a Dwelling place, where no article is sold or personal services rendered except such as are produced or performed by the Home Occupation itself and where the Home Occupation is conducted entirely within the Dwelling.

Hospital (or Clinic): A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the Hospital facility.

Hotel: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

210 “I”

Impervious Surface: Any material that prevents the absorption of stormwater into the ground, including asphalt and concrete.

211 “J”

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.

212 “K”

Keeping of Farm Animals: The act of possessing Farm Animals or Livestock for the purpose of providing food, clothing or work, and which are customarily raised for profit.

Kennel: Any land, Building or Structure where five (5) or more cats and/or dogs over three (3) months of age are either permanently or temporarily boarded, housed, bred or sold.

213 “L”

Large Wind Energy Turbine (LWET): A Tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, Nacelle, rotor, Tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate capacity that identifies the maximum kilowatts.

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.

Laundry and Dry Cleaning Establishment: A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.

Laundry and Dry Cleaning Plant: A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.

Limited Common Element: An area which is appurtenant to a Site Condominium Unit and which is reserved in the master deed for the Site Condominium Project for the exclusive use of the owner of the Site Condominium Unit.

Limited Short-Term Rental: The rental of any Dwelling for any one or two rental periods of up to 14 days, not to exceed 14 days total in a calendar year.

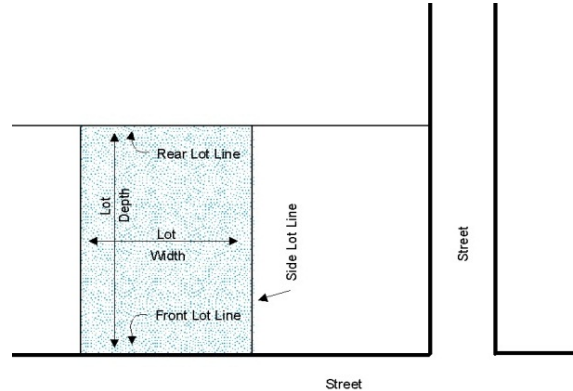
Live/Work: A Structure, or a part of a Structure, used both as a Dwelling and for any nonresidential use permitted in the Zoning District in which the Structure is located.

Loading Space: An unobstructed area provided and maintained for the temporary parking of trucks and other Motor Vehicles for the purpose of loading and unloading goods, materials, and merchandise.

Lot: A piece or Lot of land occupied or intended to be occupied by a principal Building or a group of such Buildings and Accessory Buildings or Structures, or utilized for a Principal Use and Accessory Uses, together with such Open Spaces as are required by this Ordinance.

Lot Area: The total horizontal area within the Lot lines of a Lot.

Lot Coverage: That part or percent of the Lot occupied by Buildings, including Accessory Buildings and structures, including decks.



Lot Width: The horizontal straight-line distance between the side Lot lines, measured between the two (2) points where the front Setback line intersects the side Lot lines.

Low Impact Design or Low Impact Development (LID): An innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls.

214 “M”

Machine Shop: A business in which metal objects are processed, reduced, or finished by turning, shaping, planning, or milling by machine-operated tools.

Maneuvering Aisle: An area within a Parking Lot designed to provide ingress and egress to Parking Spaces.

Manufacturing and Processing: A series of operations, in a continuous and regular action or succession of actions, taking place or carried on in a definite manner associated with chemical or mechanical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, liquors, food and fiber products, minerals and compounds, and such related activities as storage, packaging, shipping and scrapping.

Marihuana, also known as Marijuana, also known as Cannabis: The term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7106, as referred to in Section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to Marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or the General Rules of the Michigan Department of Community Health issued in connection with the MMMA.

Marina: A place where five (5) or more boats or water craft are stored, docked, moored, anchored or otherwise located for use, loading, servicing or any other purpose.

Mechanical Equipment: Equipment, appurtenances or devices installed to support the use or Building, including without limitation, heating, ventilation and air conditioning equipment; inconsequential Antennas; electrical, plumbing, and power generating devices; and other service facilities.

Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of Marihuana or paraphernalia relating to the administration of Marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.

Medium Wind Energy Turbine (MWET): A Tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, Nacelle, rotor, Tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The Total Height does not exceed one hundred fifty (150) feet.

MMMA: The Michigan Medical Marihuana Act; Public Act 2008, Initiated Law, as amended.

Mineral Removal: The removal of sand, gravel, rock, clay and other minerals from the ground, including a facility, property, or portion thereof designed, constructed, or used for the commercial open pit or subterranean extraction of sand, gravel or other minerals. This term also includes quarrying, groundwater diversion, soil removal, milling and crushing, and other preparation customarily done as part of a mining activity.

Mixed Use Development: A development of a tract of land, Building, or Structure with a variety of complementary and integrated uses as permitted by the applicable Zoning District.

Mobile Home: A Structure, transportable in one (1) 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. **Single Wide:** a Mobile Home with longitudinal width of no greater than fourteen (14) feet for its full length.
2. **Double Wide:** a combination of two (2) Mobile Homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space

of a conventional Single Wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

Mobile Home Park: An area where three or more mobile homes are parked or intended to be parked, designed or intended to be used as living facilities for one (1) or more Families.

Mortuary/Funeral Home: A Building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith prior to burial or cremation.

Motel: A Building or group of Buildings on the same Lot, whether Detached or in connected rows, containing sleeping or Dwelling Units which may or may not be independently accessible from the outside with garage or Parking Space located on the Lot and designed for, or occupied by transient residents. The term shall include any Building or Building groups designated as a Hotel, motor lodge, transient cabins, cabanas, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

Motor Vehicle: Every Vehicle which is self-propelled.

Multi-Tenant Commercial Establishment: A Building housing more than one (1) commercial business operated under common management, or a unified grouping of individual businesses, served by a common circulation and Parking Lot.

Multi-Tenant Industrial Establishment: A Building housing more than one (1) industrial business operated under common management, or a unified grouping of individual businesses, served by a common circulation and Parking Lot.

215 “N”

Nacelle: The encasement which houses all of the generating components, gear box, drive tram, and other equipment.

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

Night Sky Friendly Lighting: Lighting systems that restrict light pollution into the atmosphere improving or maintaining night sky clarity.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but not including:

1. An Educational Institution funded, chartered, licensed or recognized by the State of Michigan; or
2. A private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.

Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public Nudity does not include:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;
2. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, as amended, being MCL 752.362, or any similar successor statute; or
3. Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MCL 722.673, or any similar successor statute.

Nursing Home: A facility licensed under Michigan Act 368 of 1978, as amended, or any similar successor statute having similar licensing jurisdiction.

216 “O”

Occupied Building: A Dwelling, school, Hospital, church, public library, business, or other Building used for public gatherings.

Off-Grid Systems: A wind turbine system that is not connected to a public or private electrical Grid.

Open Space: Any property or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for active or passive public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such Open Space, excluding easements for Streets or Private Roads.

Operator: The entity responsible for the day-to-day operation and maintenance of a WET.

Ordinary High Watermark: The Ordinary High Water Mark is defined by Part 301 of the NREPA; means the line between Upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the Upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an Inland Lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural Ordinary High Watermark.

Outdoor Furnace: An independent Structure outside of a Principal or Accessory Structure designed to burn wood, wood pellets, and/or corn pellets to provide heat or hot water to a Principal or Accessory Building or Structure.

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 (2) feet when filled to capacity with a minimum surface area of one hundred (100) square feet.

Outdoor Sales Facility: The display and sales of products and services primarily outside of a Building or Structure, including, but not limited to, garden supplies, farm equipment, burial monuments, mobile homes, Building and landscape materials, and lumber yards.

217 “P”

Park or Parkland: An outdoor Open Space intended for active or passive recreational use; however, not including the use of motorized Recreational Vehicles or as a shooting ranges.

Parking Space or Lot: An off-Street open area, including access drives, the principal use of which is for the parking of Motor Vehicles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

Personal Service Establishment: An establishment primarily engaged in providing services involving the care of a person or the person’s goods or apparel.

Places of Public Assembly: Include theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for entertainment, instruction, worship or similar activities involving assembled groups of people numbering fifty (50) or more.

1. **Small Places of Public Assembly.** Places of Public Assembly which have either less than five thousand (5,000) square feet in Gross Floor Area or total seating capacity of no more than three hundred (300) in the largest room intended for public assembly.
2. **Large Places of Public Assembly.** Places of Public Assembly which have either five thousand (5,000) square feet or more in Gross Floor Area, total seating capacity of more than three hundred (300) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future. For the purposes of this paragraph, a capability to meet these standards may be demonstrated by sufficient available land owned by the Applicant or an entity associated with the Applicant, a Building designed to readily accommodate an expansion or a declaration by the Applicant of future intent to expand the Building to meet these standards.

Power Generating Facility: A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale to wholesale and retail customers connected to electrical transmission Grid. Such facilities include geothermal, hydro, solar, coal, diesel, fuel oil, nuclear, natural gas combustion as well as solid waste incinerators.

Preexisting Towers and Preexisting Antennas: Any Tower or Antenna for which a Building permit or Special Land Use permit has been properly issued prior to the effective date of this Ordinance, or any Tower or Antenna for which no Building and/or Special Land Use permit was required, including permitted Towers and Antennas that have not yet been constructed so long as such approval is current and not expired.

Principal Use: The main use to which the premises is devoted and the primary purpose for which the premises exists.

Private Driveway: A privately owned and maintained access which affords traffic circulation and principal means of access from a Street or Private Road to one (1) Lot or Site Condominium Unit which has Frontage on that Street or Private Road.

Private Road: A privately owned and maintained right-of-way which affords traffic circulation and principal means of access for more than four (4) Lots or Site Condominium Units; such a privately owned and maintained right-of-way shall be considered one (1) Private Road, regardless of any turns or changes in direction, until it intersects with a Street.

Professional Office: An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, and other similar services.

Protected Tree: Any tree six (6) inches or greater D.B.H. which does not have a life-threatening disease and which has not been damaged to a point which threatens its viability.

Public Lands: Real property owned by a public agency or governmental unit.

Public Place: Any real property or a Building or Structure that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency, or a college or university of the State of Michigan including a court, mall, park, or other area, feature, or element; shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed by any agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public Utility: Any governmental unit, board or commission, or any person (under public regulation if a private agency) furnishing to the public, transportation, water,

gas, electricity, telephone, steam, telegraph, sewage disposal or other essential public service.

218 “Q”

219 “R”

Recreational Vehicle: Any motor home, travel trailer, house trailer, bus, trailer home, camper, trailer coach or similar transportable unit used or designed as to permit its being used as a conveyance on Streets and intended for occasional or short-term occupancy during travel, recreational or vacation use.

Required Build-to Zone: A zone parallel to a right-of-way line and forty-eight (48) inches in depth where a Building Frontage is placed.

Research, Testing and Laboratory: An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

Residential Above Retail or Office Uses: A mixture of land uses in which Dwelling Units are located on floors or stories above Retail Businesses or office uses.

Retail, Limited: An establishment containing fewer than fifteen thousand (15,000) square feet of Gross Floor Area engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail, Major: An establishment containing fifteen thousand (15,000) square feet or more of Gross Floor Area engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retaining Wall: An outdoor wall designed to retain the grade upon, or to prevent soil collapse within, or to prevent soil erosion from a Lot.

Roadside Market Stand: A Building, Structure or Vehicle used solely by the owner or tenant of the premises on which it is located for the display and/or sale of agricultural products produced on the premises.

Rotor Diameter: The cross-Sectional dimension of the circle swept by the rotating blades of a WET.

220 “S”

Self Storage Facility: A Building or portions of Buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.

Service Drive: A minor public Street or Private Road or driveway which may be parallel to and adjacent to a State Trunk Line or County Primary Road, and which provides access to abutting properties and restricts access to the major thoroughfare.

Setback: See Building Setback.

Service Establishment Accessory to Principal Use: An establishment whose primary activity is the provision of assistance or products, to individuals, business, industry, government, and other enterprises, and which is located interior to or inside an office Building or other Principal Use.

Sexually Oriented Business: Any of the following: (1) Adult Arcade; (2) Adult Bookstore or Adult Video Store; (3) Adult Entertainment Booking Agency; (4) Adult Cabaret; (5) Adult Motel; (6) Adult Motion Picture Theater; (7) Adult Theater; (8) dating service; (9) escort agency; (10) massage parlor; (11) massage school; (12) Nude Model Studio; and (13) sexual encounter center.

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

Shared Residential Driveway: A privately owned and maintained right-of-way or other interest in land which affords traffic circulation and principal means of access for at least two (2) but not more than four (4) Lots or Site Condominium Units.

Shipping Facility: A Structure used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items where trucks or other Vehicles are used to load, unload and transport.

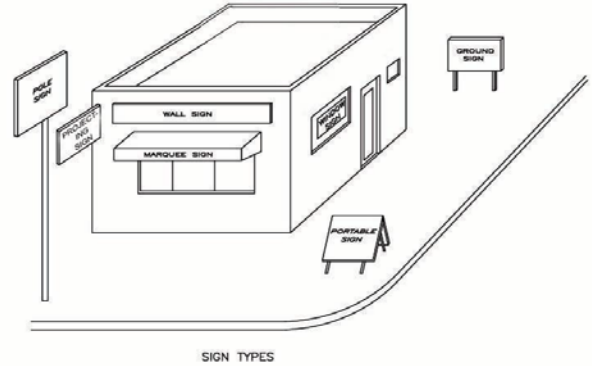
Short-Term Rental: The rental or subletting of any Dwelling for a term of 27 days or less, but the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

Showroom: An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for

the purpose of advertising a business, product or service or the sale of goods manufactured on premises.

Sidewalk: A concrete facility for pedestrians that is physically separated by an open space buffer or physical barrier from the portion of a Street or Private Road traveled by Motor Vehicles.

Sign: Any object, device, display, or Structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The following are definitions of Sign types:



1. **Abandoned Sign:**
 - a. A Sign pertaining to or associated with an event, business, or purpose which is no longer ongoing and which has been inactive or out of business for a period of ninety (90) consecutive days or longer; or
 - b. A Sign which contains structural components but no display for a period of ninety (90) consecutive days or longer.
2. **Awning or Canopy Sign:** A Sign that is either attached to, affixed to, or painted on an awning or canopy
3. **Banner:** See Temporary Sign.
4. **Billboard:** A Sign directing attention to a use, activity or product not located, sold, manufactured or processed on the premises on which the Sign is located.
5. **Changeable Copy Sign:** A portion of a Sign on which copy is changed manually.
6. **Directional Sign:** A Sign giving directions or instructions for vehicular or pedestrian circulation.
7. **Programmable Digital Sign:** A Sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
8. **Directory Sign:** A Sign, which displays names and/or location of occupants or users of the premises.
9. **Ground Mounted Sign:** A Sign suspended or supported by one or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the Sign to the ground below.
10. **Illegal Sign:** A Sign which does not meet the requirements of this Ordinance and which does not have a legal nonconforming status.
11. **Nonconforming Sign:** A Sign, which was legally erected prior to adoption of this Ordinance and which does not conform with the requirements herein.
12. **Off-premises Directional Sign:** A Sign located on property other than the location of the services or business advertised thereon directing passersby to activities, events or items for sale with graphics or a commercial message.

13. Pole Sign: A freestanding Sign that is affixed, Attached, or erected on a pole that is not itself an integral part of or Attached to a Building or Structure other than the pole.
14. Portable Signs: A Sign whose principal supporting Structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable Signs shall include but are not limited to Signs mounted upon a trailer, bench, wheeled carrier, or other mobile Structure with or without wheels.
15. Projecting Sign: A Sign that is wholly or partly dependent upon a Building for support and that projects more than twelve (12) inches from such Building.
16. Roof Sign: A Sign Structure that is erected on or above a roof or that is installed directly on a roof's surface.
17. Temporary Sign: A Sign designed for use for a limited period of time to announce special events or sales including, but not limited to: Portable Signs, banners, sandwich boards, and flags.
18. Wall Sign: A Sign Attached to a wall and not projecting away from the wall more than twelve (12) inches.
19. Yard Sign: A Sign of relatively impermanent construction manually placed in a Yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.

Sign Area: The entire face of a Sign, including the advertising surface and any framing, trim, or molding but not including the supporting Structure.

Significant Natural Feature: Any area which exhibits unique topographical, ecological, or hydrological characteristics such as Wetlands, critical sand dunes, slopes in excess of twenty-five (25) percent, or other unique natural features such as endangered species or critical habitat, as determined by the Township Board, Planning Commission, Michigan Department of Environmental Quality ("MDEQ"), or other appropriate agency.

Site Condominium Project: A plan or project consisting of not less than two (2) Site Condominium Units established in compliance with the Condominium Act.

Site Condominium Project Plan: The plans, drawings and information prepared for a Site Condominium Project as required by Section 66 of the Condominium Act and as required by this Ordinance for review of the project by the Zoning Administrator and the Planning Commission.

Site Condominium Unit: A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or sub-surface vacant air space, designed and intended for separate ownership and use as described in the Site Condominium Project master deed, and within which a Building or other improvements may be constructed by the condominium unit owner.

Site Plan: The development plan for one (1) or more Lots on which is shown the existing and proposed conditions of the Lot as required by Article Ten of this Ordinance.

Small Structure-Mounted Wind Energy Turbine (SSMWET): A system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, Nacelle, rotor, Tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is Attached to a Structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, Antenna, and other similar protuberances.

Small Tower-Mounted Wind Energy Turbine (STMWET): A Tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, Nacelle, rotor, Tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.

Solar Energy Collector: A device, Structure, or a part of a device or Structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy Collector, Building-mounted: An active Solar Energy Collector that is structurally mounted to the wall or roof of a Building.

Solar Energy Collector, Ground-mounted: An active Solar Energy Collector that is structurally mounted to the ground and is not mounted on a Building.

Solar Energy Collectors, Utility Scale: An active Solar Energy Collector system that is typically mounted to the ground, primarily designed to supplement energy to a utility company, not designed or intended for only or primarily on-site usage, and greater than twelve hundred (1,200) square feet.

Specified Anatomical Areas: Either of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; or
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Include any of the following:

1. The erotic fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, and/or masturbation;

3. Sexual arousal or gratification using animals or violence, actual or simulated;
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

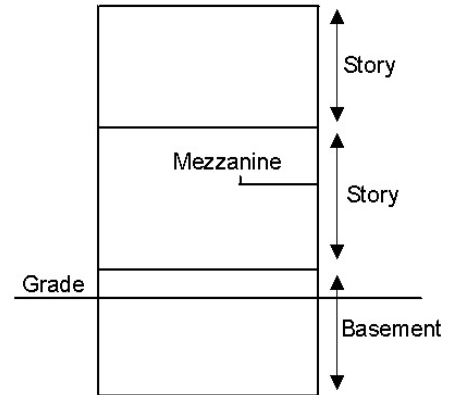
Sports and Recreation Club: An establishment operated as a business open to the general public for a fee or operated as a private, members-only facility; and providing recreational and fitness opportunities for its users.

Stable: A Building used or to be used for the housing of horses for hire by the owner or operator thereof.

Streamer: An individual object and/or series of small objects made of lightweight plastic, fabric, cloth, or other material, which may or may not contain text, which is suspended from and/or twined around a rope, wire or string; or which is supported by a vertical or horizontal staff and which is intended to flutter in the wind. The definition for Streamer shall also include exterior string lights when used outside of a holiday display.

Story: That part of a Building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above then the ceiling next above.

Story, Half: An uppermost Story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of at least seven (7) feet six (6) inches. For the purposes of this Ordinance, the Usable Floor Area is only that area having at least five (5) feet clear height between floor and ceiling.



Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road or other thoroughfare, except an alley. A Street may be one (1) of four (4) types, as classified by the Ottawa County Road Commission, including the following: State Trunk Line, County Primary Road, County Local Road or Subdivision Street.

Structure: Anything except a Building, constructed or erected, the use of which requires permanent location on the ground or permanent attachment to something having a permanent location on the ground; also anything which is temporarily located on the ground or temporarily Attached to something permanently located on the ground, if specifically addressed in this Ordinance (e.g. Temporary Signs or Temporary Sign Structures).

Sustainable Community: A community that fosters economic opportunity and social capital while protecting and restoring the natural environment upon which people and economies depend.

Sustainable Community Assessment: A tool for measuring using a point system to determine if new development achieves certain standards resulting in the creation of a Sustainable Community.

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 (2) feet when filled, and intended to be used for swimming purposes.

221 “T”

Total Height: The vertical distance measured from the ground level at the base of the Tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WET.

Tattoo, Piercing Parlor: An establishment where tattooing or skin piercing is regularly conducted whether or not it is in exchange for compensation.

Tower: Any Structure that is designed and constructed primarily for the purpose of supporting one (1) or more Antennas, including self-supporting (i.e. without guy wires or other external means of support) Lattice Towers, guyed Towers, or monopole Towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the Structure and any support for the Structure. In addition, a Tower also includes a freestanding monopole that supports a WET.

Township Wetland Consultant: An individual or organization capable of providing a high level of expertise and guidance in the areas of Wetland Identification, Delineation, Assessment, Mitigation, this Ordinance and other ordinances, and state and federal regulatory issues.

Travel Lane: The lane of traffic on a Street that serves as the through lane which does not include turn lanes.

222 “U”

Unenclosed Deck: A deck that does not have solid walls, screened walls, or a roof. Railing systems shall have at least fifty (50) percent visibility through the railing and shall be a maximum of forty-eight (48) inches tall.

Universal Design: The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design.

Urgent Care: A medical care facility open to the public in which professional medical care is provided for injuries and illness.

Utility Service Provider: A person who provides to any other person, utility service including but not limited to electric, telephone, cable television and internet.

223 “V”

Variance: Permission to depart from the requirements of this Ordinance.

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

Vehicle Repair Facility: General repair, rebuilding, or reconditioning of engines, or Vehicles, collision service (including body repair and frame straightening), painting or upholstery, or Vehicle steam cleaning and undercoating, including automobile sales as an Accessory Use.

Vehicle Sales Facility: A Retail Business primarily housed in a Structure and characterized by a mixture of related uses upon a commercial site; however, the Principal Use of the site shall be the marketing of new or used vehicles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Veterinary Clinic/Kennel: A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or Kennel facilities. Kennel facilities allow four (4) or more domestic animals, six (6) months of age or older to be kept temporarily or permanently for the purposes of breeding, boarding or sale.

224 “W”

Warehouse: A Building used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items.

Waterfront Accessory Structure: An Accessory Structure, such as a deck or shed, located in the Front Yard of a Waterfront Lot.

Waterfront Accessory Structure: An Accessory Structure, such as a deck or shed, located in the Front Yard of a Waterfront Lot.

Waterfront Accessory Structure: An Accessory Structure, such as a deck or shed, located in the Front Yard of a Waterfront Lot.

Waterfront Setback: The minimum distance by which any Building or Structure must be separated from the Ordinary High Watermark of Spring Lake, Lake Michigan, the Grand River, bayous, or Little Black Lake.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, Wetland Vegetation or Aquatic Life, and is commonly referred to as a bog, swamp, or marsh.

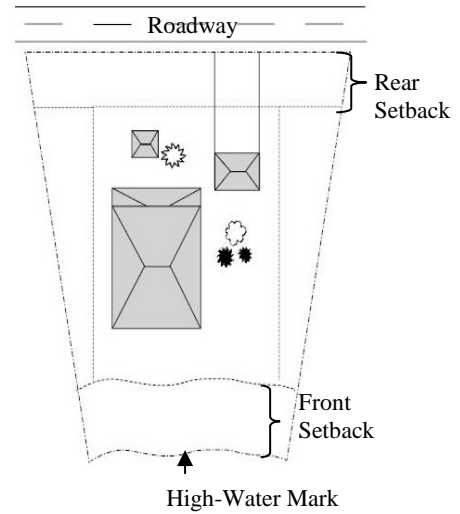
Wetland Review Board: A board appointed by the Township Board to serve the functions of the Wetland Review Board as prescribed in the Spring Lake Township Wetland Ordinance.

Wetland Setback: A strip of land surrounding a Wetland that provides protection for a Wetland from inadvertent and secondary impacts. The Wetland Setback serves to protect Wetland resources and improve overall wildlife habitat, erosion control, nutrient filtration, or other functions, values, and benefits that are also associated with Wetlands. A Wetland Setback shall extend twenty-five (25) horizontal feet from the edge of a Wetland.

Wells, Extraction: Wells installed for the commercial extraction of ground water, crude oil, brine, natural gas, sour gas or similar products. This definition may include any surface or subsurface pumping or processing equipment or facilities associated therewith, but shall not include irrigation wells.

Wholesale Facility: An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy Overlay District: A District or Districts created by the Township Board, upon receiving a recommendation from the Planning Commission, which are specific areas within the Township best situated for development of a LWET.



Waterfront Lot with Front Setback Facing the Water.

Wind Energy Turbine (WET): Any Structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the Nacelle, rotor, Tower, and pad transformer, if any.

Wireless Communication Tower: Any Structure which is designed and constructed primarily for the purpose of supporting one (1) or more Antennas for telephone, radio or other communication purposes. Such Structures may be freestanding, such as self-supporting Lattice, guyed, or monopole Towers, or Attached to an existing Structure, such as artificial trees, steeples, light poles, poles supporting power lines or similar mounting Structures that effectively camouflage or minimize the visual impact of Antennas and Towers.

225 “X”

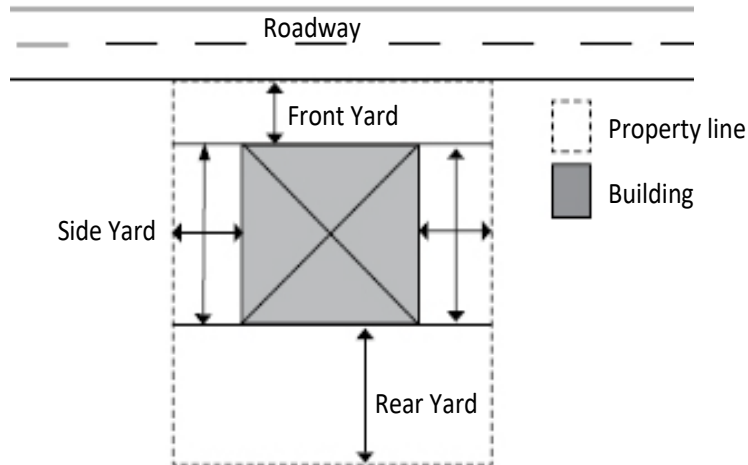
226 “Y”

Yard: A required Open Space other than a courtyard, 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.

Yard, Front: A Yard extending across the full width of the Lot, the depth of which is the distance between the Street right-of-way line or easement right-of-way line and the nearest part of the Building or Structure. In the case of Waterfront Lots, the Yard fronting on the water 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 nearest part of the main Building.

Yard, Side: A Yard between a main Building and the side Lot Line, extending from the Front Yard to the Rear Yard. The width of the required Side Yard shall be measured from the nearest point of the side Lot Line to the nearest part of the main Building.



227 “Z”

Zoning Act: Michigan Act 110 of 2006, as amended.

Zoning Administrator: The Township staff person charged with administering this Ordinance and other land development regulations and facilitating the planning process. The Zoning Administrator may also be known as the Community Development Director.

ARTICLE THREE – GENERAL PROVISIONS

300 THE EFFECT OF ZONING

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

301 RESERVED

302 RESTORATION OF UNSAFE BUILDINGS

Subject to the provisions of this Ordinance pertaining to Nonconforming Uses, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any Building or Structure which is unsafe.

303 ANIMALS

A. Household Pets: 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 two (2) dogs and two (2) cats over three (3) months of age shall be kept or housed in or at one (1) Dwelling Unit. The keeping of any other animals in any Zoning District shall comply with the standards set forth in Section B or Section C below, or in Section 924 or Section 925.

B. Beekeeping (apiaries): Bees may be kept in the RR, R-1, R-2, and R-3 Districts, subject to compliance with the following criteria.

1. Hive Density: No more than two (2) hives are permitted on a Lot.
2. Hive Placement: Hive placement shall be at least twenty-five (25) feet from any Lot line, unless the hive is separated from the Lot line by a solid fence or vegetative screen at least six (6) feet tall. In no event may a hive be closer than ten (10) feet from a Lot line.
3. Review: A review from a professional beekeeper may be required by the Township to ensure that there are no safety issues, based on a consideration of the Lot Area, the location of the hives, the number of hives, the use of adjacent property, and such other factors as the Township deems relevant.
4. Hive Size: Hive size shall be a maximum of twenty (20) cubic feet.
5. Water: Hives shall be provided a constant source of water.
6. AG District: These regulations do not apply to property in the AG District, where keeping of bees and other Farm Animals is a permitted use.
7. Registration: All residential beekeeping operations shall be registered with the Township, and the operator of every residential beekeeping operation shall confirm to the Township that the operation is in compliance with the above requirements.

C. Keeping of Chickens (Hens).

1. Mitigation: The keeping of hens shall be done in a manner to mitigate any potential adverse impacts on surrounding properties.
2. Maximum: A maximum of four (4) hens may be kept per Lot if the Lot is at least

twelve thousand (12,000) square feet. One (1) hen per one-tenth (.10) acre may be added with a maximum of ten (10) hens.

3. Roosters: Roosters are prohibited.
4. Enclosure: Hens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure in the Side Yard or Rear Yard at all times.
5. Enclosure Location: All covered enclosures or fenced enclosures shall be located in the Rear Yard, shall be no closer than five (5) feet to any Lot line, and shall be located a minimum of twenty-five (25) feet from any Dwelling on an adjacent Lot.
6. Enclosure Site: The total square footage of any covered enclosure shall not exceed eighty (80) square feet and shall be a maximum of eight (8) feet in height. This square footage shall not count against the total allowable Accessory Building square footage or number of allowable Accessory Buildings per Section 306 of this Ordinance.
7. Protection: All feed and other items associated with the keeping of hens that attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
8. State Compliance: Hens shall be kept in compliance with all applicable Generally Accepted Agricultural and Management Practices, as established by the State from time to time.
9. Application: Applications for original and renewal permits may be submitted to, and permits shall be issued by, the Township. Permits shall be issued within a reasonable time frame if the applicant demonstrates that all conditions of this section have been met.
10. Fees: The applicant shall pay the fee established by the Township Board from time to time.
11. Duration: An initial permit shall be valid for one (1) year from the date of issuance. A renewal permit shall be valid for three (3) years from the date of issuance.

304 AREA, HEIGHT, USE CONDITIONS AND EXCEPTIONS

- A. Each Lot in the Township shall be limited to not more than one (1) Principal Use; provided that Multi-Tenant Commercial Establishments, Multi-Tenant Industrial Establishments, Mixed Use Developments, Residential Above Retail or Office Uses may be regarded as single uses if approved pursuant to the standards of this Ordinance.
- B. The continuing maintenance of required spatial relationships and physical requirements of this Ordinance for a use, Structure, Building, and/or Lot shall be the obligation of the owner of the use, Structure, Building and Lot.
- C. No Lot shall be split, divided or created which does not meet the spatial requirements of this Ordinance, except as may be permitted specifically elsewhere in this Ordinance.
- D. Side Lot lines shall be approximately at right angles to Street lines or radial to curved Streets unless environmental or topographic conditions require different dimensions.

- E. No Building, Structure or use shall be constructed, expanded, renovated or established except in conformance with this Ordinance and the Spring Lake Township Code of Ordinances.
- F. Required spatial relationships and physical requirements of this Ordinance shall apply uniformly within each respective Zoning District to all uses, Structures, Buildings and Lots except that the following may be located anywhere on a Lot:
 - 1. Steps, handicap ramps, and at grade Structures, such as patios;
 - 2. Flag poles;
 - 3. Hydrants;
 - 4. Arbors, trellises, trees, plants, shrubs, subject to the provisions of Section 313 pertaining to clear vision areas.
 - 5. Sidewalks and walkways.
- G. Required Setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or Ordinary High Watermark toward the center of the Lot. For non-platted Lots, where the front Lot line is the roadway centerline, Setbacks shall be measured from the edge of the right-of-way. Building Setback lines shall parallel the Lot line from which they are measured.
- H. Lot depth measurements shall be taken from the midpoints of straight lines, one connecting the front Lot corners and the second connecting the rear Lot corners. For the purposes of this Section, Lot corners shall be determined by the Zoning Administrator as the points at which the side Lot lines intersect the front and rear lines, regardless of the shape of the Lot. Lot Width shall be measured at the Front Yard Setback line. Provided, however, that for irregularly-shaped Lots, the Zoning Administrator may determine an average Lot Width as the average width measured at right angles to its depth, with no fewer than five (5) equally spaced measurements. See Figures 303a and 303b.

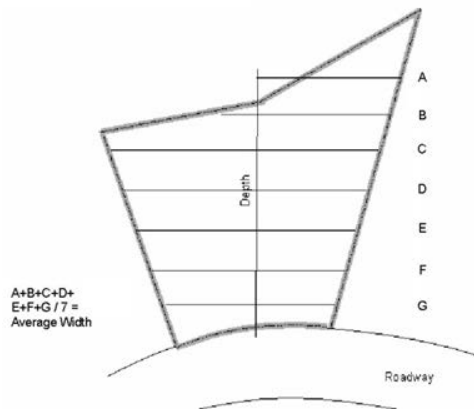


Figure 303a

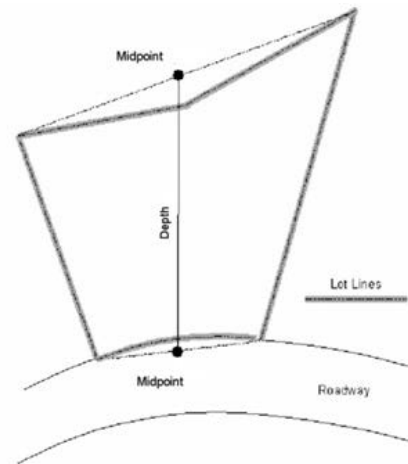


Figure 303b

- I. Land filling and other contour changes to create a buildable area in preparation of a development shall not be undertaken, except in conformance with the requirements of this Ordinance and applicable State and Federal requirements. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in

preparation for a use or Structure which requires approval of a basic or detailed Site Plan and approval until the proposed use or Structure is authorized by a zoning compliance permit per Section 341.

305 RESERVED

306 ACCESSORY BUILDINGS AND STRUCTURES

- A. In any Zoning District, an Accessory Building may be erected Detached from the permitted principal Building.
- B. Except as provided in this subsection, Accessory Buildings or Structures shall only be permitted if a principal Building has been previously erected. If an Accessory Building or Structure is to be constructed simultaneously with a principal Building, or if an Accessory Building or Structure is to remain on a Lot while a principal Building is torn down and replaced, or if in any other circumstance an Accessory Building or Structure is allowed to be on a Lot temporarily without a principal Building being on the Lot, the owner of the Lot shall provide the Township with a cash deposit of Five Thousand (\$5,000.00) dollars or such grant or amount determined by the Township to be required to remove the Accessory Building or Structure from the Lot if the owner fails to promptly and completely construct a principal Building on the Lot.
- C. An Accessory Building shall be considered as Attached to a principal Building when it is Attached to and made an integral part of the habitable space of the principal Building. Once Attached, it becomes part of the principal Building and shall meet the required dimensional standards of the applicable Zoning District.
- D. Accessory Buildings or Structures shall not include residential or living quarters for human beings.
- E. The length-to-width ratio of an Accessory Building shall not exceed three (3) to one (1).
- F. Accessory Buildings or Structures of a greater area, in excess of the maximum height standards, or in excess of the maximum number of Buildings, may be authorized by the Board of Appeals pursuant to Section 603 of the Zoning Act. In order to qualify for an authorization under this Section, the application must first comply with the following standards.
 - 1. The total square footage of all Accessory Buildings and Structures on a Lot shall not be more than twice the amount of square footage of Accessory Buildings and Structures allowed by right.
 - 2. A landscaping plan shall be submitted with a Site Plan for any Accessory Building or Structure subject to this Subsection. When an Accessory Building or Structure subject to this Subsection will be visible from the Street or an adjacent Lot, existing trees and other screening vegetation should be preserved. If no screening currently exists, new landscaping shall be provided if deemed appropriate by the Board of Appeals,

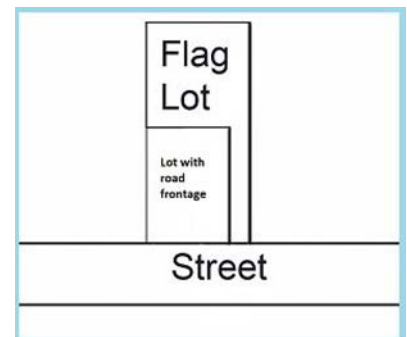
considering the nature of the area and the degree to which the Accessory Building or Structure is visible.

3. All of the Buildings and the Structures on the Lot shall not exceed the Lot Coverage standards of the underlying Zoning District.
4. The proposed Accessory Building or Structure shall generally be compatible with the architecture style and Building form of the principal Building, except for Buildings such as Greenhouses, which perform a specific function requiring a particular Building form.
5. The area, height, and massing of the proposed Accessory Building or Structure shall be proportional to the overall area of the Lot upon which it is placed and consistent with other residential Buildings or Structures in the surrounding neighborhood.
6. The Accessory Building or Structure shall be located in such a manner as to not cause a storm water runoff nuisance on adjacent property and shall meet the intent and guidelines of the Stormwater Management provisions in Article VI of Chapter 14 of the Township's Code of Ordinances.
7. The Board of Appeals may require a restrictive covenant, such as a deed restriction, recorded with the Ottawa County Register of Deeds, indicating that any future division of the subject Lot shall meet the limits for Lot Area and Accessory Building or Structure size provided in Section 306. The covenant shall be provided to the Zoning Administrator prior to the issuance of a permit under Section 116.

G. Non-Waterfront Accessory Structures

1. Accessory Buildings and Structures shall be located in the Side or Rear Yard only, except where otherwise permitted in this Ordinance. Accessory Structures in the form of a low level deck seven (7) inches or less in height and attached to a Dwelling may be extended ten (10) feet into a Rear Yard Setback or Waterfront Setback. The deck shall remain an open deck without railings, walls, or roofs.
2. Accessory Buildings or Structures in the Front Yard of non-Waterfront Lots: One (1) Accessory Building or Structure may be placed in the Front Yard of a non-Waterfront Lot and shall be subject to approval as an authorization by the Board of Appeals pursuant to Section 603 of the Zoning Act. In order to qualify for an authorization under this Section, the applicant must first comply with the following standards.

- a. The configuration of the Lot is such that a majority of the buildable Lot Area is behind existing Lots that front on a Street, which is commonly known as a “flag” Lot. A flag Lot consists of a narrower access portion from a Street or Private Road, reaching the wider building area of the Lot. Any Accessory Building or Structure in the Front Yard of a flag Lot must be in the wider portion of the Lot and not the access portion.



- b. The location of the Accessory Building or Structure will not impede access to the existing or proposed Dwelling on the Lot.
- c. The location of the Accessory Building or Structure will not obscure the view of the front of the existing or proposed Dwelling for those accessing the Lot by its Private Driveway.

- d. The position of the Accessory Building or Structure on the Lot shall minimize the visibility of the Accessory Building or Structure from other Dwellings, Private Roads, and Streets.
 - e. The Lot that the Accessory Building or Structure will be located on shall conform to the minimum Lot Area requirements of the applicable Zoning District.
 - f. Existing trees and other vegetation should be preserved around the Accessory Building site. If no screening exists before construction, additional landscaping may be required by the Board of Appeals.
 - g. The proposed Accessory Building or Structure shall be compatible with the architecture style and form of the principal Building. Architectural elevations of the Accessory Building or Structure shall be provided for review by the Board of Appeals.
 - h. The Building Height and Building Envelope of a proposed Accessory Building shall be proportional to the Lot Area upon which it is proposed to be located and consistent with other Accessory Buildings in the surrounding neighborhood.
 - i. The Accessory Building or Structure shall be located in such a manner as to not cause a storm water runoff nuisance on adjacent property and shall meet the intent and guidelines of the Stormwater Management provisions in Article VI of Chapter 14 of the Township's Code of Ordinances.
 - j. The Board of Appeals may require a restrictive covenant, such as a deed restriction, recorded with the Ottawa County Register of Deeds, indicating that any future Lot created by the division of the subject Lot shall comply with the required Lot Area and shall be limited to the Accessory Building and Structure size provided in this Section 306. The restrictive covenant shall be provided to the Zoning Administrator prior to the issuance of a permit under Section 116.
- H. Accessory Buildings or Structures on a Waterfront Lot and located in the Rear Yard shall maintain a minimum twenty (20) foot Setback from the rear Lot line.
- I. In addition to the limitations above, any or all of the following Accessory Buildings shall be allowed to locate in the Front Yard of a Waterfront Lot:
- 1. One (1) Accessory Building shall be allowed if it is used exclusively to house equipment and supplies necessary to operate and maintain an onsite swimming Pool and for a toilet and/or shower, provided the Accessory Building has a maximum height of (12) feet, and a maximum area of one hundred (100) square feet.
 - 2. One (1) Accessory Building shall be allowed if it is used exclusively as a pump house to house a pump and related equipment for sprinkling purposes, provided the Accessory Building has a maximum height of three (3) feet, and a maximum area of sixteen (16) square feet for Lots equal to one (1) acre in size and thirty-six (36) square feet for Lots exceeding one (1) acre in size. The Accessory Building shall be located not less than five (5) feet from any property line.
 - 3. On Lots less than twenty thousand (20,000) square feet, the total area of Accessory Buildings used for Pool storage or as a pump house on the Lot shall be subtracted from the maximum permitted area of Accessory Buildings provided for in this Section.
 - 4. Swimming Pool on a Waterfront Lot, per Section 350.

5. **Waterfront Accessory Structures:** A detached Accessory Building or Structure in the form of an unenclosed deck or shed may be permitted in the Front Yard of a Waterfront Lot when there is significant relief, i.e., steep slopes, which prevent reasonable enjoyment of the waterfront location. Any Waterfront Accessory Building or Structure shall be subject to approval as an authorization by the Board of Appeals and shall meet the following criteria.
 - a. Decks shall be four hundred (400) square feet or less.
 - b. Decks shall not have walls or roofs.
 - c. An Accessory Building or Structure shall be ten (10) feet or more from any Side Lot Line.
 - d. An Accessory Building or Structure shall not impede the waterfront view of an adjacent Dwelling.
 - e. Sheds shall be ten and one-half (10.5) feet tall or less and not more than one hundred (100) square feet in Floor Area.
 - f. The proposed Accessory Building or Structure shall generally be compatible with the architectural style and Building form of the principal Building.
 - g. A landscaping plan illustrating existing and proposed vegetation shall be submitted with a Site Plan for any Waterfront Accessory Building subject to this Subsection.

J. Accessory Buildings and Structures in the Agricultural and Rural Residential Zoning Districts shall comply with the following:

| Acreeage | Total Area of Accessory Buildings | Number of Accessory Buildings | Setbacks | Height |
|---|---|-------------------------------|--|---|
| Greater than 5 acres | 2,400 sq. ft. (no single Building or Structure larger than 1,600 sq. ft.) | 4 | Setbacks shall be 10 feet from any other Accessory or principal Building and 10 feet from a Side or Rear Lot line. | Supporting walls shall not be taller than 18 feet. Unless regulated elsewhere, height shall not exceed 25 feet. |
| Greater than 1 acre and less than or equal to 5 acres | 1,600 sq. ft. | 3 | | Supporting walls shall not be taller than 16 feet. Unless regulated elsewhere, height shall not exceed 22 feet. |
| Greater than ½ acre and less than or equal to 1 acre | 960 sq. ft. | 2 | | |
| Less than or equal to 1/2 acre | 768 sq. ft. | 2 | | |

K. R-1, R-2, R-3 and R-4 Accessory Buildings and Structures shall comply with the following:

| Acreeage | Total Area of Accessory Buildings | Number of Accessory Buildings | Setbacks | Height |
|--|-----------------------------------|-------------------------------|---|---|
| Greater than 1 acre | 960 sq. ft. | 2 | Accessory Building or Structure Setbacks shall be 10 feet from any other Accessory or principal Building and 5 feet from any Side or Rear Lot line. | Supporting walls shall not be taller than 10 feet. Height shall not exceed 20 feet. Accessory Buildings and Structures shall not be greater than one (1) Story. |
| Greater than ½ acre and less than or equal to 1 acre | 768 sq. ft. | | | |
| Less than or equal to 1/2 acre | 576 sq. ft. | | | |

L. Residential Accessory Buildings shall be constructed with durable, hard-sided materials, such as wood, metal, or pre-manufactured siding, that are weather and rust resistant. Residential Accessory Buildings shall be regularly maintained so that they reasonably retain their original appearance and are free from mechanical or structural defects. Residential Accessory Buildings which consist of construction materials such as a plastic tarp or other type of flexible fabric or similar material, stretched over a frame of poles or similar objects or devices, are prohibited.

1. The prohibition in this subsection shall not apply to Greenhouses or their functional equivalent if they are used for growing plants and if they comply with all the requirements of this Ordinance.
2. Any residential Accessory Building which violates the prohibitions in this subsection but which was already constructed at the time this subsection was added to this Ordinance (i.e., effective date March 15, 2012) shall comply with the following.
 - a. Any such Accessory Building erected without all required permits from the Township, and thus in violation of this Ordinance regardless of this subsection, must be removed in its entirety and the site restored to its original condition no later than June 30, 2012.
 - b. Any such Accessory Building erected with all required permits from the Township, and thus in compliance with this Ordinance except for this subsection, must be removed in its entirety and the site restored to its original condition by the end of its natural life, which in any event shall not be later than two years beyond the effective date of this ordinance.

307 RESERVED

308 ACCESS GATES

The following requirements shall apply to Access Gates in Private Driveways, Shared Residential Driveways and Emergency Access areas:

A. Private Driveway

1. An Access Gate serving a Single or Two Family Dwelling shall have a minimum clear open width of fifteen (15) feet.
2. An Access Gate shall open and close by swinging or sliding.
3. Electric gates shall be equipped with a Knox electric switch (with dust cover) in a location approved by the Fire Chief.
4. Locking device must operate in a “fail safe” mode so that the Access Gate unlocks and can be operated manually when electrical service is interrupted.
5. Manual Access Gates may be equipped with a Knox padlock or private padlock. The key to a private padlock shall be located in a Knox key box that is in a location approved by the Fire Chief.
6. Access Gates shall be situated to provide a minimum of forty (40) feet from the intersecting roadway.
7. Access Gates shall be constructed to allow manual operation by one (1) person.

B. Shared Residential Driveway

1. Access Gates shall have a minimum clear open width of twenty (20) feet.
2. An Access Gate shall open and close by swinging or sliding.
3. Electric gates shall be equipped with a Knox electric switch (with dust cover) in a location approved by the Fire Chief.
4. Locking device must operate in a “fail safe” mode so that the Access Gate unlocks and can be operated manually when electrical service is interrupted.
5. Manual Access Gates may be equipped with a Knox padlock or private padlock. The key to a private padlock shall be located in a Knox key box that is in a location approved by the Fire Chief.
6. Access Gates shall be situated to provide a minimum of forty (40) feet from the intersecting roadway.
7. Access Gates shall be constructed to allow manual operation by one (1) person.

C. Emergency Access Areas

1. Access Gates which serve any Building or Lot used for other than Single or Two Family Dwellings shall have a minimum clear open width of twenty (20) feet.
2. An Access Gate shall open and close by swinging or sliding.
3. Electric gates shall be equipped with a Knox electric switch (with dust cover) in a location approved by the Fire Chief.
4. Locking device must operate in a “fail safe” mode so that the Access Gate unlocks and can be operated manually when electrical service is interrupted.
5. Manual Access Gates may be equipped with a Knox padlock or private padlock. The key to a private padlock shall be located in a Knox key box that is in a location approved by the Fire Chief.
6. Access Gates shall be situated to provide a minimum of forty (40) feet from the intersecting roadway.
7. Access Gates shall be constructed to allow manual operation by one (1) person.

309 ACCESSORY USES

In any Zoning District, Accessory Uses are permitted when located on the same Lot; provided, however, that in a Residential Zoning District such Accessory Uses shall not involve the conduct of any business, trade or industry unless expressly authorized by this Ordinance.

310 RESERVED

311 ANTENNAS

No Antenna shall be erected, constructed, installed, maintained or operated in the Township except in conformance with all of the following restrictions and regulations:

- A. For lands used for a commercial or industrial purpose which are located in a Commercial or Industrial District, the following restrictions shall apply:
 - 1. Only three (3) total Antennas shall be permitted per Lot, but in no event shall more than one (1) of the same type of Antenna be permitted per Lot (e.g. there may not be more than one (1) satellite dish Antenna, one (1) radio Antenna, and/or one (1) television Antenna per Lot or premises).
 - 2. An Antenna shall only be permitted on the top of a Building or in a Rear Yard.
 - 3. An Antenna shall be securely anchored through the use of a concrete pad or other system adequate to secure the Antenna during high winds.
 - 4. An Antenna shall be located at least ten (10) feet from any property line.
 - 5. The maximum height of an Antenna shall not exceed the maximum height permitted for a Building in the Zoning District in which the Antenna is located, unless otherwise permitted.
 - 6. No portion of an Antenna shall contain any name, message, symbol, or other graphic representation visible from adjoining properties.

- B. In all other cases, the following restrictions shall apply:
 - 1. Only three (3) Antennas shall be permitted per Lot, but in no event shall more than one (1) of the same type of Antenna be permitted per Lot (e.g. there may not be more than one (1) satellite dish Antenna, one (1) radio Antenna, and/or one (1) television Antenna per Lot or premises).
 - 2. An Antenna shall only be permitted in the Rear Yard.
 - 3. An Antenna shall be securely anchored through the use of a concrete pad or other system adequate to secure the Antenna during high winds.
 - 4. An Antenna shall be located at least ten (10) feet from any property line.
 - 5. The maximum height of an Antenna shall be fifteen (15) feet.
 - 6. No portion of an Antenna shall contain any name, message, symbol or other graphic representation visible from adjoining properties.
 - 7. To minimize its visual impact on adjoining properties, an Antenna shall be white or some other unobtrusive color.
 - 8. Antennas may be located on the roof of a building and shall meet the building height standards of the underlying zoning district, unless otherwise permitted.

- C. For purposes of this Section only, the phrase "satellite dish Antenna" is defined as a device designed for and capable of receiving communications from a transmitter or transmitter

relay located in an orbiting satellite. However, this Section shall also apply to other Antennas, including without limitation television Antennas, radio Antennas, transmitting Antennas, etc.

312 BICYCLE PATHS AND SIDEWALKS

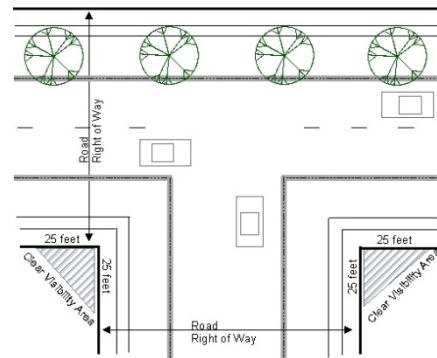
- A. Purposes: Bicycle Paths and Sidewalks promote and provide for the public health, safety, and general welfare by achieving the following public purposes.
1. Bicycle Paths and Sidewalks provide a safer location for travel along Streets and Private Roads for bicyclists and pedestrians, rather than the edge of a Street or Private Road.
 2. Bicycle Paths and Sidewalks encourage and promote aerobic exercise.
 3. Bicycle Paths and Sidewalks conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian rather than utilizing a Motor Vehicle.
 4. Bicycle Paths and Sidewalks reduce traffic congestion by lowering the number of Motor Vehicles on a Street or Private Road.
 5. The Township has invested significant resources developing Bicycle Paths, and linking new developments to existing Bicycle Paths will help create a multimodal community.
- B. Scope and Applicability:
1. Sidewalks shall be required on both sides of all County Local Roads, Subdivision Streets, and Private Roads within all residential developments.
 2. Bicycle Paths shall be required along the entire site frontage of a Street for any Site Plan and any residential development (i.e., planned unit development, site condominium, subdivision, or any other development with more than two [2] Dwellings).
- C. Bicycle Paths shall be located within the right-of-way of a Street or Private Road.
- D. Design Standards:
1. All Bicycle Paths shall be eight (8) feet wide; they shall meet the standards of the Ottawa County Road Commission and American Association of State Highway and Transportation Officials (AASHTO); and they shall be subject to approval by the Township Engineer. Specific AASHTO requirements may be waived or relaxed by the Planning Commission upon a finding that the public health, safety, and general welfare will be adequately protected.
 2. All Sidewalks shall be a minimum of five (5) feet wide, concrete, and constructed with a minimum thickness of five (5) inches (six [6] inches where Sidewalks are shared with driveways). Sidewalks shall be located along the outer edge of the Street or Private Road right-of-way.
 3. Residential developments shall provide one (1) or more pedestrian connections to adjacent residential developments, as described above, unless determined by the Planning Commission to not be feasible.
 4. Bicycle Paths and Sidewalks shall consider Universal Design criteria to ensure access to disabled persons.

E. Installation:

1. No Building permits shall be issued until the construction of any required Bicycle Path along the entire site frontage of a Street for any Site Plan and any residential development.
2. In lieu of completing the Bicycle Path construction, a performance guarantee may be allowed by the Township for up to a two (2) year period if subsequent utility improvements would conflict with the Bicycle Path.
3. Sidewalks shall be completed along each residential Lot's frontage following the construction of a Dwelling.
4. All Sidewalks shall be completed within three (3) years after the construction of a Dwelling or the infrastructure for a residential development, whichever is last to occur. In lieu of completing the Sidewalk construction, a performance guarantee may be allowed by the Township to ensure that the entire Sidewalk system is completed.
5. The Planning Commission has the option to not require a Bicycle Path upon considering the following circumstances.
 - a. A Bicycle Path already exists on the other side of the Street or Private Road.
 - b. The adjacent Street or Private Road has widened shoulders which connect to a nearby Bicycle Path.
 - c. The property is industrially zoned, located within an industrial park, and is on a dead end Street or Private Road.
 - d. The proposed improvements to the Lot are minor in nature and do not involve a new Building or Parking Lot.

313 CLEAR VISIBILITY AT CORNERS

No Parking Space, berm, fence, hedge, planting, Sign, Structure, or any other element of the built environment, shall be located, erected or maintained, within a distance of twenty-five (25) feet from the intersection of the rights-of-way at two (2) Streets, two (2) Private Roads, a Street and a Private Road, a Street and a railroad track and a Private Road and a railroad track. However, the Zoning Administrator, upon consultation with the Township engineer or the relevant law enforcement agency or both, may require a greater clear vision area



where necessary due to traffic speeds, traffic volumes or the topography of the site. This Section shall not apply to intersections involving a railroad track where there is an operative railroad crossing signal or gate.

314 COMMON USE RIPARIAN LOTS

A. Purpose: The purpose of these regulations is to protect the public health, safety and welfare which could be threatened by the over-usage of area lakes, and avoid situations which may create a nuisance, impair important irreplaceable natural resources and destroy property values. These regulations are intended to reinforce the implementation of the Natural

Resources and Environmental Protection Act (Public Act 451 of 1994, as amended) or other similar successor statute.

- B. Applicability: The regulations shall apply to the following Lots, sites and easements to be held in common by a subdivision, condominium, dockominium, association, similar agency, or group of individuals (i.e., more than one individual or Family):
1. Lots created after the effective date of the ordinance adding this Section (i.e., November 28, 2002);
 2. Lots of legal record existing prior to the effective date of the ordinance adding this Section that did not provide common use access to a water body (riparian rights to non-riparian land owners).
- C. Exemptions: Lots of record which existed prior to the effective date of the ordinance adding this Section that provided common use access to a water body may continue to provide riparian rights subject to the Marina operating permit requirements of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended) or other similar successor statute.
- D. Review Criteria: Boat launching sites and boat docks within a common use riparian Lot are Special Land Uses per Section 912.
- E. Design and Submission Requirements: Waterfront sites dedicated to common use for boat launching and docking shall conform in all respects to the Lot area and Lot Width requirements of the Zoning Districts in which they are located. In addition, common use riparian Lots shall meet the following minimum requirements.
1. The riparian Lot shall have a minimum of fifty (50) feet of riparian Frontage for each non-riparian Lot/Dwelling Unit served. Riparian Frontage shall be measured by a straight line which intersects each side Lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian Frontage.
 2. The total number of boat docks/slips shall not exceed the total number of Lots/Dwelling Units served. The Planning Commission has the discretion to modify this standard within PUDs provided that the overall number of boats from the PUD accessing the lake remains constant. This shall be determined based upon the total number of boats with access to the lake from both private and common use sites, and the PUD's overall riparian Frontage.
 3. The riparian Lot shall have a minimum Lot depth of one hundred (100) feet, measured at the minimum distance between the water's edge and the Lot line which is opposite the water's edge.
 4. The deed to the Lot shall specify the non-riparian Lots which shall have rights to its use.
 5. The following Structures shall be permitted upon and in the waterfront of a common use riparian Lot:
 - a. Boat launching sites and boat docks in compliance with subsection E.2 above and the Special Use review criteria of this Section;
 - b. No more than one (1) clubhouse or other similar resident owned Building;
 - c. No more than one (1) gazebo;

- d. No more than one (1) Accessory Building subject to the requirements of Section 306;
- e. Attached or unattached uncovered decks, terraces, patios and porches without a roof or other form of solid enclosure.

F. Other Requirements:

- 1. Any boat dock facility within a common use riparian Lot must comply with all requirements of the MDEQ and any other governmental agency with jurisdiction. Public access sites owned and operated by the State of Michigan are exempt from Township common use regulations.
- 2. Commercial boat rental shall be prohibited in Residential Zoning Districts.
- 3. An easement over a residential riparian Lot shall not be utilized to provide boat access or docking for an individual who is not a resident of that residential riparian Lot.

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

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the Lot on which the use is located.

316 DANGEROUS BUILDINGS

No dangerous Building, as hereinafter defined, shall be kept or maintained on any property. For purposes of this Section only, the term "dangerous Building" means any Building or Structure which has any of the following defects or is in any of the following conditions:

- A. Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the Township Building Code.
- B. Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Township Building Code for a new Building of similar construction, purpose or location.
- C. Whenever any portion or member or appurtenance is likely to fall or to become Detached or dislodged, or to collapse and thereby injure persons or to damage property.
- D. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by any applicable statute of the State of Michigan, as amended, or the Township Building Code.
- E. Whenever the Building or Structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away.

- F. Whenever for any reason whatsoever the Building or Structure or any portion is manifestly unsafe for the purpose for which it is used.
- G. Whenever the Building or Structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- H. Whenever a Building or Structure used or intended to be used for Dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Zoning Administrator, or is likely to work injury to the health, safety or general welfare of those living within.
- I. Whenever any Building or Structure becomes vacant, dilapidated and open at door or window, leaving the interior of the Building or Structure exposed to the elements or accessible to entrance by trespassers.

317 DOUBLE FRONTAGE LOTS

Buildings on Lots having Frontage on two (2) intersecting or non-intersecting Streets or Private Roads (or one of each) shall comply with the Front Building Setback requirements on both such Streets or Private Roads thereby having two (2) Front Yards and two (2) Side Yards.

318 RESERVED

319 DRAINAGE AND STORMWATER

Drainage and stormwater shall be reviewed in accordance with the storm water management regulations in the Township's Code of Ordinances.

320 RESERVED

321 DRIVEWAYS

- A. Private Driveways:
 - 1. A Private Driveway shall conform to the following regulations:
 - a. A Private Driveway may not serve or provide access to more than one (1) Lot or Site Condominium Unit.
 - b. The traveled surface of a Private Driveway, or any culvert installed for the benefit of a Private Driveway, shall be located at least five (5) feet from the side Lot Line of the Lot or Site Condominium Unit accessed. The Zoning Administrator may lessen the distance to preserve natural features, accommodate utilities, or other similar matters upon request of the Applicant. However, in no instance shall the Private Driveway be closer than eighteen (18) inches from the property line.

2. Clear and Passable Area.
 - a. A Private Driveway which provides access to a Single-Family Dwelling or Two-Family Dwelling must have a Clear and Passable Area at least fifteen (15) feet in width for its entire length.
 - b. A Private Driveway which provides access to Buildings on Lots used for other than Single-Family Dwellings or Two-Family Dwellings must have a Clear and Passable Area at least twenty-five (25) feet in width for its entire length.
3. Minimum improvements:
 - a. Any Private Driveway, one hundred fifty (150) feet or less in length as measured along its centerline, which provides access to a Single-Family Dwelling shall have an aggregate base course of compacted gravel, crushed concrete, slag, or similar material which is at least six (6) inches in depth and ten (10) feet in width for its entire length. A reduced width may be permitted with the approval of the Zoning Administrator and the Fire Chief when a Private Driveway is proposed with a center vegetated strip. Porous, permeable pavement systems may be permitted with the review and approval of the Zoning Administrator and Fire Chief.
 - b. Any Private Driveway which provides access to Buildings other than Single-Family Dwellings shall be twenty (20) feet wide for its entire length. A reduced width may be permitted with the approval of the Zoning Administrator and Fire Chief when a Private Driveway is proposed with a center vegetated strip. A Private Driveway which provides access to Buildings other than Single Family Dwellings shall have:
 - (i) An aggregate base course of compacted gravel, crushed concrete, slag, or similar material which is at least six (6) inches in depth, and two and one-half (2-1/2) inches of bituminous paving over the base course, for its entire length; or
 - (ii) A sub-base of granular material (MDOT Class II) six (6) inches in depth, and six (6) inches of concrete over the sub-base, for its entire length; or
 - (iii) Porous, permeable pavement systems may be permitted with the review and approval of the Zoning Administrator and Fire Chief.
 - c. A Private Driveway shall have a vertical clearance of at least thirteen (13) feet for its entire length, except for the thirty (30) feet closest to the Principal Building which is accessed by the Private Driveway.
4. Any Private Driveway over one hundred fifty (150) feet in length as measured along its centerline is subject to the approval of the Fire Chief and the Township engineer. The review may require an engineered plan for construction illustrating physical characteristics including, but not limited to, ravines, drains, Wetlands, unusual soil conditions, steep land grades, turns, curves and bridges. The Fire Chief and the Township engineer shall have the discretion to require a turnaround acceptable for use by emergency Motor Vehicles at the end of the Private Driveway, or one (1) or more bump-outs along the Private Driveway to allow traffic to pass, or both a turnaround and one (1) or more bump-outs.
5. A permit for the Private Driveway shall be obtained from the Ottawa County Road Commission if access is via a Street.
6. All Private Driveways shall be maintained to provide ready access for emergency Vehicles and personnel in all types of weather.

B. Shared Residential Driveways

1. Purpose. The purpose of a Shared Residential Driveway is to:
 - a. Reduce the number of curb cuts along a Street;
 - b. Protect natural features that may otherwise be threatened with the development of Private Driveways, a Street, or a Private Road;
 - c. Create reasonable access options to otherwise landlocked Lots or Site Condominium Units;
 - d. Support the goals, objectives and policies of the Community Master Plan;
 - e. Ensure adequate width, surface, and grade to provide safe year around passage and maneuverability for Motor Vehicles, including emergency Vehicles;
 - f. Create opportunities to consolidate utility services and access resulting in safe and efficient infrastructure; and
 - g. Encourage infill development with appropriate utility infrastructure.
2. Single-Family Dwellings and Two-Family Dwellings. Lots or Site Condominium Units may be served by a Shared Residential Driveway having a minimum easement Frontage of sixty-six (66) feet upon a Street, which easement width is maintained for the length of the Shared Residential Driveway, except as may be reduced under subsection 7(b) below. Lots or Site Condominium Units served by Shared Residential Driveways shall not be required to have individual Frontage on a Street. However, any Lots or Site Condominium Units served by a Shared Residential Driveway shall have Frontage on that Shared Residential Driveway for a distance equal to or greater than the minimum Lot Width required for the Zoning District in which the Lot or Site Condominium Unit is located.
3. Computations for minimum Lot Area and Lot Width shall not include property used for an easement to establish a Shared Residential Driveway in accordance with the provisions of this Section.
4. Any Lot or Site Condominium Unit which derives access from a Shared Residential Driveway established in accordance with the provisions of this Section shall measure required Yard Setbacks from the easement line for the Shared Residential Driveway.
5. Shared Residential Driveways shall only be used to serve Single Family Dwellings and Two Family Dwellings.
6. All Yard Setback requirements for new and existing Buildings and Structures shall be measured from the Shared Residential Driveway.
7. A Shared Residential Driveway shall comply with the following minimum requirements:
 - a. All elements of the Shared Residential Driveway shall be harmoniously and efficiently organized in relation to topography, existing natural features and the overall character of the subject property and the adjoining property.
 - b. The required easement Frontage on a Street for a Shared Residential Driveway may be reduced to thirty-three (33) feet if the Zoning Administrator concludes that there exists no possibility that the Shared Residential Driveway will be used to serve more than four (4) Lots or Site Condominium Units. If the easement width is reduced, the property owner shall submit a recorded deed restriction for all affected property, indicating that the Shared Residential Driveway will not serve any more than four (4) Lots or Site Condominium Units.

- c. The minimum traveled surface of a Shared Residential Driveway must be located within the Shared Residential Driveway easement and shall have a minimum traveled surface width of eighteen (18) feet with a two (2) feet wide gravel shoulder on both sides, and shall be properly graded and constructed for drainage. Porous, permeable pavement systems may be permitted with the review and approval of the Zoning Administrator and Fire Chief.
 - d. The connection to the Street and the first one hundred (100) feet of the Shared Residential Driveway, as measured from the intersection with the Street, shall be constructed of concrete or bituminous surface, as per Subsection 9 below. Porous, permeable pavement systems may be permitted with the review and approval of the Zoning Administrator and Fire Chief.
 - e. The maximum overall length of the Shared Residential Driveway easement, as measured at the centerline and regardless of access points, shall be eight hundred (800) feet.
 - f. If the Shared Residential Driveway is a dead-end, a cul-de-sac or hammerhead turnaround shall be provided at the end of the Shared Residential Driveway, constructed according to the requirements of the Ottawa County Road Commission and subject to the approval of the Fire Chief and Township engineer.
 - g. The layout of the Shared Residential Driveway and its intersection with a Street shall provide clear vision, safe turning, and travel in all directions at the posted speed limit. The minimum distance between intersections of two (2) Streets or two (2) Private Roads or one (1) of each shall be one hundred fifty (150) feet, as measured from centerline to centerline.
 - h. Shared Residential Driveways shall be named and identified by use of appropriately located Street Signs. Street names shall be approved by the Township and the Ottawa County Road Commission. All Lots or Site Condominium Units fronting on the Shared Residential Driveway shall have an address on the Shared Residential Driveway.
 - i. The Shared Residential Driveway shall have direct access to an existing Street.
 - j. A permit for the Shared Residential Driveway shall be obtained from the Ottawa County Road Commission.
 - k. A Shared Residential Driveway shall have a vertical clearance of at least thirteen (13) feet for its entire length and for the entire width.
8. Shared Residential Driveway Maintenance: Any Shared Residential Driveway established in accordance with the provisions of this Section shall comply with the following minimum requirements.
- a. For purposes of this Section, "safe and unimpeded route of travel" shall mean a Shared Residential Driveway of adequate width to accommodate the safe, two-way passage of pedestrians and Motor Vehicles, and of sufficient construction to accommodate any emergency Vehicle which may be utilized by or in the Township.
 - b. All Shared Residential Driveways shall be constructed and continuously maintained to assure safe and unimpeded route of travel, in all weather conditions.
 - c. A maintenance agreement shall be provided that ensures that the Shared Residential Driveway shall maintain a safe and unimpeded route of travel; shall be regularly maintained, repaired, and snow plowed; and the cost of the maintenance paid by

- the benefited property owners. The maintenance agreement shall provide a means of collection if a benefited property owner fails to timely pay.
- d. The property owners benefited by a Shared Residential Driveway shall ensure that any Buildings constructed or Lots or Site Condominium Units established on the Shared Residential Driveway shall also be subject to the maintenance agreement and that the maintenance agreement shall be recorded with the Ottawa County Register of Deeds and shall run with the land. A copy of the executed and recorded maintenance agreement shall be furnished to the Township prior to the issuance of any Building permit for a principal Building on a Lot or Site Condominium Unit accessed by the Shared Residential Driveway.
 - e. The property owners benefited by a Shared Residential Driveway must agree that by applying for or securing a permit to construct the Shared Residential Driveway, they shall indemnify and hold the Township harmless from all claims for personal injury or property damage arising out of the use of the Shared Residential Driveway, or out of the failure to properly construct, maintain, use, repair, or replace the Shared Residential Driveway.
9. A Shared Residential Driveway shall be built to meet or exceed the following requirements:
- a. An aggregate base course of compacted gravel, crushed concrete, slag, or similar material which is at least six (6) inches in depth, and two and one-half (2-1/2) inches of bituminous paving over the base course, for its entire length or at least the first one hundred (100) feet; or
 - b. A sub-base of granular material (MDOT Class II) six (6) inches in depth, and six (6) inches of concrete over the sub-base, for its entire length or at least the first one hundred (100) feet.
 - c. For gravel drives beyond the first one hundred (100) feet, if the rest of the Shared Residential Driveway does not comply with (a) or (b) above, an aggregate base course of compacted gravel, crushed concrete, slag, or similar material which is at least six (6) inches in depth.
 - d. In lieu of Sections subsection (a) through subsection (c) above, porous, permeable pavement systems may be permitted with the review and approval of the Zoning Administrator and Fire Chief.
10. Inspections: The Township engineer shall inspect the Shared Residential Driveway at predetermined intervals to assure it is built to Township standards.
11. Certificate of Compliance:
- a. Upon completion of the Shared Residential Driveway, an engineer for the owners shall certify in writing that the Shared Residential Driveway has been constructed in accordance with all Township requirements. The written certification shall be subject to the review of the Township engineer.
 - b. A set of "as-built" plans shall be submitted to the Township for review in hardcopy and digital format.
12. Building Permits and Occupancy Permits: No Building permit shall be issued until the Shared Residential Driveway has been constructed in accordance with of this Section and with this Ordinance and with the terms of approval given by the Township. Alternatively, a Building permit may be issued before the complete construction of a Shared Residential Driveway, if a performance guarantee is established for the

- construction of the Shared Residential Driveway, if the incomplete Shared Residential Driveway can be traversed safely by pedestrians and Motor Vehicles (including emergency Vehicles) and if no occupancy permit is issued until the Shared Residential Driveway is properly and completely constructed.
13. Application procedure and Site Plan:
- a. An Applicant wishing to construct a Shared Residential Driveway shall apply to the Township for a construction permit. Construction of a Shared Residential Driveway shall not commence until a construction permit has been issued by the Township.
 - b. An application for a Shared Residential Driveway shall be submitted and an escrow fee established to review the following:
 - (i) A complete construction application form;
 - (ii) A detailed written description of the properties to be served by the Shared Residential Driveway;
 - (iii) Seven (7) copies of complete construction plans sealed by a licensed professional engineer (however, twelve [12] copies shall be required if the Applicant seeks variations from the Planning Commission for any of these requirements);
 - (iv) A survey of the Shared Residential Driveway easement by a registered land surveyor, together with surveys for each Lot or Site Condominium Unit to be served by the Shared Residential Driveway;
 - (v) The location of all existing public utilities (water, sewer, telephone, gas, electricity, cable, etc.) and utilities proposed to be within the Shared Residential Driveway easement along with copies of the legal instruments describing and granting the easements;
 - (vi) The location of any streams, lakes, Wetlands, and drains within the Shared Residential Driveway easement and within one hundred (100) feet of it;
 - (vii) The location of any existing Buildings or Structures within one hundred (100) feet of the Shared Residential Driveway easement;
 - (viii) A copy of the draft Shared Residential Driveway maintenance agreement;
 - (ix) Review comments from the Ottawa County Drain Commissioner, Ottawa County Road Commission, Fire Chief, Township engineer and Township Department of Public Works;
 - (x) A soil erosion and sedimentation permit, if required; and
 - (xi) Any proposed or required lighting and Signage.
14. Special Assessment Provision: The maintenance agreement for the Shared Residential Driveway shall contain a provision authorizing the Township to repair the Shared Residential Driveway if it is not maintained adequately to provide a safe and unimpeded route of travel, and to assess the cost of such repair, including the cost of engineering and administration, to the Signatories of the maintenance agreement, or their successors, on an equitable basis. The decision to authorize repair of the Shared Residential Driveway shall be at the Township's sole discretion, but not until at least thirty (30) days after the Township has given written notice to the owner or owners of record of the Shared Residential Driveway.

15. Extension of Shared Residential Driveway: The provisions of this Section, or other applicable Sections of this Ordinance, shall apply to any extension of an existing Shared Residential Driveway.
16. Variations. An Applicant who does not meet all of the requirements in subsection 7 may apply to the Zoning Administrator for an Administrative Departure, which may permit variations in the location or width of the easement or traveled surface of a Shared Residential Driveway if the Applicant can demonstrate that it will result in the preservation of Significant Natural Features, such as woodland, sand dunes, Wetlands, etc., without compromising public safety. Any such departure may be given after consideration of the factors in Section 343 (Private Road Special Land Use review criteria) as applied to Shared Residential Driveways.

322 DWELLINGS STANDARDS

- A. All Buildings used or proposed to be used as a Dwelling, shall comply with Dwelling standards of this Ordinance and the standards of the State of Michigan and United States Department of Housing and Urban Development, as applicable. All Dwellings constructed shall have a minimum square footage required in each respective Zoning District.
- B. Mobile Homes. Dwellings located in a Mobile Home Park regulated pursuant to Act 96 of the Public Acts of 1997, as amended, shall comply with the terms of this Ordinance as applicable and the terms of that act and all rules promulgated under it.
- C. Any Single-Family Dwelling erected on site, a Mobile Home, or a pre-manufactured or pre-cut Building shall be in conformance with all of the following requirements.
 1. In the case of a Mobile Home, the Mobile Home must either be (i) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (i) above, and found, on inspection by the Building Official 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, and where such standards or regulations for construction are different than those imposed by Township codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Official.
 3. The Dwelling shall comply with all restrictions and requirements of this Ordinance including, without limitation, Floor Area, Yard requirements and Lot Area for the Zoning District within which it is located.
 4. In the event that the Dwelling is a Mobile Home, the Mobile Home 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 of the same perimeter dimensions as the Dwelling and to be constructed of such materials and type as required by the Building Code for on-site constructed Single-Family Dwellings. If the Dwelling is a Mobile Home, its foundation shall hide the chassis, undercarriage and towing mechanism.
6. If the Dwelling is a Mobile Home, the Mobile Home 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 Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for Mobile Home Parks
7. The Dwelling shall have a maximum length to width ratio of three (3) to one (1).
8. The Dwelling shall have a minimum width across any front, side or rear elevation of twenty (20) feet.
9. Storage areas totaling no less than one hundred twenty (120) square feet shall be provided. These storage areas may consist of a Basement, closet area, attic and/or a separate Accessory Building whose construction is of equal or better quality to that of the Dwelling and which is in compliance with all other applicable provisions of this Ordinance pertaining to Accessory Buildings.
10. The Dwelling shall be constructed with construction materials of consistent quality. The Dwelling shall contain no additions, rooms or other areas which are not constructed with similar quality workmanship as the original Building, including permanent attachment to the principal Building and construction of a foundation as required by this Section
11. Permanently Attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation differential greater than eight (8) inches between the Dwelling's first floor and ground level.
12. Private garages or carports are permitted provided their construction is of equal or better quality to that of the Dwelling, architecturally compatible with the Dwelling, and in conformance with all other requirements of this Ordinance.
13. Attached garage size:
 - a. On any Lot, the total square footage of an Attached garage shall not exceed the square footage of the largest Story designed and used for living purposes in the Dwelling, up to one thousand five hundred (1,500) square feet.
 - b. An Attached garage larger than one thousand five hundred (1,500) square feet, but not greater than the square footage of the largest Story designed and used for living purposes in the Dwelling, may be authorized by the Board of Appeals pursuant to Section 603 of the Zoning Act. Further, only on Lots of two (2) acres or greater in size, an Attached garage larger than the largest Story designed and used for living purposes in the Dwelling may be authorized by the Board of Appeals pursuant to Section 603 of the Zoning Act. In order to qualify for either of these authorizations, the application must first comply with the following standards.
 - (i) All of the Buildings and the Structures on the Lot shall not exceed the Lot Coverage standards of the underlying Zoning District.
 - (ii) The area, height, and massing of the proposed Attached garage shall

be proportional to the overall Lot Area upon which it is placed; proportional to the size of the Dwelling on the Lot; and consistent with other residential Buildings and Structures in the surrounding neighborhood.

- (iii) The Board of Appeals shall require a restrictive covenant, such as a deed restriction, recorded with the Ottawa County Register of Deeds, indicating that any future division of the subject Lot shall meet the limits for Lot Area and Accessory Building or Structure size provided in Section 306, and shall satisfy any conditions placed by the Board of Appeals upon an authorization granted under this subsection. The covenant shall be provided to the Zoning Administrator prior to the issuance of a permit under Section 116.
- 14. The pitch of the main roof of the Dwelling shall not be less than two and one-half (2-1/2) feet of rise for each twelve (12) feet of horizontal run. There shall be a roof overhang of not less than eight (8) inches, excluding its gable ends. Flat roof homes are exempt from this section.
- 15. The exterior finish of the Dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.
- 16. The Dwelling shall have no less than two (2) exterior doors, with the second one being in either the rear or the side of the Dwelling.
- 17. The Dwelling shall be aesthetically compatible in design and appearance with other Single-Family Dwellings in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular Dwelling, subject to appeal by the Applicant to the Board of Appeals within a period of fifteen (15) days of the receipt of notice of the Zoning Administrator's decision. In determining compatibility, the following standards shall apply:
 - a. The type and kind of architectural design and appearance of the Dwelling as compared with the type and kind of architectural design and appearance of one or more Dwellings located outside a Mobile Home Park or Mobile Home Subdivision within two thousand (2,000) feet of the Dwelling, where such area is developed with Dwellings to the extent of not less than twenty (20) percent of the Lots situated within such area or, where such area is not so developed, by the type and kind of architectural design and appearance of one (1) or more Dwellings located outside a Mobile Home Park or Mobile Home Subdivision throughout the Township.
 - b. The exterior appearance (exterior wall covering, roof style, roof overhang, door arrangements and other similar items) of Buildings in the neighborhood as compared to the exterior appearance of the Dwelling.
 - c. The quality and durability of construction and the probable useful life of Buildings in the neighborhood as compared to the quality and durability of construction and probable useful life of the Dwelling.
 - d. The general appearance of the Buildings in the neighborhood as it compares with the general appearance of the Dwelling.

323 ESSENTIAL SERVICES AND TOWNSHIP FACILITIES

The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such Public Utility or municipal department or commission or for the public health, safety or general welfare is permitted in any Zoning District.

An essential service shall not include Antennas which are exterior transmitting or receiving devices mounted on a Tower, Building or Structure and used in communications which radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals. An essential service shall further not include Towers which are designed and constructed primarily for the purpose of supporting one (1) or more Antennas for telephone, radio and similar communication purposes; radio and television transmission Towers; microwave Towers; common-carrier Towers; or cellular telephone Towers.

Electrical substations, gas regulator stations, utility pump and metering stations, gasoline or oil pipelines and other Public Utility or governmental unit facilities which are potentially hazardous or obnoxious are permitted in any Zoning District but only with the prior approval of the Planning Commission as a Special Land Use per Section 919.

With respect to all Public Utility or governmental facilities authorized by the first sentence of this Section or by the Planning Commission as a Special Land Use per Section 919, the following requirements shall apply:

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

324 FENCES

No fence in excess of six (6) feet in height shall be erected, constructed, located, or maintained in any R-1, R-2, R-3, or R-4 Zoning District. In addition, no fence in excess of forty-eight (48) inches in height shall be erected, constructed, located, or maintained in a Front Yard in any R-1, R-2, R-3, or R-4 Zoning District or in the Front or Rear Yard of any Waterfront Lot in any R-1, R-2, R-3, or R-4 Zoning District. Any fence constructed in a Front Yard shall not be a solid barrier which completely obstructs view; rather, any such fence shall allow at least fifty (50) percent visibility through the fence itself. No fence shall contain barbed wire unless the fence is used as part of a farming operation. 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. All fences shall be maintained in a state of good repair.

325 FLOOR AREA

- A. One-Story Single-Family Dwellings: There shall be a minimum ground Floor Area of nine hundred (900) square feet for each one (1) Story Single-Family Dwelling erected.

Any two (2) levels of bi-level, tri-level, or split-level type Single-Family Dwelling shall be considered the same as a one (1) Story Single-Family Dwelling and shall require the same Floor Area as a one (1) Story Single-Family Dwelling.

- B. Multi-Story Single-Family Dwellings: There shall be a minimum ground Floor Area of eight hundred (800) square feet and a total Floor Area of one thousand four hundred (1,400) square feet for each new two (2) or more Story Single-Family Dwelling erected.
- C. Two-Family Dwellings and Multi-Family Dwellings shall have a minimum Floor Area of six hundred fifty (650) square feet per Dwelling Unit.

326 GENERAL REVIEW STANDARDS

In any review and in taking any action or making any decision required or permitted under this Ordinance, the Zoning Administrator, Planning Commission, Board of Appeals, Township Board and any other Township official, representative or consultant may and should consider the following criteria:

- A. Consider the extent that the Streets and highways, water distribution lines and facilities, sanitary sewer collection lines and facilities, storm water facilities, electrical utility lines, communications lines and equipment, sidewalks and other pedestrian access, and other infrastructure as it now exists and may be modified as part of or in conjunction with proposed project or action are reasonably sufficient for the needs existing and planned uses in the Township as a whole, the existing and planned uses in the vicinity of the site, and the existing and planned uses on the site, including during times of reasonably foreseeable strains on such infrastructure due to reasonably frequent weather events, special community-wide events, anticipated construction activity, or similar causes.
- B. Consider the extent that the Buildings, Structures, and entrances thereto proposed to be located upon the site are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- C. Consider the extent that natural features of the landscape are retained, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

- D. Consider the extent that there are any adverse effects of the proposed development, its uses and any activities emanating therefrom upon owners, occupants, residents, and uses of nearby property.
- E. Consider the extent that the proposed development and uses comply with all Township ordinances.
- F. Consider the extent that the proposed Buildings and Structures on and uses of the site will be compatible with those on nearby property.
- G. Consider the extent that the proposed Buildings and Structures on and uses of the site will generally support and advance the policies and objectives of the Community Master Plan.
- H. Consider the extent that the proposed Buildings and Structures on and uses of the site will comply with applicable laws, rules, regulations, permit and license requirements, orders and directives of other governmental agencies or officials of competent jurisdiction. There is no affirmative duty to make this determination. However, if it seems that violations are likely to result or exist, such likely violations can and should be considered.
- I. Consider the extent that the proposed Buildings and Structures will be reasonably accessible to emergency Vehicles.
- J. Consider the extent that the proposed Buildings and Structures on the site will be accessible for regular maintenance, repair and improvement.
- K. Consider the extent that the layout and location of any Public Utilities, Streets, Private Roads, sidewalks or other infrastructure on the will site allow for reasonably normal operation, use, maintenance, repair, replacement and improvement, including snow removal and storage.
- L. Consider the extent that the proposed development is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; encourages the use of lands in accordance with their character and adaptability; avoids the overcrowding of population; lessens congestion on Streets; reduces hazards to life and property; facilitates adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; conserves the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; preserves property values and natural resources; and gives reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, Building, and population development.
- M. Consider the extent that the development provides Open Space and/or recreational areas.
- N. Consider the extent that the development accommodates sight lines and preserves views that are key assets of the community and its character.

- O. Consider the extent that the development will be a significant asset to the community's economic development.
- P. Consider the extent that the development includes "best management practices" and "Green" designs and construction materials and methodologies.
- Q. Consider the extent that the development complies with the Sustainable Community Assessment described in Article Thirteen.

327 GOVERNMENTAL IMPROVEMENTS

This Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local, unless otherwise provided by law.

328 RESERVED

329 HEALTH DEPARTMENT APPROVAL

No permit shall be issued for the construction of a Building or Structure which is to have drinking water or sanitary facilities or both and which is to be located on a Lot which is not served by both public water and public sewer facilities, if its water supply or sewage disposal facilities or both, as the case may be, do not comply with all applicable Township and Ottawa County ordinances, rules and regulations relating to domestic water supply and waste and sewage disposal.

330 HEIGHT REQUIREMENTS AND MEASUREMENTS

- A. The height requirements of all Zoning Districts may be exceeded by up to five (5) additional feet by appurtenances including parapets, chimneys, silos and farm barns, roof mounted television and radio Antennas, cupolas, spires or other ornamental projections. However the total cumulative area of such appurtenances shall not exceed one hundred (100) square feet. 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.
- B. Utilities serving essential public services shall not be subject to height requirements, unless elsewhere provided in this Ordinance.
- C. In the LI and I Zoning Districts, chimneys, cooling and fire Towers, elevator Buildings, parapets, roof storage tanks, communication Towers and other necessary appurtenances are permitted above the height limitations provided they are located the same distance as their height from any adjoining property line, comply with all applicable Township ordinances, and receive approval by the Fire Chief.

331 RESERVED

332 LARGE SCALE RESIDENTIAL DEVELOPMENTS

Large scale residential developments consisting of eight (8) or more Lots or Site Condominium Units in the RR, R-1, R-2, R-3, or R-4 District shall be developed only as Planned Unit Developments in accordance with Article Fourteen of this Ordinance. Regulating a large scale residential development only as a PUD enables the Township to better influence the scope, impact, and innovation of the development.

- A. No Lot or Site Condominium Unit in a large scale residential development shall be sold, conveyed, transferred, or otherwise established, and no permit for a Building or Structure shall be issued for any land in a large scale residential development, unless the development is approved as a PUD.
- B. For purposes of this Section, a large scale residential development means any land, improved or unimproved, which is divided, split, conveyed, proposed to be divided, split, or conveyed, or developed as a Site Condominium Project or a recorded plat or a land division, for the purpose of sale, transfer, or construction, into eight (8) or more Lots or Site Condominium Units, or any combination thereof. For purposes of this Section, a large scale residential development also includes any lands, if eight (8) or more Lots or Site Condominium Units are offered as part of a common promotional plan for sale or conveyance, or where the large scale residential development is developed or is offered for sale, transfer, or construction by one (1) or more developers, whether acting individually or in concert.
- C. If Lots or Site Condominium Units are contiguous, or if they are known, designated, or advertised as a single or common development or by a single or common name, the land shall be deemed to be offered for disposition as part of a common promotional plan and shall accordingly be deemed to be part of a large scale residential development, if the total number of Lots or Site Condominium Units is eight (8) or more.
- D. If one (1) or more Lots or Site Condominium Units are created, divided, or split from or out of another Lot or Site Condominium Unit, and if any of such resulting or remainder Lots or Site Condominium Units are further divided, split, or used to create Lots or Site Condominium Units, or if any such actions are proposed, within seven (7) years after the recording of the first land division or land split, then each Lot or Site Condominium Unit shall be considered part of a large scale residential development for purposes of this Section. Accordingly, each Lot or Site Condominium Unit shall be subject to PUD approval, if eight (8) or more Lots or Site Condominium Units are created or developed from or out of the resulting and remainder Lots.

333 MINIMUM STREET FRONTAGE

Each Lot shall have Frontage on a Street, Shared Residential Driveway, or Private Road for at least the minimum Lot Width required for the Zoning District within which the Lot is located, subject to the following exceptions.

- A. On curved Streets, Shared Residential Driveways, Private Roads, or cul-de-sacs, the Frontage may be less than the required Lot Width for the Zoning District within which the Lot is located, provided the Lot in question meets such Lot Width requirement at the Front Yard Setback line.
- B. Dwellings located within an Open Space Preservation Development shall comply with the provisions of Section 336.

334 MOVING OF BUILDINGS

No existing Building shall be moved into the Township or moved from one (1) Lot in the Township to another Lot in the Township unless a Special Land Use is obtained from the Planning Commission per Section 932.

No existing Building utilizing balloon construction shall be moved into the Township or moved from one (1) Lot in the Township to another Lot in the Township in any event. This Section shall not apply to the moving of Mobile Homes or other off site constructed Buildings.

335 NONCONFORMITIES

- A. Purpose and Intent. Nonconforming Buildings, Structures, Lots, and uses which do not conform to one (1) or more of the provisions or requirements of this Ordinance or any subsequent amendments thereto, but which were lawfully established prior to the adoption of this Ordinance or subsequent amendment, may be continued. However, no such Building, Structure or use shall be enlarged or extended, and no nonconforming Lot created or made more nonconforming, except as provided herein. It is the intent of this Section to reduce or remove the number of nonconforming occurrences in the Township.
- B. Nonconforming Buildings or Structures.
 - 1. A nonconforming Building or Structure may be continued provided it remains otherwise lawful. A nonconforming Building or Structure shall not be enlarged or altered in any way, which increases the degree of nonconformity. Degree of nonconformity shall include increasing the extent of the nonconformity or expanding the Area or volume of the portion of the Building or Structure that is nonconforming.
 - 2. The nonconforming portion of any Building or Structure shall not be repaired or restored in a manner that will extend its natural life. Prohibited is the replacement of primary structural items including, but not limited to, the foundation, floor joists, bearing walls and rafters with the exception of Section 6 below.
 - 3. If a nonconforming Building or Structure is moved it shall thereafter conform to the regulations for the Zoning District in which it is located after it is moved.
 - 4. Any expansion of a nonconforming Building or Structure shall not occupy any portion of the Lot which is necessary for meeting any off-Street parking requirements.
 - 5. A nonconforming Building or Structure containing a nonconforming use shall not be expanded unless the use has been changed to a conforming use and meets the other applicable requirements of this Article.
 - 6. Termination by Destruction: If a nonconforming Building or Structure is damaged or destroyed to the extent of fifty (50) percent or greater of its true cash value by fire,

flood, wind or other calamity, its reconstruction and subsequent use shall only occur in conformance with the applicable Zoning District and the requirements of this Ordinance.

C. Nonconforming Lots.

1. A principal Building and allowable Accessory Buildings may be erected on a nonconforming Lot provided all requirements of this Ordinance are met, except for the Lot Area requirement.
2. Contiguous nonconforming Lots under the same ownership: If two (2) or more contiguous Lots, or portions of Lots, are under the same ownership and do not individually meet the Lot Width or Lot Area requirements of the applicable Zoning District, then those contiguous Lots, or portions of Lots shall be combined to meet or more nearly meet the minimum Lot requirements of the applicable Zoning District. No Lot shall be used or divided in a manner that diminishes compliance with the Lot requirements established for the Zoning District in which it is located.

D. Nonconforming Uses.

1. No nonconforming use of any Building or Structure or of any Lot shall hereafter be changed, extended or enlarged unless all of the following are true:
 - a. All extensions or enlargements may not exceed fifty (50) percent of the Area of the original nonconforming use.
 - i. To be allowed, the change, extension or enlargement must be authorized by the Planning Commission as a Special Land Use per Section 933.
 - b. A Two-Family Dwelling built before the adoption of this Ordinance shall be considered a conforming use and may be expanded, improved, or rebuilt as a conforming use.
2. The nonconforming use of a Building or Structure or of any Lot shall not be:
 - a. Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of six (6) months; or
 - b. Re-established after it has been changed to a conforming use.

E. General Conditions. The following general conditions apply to all nonconforming Buildings, nonconforming Structures, nonconforming Lots, and nonconforming uses.

1. Change of Tenancy or Ownership: The tenancy or ownership of a nonconforming Building, Structure, Lot or use may be transferred or changed.
2. Normal Maintenance and Repairs: Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming Building or Structure or any Building or Structure containing a nonconforming use.
3. Any Building or Structure shall be considered existing and lawful and for purposes of Article 335.B to have been in use for the purpose for which constructed if, on the effective date of this Ordinance, a Building Permit has been obtained therefore, or, if no Building Permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

336 OPEN SPACE PRESERVATION

- A. Purpose: The purpose of this Section is to adopt "Open Space preservation" provisions consistent with Section 506 of the Zoning Act which requires qualifying townships to permit lands satisfying specified criteria to be developed, at the option of the landowner, with the same number of Dwellings on a portion of the land specified in the zoning ordinance, but not more than fifty (50) percent, that could otherwise be developed, under existing regulations, on the entire land area.

- B. Qualifying conditions: Land may be developed under the provisions of this Section only if each of the following conditions are satisfied:
 - 1. The land shall be zoned in the AG, RR, R-1, or R-2 Zoning Districts;
 - 2. The Zoning District in which the land is located shall permit development at a Density equivalent to two (2) or fewer Dwelling Units per acre if the land is not served by a public sewer system, or three (3) or fewer Dwelling Units per acre if the land is served by a public sanitary sewer system;
 - 3. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension;
 - 4. At least fifty (50) percent of the land proposed for development shall remain in a perpetually undeveloped state (i.e., "Open Space"); and
 - 5. The Open Space preservation option shall not have previously been exercised with respect to the same land.

- C. Permitted uses: Only Dwelling Units and non-Dwelling Unit Buildings (as described in Section 336.F.10) permitted by the Zoning District in which the land is located shall be permitted on land developed pursuant to the provisions of this Section.

- D. Application: The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Article Ten of this Ordinance, governing Site Plans, except as otherwise provided in this Section. In addition to the application materials required by Article Ten of this Ordinance, an application for the development of land under the provisions of this Section shall include the following:
 - 1. Parallel Plan Application Requirements: A Parallel Plan shall be prepared for the purpose of demonstrating the number of Dwelling Units that could otherwise be developed on the land under its existing zoning if the Open Space preservation option were not exercised. The Parallel Plan may be conceptual in nature but shall include at least the following information:
 - a. Dates drawn and revised, north arrow and scale, which shall not be more than one inch equaling one-hundred feet (1" = 100'), and, in all cases, the scale shall be the same as that utilized for the Site Plan illustrating the proposed Open Space preservation development;
 - b. Location of Street rights-of-way and all easements;
 - c. Location of all Lots, illustrating Lot Area and width to demonstrate compliance with the minimum requirements of the applicable Zoning District;

- d. Required Building Setback lines on all Lots to demonstrate the availability of sufficient buildable land to make the Lot usable;
 - e. Location of all utilities that would be necessary to serve a development under the Parallel Plan and which would not be located within any Street right-of-way or Private Road or Shared Residential Driveway easement, or on buildable Lots (the utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities);
 - f. If development under the Parallel Plan would require the use of septic tanks and drain fields, the Parallel Plan shall illustrate the location of all septic tanks and drain fields. The Applicant shall submit proof that the proposed septic tank and drain field location for each Lot would be approved, or has been approved, by the Ottawa County Health Department.; and
 - g. The topography of the land, at five (5) feet contours, including identifying the location of all portions of the land that are unbuildable for residential purposes due to the presence of Wetlands, slopes in excess of twenty-five (25) percent, flood plains, or other features prohibiting development for residential purposes.
2. Open Space Plan Application Requirements: A Detailed Site Plan shall be required in accordance with Article Ten, in addition to the following information:
- a. The portion(s) of the land proposed to remain in a perpetually undeveloped state and the portions of the land to be used for clustered development;
 - b. Total number of acres of land proposed to remain in a perpetually undeveloped state, the total number of acres of land proposed to be used for clustered development, and the area contained within rights-of-way or easements for Streets or Private Road or Shared Residential Driveways (the percentage of each, as compared to the total site acreage, shall be indicated);
 - c. Lots and proposed Building Envelopes, showing the Lot Area, width, and Setbacks for each Lot (the number of Lots on the Site Plan shall not exceed the number of Lots that could otherwise be developed as shown on the Parallel Plan, as approved by the Planning Commission, and reduced to accommodate Non-Dwelling Unit Buildings, if necessary, as provided in Section 336 [F]((11));
 - d. Location and type of all proposed Non-Dwelling Unit Buildings and improvements, including but not limited to all proposed Street rights of way and Private Road and Shared Residential Driveway easements; and
 - e. Location of all septic tanks and drain fields (the Applicant shall submit proof that the proposed septic tank and drain field location for each Lot has been approved by the Ottawa County Health Department).
3. A copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, used to perpetually preserve the Open Space in an undeveloped state shall be required. The legal instrument shall be reviewed by the Township attorney, and shall be subject to the approval of the Township Board, consistent with the terms of this Section, prior to recording the legal instrument with the Ottawa County Register of Deeds. The legal instrument shall:
- a. Indicate the permitted use(s) of the Open Space;
 - b. Require that the Open Space be perpetually preserved in an undeveloped state, without Buildings, Structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, Park or

- playground equipment, agricultural Structures or similar improvements that may be approved by the Planning Commission;
 - c. Require that the Open Space be maintained by parties who have an ownership interest in the property; and
 - d. Provide standards for scheduled maintenance of the Open Space, including necessary pruning and harvesting of trees and new plantings.
4. If the development is to be served by Streets, written proof that the Ottawa County Road Commission has approved the design, layout and construction of the proposed Streets shall be presented.

E. Review Procedure:

1. When reviewing an application submitted under the terms of this Section, the Planning Commission shall determine whether the Parallel Plan accurately reflects the number of Dwelling Units that could otherwise be developed on the land under its existing zoning. If the Planning Commission determines that the number of Dwellings illustrated on the Parallel Plan exceeds the number of Dwellings that could be permitted on the land if it were developed under its existing zoning, the Applicant shall submit a revised Site Plan for the Open Space preservation development reflecting the permitted number of Dwellings, as determined by the Planning Commission.
2. If a Site Plan for an Open Space preservation development satisfies all applicable requirements of Article Ten of this Ordinance, all requirements of this Section 336 and all conditions of approval imposed by the Planning Commission, the Planning Commission shall approve the Detailed Site Plan. The Planning Commission may require performance guarantees, in accordance with Article Ten.

F. Development requirements:

1. Required Open Space. At least fifty (50) percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "Open Space"), as provided in Section 336.D.3. The following areas shall not be considered as Open Space:
 - a. All areas within all Street rights-of-way;
 - b. All areas within all Private Road or Shared Residential Driveway easements;
 - c. Any easement for overhead utility lines, unless adjacent to Open Space;
 - d. The area within a platted Lot or Site Condominium Unit;
 - e. Off Street Parking Lots;
 - f. Detention and retention ponds;
 - g. Community drain fields;
 - h. Areas devoted to community water supply or sanitary sewer treatment systems;
 - i. Marinas;
 - j. Club houses and Swimming Pools; and
 - k. Golf Courses.
2. Standards for Open Space. The following standards shall apply to the Open Space required pursuant to this Section:
 - a. The Open Space may include a recreational trail, picnic area, children's play area, greenway, linear Park, natural area, agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.

- b. The Open Space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably usable by such residents for passive recreation such as hiking and picnicking. The Open Space may be, but is not required to be, dedicated to the use of the public.
 - c. Open Space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the Open Space from the interior of the development shall be provided.
 - d. A portion of the Open Space shall be located along the perimeter Street Frontage abutting the land. The depth of this area shall be at least fifty (50) feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help preserve or enhance the existing views.
 - e. Open Space shall be located so as to preserve Significant Natural Resources, natural features, scenic or wooded conditions, bodies of water, Wetlands or agricultural land.
 - f. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the Open Space abut the body of water.
3. Use of Open Space. All Dwelling Units and other Buildings, Structures and improvements shall be located outside that portion of the land designated as Open Space. However, the Planning Commission, in its discretion, may permit Structures or other improvements to be located in the Open Space if such improvements would be consistent with the designated purpose of the Open Space. By way of example only, Park or playground equipment could be permitted on Open Space designated for recreational use, or agricultural Structures could be permitted on Open Space designated for agricultural use. However, club houses, Swimming Pools, Golf Courses, Marinas, and similar recreational amenities shall not be permitted within the designated Open Space.
 4. Underlying- Zoning District. The development of land under this Section shall comply with all requirements of this Ordinance applicable to the Zoning District in which the land is located, except those Setback and Lot Area requirements that must be adjusted to allow the Open Space preservation option permitted herein.
 5. Uniform Lot Size. Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
 6. Building Envelopes. The location and area of Building Envelopes, as proposed by the Applicant, shall be subject to the review and approval of the Planning Commission. The location and area of Building Envelopes shall be established to achieve the intent and purpose of the Zoning District in which the land is located.
 7. Required Frontage. Each Lot shall have a minimum of fifty (50) feet of Frontage measured at the Street right of way or Private Road or Shared Residential Driveway easement line. All Dwelling Lots with Dwelling Units shall be accessed from an interior Street within the development and shall meet the minimum Frontage requirement on such interior Street.
 8. Lot Width. Each Lot shall have a minimum Lot Width equal to no less than one-half (1/2) the minimum Lot Width specified for the Zoning District in which the land is located.
 9. Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of Lots that could otherwise be developed, as

- determined from the Parallel Plan approved by the Planning Commission, and as reduced to reflect the inclusion of Non-Dwelling Unit Buildings, if any, as described in Section 336.F.10.
10. Non-Dwelling Unit Buildings. Lots containing Non-Dwelling Unit Buildings such as a clubhouse and its related amenities shall be subject to all requirements of this Section applicable to Lots containing Dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of Building proposed.
 11. Reduction in Lots for Non-Dwelling Unit Buildings. If Non-Dwelling Unit Buildings are constructed on a Lot in the clustered portion of the land, the number of Lots permitted to be developed shall be reduced as follows:
 - a. The area occupied by Non-Dwelling Unit Buildings shall be divided by the average area of Lots with Dwelling Units that could be situated in the clustered development if the Non-Dwelling Unit Buildings were not included, based on the approved Parallel Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
 - b. The number calculated under subsection (a) shall be subtracted from the number of Lots with Dwelling Units that could be permitted in the clustered development, as determined from the approved Parallel Plan.
 12. Perimeter Lots. Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space preservation development be designed and constructed with Lot sizes and Setbacks on the perimeter that will be reasonably consistent with the Lot sizes and Setbacks of adjacent uses (planned or existing).
 13. Grading. Grading within the development shall comply with the following requirements:
 - a. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for Building, and on the size, height, and angles of cut-and-fill slopes and their shape. Retaining walls may be required.
 - b. All areas indicated as Open Space on the approved development plan shall be undisturbed by grading, excavating, Buildings, Structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in Open Space areas if approved by the Planning Commission.
 - c. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.
 14. Private Roads. Private Roads within an Open Space preservation development shall conform to the Private Road requirements of this Ordinance.
 15. Other Laws. The development of land under this Section is subject to all other applicable Township ordinances, State and Federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the

suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

G. Amendments to an Approved Site Plan:

1. An approved Open Space preservation Detailed Site Plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the Applicant, except as otherwise stated below with respect to a minor change.
2. Changes to an approved Detailed Site Plan shall be permitted only under the following circumstances.
 - a. The holder of an approved Detailed Site Plan shall notify the Zoning Administrator of any desired change.
 - b. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Open Space development, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (i) Landscaping approved in the Detailed Site Plan that is replaced by similar landscaping to an equal or greater extent;
 - (ii) Internal rearrangement of a Parking Lot which does not affect the number of Parking Spaces or alter access locations or design;
 - (iii) Changes required or requested by the Township, Ottawa County, or other State or Federal regulatory agency in order to conform to other laws or regulations; and
 - (iv) Change of phases or sequence of phases if all phases have been approved.

H. Time Limitation on Development:

1. Each development permitted pursuant to this Section shall be under construction within one (1) year after the date of approval of the Open Space preservation plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant no more than one (1) extension not exceeding one (1) year, provided that the Applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.
2. If the clustered development has not been commenced within the above-stated time period, or within any authorized extension thereof, any Building permits issued for the development or any part thereof shall be of no further effect. The Applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this Section in order to exercise the clustering option.

337 OUTDOOR FURNACE

The following provisions apply to Outdoor Furnaces.

- A. The Outdoor Furnace shall only be installed in the Agricultural (AG) or Rural Residential (RR) Districts.
- B. The Outdoor Furnace shall be located on Lots with a minimum of two (2) acres.

- C. The Outdoor Furnace shall be located a minimum of twenty five (25) feet from any Lot line and any other structures on the subject Lot.
- D. The Outdoor Furnace shall be located a minimum of two hundred fifty (250) feet from any Dwelling Unit on adjacent or surrounding property.
- E. The Outdoor Furnace shall be placed in a Rear Yard. However, an Outdoor Furnace may be placed in the Front or Side Yard if it is more than one hundred (100) feet from the front Lot line and not visible from the Street right of way.
- F. All Outdoor Furnaces shall be approved and inspected by the Township Building Official, Fire Marshall, and shall meet the minimum UL standards.
- G. Only one (1) Outdoor Furnace is permitted per Lot.
- H. All Outdoor Furnaces shall be limited to use only natural untreated wood products, wood pellets, or corn pellets as fuel.
- I. An Outdoor Furnace that meets the requirements of this Ordinance, but as a result of a land division or rezoning becomes non-complying, shall be removed from the Lot or moved to a different location on the Lot that meets all requirements with regard to Lot size and Setbacks.
- J. An Outdoor Furnace may be permitted in a Commercial or Industrial District as part of a Site Plan review process.
- K. All Outdoor Furnaces shall be maintained in optimum condition promoting clean and efficient combustion so as not to cause a nuisance.

338 OUTDOOR STORAGE AND WASTE DISPOSAL

- A. All outdoor storage facilities utilized in connection with non-residential activities shall be enclosed by a solid Fence or wall of not less than six (6) and no more than ten (10) feet in height which 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 manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

- E. One (1) unlicensed, operable Vehicle shall be stored in the Rear Yard only.
- F. In all Residential Districts, Recreational Vehicles may only be parked or stored in accordance with the following requirements:
1. Recreational Vehicles shall not be parked or stored between a Street and Dwelling Unit, or nearer than four (4) feet to any side or rear Lot line.
 2. Notwithstanding the provisions of subsection 1, Recreational Vehicles may be parked or stored between a Street and Dwelling Unit as noted below, provided the Vehicle is not within either twenty-five (25) feet from the edge of the right-of-way, or thirty-five (35) feet from the edge of the improved portion of the Street or Private Road.
 - a. Recreational Vehicles such as campers, trailers, motor homes and other similar equipment may be parked or stored between a Street or Private Road and a Dwelling Unit during the months of April, May, June, July, August, September, October and November.
 - b. Marine and summer-use Recreational Vehicles such as boats, personal watercraft, off-road motorcycles, all-terrain Vehicles, and other similar equipment may be parked or stored between a Street or Private Road and a Dwelling Unit during the months of April, May, June, July, August, September, and October.
 - c. Winter-use Recreational Vehicles such as snowmobiles and other similar equipment may be parked or stored between a Street or Private Road and a Dwelling Unit during the months of December, January, February, and March.
 - d. At any time during the year, a Recreational Vehicle may be parked or stored between a Street or Private Road and a Dwelling Unit for a period of not more than forty-eight (48) hours for the purpose of loading, unloading, or cleaning.
 - e. For up to fourteen (14) cumulative days at any time during a calendar year, Recreational Vehicles such as campers, trailers, motor homes and other similar equipment may be parked or stored between a Street or Private Road and a Dwelling Unit and used for living purposes.
 3. Where the physical features of a property, such as but not limited to immovable Structures, a tree with a diameter larger than four (4) inches, or severe inclines, prohibit a Recreational Vehicle from being parked in compliance with this subsection, or the property is a Waterfront Lot, the owner may apply to the Zoning Administrator for permission to park the Recreational Vehicle on the Lot. This permission shall be granted, provided the following conditions are met.
 - a. A twenty-five (25) feet Setback from the edge of the Street or Private Road right-of-way, or thirty-five (35) feet from the edge of the improved portion of the Street or Private Road, either paved or gravel, shall be maintained. However, parking of Recreational Vehicles may occur anywhere on a Lot up to fourteen (14) days during a calendar year as long as it does not create a traffic safety issue and the Lot is otherwise in conformance with this Ordinance.
 - b. Parking shall be on an improved surface, including gravel, asphalt, or concrete, except for the fourteen (14) days allowed under subsection (a) above.
 - c. Parking approval, if granted, shall be limited to five (5) years following the date of issuance. Additional approvals may be granted in accordance with the conditions of this Section.

4. In the RE, R-1, R-2, R-3 and R-4 Zoning Districts:
 - a. Only one Vehicle or Non-Motorized Vehicle associated with or related to a commercial operation (i.e. tow truck, delivery vans, construction trailer, etc) shall be parked outside of an enclosed building. Non-Motorized Vehicles shall be parked on private property and at least 35 feet from any improved portion of a Street or Private Road.
 - b. Semi-trailers shall not be parked or stored at any time except for temporary purposes such as moving or deliveries.
 - c. Semi-tractors shall only be parked or stored outside of a building for less than 48 hours per week.

339 PERFORMANCE GUARANTEE FOR COMPLIANCE

In authorizing any Variance, or in granting any Planned Unit Development or Special Land Use approval or at such other times allowed by law, the Township may require that a performance guarantee be furnished to insure compliance with the requirements, specifications and conditions imposed with any such approval to insure continued compliance with any conditions of approval. Such performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit, at the discretion of the Township.

340 PERFORMANCE STANDARDS

No Lot, Building or Structure in any Zoning District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. However, any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. No vibration shall be permitted in excess of the applicable Township noise regulations in Article II of Chapter 14 of the Township’s Code of Ordinances or regulations promulgated by rule there under, or any successor provisions..
- B. No audible noise shall be permitted in excess of Township noise regulations (as noted above) or regulations promulgated by rule there under.
- C. No storm water runoff, which is a result of development site design, or other manmade features, shall be allowed to collect which results in water standing on the surface, unless the standing water is a part of a properly managed and maintained storm water retention system, or the standing water is in a naturally occurring Wetland or water body.

341 PERMIT REQUIRED/CERTIFICATE OF OCCUPANCY

The Zoning Administrator shall be empowered to issue permits for conforming land uses, act as inspector to determine compliance with this Ordinance, maintain regular office hours, keep a file record of all permits, and prepare summary reports for the Township Board and Planning Commission and Board of Appeals at reasonable times or when requested. No zoning compliance permit shall be issued until an appropriate Site Plan is presented and approved, and required conditions are met, and the Site Plan is signed by the Zoning Administrator indicating

approval. A zoning compliance permit shall be issued before any construction or authorized use shall commence.

- A. It shall be unlawful to change the type of use of land, or type of occupancy of any Building until the Zoning Administrator has issued a zoning compliance permit.
- B. All zoning compliance permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Township in compliance with the Township record retention policy. Any zoning compliance permit issued under the provisions of this Ordinance shall be valid only for a period of one (1) year following the date of issuance and shall be posted during that time on any existing Building or Lot and in such a manner as to be visible from the Street or Private Road or Shared Residential Driveway for inspection.
- C. When the Zoning Administrator receives an application for a zoning compliance permit which requires action by the Board of Appeals or the Planning Commission, such application, along with all supporting information, shall be forwarded by the Zoning Administrator to the Board of Appeals or the Planning Commission.
- D. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval and deliver a copy to the Applicant.
- E. The Zoning Administrator may, prior to or after issuance of a zoning compliance permit, require:
 - 1. The Applicant to provide proof of ownership, including an abstract, deed, title insurance commitment, a title history, or such other proof of ownership as reasonably required by the Township attorney;
 - 2. A sealed, registered survey, including staking for Setbacks, Ordinary High Watermark and of the proposed site for the Building or Structure or addition.
- F. The development or usage to which a zoning compliance permit pertains shall be subject to inspection by the Zoning Administrator after trenches are dug and prior to footing construction. Where a permit is issued for a use where a Building or Structure is not being constructed, an inspection shall be made prior to occupancy. The permit holder shall be responsible to notify the Zoning Administrator with not less than two (2) days' notice regarding the time that the development/construction will be ready for inspection. Failure of the permit holder to make proper notification for inspection may result in a stop work order and the zoning compliance permit shall be suspended pending compliance with all provisions of this Ordinance.
- G. The Applicant shall bear the entire responsibility to provide the Zoning Administrator with all necessary supporting documentation required pursuant to the Ordinance including the Applicants' and owners' address and telephone number, the address of the property proposed for development, a legal description of the property to be developed and the Lot's Township tax number.

- H. Fees for zoning compliance permits and inspections shall be established by the Township Board.
- I. The Zoning Administrator shall not issue a zoning compliance permit for any proposed land use unless and until the access to serve the proposed land use has been constructed and approved either as a public Street, Private Road, or Shared Residential Driveway or if a performance bond or escrow has been established in the amount to construct said access. Certificate of Occupancy will be held until such time as the access is complete.

342 RESERVED

343 SOLAR ENERGY COLLECTORS

The Township promotes the effective and efficient use of Solar Energy Collector systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of Solar Energy Collectors.

- A. Application for Administrative Approval. An applicant who seeks to install a Building-mounted Solar Energy Collector shall submit an application for Administrative Approval. The application shall include the following:
 - 1. Renderings and catalogue cuts of the proposed solar energy equipment; and
 - 2. Plot plan to indicate where the solar energy equipment is to be installed on the Lot.
- B. Exclusions from Administrative Approval. The following activities do not require Administrative Approval:
 - 1. The installation of one (1) solar panel with a total area eight (8) square feet or less; and
 - 2. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.
- C. Building-mounted Solar Energy Collector Requirements. A Building-mounted Solar Energy Collector shall be a permitted Accessory Use in all Zoning Districts, subject to the following requirements.
 - 1. Except as otherwise provided, Administrative Approval is required of all Building-mounted Solar Energy Collectors permitted as an Accessory Use.
 - 2. Solar Energy Collectors mounted to a roof shall be directly attached to the roof surface and not unnecessarily elevated above the roof surface on a separate Structure. Roof-mounted Solar Energy Collectors shall not project beyond the eaves of the roof or beyond the peak of a pitched roof.
 - 3. Solar Energy Collectors mounted on the roof or wall of a Building shall be only of such weight as can safely be supported by the Structure. Proof of the ability to safely support a Solar Energy Collector, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Building Official prior to installation; such certification shall be subject to the Zoning Administrator's approval.

4. Solar Energy Collectors that are wall-mounted shall not exceed the height of the Building wall to which they are attached.
 5. Solar Energy Collectors shall not be mounted on a Building wall that is parallel to an adjacent public right-of-way.
 6. The exterior surfaces of Solar Energy Collectors that are mounted on the roof or on a wall of a Building shall be generally neutral in color.
- D. Ground-mounted Solar Energy Collector Requirements. A Ground-mounted Solar Energy Collector that is two hundred (200) square feet or less of total panel area generating energy for a Single-Family Dwelling or a Two-Family Dwelling may be permitted administratively, subject to the following requirements.
1. Ground-mounted Solar Energy Collectors shall meet the required Building Setbacks for Accessory Buildings.
 2. Ground-mounted Solar Energy Collectors are not permitted in the Front Yard of any Lot.
 3. Ground-mounted Solar Energy Collectors shall be six (6) feet or less in height from existing grade.
 4. The total area of Ground-mounted Solar Energy Collectors on a Lot shall be included in the calculation of the maximum permitted Lot coverage requirement for the Lot, but shall not count against the Accessory Building or Structure allowances in Section 306. F.
 5. A Ground-mounted Solar Energy Collector that is over two hundred (200) square feet of total panel area is permitted as a Special Land Use in Section 944A.
 6. A plot plan shall be submitted to include where the solar energy equipment is to be located on the Lot.

344 RESERVED

345 RAZING OF BUILDING

No Building or Structure shall be razed unless a permit therefore has first been obtained from the Zoning Administrator and Building Official. Such razing shall be completed within ninety (90) days from the date of issuance of the razing permit. Such razing shall be completed in such a manner that:

- A. It shall not be obnoxious to occupants of surrounding properties on account of dust, noise, vibration, traffic and the like;
- B. Adequate provision shall be made for the safety of persons and property;
- C. All waste materials shall be removed from the razing site;
- D. All debris and rubble (including concrete and brick) shall be removed from the razing site;
- E. All Basements, holes or depressions created by the razing shall be filled to a level equal to or greater than the adjoining lands; and

- F. If the razing is begun but not completed within six (6) months from the date of issuance of the razing permit, the Township Board reserves the right to complete such razing and to assess the costs of such completion against the property.
- G. Efforts shall be made to remove any significant architectural elements, or Building materials of value, such that these elements may be recycled for reuse.

346 REFUSE AND DUMPSTERS

- A. For uses other than Single-Family Dwelling and Two-Family Dwellings, dumpsters or other refuse or recycling containers shall be enclosed and such enclosures shall comply with the following requirements.
 - 1. Where applicable, the enclosures shall consist of the same masonry materials and colors used in the front façade of the principal Building(s). Cinder block or conventional concrete block shall be prohibited. Further, where the principal Building is wood sided, a masonry dumpster enclosure shall be provided.
 - 2. The enclosure shall be four (4) sided with a lockable gate constructed of opaque materials. The Zoning Administrator or Planning Commission may permit the enclosure to be three (3) sided where site dimensions make a four (4) sided enclosure impractical and where the three (3) sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.
 - 3. Walls of the enclosure shall be six (6) feet in height.
 - 4. Interiors of enclosures shall be kept clean and free of debris and clutter.
- B. Receptacles, containers, dumpsters or carts may be placed near the roadway collection point after 2:00 p.m. on the day prior to collection day. Containers shall be removed no later than 8:00 p.m. on collection day.
- C. Trash bags may not be stored outside unless they contain only Yard waste, and then only for a period not to exceed one (1) week.
- D. A receptacle, container, dumpster or cart with a capacity of two (2) cubic yards or more may be stored outside when it is being used in conjunction with a construction, remodeling, or renovation project, but not for a period of more than one hundred eighty (180) days. This limit may be extended upon written request to the Zoning Administrator who shall consider the project schedule, location of the trash container, and any alternatives that will reduce the visual impact upon neighboring properties. The Zoning Administrator's decision shall be in writing.

347 REPAIR AND CLEAN UP OF DAMAGED OR DESTROYED BUILDINGS

The owner of any Building or Structure which has been damaged or destroyed by fire, windstorm or other casualty shall repair such damage within one (1) 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 within ninety (90) days after the date on which the damage or destruction occurred pursuant to a permit therefore to be granted pursuant to Section 345.

348 RETAINING WALLS

- A. Any Retaining Wall or Series of Retaining Walls greater than four (4) feet in height requires a zoning permit prior to installation.
1. A Series of Retaining Walls is a group of Retaining Walls (two or more) in close proximity to one another.
 2. “Close Proximity” for this Section means that any Retaining Wall in the Series is separated from another Retaining Wall in the Series by a horizontal distance no greater than the height of either Retaining Wall.
- B. Height.
1. The height of a Retaining Wall shall be measured from the ground level at the base of the Retaining Wall to the highest point of the Retaining Wall.
 2. A Series of Retaining Walls shall be considered one (1) Retaining Wall. The overall height shall be determined by measuring from the ground level at the base of the lowest Retaining Wall in the Series to the highest point of the highest Retaining Wall in the Series.
 3. A Retaining Wall or a Series of Retaining Walls shall not exceed eight (8) feet in height unless required as part of a walk out basement or as otherwise reviewed by the Township Engineer and approved by the Zoning Administrator.
- C. Setbacks.
1. A Retaining Wall which does not at any point exceed four (4) feet in height must have a Setback of at least two (2) feet from all Lot lines.
 2. For any portion of a Retaining Wall which exceeds four (4) feet in height, such portion must meet all applicable Setbacks for the Lot in the designated Zoning District.
 3. The minimum Setbacks described above apply whether the Retaining Wall is attached to a Building or other Structure or is freestanding.
 4. A guardrail, or a fence that meets the requirements in Section 324, may be placed on top of a Retaining Wall and shall not be considered as part of the height of the Retaining Wall.
 5. A Retaining Wall may terminate at a Lot line if it directly abuts a Retaining Wall on the adjacent Lot that is similar in height.
- D. General Design Standards.
1. The placement, location, and design of a Retaining Wall shall not modify or alter drainage patterns.
 2. Excavation needed for the placement, location, and design of a Retaining Wall or Series of Retaining Walls shall not cause the removal of or damage to trees or vegetation on an adjacent Lot. If necessary, a non-disturbance area will be specified by the Township.
 3. A Retaining Wall or Series of Retaining Walls shall not be installed in a manner that would effectively serve as a solid fence or visually restrictive barrier along a Lot line.
 4. A Retaining Wall or Series of Retaining Walls shall not create a significant grade change inconsistent with the adjacent property.

E. Retaining Walls on Waterfront Lots.

1. A Retaining Wall or Series of Retaining Walls on a Waterfront Lot is common due to naturally existing conditions such as soil composition and significant elevation/topographical change between the top of the slope and the water's edge. Given these potentially unique circumstances, a Retaining Wall or Series of Retaining Walls greater than four (4) feet in height within the required Setbacks for the Lot may be necessary to preserve the Lot as well as provide adequate waterfront access. After review by the Township Engineer, the Zoning Administrator may approve the intrusion into the Setback, provided the intrusion is the minimum amount necessary to preserve the Lot and provide adequate waterfront access.
2. Retaining Walls between a Dwelling and Lake Michigan, Spring Lake, or the Grand River are subject to the following additional regulations.
 - a. Any proposed Retaining Wall or Series of Retaining Walls over four (4) feet in height shall be reviewed by the Township Engineer. If the Zoning Administrator then determines that the proposed Retaining Wall or Series of Retaining Walls is necessary to preserve the Lot and its reasonable use, and will not cause unreasonable detriment to any adjacent Lot, the Zoning Administrator will approve the Retaining Wall or Series of Retaining Walls.
 - b. Replacement of an existing Retaining Wall or Series of Retaining Walls exceeding four (4) feet in height within the required setback of the Lot may be permitted if reviewed by the Township Engineer, who shall consider if the replacement Retaining Wall or Series of Retaining Walls maintains existing slopes on the Lot that are consistent with adjacent property, and if then approved by the Zoning Administrator.

348A SHORT-TERM RENTALS AND LIMITED SHORT-TERM RENTALS

Short-Term Rentals have historically been considered a commercial use, which have not historically been permitted in residential districts. Furthermore, the Township is committed to preserving its neighborhoods' residential character, minimizing potential nuisances, and maintaining its small-town character and scenic beauty. It intends to protect its residents and visitors from the potentially negative or harmful effects that can arise from commercial rentals, including the potential impact on the appearance, tranquility, and standard of living in its prime residential areas.

However, the Township also recognizes the potential benefits of tourism and additional lodging opportunities for visitors, as well as the financial benefit that Short-Term Rentals can bring to property owners in the Township. Therefore, the Township wishes to obtain a balance between these considerations and allow Short-Term Rentals and Limited Short-Term Rentals as set forth in Article Four of the Zoning Ordinance.

349 STRUCTURES PROJECTING INTO SETBACKS

Building eaves shall be considered a part of the Building and shall not be located within the Building Setback. Steps may be located within the Building Setback. Porches, decks and similar Structures are considered part of the Building and shall not be located within the Building Setback.

350 SWIMMING POOLS

- A. No Swimming Pool (referred to as "Pool" in this Section) shall be constructed, erected or installed on any lands in the Township unless a permit therefore has first been obtained from the Township.
- B. The outside edge of the Pool wall shall not be located nearer than ten (10) feet to any Lot line. On a Waterfront Lot, a swimming pool shall be fifty (50) feet from the High Water Mark.
- C. Each Pool shall be enclosed by a fence or a wall of a height no less than four (4) feet nor more than six (6) feet which is constructed in such manner that no person may enter the Yard or the area where the Pool is located without passing through a gate or door located on the Lot on which the Pool is situated. The fence may be placed on or anywhere inside the Lot lines of the Lot where the Pool is situated; provided, however, that no fence may be erected closer to a Street than a Building may be erected in the Zoning District in which the Pool is located.
- D. All gates and doors which permit access to the Pool area shall be capable of being locked and shall be locked at all times when no person is present on the Lot on which the Pool is located.
- E. A fence is not required if a Pool cover is installed per the Michigan Building Code, as amended.
- F. For above-ground Pools, steps and ladders to the Pool shall be secured and locked, or removed when the Pool is not in use.

351 TEMPORARY DWELLINGS

Unoccupied parking or storage of temporary Dwellings, Recreational Vehicles, trailers, etc. on a Street or Front Yard is prohibited for more than forty eight (48) hours at a time. No person shall use or permit the use of any temporary Dwelling or trailer as a principal or seasonal Dwelling on any site, Lot, field, parcel or tract of land, except as part of a Campground licensed by the Michigan Department of Public Health.

352 TEMPORARY USES OR STRUCTURES

- A. Upon application, the Zoning Administrator shall issue a permit for a temporary office Building or Yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such Building or Yard is still incidental and necessary to construction at the site where located.

- B. Upon application, the Zoning Administrator shall issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- C. Temporary outdoor sales are permitted in the GC and NC Zoning Districts in accordance with this Section.
- D. Any person desiring to utilize one (1) or more Lots for temporary outdoor sales shall first register with the Zoning Administrator and obtain a permit for the temporary outdoor sales. The registration form shall be accompanied by a sketch plan identifying:
1. The shape, location, and dimensions of the Lot, including the shape, size, and location of all existing Buildings or other Structures on the Lot, off-Street parking layout, and the location of any designated fire lanes;
 2. The shape, size, and location of all Structures to be erected or moved onto the Lot, including as well all tents, tables, stands, and display racks; and
 3. A detailed description of all items to be sold per the temporary outdoor sales.
- E. Time limitations for temporary outdoor sales shall be as follows.
1. A temporary outdoor sales permit shall be effective for a maximum of seven (7) days, unless otherwise approved per subsection 2 below. There shall be at least seven (7) days between any particular temporary outdoor sales event and another temporary outdoor sales event on that same Lot. No more than three (3) temporary outdoor sales events may occur on a particular Lot within one (1) calendar year.
 2. A temporary outdoor sales event for more than seven (7) days but not more than thirty (30) days may be requested, but the Zoning Administrator may not issue a permit for the event until the application has been reviewed and approved by the Planning Commission per the terms of this Section.
- F. A temporary outdoor sales event shall comply with the following regulations in this Ordinance:
1. The clear visibility at corners required by Section 313;
 2. The outdoor lighting requirements of Section 709;
 3. The parking requirements of Article Seven;
 4. The signage requirements of Article Eight;
 5. The access management requirements of Article Twelve; and
 6. The general review standards of Section 326.
- G. A temporary outdoor sales event may be conducted on a vacant Lot; however, the Lot must comply with the requirements of this Ordinance, including but not limited to setbacks. A temporary outdoor sales event on a vacant Lot shall be reviewed per subsection F above.

- H. Temporary outdoor sales may include only the following:
 - 1. Items sold inside the existing commercial business on the same Lot;
 - 2. Christmas trees;
 - 3. Pumpkins;
 - 4. Flowers and plants; and
 - 5. Fireworks.
- I. The Township Board may issue permits for the temporary use of property for uses not otherwise provided for in this Ordinance (carnivals, special events, flea markets, environmental testing devices) in any Zoning District.
- J. Sales of personal items from a Dwelling, such as a garage or yard sale, or non-profit fundraising events such as car washes, shall not require a permit if the activity does not occur more than once in any ninety (90) day period, for a maximum of three (3) days, on the same Lot.

353 TREE REMOVAL

- A. The purpose of this Section is to preserve Protected Trees because of their positive effects on the environment. Those positive effects include at least the following functions performed by trees:
 - 1. Creation of oxygen, filtration of pollution, moderation of climate, improvement of air quality, and filtration and conservation of water;
 - 2. Protection of property values;
 - 3. Preservation of the essential character of the community;
 - 4. Provision of critical wildlife habitat;
 - 5. Reduction of energy costs by providing shade;
 - 6. Reduction of noise;
 - 7. Reduction of stormwater runoff;
 - 8. Reduction of topsoil erosion; and
 - 9. Reduction of water temperatures.
- B. This Section applies only to Lots which are at least five (5) acres in Lot Area and which include at least ten (10) Protected Trees.
- C. The proposed removal of up to twenty (20) percent of the Protected Trees located on a Lot as of the effective date of this Ordinance, but outside of a Construction Zone on a Lot, may only be accomplished pursuant to a permit issued by the Zoning Administrator. The Zoning Administrator shall automatically issue the permit upon being satisfied that the removal of Protected Trees does not exceed twenty (20) percent.
- D. The proposed removal of more than twenty (20) percent of the Protected Trees located on a Lot as of the effective date of this Ordinance, but outside of a Construction Zone on the Lot, may only be accomplished pursuant to a Special Land Use authorized by the Planning Commission per Section 947.

354 UNCLASSIFIED USES

The Planning Commission may find that a land use, while not specifically classified in this Ordinance as a permitted or Special Land Use, may be sufficiently similar to uses listed as permitted by right or as Special Land Uses. In that event, such unclassified uses may be reviewed and treated as similar classified uses within the Zoning District. In reaching such a finding, the Zoning Administrator shall first evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with the intent of the Zoning District and other permitted and Special Land Uses. If the Zoning Administrator determines that such use is similar to the uses permitted by right or Special Land Use permit, a report outlining the determination shall be provided to the Planning Commission with a recommendation to consider such use as sufficiently similar to permitted or Special Land Uses within the Zoning District and the approval standards that should be used to evaluate the proposed use. Where a proposed use of land or use of Building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use, which, although permitted, involves other features, which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, such use shall be prohibited. Nothing in this Section shall be construed to prohibit a future amendment of this Ordinance to provide standards to regulate a land use that may be currently excluded.

355 WATER AND SEWER AVAILABILITY

- A. All Two-Family and Multi-Family Dwellings shall be connected to public water and public sanitary sewer facilities.
- B. Where a Building is to be occupied by human beings on property which is not provided with public water or public sanitary sewer facilities, no building permit shall be issued until the Zoning Administrator has been presented with a sewer permit and a certificate from the Ottawa County Health Department showing that the well has been approved.
- C. The Zoning Administrator may order all work stopped and may notify the Ottawa County Health Officer, in any instance where a private sewage disposal system is being constructed, altered or extended without a permit issued by the Ottawa County Health Department.

356 WATERFRONT AND SETBACKS

- A. The following requirements shall apply to Waterfront Lots to protect and retain waterfront views. In any AG, RR, R-1, R-2, or R-3 Zoning District where the average depth of the two (2) Front Yards of existing adjacent Lots is greater than the minimum Front Yard Setback depth prescribed for the Zoning District in which the Waterfront Lot is located, then the required Front Yard Setback shall be modified to be no less than the average depth of the existing adjacent Front Yards

as measured from the closest point of the foundation of the main Building, not including Unenclosed Decks and patios, to the Ordinary High Watermark.

- B. An attached deck shall be considered part of the main Building and must comply with the average depth of the existing adjacent Front Yards or the Front Yard Setback depth for the applicable Zoning District where the Waterfront Lot is located, whichever is greater.
- C. If the Zoning Administrator determines that there is an unusual shoreline configuration, unusual topographical problem or unusual circumstance, then the matter shall be referred to the Board of Appeals as a matter for Board of Appeals decision pursuant to Section 603 of the Zoning Act for determination of all Front, Side and Rear Yard requirements. In establishing such Setback requirements, the Board of Appeals shall consider the following standards:
 - 1. The location of Buildings on adjoining properties;
 - 2. The effect of construction on the Lot in question on the view from adjoining properties;
 - 3. The potential effect of erosion and flooding from high water on the Lot in question;
 - 4. The effect, if any, of the proposed Building and any related improvements on existing sea wall or other flood control or erosion devices located on adjoining properties;
 - 5. The relative proximity of the proposed Building to adjoining properties specifically including proximity to occupied Dwellings; and
 - 6. The effect of the proposed Building on adjoining properties and the surrounding neighborhood.

357 WETLAND SETBACK

- A. There shall be a Wetland Setback maintained in all Zoning Districts, except as otherwise provided in this Section. The intent of this Chapter is to require a minimum Wetland Setback and to regulate property within the Wetland Setback in order to accomplish the following purposes.
 - 1. Prevent physical harm, impairment or destruction of or to Wetlands. The Township finds that, in the absence of a Wetland Setback, intrusions in or on Wetlands would occur, resulting in harm, impairment or destruction contrary to the public health, safety and general welfare.
 - 2. Protect unique wildlife habitat and habitat transition, including, without limitation, feeding, nesting, resting and traveling areas for numerous animals.
 - 3. Protect surface water run-off and water quality for pollution preventing purposes, and assist in beneficial water recharge for drinking, irrigation and other purposes.
 - 4. Provide water storage area in storm events.
 - 5. Provide areas for recreational or other functional uses which are unique due to geographic relationship to natural features.
 - 6. Preserve aesthetic views and areas for the enjoyment of natural resources.

7. Preserve the habitats of threatened and endangered species, including upland species.
 8. Reduce the need for on-site and off-site storm water storage capacity based upon the availability of a greater area of absorption and a smaller impervious area.
 9. Stabilize and protect soil resources, including the prevention of erosion; prohibition of loss due to moving water resulting in destruction of upland as well as Buildings, Structures and infrastructure on the upland; and prevention of alteration to the course of moving waters.
- B. Wetland Setback Activities. Within a Wetland Setback, depositing any material; removing any soils, minerals or vegetation; dredging; filling or land balancing; or constructing any temporary or permanent Buildings or Structures shall only be permitted if an Administrative Departure is granted.
- C. The Zoning Administrator may issue an Administrative Departure for a Wetland Setback. In determining whether or not to issue an Administrative Departure, the following criteria shall be considered:
1. The relative extent of the public and private need for the proposed activity;
 2. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the proposed activity;
 3. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the Wetland Setback provides;
 4. The probable impact of the proposed construction or other activity in relation to the cumulative effect created by other existing and anticipated activities in the Wetland to be protected;
 5. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health;
 6. The size and quantity of the Wetland Setback being considered for the proposed activity;
 7. The size and quantity of the remaining Wetland Setback;
 8. Proximity of the proposed construction or operation in relation to the Wetland, taking into consideration the degree of slope, soil type and the nature of the Wetland to be protected;
 9. Economic value, both public and private, of the proposed construction or operation, and economic value, both public and private, if the proposed construction or operation is not permitted; and
 10. The necessity for the proposed construction or operation in the Wetland Setback.
- D. Method of review for proposed Administrative Departure in wetland setback:
1. The Zoning Administrator, Township Wetland Consultant, and, if they become involved, members of the Board of Appeals, may make reasonable entry upon lands and waters within the Township for the purposes of making any investigation, inventory, or study necessary to evaluate a Wetland Setback Administrative Departure application.
 2. Prior to conducting an assessment of a Wetland Setback Administrative Departure application, the Zoning Administrator shall ensure that all required information and

- payment of the appropriate fee have been submitted. Permit applications will be reviewed for completeness of information within fifteen (15) days of submittal of the application with the appropriate fee. If an application is not complete, the applicant may be granted additional time to complete the application, provided that the additional time shall not be charged against the Township's ninety (90) day time limit for making a decision.
3. Upon receipt of a complete permit application, the Zoning Administrator shall proceed as follows.
 4. The Zoning Administrator shall transmit one (1) copy of the application to the Township Wetland Consultant.
 5. The Zoning Administrator shall either perform or assign the Township Wetland Consultant to perform the following tasks.
 - a. Assess the Wetland Setback Administrative Departure application with respect to all applicable Sections of this Ordinance.
 - b. Take photographs of the proposed development area and the Wetland that may be impacted by the proposed activities to help document the physical features of these resources.
 - c. Prepare a report, including verification of the Wetland map on the property involved, and provide recommendations which include, but are not limited to the following:
 - (i) Basis for issuance, modification, or denial of permit application;
 - (ii) Alternative locations, configurations, and methods that could minimize resource impacts to the aquatic and natural resources of the land while still accomplishing the apparent goals of the project;
 - (iii) Other actions that may benefit the Wetland.
 6. The Zoning Administrator shall consult with the Township Wetland Consultant, and shall advise the Wetland Review Board members, concerning the permit application. The Zoning Administrator shall meet with the Wetland Review Board to discuss the permit application if the Zoning Administrator decides a meeting is necessary, or if any member of the Wetland Review Board requests such a meeting within five (5) days of the notice from the Zoning Administrator. The consult with the Township Wetland Consultant, and any meeting with the Wetland Review Board, do not require a further inspection of the property, but rather just a review of the permit application as received.
 7. The Zoning Administrator shall approve, approve with conditions, or deny a Wetland Setback Administrative Departure application within ninety (90) days after receipt of a complete permit application. When a Wetland Setback Administrative Departure application is approved, approved with conditions, or denied by the Zoning Administrator, written notice shall be sent to the applicant, and to all persons who have requested notice of the Township's decision. The denial of a permit shall be accompanied by a written reason of denial.
 8. The Zoning Administrator shall send a copy of the decision, inclusive of any maps showing the Wetland on the property, to the applicant.
 9. If the Zoning Administrator does not approve, approve with conditions, or deny the application within ninety (90) days, the application shall be considered approved.
 10. The Township has authority to delay processing a Wetland Setback Administrative

Departure application, without penalty of exceeding the ninety (90) day time limit, if there is a significant amount of snow cover or frozen ground which limits the ability of the Zoning Administrator or Township Wetland Consultant to accurately assess proposed activities on the property. A letter shall be sent to the applicant explaining the delay. The Township shall continue processing the application, assessing the property and the proposed activities, as soon as site conditions allow.

- E. Appeal. If an appeal is made to the Board of Appeals of the Zoning Administrator's decision on a Wetland Setback Administrative Departure application, the Board of Appeals may request a recommendation or input from the Wetland Review Board or the Township Wetland Consultant or both prior to making any final decision.
- F. Prior Uses. Uses that were legal and established prior to the effective date of this Section, or its predecessor, may continue. However, any use change that has an impact on the Wetland Setback must be reviewed and must comply with this Chapter.

358 PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

- A. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all Zoning Districts, and shall not be permitted as Home Occupations under Article Eleven of this Ordinance.
- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance or prior to the addition of this Section to the Ordinance, shall be deemed to have been a legally established use under the provisions of this Ordinance; that use shall not be entitled to claim legal nonconforming status.
- C. Violations of this Section are subject to the violations and penalties pursuant to Article One of this Ordinance and may be abated as nuisances.

ARTICLE FOUR-DISTRICT STANDARDS

400 ZONING DISTRICTS AND MAP

The Township is hereby divided into the following Zoning Districts as shown on the Zoning Map:

- A. Residential Districts:
 - 1. Agricultural, AG
 - 2. Rural Residential, RR
 - 3. Low Density Residential, R-1
 - 4. Medium Density Residential, R-2
 - 5. Medium Density Residential Cottage, R-3
 - 6. High Density, R-4

- B. Commercial Districts:
 - 1. Neighborhood Commercial, NC
 - 2. General Commercial, GC
 - 3. Mixed Use Commercial, MU

- C. Industrial Districts:
 - 1. Light Industrial, LI
 - 2. Industrial, I

- D. Other Districts:
 - 1. Parks and Recreation District, PR
 - 2. Mobile Home District, MHD

401 OFFICIAL ZONING MAP

- A. For the purposes of this Ordinance, the Zoning Districts as provided in this Ordinance are bounded and defined as shown on a map entitled "Zoning Map of Spring Lake Township", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.

- B. The Zoning Map shall be identified by the Signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Spring Lake Township, together with the effective date of this Ordinance, or any amendments thereto."

- C. If, in accordance with the procedures of this Ordinance and Michigan law a change is made in a Zoning District boundary, such change shall be made by or under the direction of the Supervisor promptly after the amendment authorizing such change shall have been adopted and published.

- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Spring Lake Township Hall and shall be the final authority as to the current zoning status of any Lot, Zoning District, use, Building or Structure in the Township.

- E. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules of interpretation shall apply:
 - 1. A boundary indicated as approximately following the centerline of a Street, alley or easement shall be construed as following such line.
 - 2. A boundary indicated as approximately following a recorded Lot line or a property line shall be construed as following such line.
 - 3. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
 - 4. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right of way.
 - 5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
 - 6. A boundary indicated as following the centerline of a water body shall be construed as following such centerline at the time of interpretation.
 - 7. A boundary indicated as parallel to, or an extension of, a feature indicated in subsections 1 through 6 above shall be so construed.
 - 8. A distance not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 - 9. Where a physical or cultural feature existing on the ground is inconsistent with that shown on the Zoning Map, or in any other circumstance not covered by subsections 1 through 8 above, or questions arise in interpreting subsections 1 through 8 above, the Zoning Board of Appeals shall interpret the Zoning District boundary.

402 SUMMARY TABLES

- A. **Table 402.A** - Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance, which shall control in the event of a conflict.

- B. **Table 402.B** - Schedule of Zoning District Regulations provides an overview of the dimensional requirements of this Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this Ordinance, which shall control in the event of a conflict.

- C. **Additional Standards.** All uses shall conform to all applicable General Provisions, as well as Article Six, Landscaping; Article Seven, Parking, Lighting and Mechanical Screening, Article Eight, Signage, Article Nine, Special Land Uses, Article Ten, Site Plan Requirements, and Article Thirteen, Sustainable Community Assessment.

TABLE 402.A – TABLE OF LAND USES

SPRING LAKE TOWNSHIP

P=Permitted Uses S= Special Land Uses A=Administrative

| Use | AG | RR | R-1 | R-2 | R-3 | R-4 | NC | GC | MU | LI | I | PR | MH |
|---|----|----|-----|-----|-----|-----|----|----|----|----|---|----|----|
| Accessory Buildings and Structures | P | P | P | P | P | P | | | | | | P | P |
| Adult Foster Care | P | P | P | P | P | P | | | | | | | |
| Adult Foster Care, Group | | | | | | S | | P | | | | | |
| Agricultural Retail | A | S | | | | | | | | | | | |
| Anemometer | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Animal Grooming | | | | | | | | | | P | | | |
| Assembly Operation | | | | | | | | | | | P | | |
| Assisted Living/Nursing Care Facilities | | | | | | S | | | S | | | | |
| Bed and Breakfast | S | P | | | | | | | | | | | |
| Boat Launch | | | | | | | | | | | | P | |
| Campground | S | S | | | | | | | | | | S | |
| Car Wash | | | | | | | | P | | | | | |
| Cemetery | | P | | | | | | | | | | P | |
| Contractor's Facility | | | | | | | | | | P | P | | |
| Convenience Store, w/ Fuel Pumps | | | | | | | | S | | | | | |
| Country Club | | | | | | | | | | | | P | |
| Day Care Center | | | | | | | S | P | P | | | | |
| Day Care, Family | P | P | P | P | P | P | | | | | | | |
| Day Care, Group | S | S | S | S | S | S | | | | | | | |
| Drive-through Establishment | | | | | | | | P | S | | | | |
| Dwelling, Multi-Family | | | | | | P | | | P | | | | |
| Dwelling, Single-Family | P | P | P | P | P | P | | | | | | | |
| Dwelling, Two-Family | | | | | | P | | | | | | | |
| Eating and Drinking Establishment | | | | | | | S | P | P | S | | | |
| Educational Institution | | P | | P | | P | | | | P | | P | |
| Farm Buildings | P | P | | | | | | | | | | | |
| Farm, General | P | P | S | | | | | | | | | | |
| Farm, Specialized | P | | | | | | | | | | | | |
| Farmer's Market | | | | | | | P | | | | | | |
| Financial Institution | | | | | | | S | P | P | | | | |
| Golf Courses | | | | | | | | | | | | P | |
| Governmental | | | | | | | P | P | P | | | | |
| Greenhouse or Nursery | P | | | | | | | | | P | | | |
| Home Occupation | P | P | P | P | P | P | | | | | | | |

TABLE 402.A – TABLE OF LAND USES

SPRING LAKE TOWNSHIP

P=Permitted Uses S= Special Land Uses A=Administrative

| Use | AG | RR | R-1 | R-2 | R-3 | R-4 | NC | GC | MU | LI | I | PR | MH |
|---|----|----|-----|-----|-----|-----|----|----|----|----|---|----|----|
| Hospital | | | | | | | | S | | | | | |
| Junkyard | | | | | | | | | | | S | | |
| Keeping of Farm Animals | P | S | S | | | | | | | | | | |
| Kennel | S | | | | | | | | | | | | |
| Laundry and Dry Cleaning Establishment | | | | | | | | | | P | | | |
| Laundry and Dry Cleaning Plant | | | | | | | | | | S | S | | |
| Limited Short-Term Rental | P | P | P | P | P | P | | | P | | | | |
| Live/Work | | | | | | | | | A | | | | |
| Machine Shop | | | | | | | | | | P | P | | |
| Mobile Home Park | | | | | | | | | | | | | P |
| Manufacturing and Processing | | | | | | | | | | S | P | | |
| Mine, Sand and Gravel | | | | | | | | | | | S | | |
| Mineral Removal | S | | | | | | | | | | | | |
| Mixed Use Development | | | | | | | | | S | S | | | |
| Mortuary/Funeral Home | | | | | | | | S | | S | | | |
| Multi-Tenant Industrial Establishment | | | | | | | | | | P | P | | |
| MWET | S | | | | | | S | S | S | S | S | S | |
| Nonconforming Use Expansion | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Outdoor Storage of Dredge Material | S | S | S | | | | | | | | | | |
| Open Space | | | | | | | | | | | | P | |
| Open Space Preservation | P | P | P | P | | | | | | | | | |
| Outdoor Pond | | S | S | S | S | S | | | | | | | |
| Outdoor Recreation Area | | | | | | | | | | | | P | |
| Outdoor Sales Facility | | | | | | | S | P | | S | S | | |
| Park or Parkland | P | P | P | P | P | P | P | P | P | | | P | |
| Personal Service Establishment | | | | | | | P | P | P | | | | |
| Place of Public Assembly (large) | | S | S | S | | S | | | | | | | |
| Place of Public Assembly (small) | P | P | P | P | | P | | | | | | | |
| Planned Unit Development | | | S | S | S | S | S | S | S | S | S | | |
| Power Generating Facility | | | | | | | | | | | S | | |
| Production, Refining or Storage of Petroleum Products | | | | | | | | | | | P | | |

TABLE 402.A – TABLE OF LAND USES

SPRING LAKE TOWNSHIP

P=Permitted Uses S= Special Land Uses A=Administrative

| Use | AG | RR | R-1 | R-2 | R-3 | R-4 | NC | GC | MU | LI | I | PR | MH |
|--|----|----|-----|-----|-----|-----|----|----|----|----|---|----|----|
| Professional Office | | | | | | | P | P | | P | P | | |
| Professional Office (second/third Story only) | | | | | | | | | P | | | | |
| Public Utility/Government Facility | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Research, Testing and Laboratory | | | | | | | | | | P | P | | |
| Residential Above Retail or Office Uses | | | | | | | | | P | | | | |
| Retail, Limited | | | | | | | P | P | P | | | | |
| Retail, Major | | | | | | | | P | S | | | | |
| Roadside Market Stand | A | | | | | | | | | | | | |
| Self-Storage Facility | | | | | | | | | | S | S | | |
| Service Establishment Accessory to Principal Use | | | | | | | | | | P | P | | |
| Sexually Oriented Business | | | | | | | | | | | S | | |
| Shipping Facility | | | | | | | | | | | P | | |
| Short-Term Rental | P | P | | | P | P | | | P | | | | |
| Showroom | | | | | | | | | | P | P | | |
| Site Condominium | S | S | S | P | P | P | | | P | P | P | | |
| Sports and Recreation Club | | | | | | | | P | P | | | | |
| SSMWET | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Stable | P | | | | | | | | | | | | |
| STMWET | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Subdivision | S | S | S | P | P | P | | | P | P | P | | |
| Tattoo, Piercing Parlor | | | | | | | | S | | | S | | |
| Tree Removal | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Urgent Care | | | | | | | S | S | | | | | |
| Vehicle Repair Facility | | | | | | | | S | | P | P | | |
| Vehicle Sales | | | | | | | | S | | | | | |
| Veterinary Clinic/Kennel | | | | | | | | | | S | | | |
| Warehouse | | | | | | | | S | | P | P | | |
| Wells, Extraction | | | | | | | | | | S | S | | |
| Wholesale Facility | | | | | | | | S | | P | P | | |
| Wireless Communication Tower | S | | | | | | | | | S | S | S | |

Table 402.B – Spring Lake Township Schedule of Zoning District Regulations⁽³⁾

| District | Min. Lot Dimensions | | Max. Lot Coverage | Min. Setback (feet), measured from the eave per Section 349 | | | | Max. Bld. Height | Min. Living Area per Dwelling |
|---|--------------------------------|--------|-----------------------|---|-------------------|-------------------|-------------------|----------------------------------|-------------------------------|
| | Area | Width | (% of gross Lot Area) | Front | Side | Rear | Waterfront | Principal Bld. (feet/stories) | (sq. ft.) |
| | | (feet) | | | (each side) | | Per Sec. 356 | | |
| AG Farm Buildings | 2 Acres | 150 | 30 | 30 | 25 | 50 | | 35 ft. | 900 |
| | 2 Acres | 150 | 30 | 100 | 60 | 50 | | | |
| RR | 2 Acres | 150 | 30 ⁽¹⁾ | 30 | 15 | 50 | | 35 ft. / 2.5 Stories | 900 |
| R-1 With Public Water & Sewer W/O Public Water & Sewer Critical Dune Area Critical Dune Area, Non-Waterfront | 15,000 sq ft. | 100 | 30 ⁽¹⁾ | 30 | 20 ⁽²⁾ | 50 | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | 900 |
| | 1 Acre | 120 | 30 ⁽¹⁾ | 30 | 20 ⁽²⁾ | 50 | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | 900 |
| | | | | | 10 | 20 ⁽²⁾ | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | 900 |
| | | | | 20 ⁽¹⁰⁾ | 10 | 20 | | 35 ft. / 2.5 Stories | 900 |
| R-2 With Public Water & Sewer W/O Public Water & Sewer | 12,000 sq ft. | 70 | 30 ⁽¹⁾ | 30 | 10 | 30 | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | 900 |
| | 1 Acre | 120 | 30 ⁽¹⁾ | 30 | 10 | 30 | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | 900 |
| R-3 | > 12,000 sq ft. ⁽⁴⁾ | 50 | 40 ⁽¹⁾ | 30 ⁽¹¹⁾ | 20 ⁽⁶⁾ | 30 | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | |
| | < 10,000 sq ft. | 50 | 40 ⁽¹⁾ | 30 ⁽¹¹⁾ | 12 ⁽⁵⁾ | 25 | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | |
| | 10,000 sq ft. to 12,000 sq ft. | 50 | 40 ⁽¹⁾ | 30 ⁽¹¹⁾ | 18 ⁽⁶⁾ | 20 | 50 ⁽³⁾ | 35 ft. / 2.5 Stories | |
| R-4 Single Family Dwellings Two Family Dwellings Multi- Family Dwellings Other Uses | 6,500 sq ft. | 50 | 30 | 30 | 20 | 50 | | 43 ft. / 3 Stories | 900 |
| | 16,000 sq ft. | 60 | 30 | 30 | 20 | 50 | | 43 ft. / 3 Stories | 720 |
| | 3,500 sq ft per Dwelling Unit | 100 | 30 | 30 | 20 | 50 | | 43 ft. / 3 Stories | 720 |
| | 20,000 sq ft | 100 | 30 | 30 | 20 | 50 | | 43 ft. / 3 Stories | |

Table 402.B – Spring Lake Township Schedule of Zoning District Regulations⁽³⁾: Continued

| District | Min. Lot Dimensions | | Max. Lot Coverage | Min. Setback (feet), measured from the eave per Section 349 | | | | Max. Bld. Height | Min. Living Area per Dwelling |
|--|-------------------------------|--------|-----------------------|---|-------------------|-------------------|------------|----------------------|-------------------------------|
| | Area | Width | (% of gross Lot Area) | Front | Side | Rear | Waterfront | Principal Bld. | (sq. ft.) |
| | | (feet) | | | (each side) | | | (feet/stories) | |
| NC | 15,000 sq ft. | 100 | | 30 | 0 ⁽⁷⁾ | 50 ⁽³⁾ | | 35 ft./ 2.5 Stories | |
| GC | 15,000 sq ft. | 125 | | 30 | 0 ⁽⁷⁾ | 10 | | 45 ft. | |
| MU Multi- Family Dwellings | 3,500 sq ft per Dwelling Unit | 100 | 80 | 20 | 30 | 35 | | 45 ft. / 3.5 Stories | 720 |
| Other Uses | 15,000 sq ft. | 100 | 80 | BTZ ⁽⁸⁾ | 0 | 35 | | 45 ft. / 3.5 Stories | |
| LI | 20,000 sq ft | 100 | 70 | 35 ⁽⁹⁾ | 10 ⁽⁹⁾ | 25 ⁽⁹⁾ | | 40 ft. | |
| I | 40,000 sq ft. | 150 | 70 | 50 | 20 ⁽⁹⁾ | 25 ⁽⁹⁾ | | 45 ft. | |
| PR | 10,000 sq ft. | 100 | | 30 | 10 | 50 | | 35 ft./ 2.5 Stories | |
| MH | Per Section 417.C | | | | | | | | |
| <p>(1) Lots with Frontage on Lake Michigan, Spring Lake, the Grand River, or their bayous, shall be limited to a maximum lot coverage of 25%, elsewhere is 30%.</p> <p>(2) 20 feet, or the average Rear Yard Setback of the two adjacent Lots but not less than 10 feet, all subject to Section 356.</p> <p>(3) See Section 356, General Provisions for Waterfront Setbacks and Section 357 for Wetland Setbacks. A 75' Waterfront Setback is required for Lake Michigan Waterfront Lots.</p> <p>(4) 12,000 square feet is required for any new Single-Family Lots within the R-3 District.</p> <p>(5) 12 feet total, with one side not less than 5 feet</p> <p>(6) 20 feet total, with one side not less than 5 feet for lots greater than 12,000 sq. ft., or 18 feet total on lots greater than 10,000 square feet and less than 12,000 square feet</p> <p>(7) Side Yard Setbacks shall be 25 feet when abutting any Residential or Agricultural Zoning District.</p> <p>(8) 70% of Building at required build-to-zone</p> <p>(9) No Building, Sign, storage, or industrial activity shall be located within 50 feet from a lot line of an abutting Residential District.</p> <p>(10) 20 feet, or the average Front Yard Setback of the two adjacent Lots but not less than 10 feet.</p> <p>(11) Front Yard Setbacks may be reduced to the average Front Yard Setback of existing Dwellings within 200 feet of the subject Lot on the same side of the Street in the same Zoning District. The average Front Yard Setback shall not be reduced to less than 15 feet.</p> | | | | | | | | | |

403 RESERVED

404 RESERVED

405 AGRICULTURAL DISTRICT, AG

A. Intent

The Agricultural District is intended for low-Density Single-Family residential land uses, Open Space, and agricultural operations formed into patterns that preserve the rural character of these portions of the Township. Public sanitary sewer is generally not available within the Agricultural District, nor is it planned in the future. Therefore, Density and land use intensity is limited. In addition, many areas within the Agricultural District have evidence of Wetlands, high water tables or hydric soils, which may place further limitations on a variety of development. Low Density residential and agricultural uses are the primary land uses.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

- | |
|---|
| <p>Permitted Uses</p> <ul style="list-style-type: none">◆ Accessory Buildings and Structures◆ Adult Foster Care◆ Anemometer◆ Day Care Facility (Family)◆ Dwelling, Single-Family◆ Farm Buildings◆ Farm, General◆ Farm, Specialized◆ Greenhouse or Nursery◆ Home Occupation◆ Keeping of Farm Animals◆ Limited Short-Term Rental◆ Open Space Preservation (see Section 336)◆ Park or Parkland◆ Place of Public Assembly (small)◆ Short-Term Rental◆ SSMWET◆ Stable◆ STMWET |
|---|

- | |
|--|
| <p>Special Land Uses</p> <ul style="list-style-type: none">◆ Bed and Breakfast Subject to Section 911◆ Campground Subject to Section 913◆ Day Care, Group◆ Kennel Subject to Section 924◆ Mineral Removal Subject to Section 929◆ MWET Subject to Section 952◆ Outdoor Storage of Dredge Material Subject to Section 936◆ Site Condominium Subject to Section 944◆ Subdivision Subject to Section 945◆ Wireless Communication Tower Subject to Section 953 |
|--|

- | |
|--|
| <p>Permitted Uses Requiring Administrative Approval (Section 123)</p> <ul style="list-style-type: none">◆ Agricultural Retail◆ Roadside Market Stand |
|--|

Dimensional Standards - AG

Minimum Area – 2 acres

Minimum Setbacks – Front: 30 feet; Side: 25 feet; Rear: 50 feet

Minimum Setbacks for Farm Buildings – Front: 100 feet; Side: 60 feet; Rear: 50 feet

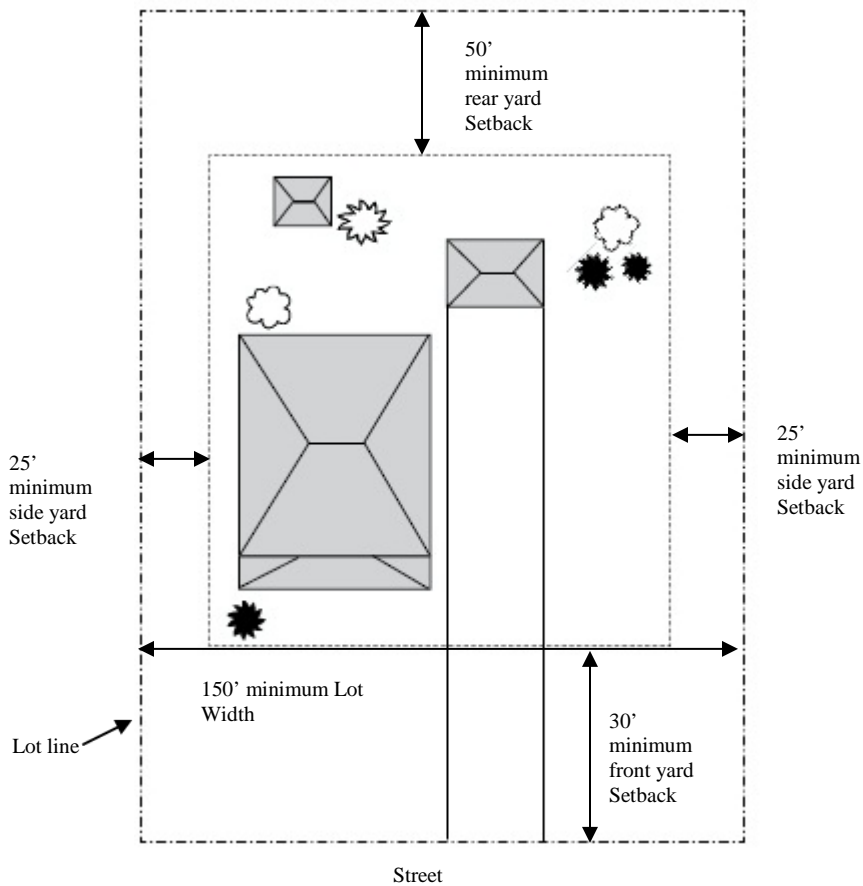
Minimum Lot Width – 150 feet

Maximum Height – 35 feet

Minimum Dwelling Size – 900 square feet

Maximum Lot Coverage – 30%

Single-Family Dwelling Dimensional Regulation (For Accessory Buildings, see Section 306, General Provisions)



406 RURAL RESIDENTIAL DISTRICT, RR

A. Intent

The Rural Residential District is intended for low-Density Single-Family residential uses that respect and protect Significant Natural Features, such as dune areas, steep slopes, riparian lands, and woodlands. Flexibility in site layout and Building configuration is encouraged to ensure that development conserves natural features and resources. Development potential is limited since public sanitary sewer is generally not available in this District.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Accessory Buildings and Structures
- ◆ Adult Foster Care
- ◆ Anemometer
- ◆ Cemetery
- ◆ Day Care Facility (Family)
- ◆ Dwelling, Single-Family
- ◆ Educational Institution
- ◆ Farm Buildings
- ◆ Farm, General
- ◆ Home Occupation
- ◆ Limited Short-Term Rental
- ◆ Open Space Preservation (see Section 336)
- ◆ Park or Parkland
- ◆ Place of Public Assembly (small)
- ◆ Short-Term Rental
- ◆ SSMWET
- ◆ STMWET

Special Land Uses

- ◆ Agricultural Retail Subject to Section 907
- ◆ Bed and Breakfast Subject to Section 911
- ◆ Campground Subject to Section 913
- ◆ Day Care, Group
- ◆ Keeping of Farm Animals Subject to Section 925
- ◆ Outdoor Storage of Dredge Material Subject to Section 936
- ◆ Outdoor Pond Subject to Section 934
- ◆ Place of Public Assembly (large) Subject to Section 937
- ◆ Site Condominium Subject to Section 944
- ◆ Subdivision Subject to Section 945

Dimensional Standards - RR

Minimum Lot Area – 2 acres

Minimum Lot Width – 150 feet

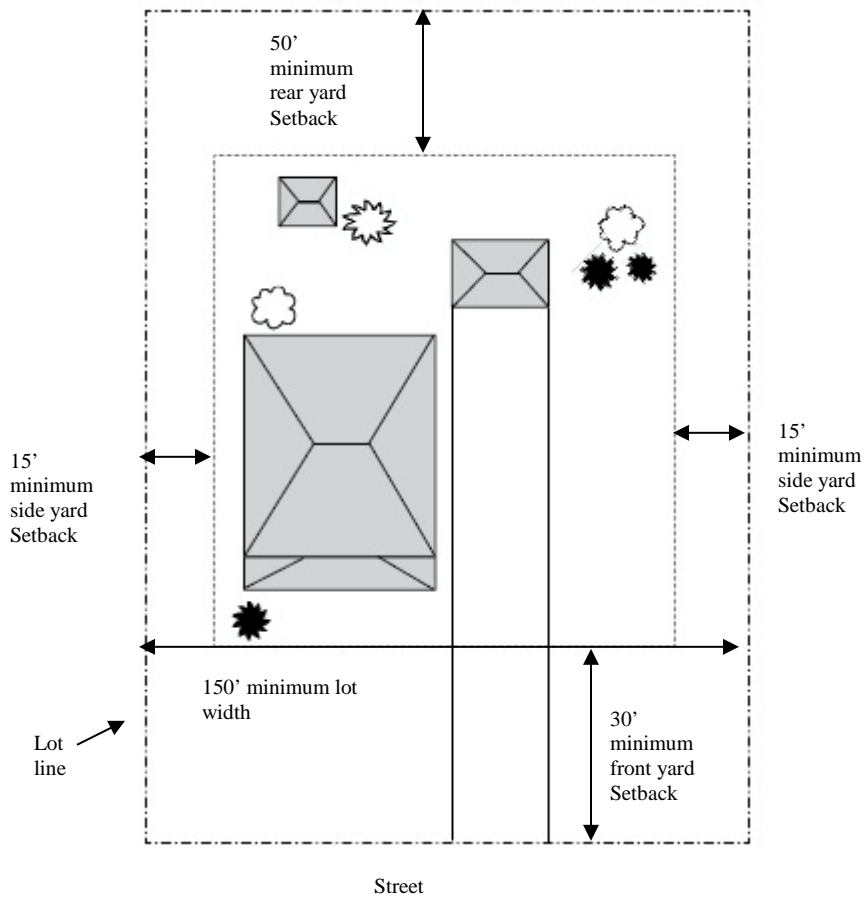
Minimum Setbacks – Front: 30 feet; Side: 15 feet; Rear: 50 feet

Maximum Height – 35 feet and 2.5 stories

Minimum Dwelling Size – 900 square feet

Maximum Lot Coverage – Lots with Frontage on Lake Michigan, Spring Lake, the Grand River, or their bayous, shall be limited to a maximum Lot Coverage of 25%; elsewhere is 30%.

Single-Family Dwelling Dimensional Regulation (For Accessory Buildings, see Section 306, General Provisions)



407 LOW DENSITY RESIDENTIAL-RESOURCE, R-1

A. Intent

The Low Density Residential-Resource District is intended for low-Density Single-Family uses that are primarily served with public water and public sanitary sewer. Significant Natural Features or attributes such as steep slopes, floodplains, riparian areas or other sensitive environmental attributes are present in this Zoning District. Single-Family Dwellings are predominant. Development in the R-1 District should be designed to limit impact on waterways and maintain the wooded character of the site through natural feature Setbacks and the protection of wooded areas.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Accessory Buildings and Structures
- ◆ Adult Foster Care
- ◆ Anemometer
- ◆ Day Care Facility (Family)
- ◆ Dwelling, Single-Family
- ◆ Home Occupation
- ◆ Limited Short-Term Rental
- ◆ Open Space Preservation (see Section 336)
- ◆ Park or Parkland
- ◆ Place of Public Assembly (small)
- ◆ SSMWET
- ◆ STMWET

Special Land Uses

- ◆ Day Care, Group
- ◆ Farm, General Subject to Section 918
- ◆ Keeping of Farm Animals Subject to Section 925
- ◆ Outdoor Storage of Dredge Material Subject to Section 936
- ◆ Outdoor Pond Subject to Section 934
- ◆ Place of Public Assembly (large) Subject to Section 937
- ◆ Planned Unit Development Subject to Section 938
- ◆ Site Condominium Subject to Section 944
- ◆ Subdivision Subject to Section 945

Dimensional Standards – R-1

Minimum Lot Area– 15,000 square feet where served with public water and public sewer; 1 acre where these utilities are not available.

Minimum Lot Width – 100 feet when served with public water and public sewer; 120 feet when water and sewer are not available.

Minimum Setbacks (Non- Critical Dune Area)

Front: 30 feet.

Side: 10 feet.

Rear: 50 feet.

Waterfront Setback: 50 feet.

All waterfront Setbacks are subject to Section 356.

Minimum Setbacks (Critical Dune Area)

Setbacks for Waterfront Lots in the Critical Dune Area:

Front: 50 feet, subject to Section 356.

Rear: 20 feet, or the average Rear Yard Setback of the two adjacent Lots but not less than 10 feet, all subject to Section 356.

Side: 10 feet, subject to Section 356.

Setbacks for Non-Waterfront Lots in the Critical Dune Area:

Front: 20 feet, or the average Front Yard Setback of the two adjacent Lots but not less than 10 feet. If the Zoning Administrator determines that there is an unusual circumstance, the matter shall be referred to the Board of Appeals pursuant to Section 603 of the Zoning Act, for determination of the Front Yard Setback. In that event, the standards of Section 356.C shall be considered by the Board of Appeals.

Side: 10 feet.

Rear: 20 feet.

Maximum Height – 35 feet and 2.5 stories.

Minimum Dwelling Size – 900 square feet.

Maximum Lot Coverage – Lots with Frontage on Lake Michigan, Spring Lake, the Grand River, or their bays, shall be limited to a maximum Lot Coverage of 25%; elsewhere is 30%.

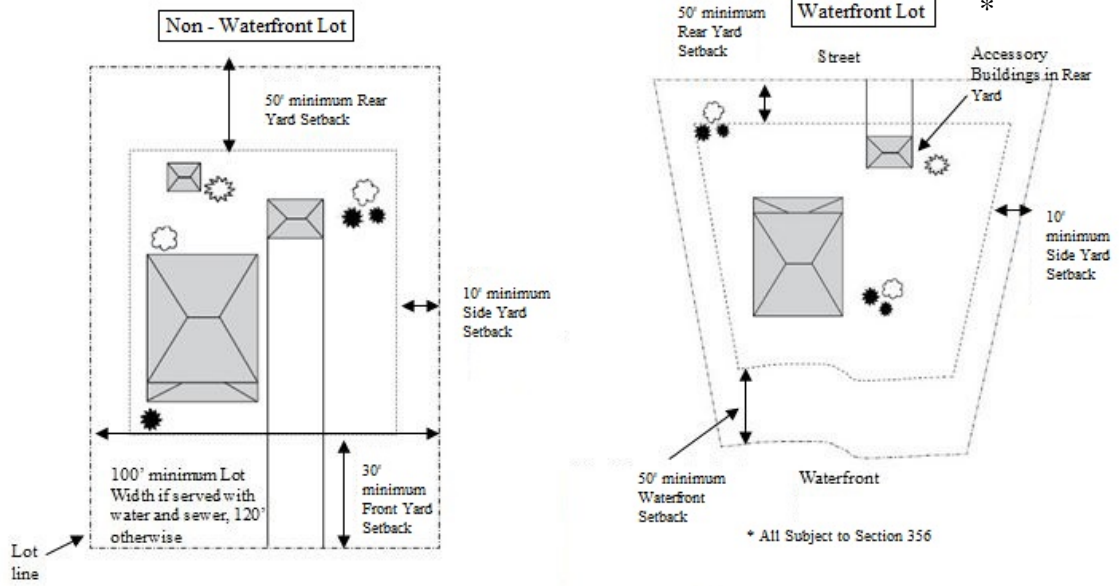
Dimensional Standards – R-1

Waterfront Lots – See also General Provisions, Section 356.

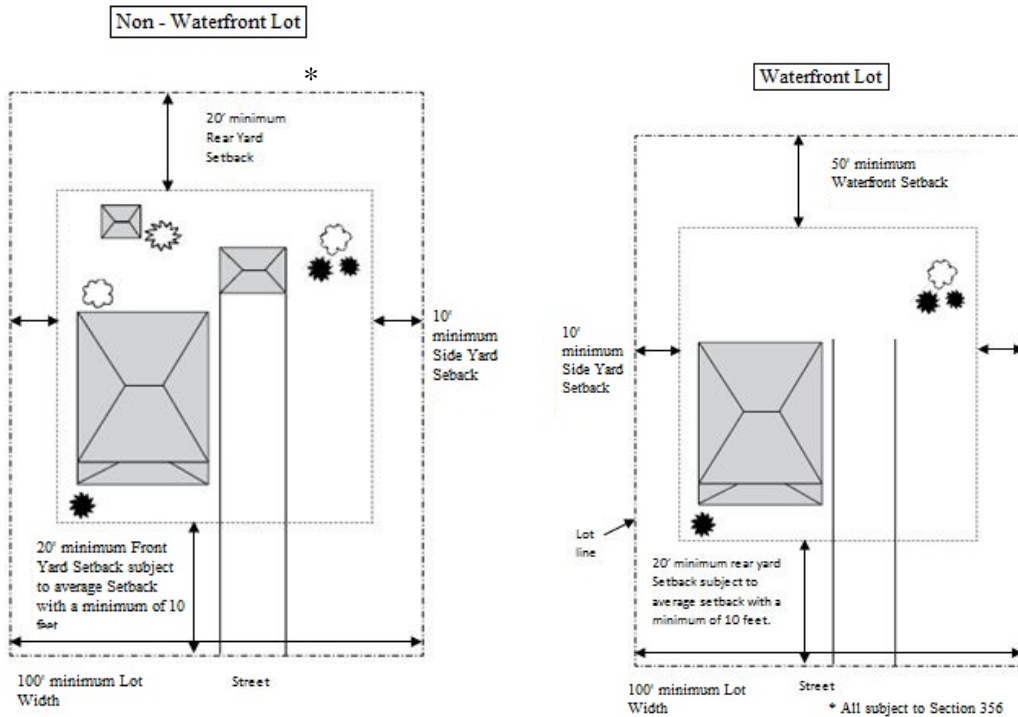
Accessory Buildings – See Section 306, General Provisions.

Critical Dune Area – That area designated as critical dune area by the State pursuant to Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act, Michigan Act 451 of 1994, as amended.

Non-Critical Dune Area Setback:



Critical Dune Area Setback:



408 MEDIUM DENSITY RESIDENTIAL-SUBURBAN, R-2

A. Intent

The Medium Density Residential-Suburban District is intended for dense Single-Family uses primarily served with public water and public sanitary sewer. Single-Family Dwellings are the primary land use in this Zoning District. Development in the R-2 District will be formed into walkable neighborhood patterns and served with sidewalks, connections to adjacent residential communities, bike paths, and other recreational Open Space opportunities.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Accessory Buildings and Structures
- ◆ Adult Foster Care
- ◆ Anemometer
- ◆ Day Care Facility (Family)
- ◆ Dwelling, Single-Family
- ◆ Educational Institution
- ◆ Home Occupation
- ◆ Limited Short-Term Rental
- ◆ Open Space Preservation (see Section 336)
- ◆ Park or Parkland
- ◆ Place of Public Assembly (small)
- ◆ Site Condominium
- ◆ SSMWET
- ◆ STMWET
- ◆ Subdivision

Special Land Uses

- ◆ Day Care, Group
- ◆ Keeping of Farm Animals Subject to Section 925
- ◆ Outdoor Pond Subject to Section 934
- ◆ Place of Public Assembly (large) Subject to Section 937
- ◆ Planned Unit Development Subject to Section 938

Dimensional Standards – R-2

Minimum Lot Area for Single-Family Dwellings – 12,000 square feet where served with municipal water and sewer; 1 acre where these utilities are not available.

Minimum Lot Width – 70 feet for Single-Family Dwellings served with municipal water and sewer; 120 feet for all other uses.

Minimum Setbacks – Front: 30 feet; Side: 10 feet; Rear: 30 feet; Waterfront Setback: 50 feet. All waterfront Setbacks are subject to Section 356.

Maximum Height – 35 feet and 2.5 stories.

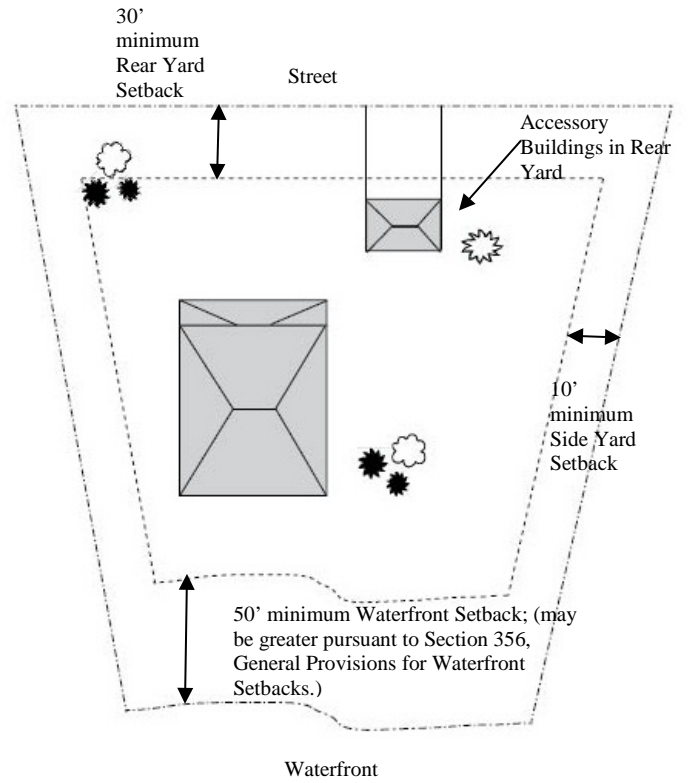
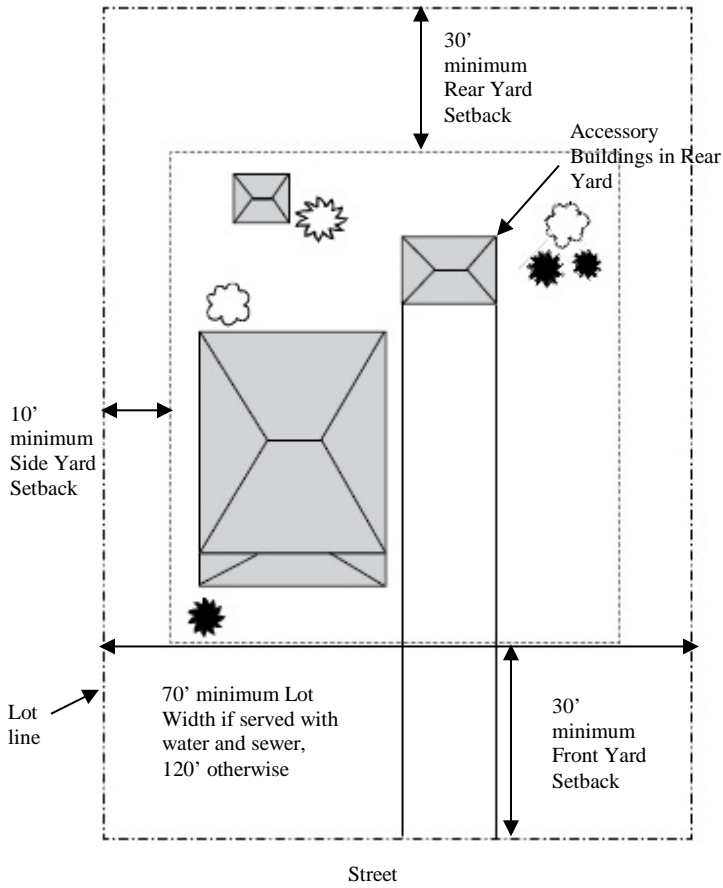
Minimum Dwelling Size – 900 square feet.

Maximum Lot Coverage – Lots with Frontage on Lake Michigan, Spring Lake, the Grand River, or their bayous, shall be limited to a maximum Lot Coverage of 25%; elsewhere is 30%.

Waterfront Lots– See also General Provisions, Section 356.

Accessory Buildings – See Section 306, General Provisions.

Single Family Dwelling Dimensional Regulation, Not to Scale



409 MEDIUM DENSITY RESIDENTIAL-COTTAGE, R-3

A. Intent

The Medium Density Residential-Cottage District is intended for the area of the Township known as Strawberry Point. The R-3 District recognizes the site and Building limitations associated with this unique area due to its settlement patterns evolving from serving as a destination for summer vacationers. The R-3 District is written to be flexible and to enable landowners to improve their property, as long as the improvements preserve the essential and existing qualities that define the character of the neighborhood. Public water and public sanitary sewer service these areas.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Accessory Buildings and Structures
- ◆ Adult Foster Care
- ◆ Anemometer
- ◆ Day Care Facility (Family)
- ◆ Dwelling, Single-Family
- ◆ Home Occupation
- ◆ Limited Short-Term Rental
- ◆ Park or Parkland
- ◆ Short-Term Rental
- ◆ Site Condominium
- ◆ SSMWET
- ◆ STMWET
- ◆ Subdivision

Special Land Uses

- ◆ Day Care, Group
- ◆ Outdoor Pond Subject to Section 934
- ◆ Planned Unit Development Subject to Section 938

Dimensional Standards – R-3

Minimum Lot Area – 12,000 square feet

Minimum Setbacks –

- ◆ Existing Lots less than 10,000 square feet in area:
 - Front: 30 feet
 - Waterfront Setback: 50 feet*
 - Rear: 20 feet
 - Side: 12 feet total, with one side not less than 5 feet
- ◆ Existing Lots between 10,000 and 12,000 square feet in area:
 - Front: 30 feet
 - Waterfront Setback: 50 feet*
 - Rear: 25 feet
 - Side: 20 feet total, with one side not less than 5 feet
- ◆ Lots greater than 12,000 square feet in area:
 - Front: 30 feet
 - Waterfront Setback: 50 feet*
 - Rear: 30 feet
 - Side: 20 feet total, with one side not less than 5 feet

Minimum Lot Width – 50 feet

Maximum Height – 35 feet and 2.5 stories

Minimum Dwelling Size – 900 square feet

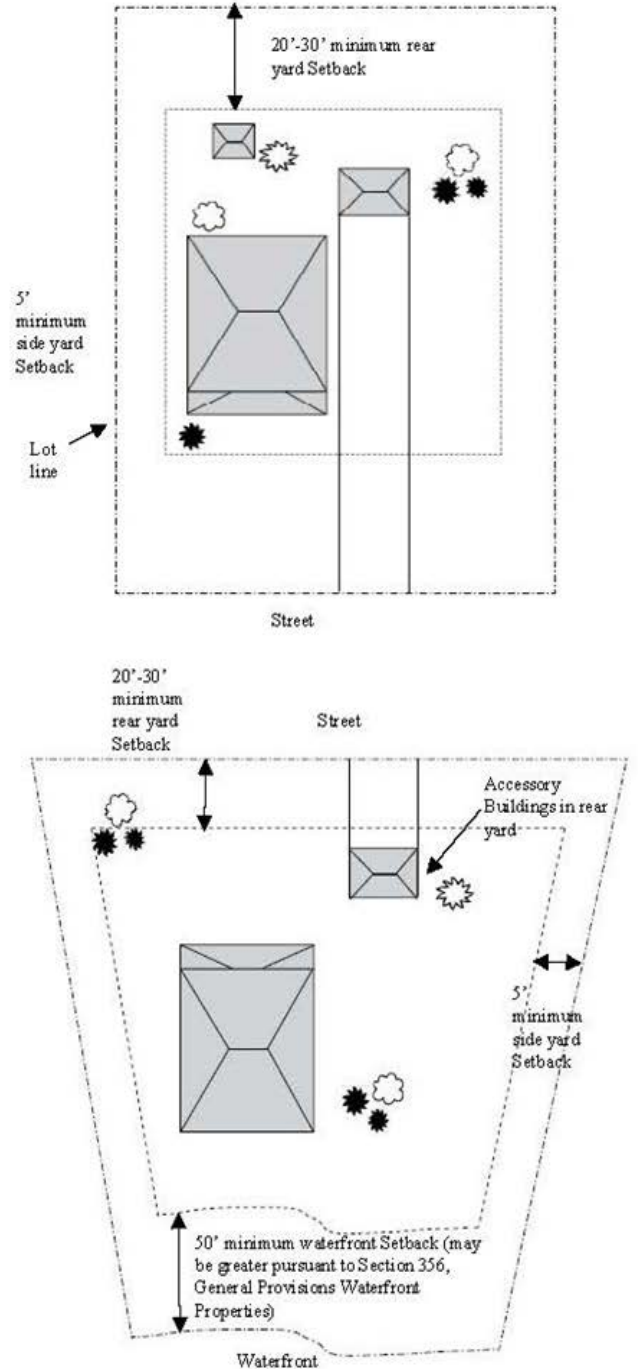
Maximum Lot Coverage – 40%, 25% if waterfront Lot (Grand River, Spring Lake, or Lake Michigan).

***Waterfront Lots** – Waterfront Setback may be greater than 50 feet based on Waterfront Averaging as per Section 356, General Provisions.

****Front Yards** - Front Yard Building Setbacks may be reduced to the average Front Yard Building Setback of existing Dwellings within 200 feet of the subject Lot on the same side of the Street in the same Zoning District. The average Front Yard Building Setback shall not be reduced to less than 15 feet.

Accessory Buildings – See Section 306, General Provisions

Single Family Dwelling Dimensional Regulation Lots:



410 HIGH DENSITY RESIDENTIAL DISTRICT, R-4

A. Intent

The High Density Residential District is intended for Multi--Family Dwellings, Two-Family Dwellings, senior citizen housing and retail uses. Multi-Family Dwellings provide a needed housing type in the Township. Land zoned High Density Residential is dispersed throughout the Township to avoid pockets of rental or transient housing. Higher Density Single-Family residential uses are permitted in this Zoning District to promote housing diversification. Public water and public sanitary sewer service these areas and it is the intent of this Ordinance that all Single-Family, Two-Family, and Multi-Family Dwellings be connected to public water and public sanitary sewer.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Accessory Buildings and Structures
- ◆ Adult Foster Care
- ◆ Anemometer
- ◆ Day Care Facility (Family)
- ◆ Dwelling, Multiple-family
- ◆ Dwelling, Single-Family
- ◆ Dwelling, Two-family
- ◆ Educational Institution
- ◆ Home Occupation
- ◆ Limited Short-Term Rental
- ◆ Park or Parkland
- ◆ Place of Public Assembly (small)
- ◆ Short-Term Rental
- ◆ Site Condominium
- ◆ SSMWET
- ◆ STMWET
- ◆ Subdivision

Special Land Uses

- ◆ Adult Foster Care, Group Subject to Section 906
- ◆ Assisted Living/Nursing Care Facilities Subject to Section 908
- ◆ Day Care, Group
- ◆ Outdoor Pond Subject to Section 934
- ◆ Place of Public Assembly (large) Subject to Section 937
- ◆ Planned Unit Development Subject to Section 938

Dimensional Standards – R-4

Minimum Lot Area for Single-Family Dwellings – 6,500 square feet

Minimum Lot Area for Two-Family Dwellings – 16,000 square feet

Minimum Lot Area for Multi-Family Dwellings – 3,500 square feet of Lot Area per Dwelling Unit

Minimum Lot Area for Other Uses – 20,000 square feet

Minimum Lot Width – 50 feet for Single-Family Dwellings; 60 feet for Two-Family Dwellings; and 100 feet for Multi-Family Dwellings and other uses

Minimum Setbacks – Front: 30 feet; Side: 10 feet; Rear: 50 feet

Maximum Height – 45 feet and 3 stories

Minimum Dwelling Size – 900 square feet for Single-Family Dwellings and 720 square feet for Two-Family and Multi-Family Dwellings

Maximum Lot Coverage – 30%

Two family and Multi-Family dwellings shall be connected to public water and public sewer facilities as per Section 355.

411 NEIGHBORHOOD COMMERCIAL DISTRICT, NC

A. Intent

The Neighborhood Commercial District will primarily consist of light commercial uses that will have low traffic volume, are small in scale and attract local consumers versus having a regional draw. The Neighborhood Commercial District will be designed in a manner that provides for safe, walkable areas, attractive landscaping, modest lighting and Signage, and Parking Lots located to minimize prominence.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

| Permitted Uses | Special Land Uses |
|---|--|
| <ul style="list-style-type: none"> ◆ Anemometer ◆ Farmer's Market ◆ Governmental ◆ Park or Parkland ◆ Personal Service Establishment ◆ Professional Office ◆ Retail, Limited ◆ SSMWET ◆ STMWET ◆ Showroom | <ul style="list-style-type: none"> ◆ Day Care Center Subject to Section 902 ◆ Eating and Drinking Establishment Subject to Section 917 ◆ Financial Institution Subject to Section 902 ◆ MWET Subject to Section 952 ◆ Outdoor Sales Facility Subject to Section 935 ◆ Planned Unit Development Subject to Section 938 ◆ Urgent Care Subject to Section 948 ◆ Car Wash Subject to Section 914 |

Dimensional Standards - NC

Minimum Lot Area– 15,000 square feet

Minimum Lot Width – 100 feet

Minimum Setbacks – Front: 30 feet; Side: 0 feet⁽¹⁾; Rear: 50 feet, except a 75-foot Setback from the bluff-line must be provided for Lots with Frontage on Lake Michigan

Maximum Height – 35 feet and 2.5 stories

⁽¹⁾ Side Yard Setbacks shall be 25 feet when abutting any Residential or Agricultural Zoning District.

412 GENERAL COMMERCIAL DISTRICT, GC

A. Intent

The General Commercial District is intended to serve larger residential neighborhoods and transient customers. The District intends to balance the needs of vehicular traffic and pedestrians located along minor arterial or collector Streets. This Zoning District will serve as commercial nodes that are accessible to a variety of residential neighborhoods in an effort to satisfy residents' needs for basic services. Uses permitted in the General Commercial District are small in scale and attract local consumers versus having a regional draw. The General Commercial District will be designed in a manner that provides for safe, walkable areas, attractive landscaping, modest lighting and Signage, and parking lots siting to minimize prominence.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Adult Foster Care, Group
- ◆ Anemometer
- ◆ Car Wash
- ◆ Day Care Facility (commercial)
- ◆ Drive-through Establishment
- ◆ Eating and Drinking Establishment
- ◆ Financial Institution
- ◆ Governmental
- ◆ Outdoor Sales Facility
- ◆ Park or Parkland
- ◆ Personal Service Establishment
- ◆ Professional Office
- ◆ Retail, Limited
- ◆ Retail, Major
- ◆ Sports and Recreation Club
- ◆ SSMWET
- ◆ STMWET

Special Land Uses

- ◆ Convenience Store, w/ fuel pumps, Subject to Section 915
- ◆ Hospital Subject to Section 921
- ◆ Manufacturing and Processing Subject to Section 928
- ◆ Mortuary/Funeral Home Subject to Section 931
- ◆ MWET Subject to Section 952
- ◆ Planned Unit Development Subject to Section 938
- ◆ Tattoo, Piercing Parlor Subject to Section 946
- ◆ Urgent Care Subject to Section 948
- ◆ Vehicle Repair Facility Subject to Section 954
- ◆ Vehicle Sales Subject to Section 955
- ◆ Warehouse Subject to Section 957
- ◆ Wholesale Facility Subject to 957

Dimensional Standards - GC

Minimum Lot Area– 15,000 square feet

Minimum Lot Width – 125 feet

Minimum Setbacks – Front: 30 feet; Side: 0 feet⁽¹⁾; Rear: 10 feet

Maximum Height – 45 feet

⁽¹⁾ Side Yard Setbacks shall be 25 feet when abutting any Residential or Agricultural Zoning District.

413 MIXED USE COMMERCIAL DISTRICT, MU

A. Intent

The Mixed Use Commercial District is located at major intersections in the Township. This Zoning District will serve as Mixed Use nodes that are accessible to a variety of residential neighborhoods in an effort to satisfy residents' needs for services. Uses permitted in the Mixed Use Commercial District may attract local consumers and may have a regional draw. The Mixed Use Commercial District will be designed in a manner that provides for safe, walkable areas, outdoor seating, attractive landscaping, modest lighting and Signage, and Parking Lots siting to minimize prominence and maximize the delineation of a commercial Street wall.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Anemometer
- ◆ Day Care Facility (commercial)
- ◆ Dwelling, Multi-family
- ◆ Eating and Drinking Establishment
- ◆ Financial Institution
- ◆ Governmental
- ◆ Limited Short-Term Rental
- ◆ Park or Parkland
- ◆ personal Service Establishment
- ◆ Professional Office (second/third Story only)
- ◆ Residential above Retail or Office Uses
- ◆ Retail, Limited
- ◆ Short-Term Rental
- ◆ Site Condominium
- ◆ Sports and Recreation Club
- ◆ SSMWET
- ◆ STMWET
- ◆ Subdivision

Special Land Uses

- ◆ Assisted Living/Nursing Care Facilities Subject to Section 908
- ◆ Drive-through Establishment Subject to Section 916
- ◆ Mixed Use Subject to Section 930
- ◆ MWET Subject to Section 952
- ◆ Planned Unit Development Subject to Section 938
- ◆ Retail, Major Subject to Section 941

Permitted Uses Requiring Administrative Approval (Section 123)

- ◆ Live/Work

Dimensional Standards - MU

Minimum Lot Area for Multi-Family Dwellings – 3,500 square feet of lot area per dwelling unit

Minimum Lot Area for Other Uses – 15,000 square feet

Minimum Lot Width – 100 feet

Minimum Setbacks Multi-Family Dwellings – Front: 20 feet; Side: 30 feet; Rear; 35 feet.

Minimum Setbacks for Uses Other than Multi-family Dwellings- Front: 70% of Building in Required Build-To-Zone; Side: 0 feet; and Rear: 35 feet

Maximum Height – 45 feet and 3.5 stories

Minimum Dwelling Size –720 square feet

Maximum Lot Coverage – 80%

Building Form Standards for New Development

For uses other than Multi-Family Dwellings or conversions of Dwellings to non-residential uses, the following shall be required:

Maximum Roof Pitch: Flat or pitched with parapet

Minimum/Maximum Transparency:

Ground Floor: 60%/85%

Upper Stories: 40%/85%

First Floor Use: Non-residential

Residential Access: Separate from Commercial or Office Entry

Recessed Entry: 3 feet to 5 feet

Exterior Building Materials Visible from right-of-way, park, or public Parking Lot:

Walls: Minimum 80% brick, stone, or wood, cement board, vinyl or aluminum siding with max. 5” reveal

Ornamentation/Trim: Metal, concrete, brick, stone, wood

Architectural Features: Wrap around entire side visible from ROW, blank solid walls visible from public ROW shall be prohibited

414 LIGHT INDUSTRIAL DISTRICT, LI

A. Intent

The Light Industrial District is intended to provide for a community of research and related facilities while specifically excluding incompatible uses. The uses permitted within this Zoning District are distinct from other general industrial Zoning Districts since the uses are generally lower intensity with minimal impacts outside of the principal Buildings. The LI District is also intended to permit uses which manufacture, process, package, assemble or treat finished or semi-finished products from materials prepared outside this Zoning District. Other uses which complement and support light industrial facilities and are intended for use by employees and visitors provide accessible complementary services.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Anemometer
- ◆ Animal Grooming
- ◆ Contractor's Facility
- ◆ Educational Institution
- ◆ Greenhouse or Nursery
- ◆ Laundry and Dry Cleaning Establishment
- ◆ Machine Shop
- ◆ Multi-Tenant Industrial Establishment
- ◆ Professional Office
- ◆ Research, Testing and Laboratory
- ◆ Service Establishment Accessory to Principal Use
- ◆ Showroom
- ◆ Site Condominium
- ◆ SSMWET
- ◆ STMWET
- ◆ Subdivision
- ◆ Warehouse
- ◆ Wholesale Facility
- ◆ Vehicle Repair Facility

Special Land Uses

- ◆ Eating and Drinking Establishment Subject to Section 917
- ◆ Laundry and Dry Cleaning Plant Subject to Section 926
- ◆ Manufacturing and Processing Subject to Section 928
- ◆ Mixed Use Subject to Section 930
- ◆ Mortuary/Funeral Home Subject to Section 931
- ◆ MWET Subject to Section 952
- ◆ Outdoor Sales Facility Subject to Section 935
- ◆ Planned Unit Development Subject to Section 938
- ◆ Self-Storage Facility Subject to Section 942
- ◆ Veterinary Clinic/Kennel Subject to Section 950
- ◆ Wells, Extraction Subject to Section 951
- ◆ Wireless Communication Tower Subject to Section 953

Dimensional Standards – LI

Minimum Lot Area – 20,000 square feet

Minimum Lot Width/Frontage – 100 feet

Max. Building Height – 40 feet

Maximum Lot Coverage – 70%

Minimum Building Setbacks⁽¹⁾ – Front: 35 feet; Side: 10 feet; Rear: 25 feet

⁽¹⁾ No Building, Sign, storage, or industrial activity shall be located within 50 feet from a Lot line of an abutting Residential Zoning District.

Site Standards

The uses permitted in the LI District shall be conducted within a completely enclosed Building and/or within an area enclosed on all sides by a fence or wall at least six feet in height; provided, further, that no goods, materials or objects shall be stacked higher than the fence or wall and provided further that all business shall be conducted in such a manner that no noise, smoke, dust, vibration or any other like nuisance shall adversely affect any adjoining properties.

415 INDUSTRIAL DISTRICT, I

A. Intent

The Industrial District (I) is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding Zoning Districts. The I District is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials. High traffic uses are encouraged along 174th Street which has a Signalized intersection creating safer turning movements for delivery trucks and other large Vehicles.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Anemometer
- ◆ Assembly Operation
- ◆ Contractor's Facility
- ◆ Machine Shop
- ◆ Manufacturing and Processing
- ◆ Multi-Tenant Industrial Establishment
- ◆ Production, Refining or Storage of Petroleum Products
- ◆ Professional Office
- ◆ Research, Testing and Laboratory
- ◆ Service Establishment Accessory to Principal Use
- ◆ Shipping Facility
- ◆ Showroom
- ◆ Site Condominium
- ◆ SSMWET
- ◆ STMWET
- ◆ Subdivision
- ◆ Warehouse
- ◆ Wholesale Facility
- ◆ Vehicle Repair Facility

Special Land Uses

- ◆ Junkyard Subject to Section 923
- ◆ Laundry and Dry Cleaning Plant Subject to Section 926
- ◆ Mine, Sand and Gravel Subject to Section 929
- ◆ MWET Subject to Section 952
- ◆ Outdoor Sales Facility Subject to Section 935
- ◆ Planned Unit Development Subject to Section 938
- ◆ Power Generating Facility Subject to Section 939
- ◆ Self Storage Facility Subject to Section 942
- ◆ Sexually Oriented Business Subject to Section 943
- ◆ Tattoo, Piercing Parlor Subject to Section 946
- ◆ Wells, Extraction Subject to Section 951
- ◆ Wireless Communication Tower Subject to Section 952

Dimensional Standards - I

Minimum Lot Area: 40,000 square feet

Minimum Lot Width/Frontage: 150 feet

Max. Building Height: 45 feet

Maximum Lot Coverage: 70%

Minimum Building Setbacks ⁽¹⁾: Front: 50 feet; Side: 20 feet; Rear: 25 feet

⁽¹⁾ No Building, Sign, storage, or industrial activity shall be located within 50 feet from a Lot line of an abutting Residential Zoning District.

Site Standards

The uses permitted in the I District shall be conducted within a completely enclosed Building and/or within an area enclosed on all sides by a fence or wall at least six feet in height; provided, further, that no goods, materials or objects shall be stacked higher than the fence or wall and provided further that all business shall be conducted in such a manner that no noise, smoke, dust, vibration or any other like nuisance shall adversely affect any adjoining properties.

416 PUBLIC/RECREATION DISTRICT, PR

A. Intent

The Public/Recreation District accommodates existing public Parks, publicly owned Open Space, natural areas, schools, Cemeteries, and the Spring Lake Country Club and Golf Course.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Accessory Buildings and Structures
- ◆ Anemometer
- ◆ Boat Launch
- ◆ Country Club
- ◆ Cemetery
- ◆ Educational Institution
- ◆ Golf Courses
- ◆ Open Space
- ◆ Outdoor Recreation Area
- ◆ Park or Parkland
- ◆ SSMWET
- ◆ STMWET

Special Land Uses

- ◆ Campground Subject to Section 912
- ◆ MWET Subject to Section 952
- ◆ Wireless Communication Tower
Subject to Section 953

Dimensional Standards - PR

Minimum Lot Area– 10,000 square feet

Minimum Lot Width – 100 feet

Minimum Setbacks – Front: 30 feet, Side: 10 feet, Rear: 50 feet

Maximum Height – 35 feet and 2.5 stories

417 MOBILE HOME DISTRICT, MH

A. Intent

It is the intent of this Zoning District to accommodate Mobile Home Parks as regulated by the Michigan Mobile Home Commission Act, being Act 96 of the Public Acts of Michigan of 1987, as amended, and the rules and regulations of the Mobile Home Commission. All uses in this Zoning District must obtain approval by the Mobile Home Division and comply with Act 96.

B. District Standards

Any Building, Structure or modification thereof shall be in conformance with the following requirements.

Permitted Uses

- ◆ Accessory Buildings and Structures
- ◆ Anemometer
- ◆ Mobile Home Parks, subject to Section 417.C
- ◆ SSMWET
- ◆ STMWET

C. Other Regulations

1. All uses other than Mobile Home Parks shall meet the standards and provisions of this Ordinance
2. Design and development standards for Mobile Home Parks shall be as established by the Mobile Home Parks Division and in compliance with Act 96 of the Public Acts of Michigan of 1987, as amended.

ARTICLE FIVE – SITE CONDOMINIUMS

500 PURPOSE AND SCOPE

Site Condominium Projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a Building or other improvements may be constructed by the condominium unit owner. Each Site Condominium Unit may also have an appurtenant Limited Common Element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit itself, or the condominium unit taken together with any contiguous, appurtenant Limited Common Element, shall be considered to constitute a Building Site which is the functional equivalent of a Lot for purposes of determining compliance with the requirements of this Ordinance and other applicable laws, ordinances and regulations. Site Condominium Projects may also include General Common Elements consisting of common Open Space, recreational areas, Streets and other available areas for use by all owners of condominium units within the project.

This Article requires preliminary review by the Planning Commission followed by final review and approval by the Planning Commission of Site Condominium Project Plans. These procedures are necessary to ensure that Site Condominium Projects comply with this Ordinance and other applicable laws, ordinances and regulations. Site Condominium Projects may be approved as provided by this Article only for the support of land uses that are permitted in the Zoning District in which the project is proposed.

501 PRE-QUALIFICATION FOR APPLICATION

- A. Before submitting a formal application for a Site Condominium Project, an Applicant shall submit a pre-qualification request intended to demonstrate to the satisfaction of the Township staff (e.g., the Zoning Administrator, the Township Supervisor, the Department of Public Works Director, the Township engineer, the Township Fire Chief, etc.), that the proposed Site Condominium Project will satisfy the intent of this Article, as set forth in Section 500, and that the Applicant has the necessary qualifications.
- B. An Applicant shall submit a pre-qualification request to the Zoning Administrator. If the Zoning Administrator determines that the pre-qualification request is complete as to content and form, the Zoning Administrator shall schedule a meeting with the Township staff to consider the pre-qualification request.
- C. The pre-qualification request shall include, but not necessarily be limited to, the following:
 - 1. A graphic representation of the regional context of the proposed Site Condominium Project;
 - 2. A description of the basic character of the proposed Site Condominium Project;
 - 3. Evidence that the resources necessary for construction of the proposed Site Condominium Project are, or will be, available;
 - 4. A map showing legal boundaries of the Site Condominium Project, Streets, Private Roads, Shared Residential Driveways, easements, and other pertinent legal indications of the property and its abutting Lots;

5. An aerial orthographic photograph of the site and its vicinity, with the same graphic scale as is used for the map in (4) above (additional aerial views may also be submitted to further describe the nature of the existing site); and
 6. A topographic map of the site, with the same graphic scale as is used for the map in (4) above, at contour intervals of no more than five (5) feet if the site is hilly or irregular, and two (2) feet if it is nominally flat.
- D. All of the information in (C) above shall be in written or graphic form. The Applicant shall furnish thirteen (13) copies of the entire presentation for distribution to the Township staff members and other officials. Alternatively, the Applicant may submit a graphic presentation large enough to be seen throughout the meeting area in the Township Hall. In that event, the Applicant shall furnish two (2) hard copies to the Township, plus a digital copy in a common format acceptable to the Zoning Administrator.
- E. Digital, projected presentation material is strongly encouraged, as it can be readily observed by the Township staff and public attendees, and it provides an easily-stored, permanent record.

502 REVIEW OF PRELIMINARY PLAN BY THE PLANNING COMMISSION

- A. A preliminary Site Condominium Project Plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this Article. Application for review and approval of a Site Condominium Project Plan shall be initiated by submitting the following to the Township Clerk:
1. A minimum of ten (10) copies of a preliminary Site Condominium Project Plan which complies with the requirements of the subdivision control provisions in Article III, Chapter 20 of the Township's Code of Ordinances; and
 2. An application fee in accordance with the fee schedule established by resolution of the Township Board.
- B. The Township Clerk shall forward the ten (10) copies of the preliminary Site Condominium Project Plan to the Zoning Administrator, who shall then forward them to the Planning Commission along with the Zoning Administrator's report.
- C. The Planning Commission shall review the preliminary Site Condominium Project Plan in accordance with the following additional standards and requirements.
1. In its review of a Site Condominium Project Plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township engineer, Township Fire Chief, Zoning Administrator or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and Streets, project layout and design, other aspects of the proposed project, and compliance of the proposed project with all requirements of the Condominium Act and other applicable laws, ordinances and regulations.
 2. Prior to acting on a preliminary Site Condominium Project Plan, the Planning Commission shall hold a public hearing on it. Notice of the time and place of the

- hearing will be published in a newspaper of general circulation in the Township and mailed to the owner of the land proposed for development and to the owners of immediately adjoining land, and to those owning land and/or occupying Structures within three hundred (300) feet of the proposed project land area. The notice will specify the place, time and date of the hearing. The notice shall be published and mailed not less than fifteen (15) days before the date of the public hearing.
3. The Building Site for each Site Condominium Unit shall comply with all applicable provisions of this Ordinance, including minimum Lot Area, minimum Lot Width, required Front, Side and Rear Yards, and maximum Building Height. For example, the area and width of the Building Site shall be used to determine compliance with the minimum Lot area and Lot Width requirements. Compliance with required Front, Side and Rear Yards shall be determined by measuring the distance from the equivalent Front, Side or Rear Yard boundaries of the Building Site to the closest respective front, side or rear boundary of the Building Envelope. With regard to Building Height, the condominium documents shall expressly provide that no Building shall exceed the maximum Building Height permitted by the applicable regulations of this Ordinance.
 4. If a Site Condominium Project is proposed to have Streets, the Streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public Streets as required by the Ottawa County Road Commission. All Private Roads in a Site Condominium Project shall be reviewed for compliance with, and shall be developed to the minimum design, construction, inspection and maintenance requirements of Section 321 of this Ordinance and any other applicable standards for Private Roads. Notwithstanding any other provisions to the contrary, all Private Roads within a Site Condominium Project shall be paved.
 5. Unless specifically waived by the Planning Commission, each Site Condominium Project shall be developed with the subdivision improvements that are required for platted subdivisions as outlined in Article III, Chapter 20 of the Township's Code of Ordinances
 6. The Planning Commission shall require that portions of the preliminary Site Condominium Project Plan relevant to the reviewing authority in question be submitted to the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commission, MDEQ, Michigan Department of Public Health, and other appropriate State and County review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed Site Condominium Project.
 7. The Site Condominium Project shall meet the General Review Standards of Section 326.
 8. The Site Condominium Project shall be connected to public water and sewer.
 9. The Site Condominium Project shall include sidewalks sufficient for pedestrian circulation.

503 PLANNING COMMISSION RECOMMENDATION

After reviewing the preliminary Site Condominium Project Plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed Site Condominium Project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the Applicant.

504 REVIEW OF FINAL PLAN BY THE PLANNING COMMISSION

- A. After receiving the Planning Commission’s recommendations on the preliminary Site Condominium Project Plan, the Applicant shall submit to the Township Clerk a minimum of ten (10) copies of a final Site Condominium Project Plan which complies with the requirements of Article III, Chapter 20, of the Township’s Code of Ordinances. The final plan shall then be forwarded to the Zoning Administrator, who shall then forward the final plan to the Planning Commission.
- B. The final Site Condominium Project Plan submitted by the Applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission’s recommendations are not incorporated in the final Site Condominium Project Plan, the Applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan that was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be clearly identified by the Applicant and then reviewed by the Planning Commission as provided by this Article.
- C. Upon receiving a final Site Condominium Project Plan from the Applicant, the Planning Commission shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the applicable procedures, standards and requirements provided by this Article.
- D. As a condition of approval of a final Site Condominium Project Plan, the Planning Commission shall require that the plan be submitted to and approved by the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commission, Michigan Department of Natural Resources, Michigan Department of Public Health, and other appropriate State and County review and enforcement agencies or their successors, to the extent these agencies or their successors have direct authority over any aspect of the proposed Site Condominium Project.
- E. As a condition of approval of a final Site Condominium Project Plan, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Planning Commission covering the estimated cost of improvements associated with the Site Condominium Project for which approval is sought be deposited with the Township as provided by Section 16(f) of the Zoning Act.

505 CONTENTS OF SITE CONDOMINIUM PROJECT PLAN

A Site Condominium Project plan shall include the documents and information required by Section 66 of the Site Condominium Act being Act 59 of 1978, as amended, and by Article III, Chapter 20 of the Township’s Code of Ordinances as applicable and as determined necessary by the Planning Commission for review of a preliminary plan or for review of a final plan, and shall also include the following:

- A. The use and occupancy restrictions and maintenance provisions for all general and Limited Common Elements that will be included in the master deed;
- B. A storm drainage and a storm water management plan, including all lines, swales, drains, basins and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities;
- C. A utility plan showing all water and sanitary sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities;
- D. A narrative describing the overall objectives of the proposed Site Condominium Project;
- E. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities;
- F. A construction, paving and maintenance plan for all Private Roads within the proposed Site Condominium Project;
- G. A complete list of other review and approval agencies and copies of any comments, recommendations or letters of approval of any agencies of the County, State or Federal government having jurisdiction over any element of the plan or its construction.

506 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN

No Buildings or Structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed Site Condominium Project except in compliance with a final Site Condominium Project Plan as approved by the Planning Commission, including any conditions of approval.

507 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS

No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building, construction or grading permits shall be issued for a Site Condominium Project until:

- A. A final Site Condominium Project Plan has been approved by the Planning Commission;
- B. All conditions to commencement of construction imposed by the Planning Commission have been met; and
- C. All applicable approvals or permits from appropriate County and State review and enforcement agencies have been obtained for the project.

508 EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS

Approval of a final Site Condominium Project Plan shall not constitute approval of expandable or convertible portions of a Site Condominium Project unless the expandable or convertible

areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards and requirements of this Article.

509 REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECTS

Any change proposed in connection with a project for which the Planning Commission has previously approved a final Site Condominium Project Plan shall be subject to review as provided by this Article for the original review and approval of preliminary and final plans.

510 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED

All provisions of a final Site Condominium Project Plan which are approved by the Planning Commission as provided by this Article shall be incorporated by reference in the master deed for the Site Condominium Project. A copy of the master deed as filed with the Ottawa County Register of Deeds for recording shall be provided to the Township within ten (10) days after filing the plan with the County.

511 APPROVAL EFFECTIVE FOR ONE (1) YEAR

Approval of a final Site Condominium Project Plan by the Planning Commission shall be effective for a period of one (1) year. If construction has not started and is not substantially underway within the first year of approval, the Applicant may apply for an extension. The Planning Commission may extend the one (1) year approval period for additional periods of time if the Applicant applies for the extension within the effective period of the approval.

ARTICLE SIX – LANDSCAPING

600 INTENT

The purpose of this Article is to establish minimum standards for the development, installation, and maintenance of landscaped pervious areas. This Article further recognizes that the proper management and use of trees, plants, and other types of vegetation will improve the appearance, value, character, and quality of the living, working, and shopping environment in the Township and will promote resourceful site planning and creative design. In addition, a purpose of this Article is to decrease the amount of energy consumption required for landscaping maintenance, improve air quality, preserve existing trees (see Section 353), and protect quality of life through proper buffering and screening.

601 APPLICABILITY

The regulations of this Article are applicable to all proposed developments requiring a Detailed Site Plan per Section 1001.B. In cases when a Site Plan review is required for the expansion of an existing Structure, all landscaping requirements shall apply. The Applicant may request a modification from the landscape requirements; modifications may be granted by the Planning Commission only upon a finding that innovative planting plans and techniques meet the standards of Section 602.H.

602 GENERAL STANDARDS

The following general standards shall be met by all landscaping and detailed planting plans.

- A. Occupancy Certificates: All planting screens and landscape plantings shall be planted in accordance with an approved planting plan. If a use is ready for occupancy between April 1 and September 30, an occupancy certificate may be issued after compliance with the plan; if a use is ready for occupancy between October 1 and March 31, a temporary occupancy certificate may be issued which shall be subject to revocation if the plantings are not completed by the next following June 1. Plantings between October 1 and March 31 may be approved by the Township based on weather conditions.
- B. Corner Clearance: All landscape planting screens are subject to the corner clearance requirements of this Ordinance, as regulated in Section 313.
- C. Disturbed Ground Areas: All disturbed ground areas shall be provided with coverage of grass, ground cover, shrubs, or other materials acceptable to the Township.
- D. Grass Areas: Grass areas shall be planted and grown as permanent lawns. Grass may be sodded or seeded and mulched, and it shall be protected from erosion by appropriate means until the grass is established.
- E. Interior Areas: Required interior landscaped areas of a Parking Lot shall use appropriate barriers (i.e. a concrete or bituminous wheel stop or raised curb, or a similar device).

- F. Plantings Condition: The property owner shall be responsible for maintenance of all landscape areas. Landscape areas regulated by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a substantially weed free, healthy growing condition, neat and orderly in appearance in accordance with the approved Site Plan and detailed planting plan. Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard. Unhealthy, withered, severely pruned, diseased or dead plants shall be replaced within one (1) year or the next appropriate planting period, whichever comes first. A description of the proposed maintenance program shall be submitted with the detailed planting plan, including a statement that all diseased, damaged, or dead materials will be replaced in accord with the Ordinance.

- G. Revised Site Plan: No landscaped area may be abandoned, paved, or otherwise employed without submission and approval of a revised Site Plan, in accord with Article Ten.

- H. Innovation: The Planning Commission shall consider and may approve detailed planting plans that use innovative planting plans and techniques that may not comply with all of the requirements of this Article if the plan substantially preserves and encourages continued conservation of native vegetation, wildlife habitat, and water resources and if the plan results in a landscape scheme that is at least as visually attractive as what would be required and which avoids an unkempt appearance. A portion of the site landscaping should include xeriscaping, or landscaping that conserves water and protects the environment, to reduce water consumption. Xeriscaping may involve the reduction of lawn area through the use of shrub beds, native groundcovers, and wild flowers. It also involves using plants native to the region, and other concepts as may be required by the Planning Commission.

- I. Innovation: The Planning Commission shall consider and may approve detailed planting plans that use innovative planting plans and techniques that may not comply with all of the requirements of this Article if the plan substantially preserves and encourages continued conservation of native vegetation, wildlife habitat, and water resources and if the plan results in a landscape scheme that is at least as visually attractive as what would be required and which avoids an unkempt appearance. A portion of the site landscaping should include xeriscaping, or landscaping that conserves water and protects the environment, to reduce water consumption. Xeriscaping may involve the reduction of lawn area through the use of shrub beds, native groundcovers, and wild flowers. It also involves using plants native to the region, and other concepts as may be required by the Planning Commission.

- J. Prohibited Plantings: The following non-native invasive plant species shall not be planted anywhere in the Township.

| Prohibited Plantings | |
|--|----------------------|
| Botanical Name | Common Name |
| <i>Butomus umbellatus</i> | Flowering Rush |
| <i>Alliaria petiolata</i> | Garlic Mustard |
| <i>Acer platanoides</i> | Norway Maple |
| <i>Rosa multiflora</i> | Multiflora Rose |
| <i>Phragmites australis</i> | Common Reed |
| <i>Lythrum salicaria</i> | Purple Loosestrife |
| <i>Centaurea biebersteinii</i> | Spotted Knapweed |
| <i>Rhamnus cathartica</i> | Common buckthorn |
| <i>Rhamnus frangula</i> | Glossy buckthorn |
| <i>Eleagnus umbellatus</i> | Autumn olive |
| <i>Polygonum cuspidatum</i> | Japanese Knotweed |
| <i>Cynanchum louiseae</i> | Black Swallowwort |
| <i>Cynanchum rossicum</i> | Pale Swallowwort |
| <i>Celastrus orbiculatus</i> | Oriental Bittersweet |
| <i>Elymus arenarius</i> | Blue Lyme Grass |
| <i>Phalaris arundinacea</i> | Reed canary grass |
| <i>Petasites hybrids</i> | Butterbur |
| <i>Heracleum mantegazzianum</i> | Giant Hogweed |
| <i>Pastinaca sativa</i> | Wild Parsnip |
| <i>Robinia pseudoacacia</i> | Black Locust |
| <i>Ailanthus altissima</i> | Tree of Heaven |
| <i>Sraxinus Americana/Pencilvanica</i> | Ash |
| <i>Tsuga Pinaceae</i> | Hemlock |

K. All Lots, including residential, commercial, and industrial, shall be improved with a ground cover such as turf grass or other natural material consistent with the surrounding neighborhood or properties. Landscaped areas shall be properly maintained and in compliance with the Property Maintenance Code (as referenced in the State Construction Code enforced by the Township, or as adopted by the Township from time to time) and in compliance with the approved landscape requirements.

603 DETAILED PLANTING PLAN

Whenever a landscape planting screen or landscape planting is required by the provisions of this Ordinance, a detailed planting plan for the landscape planting screen or landscape planting shall be submitted to the Planning Commission. As used in this Article, a "planting plan" means a diagram of the property, drawn to scale, which shows the locations, nursery plant size, spacing, and descriptions of all the landscape materials proposed for use. The planting plan shall conform to the following standards.

A. Plant Information: The planting plan shall indicate the location; spacing; size of container, root ball, or plant height depending on what is standard for the plant species, single or multi stem for trees; and description of each plant proposed for use in the planting screen. The

species scientific name, common name, and cultivar shall be stated. A plant chart shall be provided illustrating plant counts and Ordinance requirements.

- B. Scale: The minimum scale for the planting plan shall be one (1) inch equals thirty (30) feet.
- C. Contours: Existing and proposed contours shall be depicted with contour intervals not to exceed two (2) feet.
- D. Berm: When an earth berm is used in conjunction with a planting screen, the planting plan shall depict typical cross-Sections of the berm, including slope, height, and width of the berm and type of ground cover. If masonry or concrete walls are used in conjunction with the earth berm, the height, type of construction, and footings of the walls shall also be shown in cross-Section.
- E. Construction: The planting plan shall depict significant construction regarding specific site conditions (e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns, etc.).
- F. Existing Tree Cover: The planting plan shall indicate existing tree cover that is used in conjunction with, or in place of, the landscaping requirements of this Ordinance, including species, Diameter Breast Height, and approximate height of trees. Existing trees to be used in conjunction with the landscaping requirements shall be protected during the construction process by protecting the trees from excavation or soil compaction within their Driplines.
- G. Screen: The proper spacing, height, placement, and location of plant materials and trees shall insure that their height and width has the required horizontal and vertical screening effect.
- H. Staggering: When plants or trees are placed in two (2) or more rows, the plantings shall be staggered or grouped to maximize the screening effect.
- I. Non-Interference: The choice, selection, and location of plants and trees (including roots) shall not interfere with public utilities or constitute a public nuisance for Streets or Private Roads.
- J. Selection: The plants and trees selected shall be able to survive and thrive in the area in which they are to be located.
- K. Evergreen Trees: Evergreen trees shall be at least six (6) feet in height and shall be planted a minimum of eight (8) feet from the next tree in the planting. The word "apart" means that the distances are measured from tree center to tree center. Evergreen trees shall be planted at least ten (10) feet from overhead utility lines.
- L. Deciduous or Canopy Trees: Deciduous or canopy trees shall have a trunk caliper of at least two (2) inches diameter at Diameter Breast Height and shall not be planted less than twenty (20) feet from the next deciduous or canopy tree in the

planting area. Deciduous or canopy trees shall be planted at least ten (10) feet from overhead utility lines.

- M. Tree Removal: Any proposed removal of Protected Trees shall be depicted on the Site Plan and planting plan to be reviewed and approved in accordance with Section 353.

604 LANDSCAPE REQUIREMENTS

- A. Parking Lots: A Parking Lot with ten (10) or more Parking Spaces shall provide the following landscaping within the Parking Lot.
1. One (1) tree shall be required per ten (10) Parking Spaces, or fraction thereof.
 2. No Parking Space shall be more than one hundred (100) feet from a tree.
 3. At least seventy-five (75) percent of the required trees shall be deciduous trees.
 4. Tree planters or islands may serve as rain garden areas allowing surface water to drain to the planting area prior to a storm water catchment system. The minimum size of tree planters or islands shall be thirty-six (36) square feet per tree.
 5. Parking Lots that exceed ten thousand (10,000) square feet in area shall have interior landscaping located in such a manner that they break up the expanse of the paving. At least one (1) square foot of landscape area shall be provided for each fifteen (15) square feet of Parking Lot.
- B. Screening of Parking Lots and Maneuvering Lanes:
1. Parking Lots and Maneuvering Aisles shall be effectively screened from adjacent Streets, and from adjacent land by a ten (10) foot wide Greenbelt along each Street Frontage and property line. For every fifty (50) linear feet of Greenbelt, as measured along the property line, a minimum of one (1) deciduous tree, two (2) flowering landscape trees, and two (2) evergreen trees shall be provided. Additional screening may be required as determined by the Planning Commission with guidance from the Township landscape architect, as requested. Existing trees and woodlots may serve as the Greenbelt if approved by the Planning Commission, following a determination that the existing trees and woodlots would meet the requirements of this subsection concerning screening and aesthetics. Parking is prohibited within the Greenbelt area.
 2. Remaining ground area shall be covered with living vegetative materials, such as grasses, vines, spreading shrubs, or flowering plants; or with properly maintained ground cover material such as shredded bark, bark chips, or landscape stone.
- C. Building foundations facing a Street shall be improved with foundational landscaping, as approved by the Planning Commission, to enhance the appearance of the Building.

- D. Any Fence must be shown on the Site Plan, including details on materials, color, and section and elevation drawings.
- E. All Ground Mounted Signs shall provide foundational landscaping as approved by the Planning Commission.
- F. Dumpster enclosures shall be landscaped with shrubs or evergreens on all three sides when visible from a Street or adjacent Lots.
- G. Street trees shall be planted within the Street right of way as allowable and/or approved by the appropriate Street agency (i.e. the Ottawa County Road Commission or the Michigan Department of Transportation). Street trees shall be deciduous and shall be planted every fifty (50) feet, or portion thereof. Street trees shall be located in a manner to meet the intent of clear vision corners at intersections.
- H. All HVAC, other mechanical fixtures, and utility structures shall be located in an enclosure or properly screened with year-around greenery, as approved by the Planning Commission.
- I. Existing large healthy trees on the Lot shall be protected as far as practical, as determined by the Planning Commission according to the objectives of the Applicant seeking Site Plan approval, with an emphasis on retention of trees in the Lot's Yards. For Lots located on M104/Cleveland Avenue, any tree over twelve (12) inches at Diameter Breast Height shall be illustrated on the Site Plan. Large healthy trees and tree stands along M104 are a priority to preserve to enhance the aesthetic quality of the corridor. No trees larger than twelve (12) inches at Diameter Breast Height shall be removed from the Lot unless approved by the Planning Commission. Removal of trees over twelve (12) inches at Diameter Breast Height in a Yard shall be replaced with an equal number of trees with a minimum of three (3) inches at Diameter Breast Height, as approved by the Planning Commission. Planting of new Street trees is not required when existing trees are preserved along the Street, according to the Planning Commission when enforcing the requirements of this Article.
- J. Trees located within the Street right of way shall not be removed except as illustrated on the approved landscaping plan or Site Plan.

605 PLANTING PLAN REVIEW PROCESS

- A. Plan Review: The detailed planting plan shall be reviewed by the Planning Commission and approved if it satisfies the requirements of this Article. The detailed planting plan may be reviewed by a landscape architect or landscaper at the request of the Planning Commission or Zoning Administrator, with the cost of such review borne by the Applicant. The Zoning Administrator shall select the landscape architect or landscaper.

- B. Variation: The Planning Commission may approve any actual planting variation which it deems to be equal to or superior to the original detailed planting plan review.
- C. Site Inspection: The Zoning Administrator shall perform an on-site inspection to insure the detailed landscaping plan has been satisfied.
- D. Sustainability: To approve a proposed detailed planting plan, the Planning Commission must first find that the detailed planting plan would result in a landscaped environment which will improve the appearance, value, character, and quality of the living, working, and shopping environment in the Township, while also resulting in improved air quality through tree planting and reduced energy and water consumption through creative design and resourceful site planning.

ARTICLE SEVEN - PARKING, LIGHTING AND SCREENING

700 GENERAL PURPOSES

All Parking Lots, Spaces or Lots; Loading Spaces; Maneuvering Aisles; Lighting; and Mechanical Equipment shall meet the requirements of this Article. The purpose and intent of this Article is to permit and regulate off-Street parking of Motor Vehicles, lighting, Loading Spaces, and screening of Mechanical Equipment; to ensure that establishments in the Township offer adequate parking for customers and loading area for shipments; to avoid over-crowding of Motor Vehicles and hazardous parking conditions which interfere with on-Street traffic; to protect groundwater resources through environmentally-conscious design; to ensure that parking expanses are screened effectively and attractively; and to prevent inefficient or excessive pavement areas.

701 GENERAL PARKING REQUIREMENTS

In all Zoning Districts, there shall be provided, before any Building or Structure is occupied, or is enlarged or increased in capacity, off-Street Parking Spaces for Motor Vehicles as follows in Table 701. However, no Parking Lot shall have Parking Spaces totaling more than an amount equal to ten (10) percent greater than the minimum Parking Space requirements, to minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff. This limitation may be modified by the Planning Commission pursuant to a parking need study submitted by the Applicant that demonstrates the need for additional Parking Spaces, and pursuant to the standards of Section 711.

| TABLE 701 – Parking Space Requirements | |
|---|---|
| Uses | Minimum Parking Spaces Required |
| Single Family Dwelling | Two (2) per Dwelling |
| Two-Family Dwelling | Two (2) per Dwelling |
| Multi-Family Dwelling | One and one-half (1-1/2) per Dwelling |
| Assisted Living | One (1) per three (3) Dwellings |
| Park | Three (3) per acre of Park land |
| Marina | Two (2) per three (3) boat berths |
| Golf Course | Six (6) per hole |
| Bowling Alley | Three (3) per lane |
| Health Club | Five (5) per one thousand (1,000) square feet of UFA |
| Movie theatre, auditorium, stadium | One (1) per four (4) seats |
| Recreational Community Center | Three (3) per one thousand (1,000) square feet GFA |
| Elementary/Middle/High School | One (1) per four (4) students |
| Library | Three (3) per one thousand (1,000) square feet of GFA |
| Church | One (1) per four (4) seats in primary gathering area |

TABLE 701 – Parking Space Requirements

| Uses | Minimum Parking Spaces Required |
|---------------------------------------|--|
| Day Care Center | One and one-half (1-1/2) per employee |
| Hospital | Two (2) per bed |
| Funeral Homes/Mortuaries | One (1) per fifty (50) square feet of UFA |
| Nursing Home | One and one half (1.5) per one thousand (1,000) square feet of GFA |
| Medical/Dental Clinic | Four (4) per one thousand (1,000) square feet of UFA |
| Office Building | Two and one-half (2-1/2) per one thousand (1,000) square feet of UFA |
| Government Office Building | Four (4) per one thousand (1,000) square feet of UFA |
| Hotel/Motel | One (1) per room |
| Building Materials/Lumber store | One and one-half (1-1/2) per one thousand (1,000) square feet of UFA |
| Discount Retail Store | Three (3) per one thousand (1,000) square feet of UFA |
| Shopping Center | Three (3) per one thousand (1,000) square feet of UFA |
| Supermarket | Three (3) per one thousand (1,000) square feet of UFA |
| Pharmacy | Three (3) per one thousand (1,000) square feet of UFA |
| Furniture/Carpet Store | One (1) per one thousand (1,000) square feet of UFA |
| Video Rental Store | Two (2) per one thousand (1,000) square feet of UFA |
| Bank | One and one half spaces (1-1/2) per one thousand (1,000) square feet of UFA |
| Eating and Drinking Establishments | One (1) per three (3) persons of legal capacity |
| Dry Cleaners | One and one-half (1-1/2) per one thousand (1,000) square feet of UFA |
| Industrial | Three (3) plus one (1) per employee during peak employment period |
| Mixed uses in the same Lot | See Section 702 |
| Other uses not specifically mentioned | Those provisions for off-Street parking facilities for a use which is so mentioned and to which the unmentioned use is similar in terms of parking demand shall apply. The most recent edition of Parking Generation, by |

| TABLE 701 – Parking Space Requirements | |
|---|---|
| Uses | Minimum Parking Spaces Required |
| | the Institute of Transportation Engineers should be used for reference. |

702 JOINT USE OF FACILITIES

Two (2) or more uses located adjacent to each other may collectively provide the combined and required number of Parking Spaces. This shall include the instance where a Principal Use and Accessory Use exist on the same Lot. The required number of Parking Spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of such dual use of off-Street Parking Spaces where operating hours of establishments do not conflict or overlap, the Planning Commission may grant an exception to the preceding standard and permit less than the combined sum of required parking, if the Planning Commission finds that the standards of Section 710 would be met.

703 LOCATION OF FACILITIES

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

- A. For all residential Buildings and for all non-residential Buildings and uses in Residential Zoning Districts, required parking shall be provided on the Lot with the Building or use it is required to serve.
- B. For commercial and all non-residential Buildings and uses in a Commercial Zoning Districts, required parking shall be provided within three hundred (300) feet.

704 SIZE OF PARKING SPACE AND AISLES

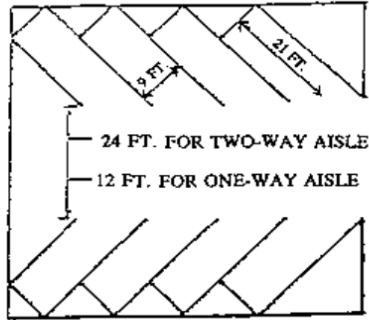
Dimensions of Parking Spaces and Maneuvering Aisles shall meet the following requirements.

| Parking Space | Minimum Aisle Width | | Minimum Width | Minimum Length |
|-----------------------|----------------------------|----------------|----------------------|-----------------------|
| | Two-way | One-way | | |
| Parallel Parking | 18 feet | 12 feet | 9 feet | 25 feet |
| 30 to 75 degree angle | 24 feet | 12 feet | 9 feet | 21 feet |
| 76 to 90 degree angle | 26 feet | 12 feet | 9 feet | 18 feet |

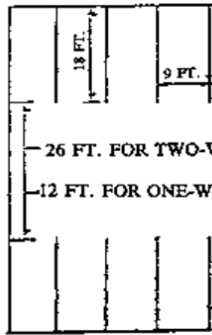
See Figure 704

Figure 704

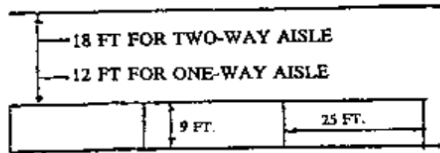
OFF-STREET PARKING DESIGN STANDARDS



WHERE ANGLE $X=30^{\circ}$ - 75°



WHERE ANGLE $X=76^{\circ}$ - 90°



705 REQUIREMENTS FOR PARKING LOTS

Every Lot hereafter established as an off-Street public or private Parking Lot, including a municipal Parking Lot, commercial Parking Lot, automotive sales and/or service Lot, and accessory Parking Lots for multiple Dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- A. Parking Lot screening and landscaping shall be in accordance with Section 605.
- B. The Parking Lot and its driveway shall be:
 - 1. Designed to provide adequate drainage, and
 - 2. Maintained in good condition, free of dust, trash, and debris.
- C. The Parking Lot and its driveways shall not be used for repair, dismantling, or servicing of any Vehicles.
- D. The Parking Lot shall be provided with entrances and exits so located as to minimize traffic congestion and comply with Access Management Standards in Article Twelve.

- E. The Parking Lot shall be provided with wheel or bumper guards or raised edges so that no part of a parked Vehicle will extend beyond the Parking Lot.
- F. No part of any public or private Parking Lot, regardless of the number of spaces provided, shall be closer than ten (10) feet to the Street right-of-way line.
- G. All Parking Lots, Parking Spaces, and Maneuvering Aisles shall be surfaced with asphalt, concrete, brick, stone, pavers, porous or semi-porous pavement, or an equivalent material approved by the Township engineer.
- H. All Parking Spaces, Parking Lots, and Maneuvering Aisles shall provide adequate snow storage area, as determined by the Planning Commission. Snow storage area shall be shown on the Site Plan. In determining whether the proposed snow storage area would be sufficient, the following standards shall be considered:
 - 1. Snow storage shall not interfere with the clear vision and corner clearance requirements of this ordinance, as regulated in Section 313.
 - 2. Snow storage shall not impede pedestrian or vehicular circulation.
 - 3. Snow storage shall not create hazardous conditions for plantings in the landscape.
- I. All Parking Spaces, Parking Lots, and Maneuvering Aisles shall be consistent with the Township stormwater requirements in Article VI, Chapter 14 of the Township's Code of Ordinances.

706 BICYCLE PARKING

Bicycle parking in the form of bicycle racks may be required by the Planning Commission within fifty (50) feet of the entrance of a Building, in accordance with the following:

- A. Commercial and Industrial Uses located within two hundred (200) feet of the Township non-motorized trail may be required to provide one bicycle Parking Space per twenty-five (25) Vehicular Parking Spaces or fraction thereof.
- B. Multi-family Uses located within two hundred (200) feet of the Township non-motorized trail may be required to provide: one (1) bicycle Parking Space for every three (3) units for complexes of thirty (30) units or less, one (1) bicycle Parking Space for every four (4) units for complexes of thirty-one (31) to one hundred (100) units., and one (1) bicycle Parking Space for every five (5) units for complexes of one hundred one (101) or more units.

707 OFF-STREET LOADING SPACES

For every Building or addition to an existing Building hereafter erected requiring the receipt or distribution in Vehicles of materials or merchandise, there shall be provided and maintained on the same Lot with such Building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery Vehicles and (2) off-Street Loading Spaces in relation to Floor Areas as follows:

- A. Up to twenty thousand (20,000) square feet - one (1) space;

- B. Twenty Thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces; and
- C. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Each such Loading Space shall be at least ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any Lot in any Residential Zoning District.

708 DEFERRAL OF CONSTRUCTION OF PARKING SPACES

If an Applicant demonstrates the required amount of Parking Spaces is excessive, the Planning Commission may defer construction of a portion of the required Parking Spaces for nonresidential uses if the following conditions are met.

- A. Areas shown for deferred parking shall be shown on a Site Plan and shall be sufficiently large to permit the construction of the total number of Parking Spaces required by this Article. Such areas shall not be used for any other purpose required by this Ordinance and shall be kept open.
- B. Alterations to the deferred Parking Lot to add Parking Spaces may be initiated by the owner or the Zoning Administrator based on parking needs. Parking Spaces shall be added in accordance with the approved Site Plan; further approval of the Site Plan shall not be required.
- C. Deferral of a portion of the otherwise required Parking Lot shall not eliminate the need for the owner to comply with all other requirements of this Ordinance, specifically including without limit Section 701 as if the full Parking Lot is constructed without any deferral. In addition, stormwater management requirements shall be met based on the total required Parking Lot to ensure adequate capacity if an expansion is necessary in the future.

709 OUTDOOR LIGHTING REQUIREMENTS

- A. All lighting on a non-residential property, including free-standing, pole, canopy, and Building-mounted, shall be Night Sky Friendly Lighting, fully-shielded and directed downward to prevent off-site glare and illumination. Examples of Night Sky Friendly Lighting are included in Figure 709. The point source, or lumen, shall be fully recessed within the light fixture. Convex lens shoebox fixtures shall not be permitted. The Planning Commission or the Zoning Administrator, if no Site Plan review is required, may approve decorative light fixtures as an alternative to fully-shielded fixtures when it can be proven that off-site glare would not result and the proposed fixtures would improve the appearance of the site.
- B. Parking Lot light poles shall not exceed a height of twenty (20) feet.
- C. All outdoor lighting fixtures on a non-residential property shall be turned off one-half (1/2) hour after the closing of business, unless required for security purposes. The need for

security lighting shall be demonstrated by an Applicant and security lighting shall be sufficiently identified on a Site Plan.

D. All lighting must be clearly illustrated on a Site Plan, including poles, wall packs, decorative lighting, etc. Only lighting approved on a Site Plan shall be permitted.

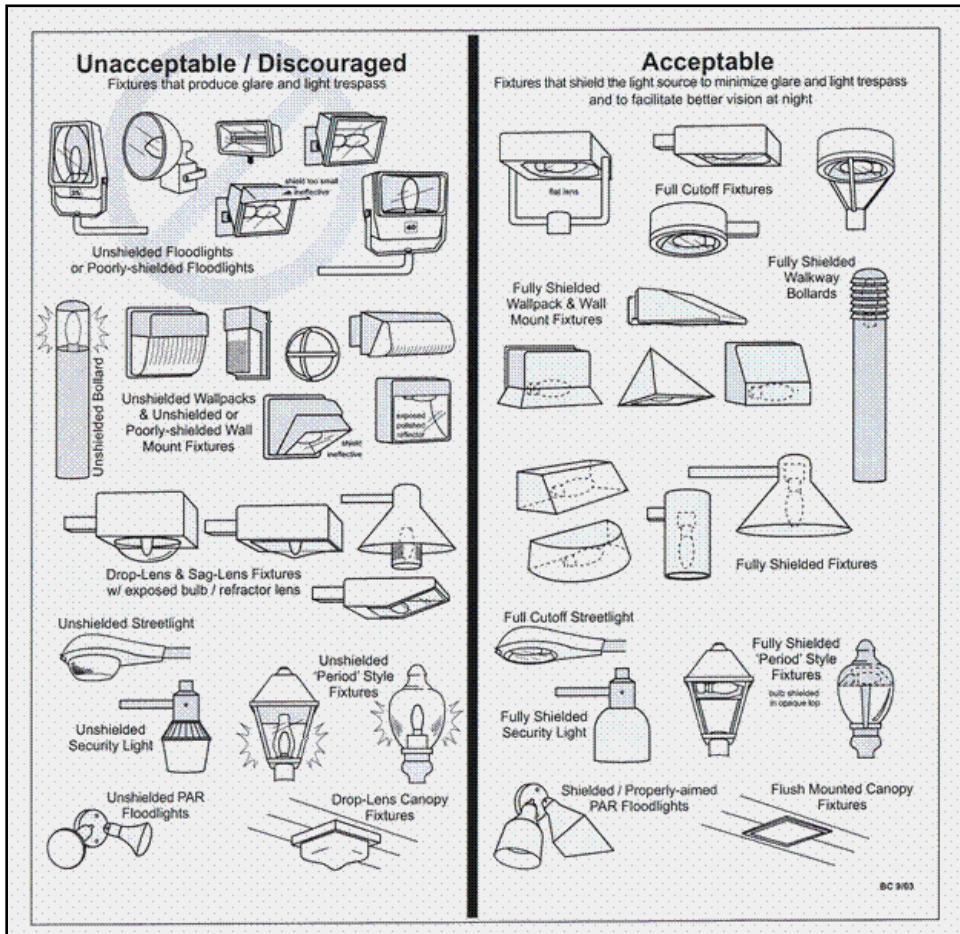


Figure 709

710 MECHANICAL SCREENING REQUIREMENTS

- Rooftop Mechanical Equipment.** In all Zoning Districts except the AG, LI and I Districts, all rooftop Mechanical Equipment visible from a public right-of-way shall be screened from view through one (1) or more of the following methods: a concealing roofline, a parapet, a screening wall, or grillwork constructed of the same Building material as the Building directly surrounding the equipment, or an alternative screening mechanism satisfactory to the Planning Commission or Zoning Administrator if no site plan review is required. Solar panels shall not be considered rooftop Mechanical Equipment.
- Other Mechanical Equipment.** In all Zoning Districts except the AG, LI and I Districts, Ground Mounted Mechanical Equipment intended or used for heating, air conditioning, make-up air, dust collection, plumbing ventilation, exhaust, telecommunication, or other

purposes associated with the occupancy of the Building, with the exception of solar panels, wind generators, or other energy producing equipment, shall be screened from view with fencing or landscaping to the greatest extent possible. In the LI and I Districts, such screening shall be provided only in yards which abut Residential Districts, and only to the extent feasible, as determined by the Planning Commission or Zoning Administrator if no Site Plan review is required.

711 MODIFICATION OF REQUIREMENTS

Any requirement of this Article may be modified at the petition of an Applicant if the Planning Commission finds that the requested modification meets all the following standards:

- A. The modification would result in a more creative and imaginative design meeting the intent and purpose of this Article described in Section 700.
- B. The modification would result in an enhancement to public health and safety through increased pedestrian access, creative walkway arrangements, and convenient Vehicle access and circulation.
- C. The modification would result in the preservation of Open Space, greenways and other natural areas of low or passive use.
- D. The modification would result in sufficient off-Street parking and Loading Area, high-quality and effective landscape screening, the buffering of less intensive uses from more intensive uses, distinctive Streetscapes and corridors rich in native plantings, adequate snow storage area, and use and preservation in accordance with the Community Master Plan.
- E. Present or future adjoining premises would not be adversely affected by the modification.
- F. The Applicant has agreed in writing to adjust the property as necessary to meet the requirement that was modified, in the event that the Planning Commission encounters any specific difficulties associated with the modification, within six (6) months of a written request from the Township.

ARTICLE EIGHT - STANDARDS AND REQUIREMENTS FOR SIGNAGE

800 SIGNAGE PROVISIONS

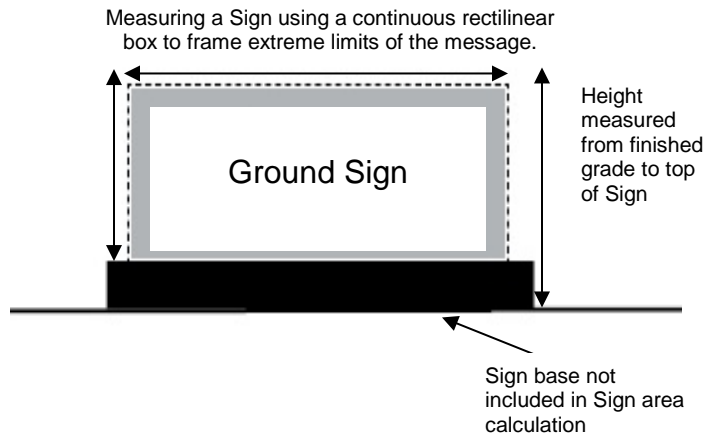
- A. Intent. It is the intent of this Article to regulate Signs in the Township so as to protect public health and safety and to promote the public welfare. This is accomplished by regulating the size, placements, relationship, construction, illumination, and other aspects of Signs.
- B. Purpose. The purpose of these regulations is to:
1. Protect the public health, safety and welfare of residents and visitors and to protect the natural beauty and distinctive character of the Township;
 2. Protect all Zoning Districts from visual clutter;
 3. Eliminate distractions hazardous to vehicular traffic;
 4. Protect appropriately identified usages from too many and too large Signs;
 5. Provide ability for the public to identify premises and establishments;
 6. Encourage creativity of Sign design;
 7. Enhance the aesthetics of the community; and
 8. Prevent Signs which are potentially dangerous to the public due to structural deficiencies or disrepair.

801 GENERAL PROVISIONS FOR SIGNS

All Signs shall meet the following standards:

- A. All Signs shall conform to all applicable codes and ordinances of the Township and shall be approved by the Zoning Administrator. A Sign must comply with Section 805 unless exempted.

- B. Sign Area. The area of a Sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which enclose the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate the message from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the Sign. When two (2) Sign faces are placed back-to-back, so that both faces cannot be viewed from any one (1) point at the same time, and when such Sign faces are part of the same Sign Structure and are not more than twenty-four (24) inches apart at any point, the Sign Area shall be computed by the measurements of one (1) of the faces.



- C. Height. Sign height shall be measured as the vertical dimension from the finished grade to the highest point of the highest Attached component of the Sign. A Sign shall not extend

beyond the edge of the wall to which it is affixed nor above the roof line of a Building to which it is Attached.

- D. Sign Setbacks. Signs in any Residential District shall be Setback ten (10) feet from the public or private road easement. All Signs in Commercial or Industrial Districts shall be Setback a minimum of ten (10) feet from the property line, or right-of-way line, whichever is greater. However, no Sign shall be located where, in the opinion of the Zoning Administrator, it will obstruct clear visibility as provided in Section 313.
- E. Illumination. When Illumination of Signs is permitted, external or internal illumination shall comply with the following requirements.
 - 1. Illumination shall not be flashing, blinking, intermittent, or an on-and-off type of lighting.
 - 2. Illumination shall be arranged so that light is deflected away from adjacent properties and any public right-of-way, and so that no direct sources of light are visible to any motorist or pedestrian located in a public right-of-way or Street easement or from any adjacent property.
 - 3. Any external lighting of Signs shall be Night Sky Friendly Lighting and shall be downward facing or otherwise directed to illuminate only the Sign face. The use of solar lighting fixtures is encouraged.
 - 4. Internal illumination shall be opaque background with internally lit lettering, face lit channel lettering, or backlit lettering.
- F. Maintenance. All Signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Zoning Administrator or other designated representative. A Sign which no longer serves the purpose for which it was intended, is abandoned or is not maintained in accordance with applicable regulations of the Township shall be removed by the owner, or by the Township at the expense of such owner, upon written notice by the Township.
- G. Where a proposed Sign appears to meet the definition of more than one (1) Sign, the most restrictive requirements and limitations of the defined Sign types shall apply.
- H. Wall Signs. Wall Signs shall not extend further than twelve (12) inches from the face of the wall to which it is Attached. The maximum width of a Wall Sign shall not exceed ninety (90) percent of the width of the wall to which the Sign is Attached. A Wall Sign shall not project above the roof line or Building facade.
- I. Where a Projecting Sign or an Awning or Canopy Sign protrudes over any public or private sidewalk or walkway, the bottommost point of the Sign Structure shall be at least nine (9) feet above the sidewalk or walkway.
- J. Signs within business, commercial or industrial areas, as defined in the "Highway Advertising Act of 1972" (1972 PA 106) bordering interstate highways, freeways or primary highways as defined in that Act, shall be regulated and controlled by the provisions of that Act, notwithstanding any contrary provisions of this Ordinance.

- K. Removal of Signs. A Sign shall be removed by the owner upon receipt of notice from the Township stating that the Sign is unsafe or not properly maintained or otherwise not in compliance with the requirements of this Article by reason of its size, height, design, condition, location or otherwise. The notice shall state that if the owner does not remove the Sign, or correct the unsafe or improper condition, within a specified time period, the Sign may be removed by the Township. Upon failure to remove or correct the unsafe or improper condition, the Township may take whatever action is necessary to have the Sign removed or to otherwise abate the unsafe or improper condition, and in addition to other available remedies, the Township shall have the right to recover from the owner of the Sign the full costs of removing and disposing of the Sign or abating the unsafe or improper condition.

802 EXEMPT SIGNS

The following Signs shall be exempt from regulations in this Article, but they shall conform to any other applicable standards of this Ordinance.

- A. Any public notice, traffic control or warning sign required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- B. Property address and owner identification sign up to two (2) square feet in area.
- C. Any Sign wholly located within a Building and not visible from outside the Building.
- D. Holiday lights and decorations with no commercial message.
- E. Directional Signs that do not contain a commercial message, including Stop, Yield, One Way, and similar Signs shall be exempt, provided the following standards are met:
 - 1. Directional Signs shall be permitted on the property for which such directions are intended. Off-Premises Directional Signs shall be prohibited.
 - 2. Directional Signs shall not exceed three (3) square feet in area or three (3) feet in height.
 - 3. The number of Directional Signs permitted on a Lot shall be the minimum necessary to provide adequate orientation, as determined by the Zoning Administrator.
- F. Historic Signs designating sites recognized by the State Historical Commission or similar agencies as centennial farms or historic landmarks shall be exempt, provided that any such Sign does not exceed nine (9) square feet in area or five (5) feet in height.
- G. Flags or insignia of any nation, state, local government, community organization, and Educational Institution.
- H. Construction Signs identifying a Building project including the names of the developer, financier, and the various professionals and contractors involved in an approved project. Such Signage shall be allowed only during the time in which the development is actually under construction and shall not exceed twenty (20) square feet in Sign Area per Frontage.

Such Signage shall not exceed six (6) feet in height. One Construction Sign shall be permitted per Street Frontage.

- I. All Yard Signs shall be exempt, provided they shall be limited to one (1) Sign per Frontage, not greater than twelve (12) square feet in area. Yard Signs located in a Commercial or Industrial District shall not be greater than sixteen (16) square feet in area. If the subject Lot has more than one hundred fifty (150) feet of Frontage, one (1) additional Sign shall be permitted per Frontage. Such Yard Signs shall be removed after three (3) days from which the event occurs and shall not be placed on site more than one (1) week prior to the event.
- J. One (1) on-premises Temporary Sign per road Frontage and two (2) off-premise Signs are permitted for the promotion of special event activities by Places of Public Assembly, nonprofit, or Educational Institutions. The Signs may be displayed no more than two (2) weeks prior to the event or activities and must be removed within three (3) days of the conclusion of the event or activity. The Signs shall each not exceed thirty-two (32) square feet in Sign Area. Each Sign shall not exceed eight (8) feet in height.
- K. A subdivision or other form of concentrated residential development may have two (2) Ground-Mounted Signs per entrance, not to exceed a Sign Area of sixty-four (64) square feet per Sign and a height of eight (8) feet. Any decorative mounting surrounding such Ground Mounted Sign shall not exceed four (4) feet in width when measured from the edge of the Sign face. The Planning Commission may modify these standards for Ground-Mounted Signs of a concentrated residential development to accommodate unique Signs.
- L. Public Signs identifying a neighborhood, district, Park, Parking Lot, community or entity erected by an authorized public agency.
- M. Placards posted to control or prohibit hunting or trespassing within the Township, provided that any such Sign does not exceed one (1) square foot in area or five (5) feet in height.
- N. Essential service Signs denoting utility lines, railroad lines, hazards and precautions.
- O. 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.

803 PROHIBITED SIGNS

The following Signs shall be prohibited in any Zoning District:

- A. Signs which are obsolete, abandoned, or do not relate to existing business.
- B. A Sign located on Public Land, in a public right-of-way, or in a Private Road easement are prohibited, unless it is part of the traffic control information for that Private Road or Street such as a public notice, traffic control or warning required by a valid and applicable Federal, State, or local law, regulation, or ordinance.

- C. Signs which are illegal under Federal or State laws or regulations or applicable local ordinances or regulations, or which are not consistent with the standards in this Ordinance are prohibited.
- D. Signs affixed to Public Utility poles within the right-of-way, which are not public notices, or traffic control warnings required by a valid and applicable Federal, State, or local law, regulation, or ordinance are prohibited.
- E. Animated or moving Signs are prohibited; however clocks and thermometers may be permitted.
- F. Pennants, searchlights, flags, banners or bunting, lighter-than-air balloons and Signs, air-filled balloons, Signs animated by forced air, Streamers, and temporary Signs of any kind are prohibited, except where otherwise permitted in Section 802 and 806.
- G. Signs that are not clean and in good repair, and Signs that are out of compliance with applicable Building and electrical codes are prohibited.
- H. Signs that are not official traffic Signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic Sign, signal, or device, or which may obstruct a motorist's vision are prohibited.
- I. Pole Signs are prohibited.
- J. No Sign or other advertising Structure shall be painted on or be Attached to a Motor Vehicle used primarily for the display of such Sign, including, but not limited to a Billboard truck. This Section shall not prohibit the identification of a business or its products or services on its Vehicle(s) operated and parked in a manner appropriate to the normal course of business.
- K. Roof Signs are prohibited.
- L. Off-premise Directional Signs are prohibited.

804 PERMITTED SIGNS

In addition to the above standards, the following Signs are permitted in the applicable Zoning Districts.

The following uses in the following Zoning Districts may be permitted Signage in accordance with the following requirements:

AG District:

Farm and Farm Buildings, Campgrounds, Educational Institutions, Agricultural Retail uses, Bed and Breakfasts, Farm Product Processing Facilities, Greenhouses or Nurseries, Stables, Kennels and Roadside Markets:

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--|-------------|--|------------------|---------------------------|
| Ground | 1 per Lot* | 48 square feet total; no single Sign can be more than 32 square feet | 8 feet | As allowed in Section 801 |
| Wall | 1 per Lot | | n/a | |
| *If the Lot has more than one hundred (100) feet of Frontage, one (1) additional Ground Sign may be permitted. | | | | |

RR District:

Bed and Breakfasts, Campgrounds, Cemeteries, Educational Institutions, Farm and Farm Buildings, Places of Public Assembly (large and small):

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|-------------|----------------|------------------|---------------------------|
| Ground | 1 per Lot | 24 square feet | 6 feet | As allowed in Section 801 |

R-1 District:

Parks or Parkland, Places of Public Assembly (large and small):

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|-------------|----------------|------------------|---------------------------|
| Ground | 1 per Lot | 32 square feet | 6 feet | As allowed in Section 801 |

R-2 District:

Educational Institutions, Parks or Parkland, Places of Public Assembly (large and small):

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|-------------|----------------|------------------|---------------------------|
| Ground | 1 per Lot | 32 square feet | 6 feet | As allowed in Section 801 |

R-3 District:

Parks or Parkland, Places of Public Assembly (large and small):

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|-------------|----------------|------------------|---------------------------|
| Ground | 1 per Lot | 32 square feet | 6 feet | As allowed in Section 801 |

R-4 District:

Assisted Living/Nursing Care Facilities, Educational Institutions, Multi-Family Dwelling, Parks or Parkland, personal Service Establishments, Places of Public Assembly (large and small), Professional Office, Limited Retail, Urgent Care:

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|--|--|------------------|---------------------------|
| Ground | 1 per Lot | 32 square feet | 6 feet | As allowed in Section 801 |
| Wall | 1 per Frontage facing a Street or Private Road | 12% of Building wall area where Sign is proposed, not to exceed 64 square feet | n/a | As allowed in Section 801 |

MH District:

Manufactured Home Parks:

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|-----------------------|----------------|------------------|---------------------------|
| Ground | 1 per Street Frontage | 32 square feet | 6 feet | As allowed in Section 801 |

NC District:

All permitted and Special Land Uses except Accessory Buildings and Structures, Accessory Uses Related to Permitted and Special Land Uses, Single-Family and Two-Family Dwellings, and Residential Above Retail or Office Uses:

| Type | Max. Number* | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|--|--|------------------|---------------------------|
| Wall | 1 per Frontage facing a Street or Private Road | 10% of Building wall area where Sign is proposed, not to exceed 48 square feet | n/a | As allowed in Section 801 |
| Ground | 1 per Lot** | 48 square feet | 8 feet | As allowed in Section 801 |

*For a Mixed Use or Multi-Tenant Commercial Establishment one (1) Ground-Mounted Sign with an area not to exceed forty-eight (48) square feet may be permitted. Five (5) additional square feet of Sign Area may be added to the Sign Area of the Sign for each business within the Mixed Use or Multi-Tenant Commercial Establishment, not to exceed seventy-two (72) square feet in total Sign Area. Each tenant may be permitted a Wall Sign as per the standards listed in the table above.

**If the subject Lot has more than one hundred fifty (150) feet per Frontage, one (1) additional Ground Sign may be permitted.

GC and MU Districts:

All permitted and Special Land Uses except Accessory Uses Related to Permitted and Special Land Uses and Residential Above Retail or Office Uses:

| Type | Max. Number* | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--|--|--|-------------------------|-------------------------------|
| Wall or Awning or Canopy Sign | 1 per Frontage facing a Street or Private Road | 20% of Building wall area where Sign is proposed | n/a | As allowed in Section 801 |
| Ground Mounted Sign*** or Projecting Sign | 1 per Lot** | 64 square feet | 10 feet | As allowed in Section 801 |
| | | 12 square feet; the Sign shall not project more than 4 feet from the Building wall | n/a | As allowed in Section 801 |
| Programmable Digital Sign | 1 per Lot when part of a Ground Sign only and only when located in the GC District. The area of the Programmable Digital Sign shall be included in the area calculations of the permitted Sign Area; however, the permitted Sign Area for such Sign shall not exceed 10 square feet. See Section 806.C for additional standards. | | | |
| * For a Mixed Use Development or Multi-Tenant Commercial Establishment one (1) Ground-Mounted Sign with a Sign Area not to exceed forty-eight (48) square feet may be permitted. Five (5) additional square feet of Sign Area may be added to the Sign Area of the Sign for each business within the Mixed Use Development or Multi-Tenant Commercial Establishment, not to exceed seventy-two (72) square feet in total Sign Area. Each tenant may be permitted a Wall Sign as per the standards listed in the table above. | | | | |
| **If the subject Lot has more than one hundred fifty (150) feet per Frontage, one (1) additional Ground Sign may be permitted. | | | | |
| ***Ground Mounted Signs shall not be permitted in the MU District for uses required to be built within the Required Build-to-Zone. | | | | |

LI District:

All permitted and Special Land Uses **except** Accessory Structures and Accessory Uses:

| Type | Max. Number* | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|---|---|--|-------------------------|-------------------------------|
| Wall or Awning or Canopy Sign | 1 per Frontage facing a Street or Private Road | 20% of Building wall area where Sign is proposed, not to exceed 150 square feet | n/a | As allowed in Section 801 |
| Ground Mounted Sign or Projecting Sign | 1 per Lot** | 48 square feet | 8 feet | As allowed in Section 801 |
| | | 12 square feet; the Sign shall not project more than 4 feet from the Building wall | n/a | As allowed in Section 801 |
| Programmable Digital Sign | 1 per Lot when part of a Ground Sign only. The area of the Programmable Digital Sign shall be included in the area calculations of the permitted Sign Area; however, the permitted Sign Area for such Sign shall not exceed 10 square feet. See Section 806.C for additional standards. | | | |
| *For a Mixed Use Development or Multi-Tenant Industrial Establishment one (1) Ground-Mounted Sign with a Sign Area not to exceed forty-eight (48) square feet may be permitted. Five (5) additional square feet of Sign Area may be added to the Sign Area of the Sign for each business within the Mixed Use Development or Multi-Tenant Industrial Establishment, not to exceed seventy-two (72) square feet in total Sign Area. Each tenant may be permitted a Wall Sign as per the standards listed in the table above. | | | | |
| **If the subject Lot has more than one hundred fifty (150) feet per Frontage, one (1) additional Ground Sign may be permitted. | | | | |

I District:

All permitted and Special Land Uses except Accessory Structures and Accessory Uses:

| Type | Max. Number* | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|---|---|--|------------------|--|
| Wall or Awning or Canopy Sign | 1 per Frontage facing a Street or Private Road | 20% of Building wall area where Sign is proposed, not to exceed 150 square feet | n/a | As allowed in Section 801 |
| Ground Mounted Sign or Projecting Sign | 1 per Lot** | 48 square feet | 8 feet | As allowed in Section 801 |
| | | 12 square feet; the Sign shall not project more than 4 feet from the Building wall | n/a | As allowed in Section 801 |
| Billboard (See also Section 806 for Design Standards for Billboards) | 1 per Lot when Lot is adjacent to US 31 | 600 square feet | 50 feet | See Section 806 for Design Standards for Billboard |
| Programmable Digital Sign | 1 per Lot when part of a Ground Sign only. The area of the Programmable Digital Sign shall be included in the area calculations of the permitted Sign Area; however, the permitted Sign Area for such Sign shall not exceed 10 square feet. See Section 806.C for additional standards. | | | |
| *For a Mixed Use Development or Multi-Tenant Industrial Establishment one (1) Ground-Mounted Sign with a Sign Area not to exceed forty-eight (48) square feet may be permitted. Five (5) additional square feet of Sign Area may be added to the Sign Area of the Sign for each business within the Mixed Use Development or Multi-Tenant Industrial Establishment, not to exceed seventy-two (72) square feet in total Sign Area. Each tenant may be permitted a Wall Sign as per the standards listed in the table above. | | | | |
| **If the subject Lot has more than one hundred fifty (150) feet per Frontage, one (1) additional Ground Sign may be permitted. | | | | |

PR District:

Campgrounds, Country Clubs, Cemeteries, Educational Institutions, Golf Courses, Open Space, Public Lands:

| Type | Max. Number | Max. Sign Area | Max. Sign Height | Illumination Permitted |
|--------|-------------|----------------|------------------|-------------------------------|
| Ground | 1 per Lot | 32 square feet | 6 feet | External only per Section 801 |

805 PERMIT PROCESS

- A. An Applicant desiring to erect or maintain a Sign, other than Temporary Signage for Places of Public Assembly, nonprofit or Educational Institutions, Farm and Farm Buildings, Agricultural Retail sales, Greenhouses or Nurseries in an AG or RR District, shall make written application to the Zoning Administrator accompanied by the applicable fees, as adopted by the Township Board. The application shall include the following:
1. A sketch plan with Sign plans drawn to scale, showing proposed location and type of the Sign.
 2. Sufficient other details to demonstrate that the proposed Sign, including structural and electrical components, shall comply with the provisions of this Ordinance.
 3. The written consent of the owner of record of the property on which the Sign is proposed to be erected.
 4. No Sign requiring a Sign permit shall be erected or installed until an application is approved.
 5. The permit review may be eliminated if the required information is provided to the Planning Commission as part of a Site Plan review in which case the Planning Commission shall recommend or grant approval, approval with conditions or denial of the request as the case may be.
- B. Expiration. Approval of a Sign permit shall expire one (1) year from its effective date. If not completed within one (1) year, unless an extension not to exceed one (1) year has been granted by the Zoning Administrator, the permit shall expire. The Zoning Administrator may deny extension of time for the approved Sign if substantial changes in circumstances are found.
- C. Review criteria. In considering a Sign permit request, the Zoning Administrator or the Planning Commission shall base action on the following criteria in addition to any other criteria elsewhere specified:
1. The purpose of this Article and this Ordinance in general;
 2. The standards and criteria as set forth in this Section, including design standards; and
 3. Each Sign shall be of a shape, material, style, letter type and color appropriate for the use, enhancing to the Lot and harmonious with the neighborhood.

806 STANDARDS FOR CERTAIN SIGNS

- A. Ground Mounted Signs.
1. Materials. Ground Mounted Signs shall be constructed of wood, brick, concrete, stone (or equivalent imitation stone), corrosion-resistant and rust-resistant metal or other similar material as approved by the Zoning Administrator (or Planning Commission in the event of a required Site Plan review).
 2. Landscaping. A landscape area around the base of a Ground Mounted Sign shall be provided and shall not obscure visibility of the Sign itself, nor encroach into the clear

- sight area. Such landscape area may include decorative stone or other hardscape in addition to plantings.
- B. Temporary Signs for uses in the GC, NC, LI, I and MU districts, as well as Places of Public Assembly, Eating and Drinking Establishments, Nonprofit Or Educational Institutions, and for Farm and Farm Buildings, Agricultural Retail Sales, Greenhouses or Nurseries:
1. Temporary Signs requires a permit issued by the Zoning Administrator, see Section 805.
 2. The Temporary Sign shall not exceed thirty two (32) square feet in Sign Area per Frontage. The Sign shall not exceed eight (8) feet in height.
 3. A Temporary Sign which is a banner shall be secured at every corner.
 4. There shall be not more than one (1) Temporary Sign per Street or Private Road Frontage displayed at any time upon any Lot in the Township.
 5. Temporary Signs shall be displayed in a manner so as to not cover or obscure address markers or other Signage upon the Building.
 6. Temporary Signs shall not obscure the clear sight area.
 7. Every Temporary Sign which is a banner shall be dated with an indelible marker indicating the first day of display in the current usage period.
 8. No Temporary Sign shall be displayed longer than eight-four (84) days per calendar year.
 9. Temporary Signs that are torn or otherwise in disrepair shall be repaired, replaced or removed.
 10. Temporary signs shall not be internally or externally illuminated.
- C. Programmable Digital Signs.
1. Programmable Digital Signs shall be limited to ten (10) square feet in area and shall be counted in the total Sign Area.
 2. Digital graphic displays or moving pictures are not permitted.
 3. Programmable Digital Signs shall fade in and out from one (1) message to the next. Flashing, scrolling, and blinking are not permitted.
 4. Messages may not change more than once every thirty (30) seconds.
 5. Text shall be displayed in one (1) color, one (1) size, and shall be displayed on one (1) line. Multiple lines are not permitted.
 6. Text size shall be a maximum of one (1) foot tall.
 7. Programmable Digital Signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and night time hours. The overall brightness and intensity shall only be enough to make the Sign legible and shall not create a nuisance or a traffic hazard.
 8. Each message interval shall express a complete thought or idea.
 9. Programmable Digital Signs shall be secondary to a traditional stationary Sign and shall not exist as the sole Sign. The Programmable Digital Sign shall be an integral part of the traditional Sign and constructed so as to appear as one.
- D. Billboards. Billboards may be erected adjacent to U.S. 31 in the Industrial Zoning District, provided they meet all of the following conditions. For purposes of these conditions, double-faced Billboards (i.e., Structures with back-to-back faces containing or able to

contain advertising) and V-shaped Billboards having only one (1) face visible to traffic proceeding from any given direction on a Street shall be considered as one (1) Billboard. Otherwise, Billboards having more than one (1) face, including Billboards with tandem (side-by-side) or stacked (one-above-the-other) faces, shall be considered as multiple Billboards and shall be prohibited in accordance with the minimum spacing requirement set forth below. A Billboard's surface display area containing or able to contain advertising shall be considered to be the Billboard's face(s).

1. Not more than three (3) Billboards may be located per linear mile of Street, regardless of the fact that such Billboards may be located on different sides of the Street. The linear mile measurement shall not be limited to the Township's boundaries if the particular Street extends beyond such boundaries.
2. No Billboard may be located within one thousand (1,000) feet of another Billboard. The one thousand (1,000) feet measurement shall not be limited to the Township's boundaries.
3. No Billboard may be located within two hundred (200) feet of the AG, RR, R-1, R-2, R-3 or R-4 Zoning Districts, of a pre-existing Dwelling, a pre-existing Place of Public Assembly or of a pre-existing Educational Institution. If the Billboard is illuminated, the required distance shall be increased to three hundred (300) feet.
4. No Billboard may be located closer than seventy-five (75) feet from a property line adjoining a Street. No Billboard may be located closer than ten (10) feet from any other property line of the Lot on which the Billboard is located.
5. A Billboard's face may not exceed six hundred (600) square feet. Double-faced Billboards and V-shaped Billboards may have two (2) faces, but neither one (1) may exceed six hundred (600) square feet.
6. A Billboard's height may not exceed fifty (50) feet above the grade of the ground upon which the Billboard sits, or above the grade of the abutting Street, whichever is higher.
7. No Billboard may be placed on top of, cantilevered from or otherwise suspended above the roof of any Building.
8. A Billboard may be illuminated, but only if such illumination is concentrated on the Billboard's face(s) and is Night Sky Friendly Lighting which preserves dark skies, limits light spillage, and avoids glare or reflection onto any portion of an adjacent Street, the path of oncoming Vehicles, or any adjacent Lot. No rotating or oscillating beam, beacon, flashing illumination, intermittent lights, or Programmable Digital Sign may be used in connection with any Billboard. No Billboard illumination may obscure or interfere with the effectiveness of an official traffic Sign, Signal or device.
9. A Billboard shall be securely anchored and otherwise adequately constructed in order to withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A Billboard shall be adequately maintained to assure its continued structural soundness and the continued readability of its message.
10. A Vehicle, including a trailer, which has the primary function of advertising something off-premises and which is operable and not permanently fixed to the ground shall be considered a Billboard and shall be prohibited because it will not comply with the requirements set forth in this Section for Billboards.
11. A Billboard adjacent to the interstate highway, freeway and primary highway systems of the State of Michigan, as such terms are defined in the Highway Advertising Act of 1972 (Michigan Public Act 106 of 1972, as amended), shall comply with all of the

above requirements as well as the applicable provisions of the Highway Advertising Act of 1972 and any applicable regulations promulgated thereunder, as such provisions and/or regulations may be amended from time to time.

807 LEGAL NONCONFORMING SIGNS

- A. Signs authorized by a valid permit or Variance that complied with all applicable requirements prior to adoption of this Ordinance are permitted, unless a determination is made by the Zoning Administrator that the Sign is improperly maintained, abandoned, or presents a threat to public health, safety or welfare.

- B. Legal non-conforming status shall be lost if any of the following occur:
 - 1. The Sign is relocated or replaced.
 - 2. The Structure or size of the Sign is altered except toward compliance with this Ordinance. This does not refer to change of copy or normal maintenance.
 - 3. The Sign suffers more than sixty (60) percent damage or deterioration; it must then be removed or brought into compliance with this Ordinance.
 - 4. The use of the Sign is discontinued for ninety (90) days or longer.
 - 5. The Sign is structurally altered so as to change its shape, size, type, or design.
 - 6. The Sign is abandoned.

ARTICLE NINE – SPECIAL LAND USES

900 SPECIAL LAND USES

A Special Land Use is a use that meets the intent and purpose of the specified Zoning District, but which requires particular review and approval by the Planning Commission in order to ensure that any likely adverse impacts on adjacent uses, Structures, or public services and facilities can be, and are, mitigated. A Special Land Use is only permitted within a specified Zoning District after meeting specific requirements listed in this Article. Specific requirements or conditions tailored to the specific use help ensure that the use is appropriate and compatible with its surroundings. It is the purpose of this Article to name, describe, and list any additional requirements for each individual Special Land Use. Due to the nature of the use, Special Land Uses require special consideration in relation to the welfare of adjacent properties and to the overall community.

901 SPECIAL LAND USE PROCEDURES

- A. Application Requirements. A Special Land Use application shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee and any Applicant escrow payments as established by a resolution adopted by the Township Board. An application that is incomplete or otherwise not in compliance with this Ordinance shall be returned to the Applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.
- B. Review Process. An application for Special Land Use approval shall be processed as follows.
1. A Special Land Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within sixty (60) days of the submission of a complete application prepared in accordance with this Ordinance.
 2. Public Hearing. A public hearing is required and notice shall be given in accord with Section 111.
 3. Planning Commission Decision. After the public hearing on the Special Land Use application, the Planning Commission shall review the application and reach a decision to approve, approve with conditions, or deny the application.
 4. Basis for Decision. The Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Land Use do not establish by a preponderance of the evidence that the standards and requirements set forth in this Article can and will be met, the application shall be denied. Subject to the terms of Section 1004.D, the Planning Commission may prescribe conditions of approval deemed necessary. Additionally, financial guarantees may be required in accord with Section 1004.E.
- C. Issuance of Permit and Enforcement. Upon approval by the Planning Commission, the Zoning Administrator shall issue the Special Land Use permit. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any Special Land Use permit and take any enforcement action necessary in

the event of a violation of the Special Land Use permit. Any violation of the terms, conditions or limitations of a Special Land Use permit shall be cause for revocation of the permit.

- D. Appeals. Appeals are permitted in accordance with Section 1009.
- E. Duration of Approval. The Special Land Use permit shall become effective upon Planning Commission approval and shall remain in effect for one (1) year from the date of Planning Commission approval. The provisions of Section 1007 shall apply with regard to extension of the duration of approval.
- F. Amendments. Amendments to Special Land Use permits shall be handled in the same manner as the initial Special Land Use application. Minor non-substantive changes to a Site Plan in accordance with Section 1008 may be made to an existing Special Land Use permit with the approval of the Zoning Administrator.

902 SPECIAL LAND USE REVIEW STANDARDS

- A. General Standards. The Planning Commission shall take action to approve a Special Land Use only if it finds that such a Special Land Use meets each of the following standards, the standards of Section 1005 pertaining to Site Plan approval, the purpose and intent of this Ordinance and all other applicable requirements of this Ordinance. All Special Land Uses shall meet the following requirements.
 - 1. The Special Land Use authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.
 - 2. The Special Land Use shall be consistent with the adopted Community Master Plan.
 - 3. The Special Land Use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity, and it shall not change the essential character of the area in which it is proposed.
 - 4. The Special Land Use shall result in distinctive landscaped areas, high-quality architecture which complements the heritage of the Township, and notable environmental protection.
 - 5. The Special Land Use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the overall community.
 - 6. The Special Land Use shall be served adequately by essential public facilities and services, such as Streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or the Applicant shall provide adequately for such services. The Special Land Use shall not establish excessive additional demand for public services or facilities.
 - 7. Specific Review Standards. In addition to the general review standards presented in subsection A above, the Planning Commission shall apply the specific review standards set forth below for each named Special Land Use. In the event this Article does not set forth specific review standards for the Special Land Use under consideration, pursuant to Section 354 Unclassified Uses, the Zoning Administrator may propose, and the Planning Commission may incorporate, specific review criteria and requirements for

such Special Land Use subject to compliance with this Article and other provisions of this Ordinance.

8. The Site Condominium Project shall meet the General Review Standards of Section 326.

903 RESERVED

904 RESERVED

905 RESERVED

906 ADULT FOSTER CARE (GROUP)

- A. Adult Foster Care Homes serving less than seven (7) residents shall be considered a Single Family Dwelling and shall not be subject to the requirements of this Section.
- B. Adult Foster Care Homes shall, as a condition of Special Land Use approval, at all times maintain all valid State and local licenses.
- C. An Adult Foster Care Home serving seven (7) or more residents shall not be located within one thousand five hundred (1,500) feet of any other Adult Foster Care Home.
- D. Exterior light shall be no higher than twenty (20) feet.

907 AGRICULTURAL RETAIL

- A. A basic Site Plan shall be required in lieu of a detailed Site Plan.
- B. All activities associated with an Agricultural Retail Operation shall be a minimum of twenty (20) feet from any access drives, Parking Lots, or Streets.
- C. Merchandise sold in conjunction with the use shall be grown or harvested on site.

908 ASSISTED LIVING/NURSING CARE FACILITIES

- A. The use shall be established and maintained in accordance with all applicable local, State and Federal laws.
- B. If the use is operating as a Nursing Home, under the provisions of Article 17 of Michigan Public Act 368 of 1978, the Nursing Home shall maintain all valid State and local licenses at all times as a condition of Special Land Use approval.
- C. A nursing care facility, as defined herein, shall not be located within one thousand five hundred (1,500) feet of any other Nursing Care Facility.

909 RESERVED

910 RESERVED

911 BED AND BREAKFAST

- A. An application for a Special Land Use permit for a Bed and Breakfast Operation shall include at least all of the following information, in addition to any other information required pursuant to this Ordinance:
1. The full names, business addresses and residence addresses of all owners and applicants of the proposed Bed and Breakfast Operation;
 2. The place in the Township where the Bed and Breakfast Operation will be located;
 3. A list of all assumed or trade names under which the Applicant intends to do business;
 4. A scaled floor plan of the Single-Family Dwelling where the Bed and Breakfast Operation will be located;
 5. A scaled Site Plan for the Lot on which the Single Family Dwelling is located; and
 6. Photographs showing (i) an exterior view of the Single Family Dwelling from the Street, (ii) all parking locations, and (iii) the rooms to be used as sleeping rooms for the Bed and Breakfast Operation guests.
- B. The following restrictions and requirements shall apply to all Bed and Breakfast Operations.
1. The Single-Family Dwelling within which the Bed and Breakfast Operation is located shall have a minimum of two (2) exits to the outdoors.
 2. Any room utilized for guest sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants and an additional thirty (30) square feet for each additional occupant. Further, any room utilized for guest sleeping shall have an outside window for emergency egress which meets all size and other requirements contained in the Township Building Code, as amended from time to time.
 3. No more than four (4) guests may occupy any sleeping room within the Single Family Dwelling utilized for the Bed and Breakfast Operation.
 4. Each sleeping room utilized for guest occupancy as part of the Bed and Breakfast Operation shall have a separate operational smoke detector alarm which meets the requirements of the Michigan Building Code, as amended from time to time.
 5. Lavatories and bathing facilities shall be available for all guests of the Bed and Breakfast Operation.
 6. No separate cooking facilities shall be provided for guests of the Bed and Breakfast Operation.
 7. One (1) off-Street Parking Space shall be required for each room utilized for Bed and Breakfast Operation guest sleeping. No on-Street Parking shall be permitted for Bed and Breakfast Operation guests or for the regular occupants of the Single-Family Dwelling. Parking shall be provided in such a manner as to not alter the residential character of the neighborhood within which the Single-Family Dwelling is located, in such a manner that parked Vehicles have no significant visual impact on the neighborhood and in such a manner that the Single-Family Dwelling is not obviously identified as housing persons beyond the normal permanent Family residents.

8. The maximum stay for any guest of a Bed and Breakfast Operation shall be thirty (30) days in any calendar year.
9. No more than twenty (20) percent of Dwelling Floor Area shall be utilized for guest sleeping rooms.

912 BOAT LAUNCH AND BOAT DOCKS

- A. They shall be compatible and in accordance with the goals, objectives and policies of the Master Plan and promote the purposes of the Zoning District in which the use is proposed.
- B. They shall be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity.
- C. They shall be served adequately by essential public facilities and services such as: Streets, police and fire protection, drainage Structures, water and sewage facilities, refuse disposal and schools.
- D. They shall not involve uses, activities, processes, or materials detrimental to the natural environment or to the public health, safety or welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, odors, glare or other such nuisance.
- E. They shall provide mitigation necessary to minimize or prevent negative impacts.

913 CAMPGROUND

- A. Campgrounds shall only be placed on Lots of twenty (20) acres or greater.
- B. Individual camp sites, Accessory Buildings and similar features shall be isolated from surrounding Single-Family residential uses or similar camps and Campground uses by screening, distance or other means satisfactory to the Planning Commission to protect the quiet enjoyment and aesthetic values of adjoining properties.
- C. Campgrounds shall comply with site design and sanitation standards set forth by the MDEQ or any successor agency with jurisdiction.
- D. As part of a submittal for Special Land Use approval for Campgrounds, the Applicant shall present a detailed management plan for the facility. Continued compliance with the terms of the management plan shall be a condition of any approval granted under this Section. The management plan shall include, but not be limited to the following information:
 1. The total number of campsites proposed;
 2. The maximum permitted duration of residency;
 3. The general nature of camping shelters, recreation Vehicles and related equipment anticipated on site;
 4. The nature of services and facilities to be offered to facility users
 5. Policies and enforcement procedures to deal with noise, rowdy behavior, and similar nuisance activities;

6. The hours and seasons the facility will operate; and
7. Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.

E. Campgrounds shall obtain and maintain any required State licensing.

F. When applicable, Campgrounds shall comply with all requirements of the Ottawa County Health Department.

914 CAR WASHES

A. Wastewater from the Car Wash shall be contained and treated through an oil separator.

B. Only hand-wash facilities are permitted.

C. No self-serve facilities are permitted.

D. All washing, cleaning, vacuuming, and detailing shall be performed indoors.

E. Sufficient stacking capacity or queuing space shall be provided to ensure that traffic does not extend into a Street.

F. Public access to the Lot shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the Street as measured from the nearest right-of-way line to the nearest edge of the access.

915 CONVENIENCE STORE WITH FUEL PUMPS

A. Fuel pumps, pump islands, Detached canopies, compressed air connections, and similar equipment shall be set back in accordance with the minimum Yard and Setbacks requirements for the Zoning District; this equipment shall not be located in the required Setback or Yard area.

B. Any outdoor displays of merchandise shall be located directly adjacent to the front of the Building and shall be limited to typical service station merchandise (e.g., road salt, automobile fluids, beverages, and ice). The height of outdoor displays or merchandise shall not exceed five (5) feet.

C. Curb cuts for ingress and egress to a Convenience Store With Fuel Pumps shall not be permitted at such locations that will tend to create traffic hazards in the immediately adjacent Streets. See Access Management, Article Twelve.

D. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.

- E. Dismantled, wrecked, or immobile Vehicles shall not be permitted to be stored on site. Outdoor servicing of Vehicles shall not be permitted.
- F. The Site Plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
- G. A Car Wash is allowed as an Accessory Use. The entrance to a Car Wash shall be sited so as not to be visible from the Lot's primary Street, as determined by the Planning Commission.
- H. Canopy lights shall be recessed and all lighting shall be Night-Sky Friendly.

916 DRIVE-THROUGH ESTABLISHMENT

- A. All Vehicle queuing for a drive-through window shall be separated from other off site and on-site traffic patterns.
- B. Pedestrian areas shall be clearly marked.
- C. The Applicant shall demonstrate to the satisfaction of the Planning Commission that Vehicle stacking areas for the Drive-Through Establishment Facility are adequate to handle the highest volume likely at the facility without encroaching on the Street or the drive aisles, parking or pedestrian areas on site.
- D. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
- E. The proposed site shall front upon a paved public Street or Private Road.
- F. Outdoor speakers for the Drive-Through Establishment shall be located in a way that minimizes sound transmission toward adjacent property and results in sound levels of less than sixty (60) Decibels at any property line.

917 EATING AND DRINKING ESTABLISHMENT

- A. Such facilities shall maintain, at all times, all required State and local licenses and permits.
- B. Such facilities shall be located and designed such that no objectionable noise in excess of sixty (60) Decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
- C. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto adjacent properties.

- D. The Site Plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
- E. The Planning Commission may establish reasonable hours of operation for Eating and Drinking Establishments.
- F. Any drive-through use shall only be permitted if such use is permitted in the underlying Zoning District.
- G. Outdoor dining may be permitted on private property and at the discretion of the Planning Commission.

918 FARM, GENERAL

- A. Lot size shall be at least two (2) acres in area for a General Farm operation.
- B. Any retail sale of farm products shall be considered Agricultural Retail Sales and considered under applicable standards as provided in this Ordinance.
- C. Hours of operation of any outdoor “U-pick” operations may be limited by the Planning Commission.
- D. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent property.

919 GOVERNMENT UNIT FACILITIES OR PUBLIC UTILITY

In considering such authorization, the Planning Commission shall consider the following standards:

- A. The location of the public utility or governmental unit facility and particularly its proximity to adjoining properties;
- B. The purpose of the public utility or governmental unit facility;
- C. The character, nature and size of the public utility or governmental unit facility;
- D. Any environmental or other consequences of the public utility or governmental unit facility; and
- E. The effect of the public utility or governmental unit facility on adjoining properties and the surrounding neighborhood.

920 RESERVED

921 HOSPITAL

- A. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
- B. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the Applicant and all such storage, use and handling shall be conducted in accordance with any applicable Township, State and Federal requirements.
- C. Upon approval by the Fire Department, the proposed Building Height may exceed the maximum Building Height limitation prescribed for the Zoning District, provided, that a minimum Setback equal to the Building Height shall be provided on all sides of the development.
- D. Helicopter landing pads may be permitted as Accessory Uses for use in emergency landings and takeoffs.

922 RESERVED

923 JUNKYARD

- A. All junk, waste, or discarded or salvaged materials shall be stored within an enclosed Building or within a Side or Rear Yard in an area completely enclosed by a screening fence at least eight (8) feet in height. Any other materials or equipment stored on site shall also be located in the Side or Rear Yard within the area enclosed by the screening fence.
- B. Architectural elevation drawings of the screening fence shall be submitted. The screening fence shall be designed to completely obscure one's vision; the Junkyard shall not be visible from any right-of-way or adjacent property.
- C. The area enclosed by the screening fence shall not occupy any of the area of the premises required for the minimum Yards or Setbacks.
- D. No items placed within the area enclosed by the screening fence shall exceed the height of the screening fence. The elevation of the area enclosed by the screening fence shall be such that from ground level at any point within three hundred (300) feet of the Lot one cannot see the area enclosed by the screening fence.
- E. The Planning Commission may establish hours of operation for Junkyards to protect the character of the land uses in the vicinity.
- F. The Applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and Federal statutory and regulatory authority.
- G. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses. The Planning Commission reserves the right to require buffering,

screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.

- H. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the Applicant. All such storage, use and handling shall be conducted in accordance with any applicable Township, State and Federal requirements.
- I. No portion of the storage area shall be located within three hundred (300) feet of any Residential Zoning District or residential Lot line.
- J. A management office shall be provided on site. A Dwelling may be permitted for security personnel or an on-site operator.
- K. The use shall maintain an annual license as per Township Code requirements.

924 KENNEL

- A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Ottawa County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a Special Land Use approval for a Kennel.
- B. All operations and the housing of animals shall be contained in a completely enclosed Building, except that outdoor animal run areas may be permitted as specified in approval of the Special Land Use.
- C. The Planning Commission may require specific measures to avoid excessive noise, odor, traffic and other impacts associated with the use; so that operations of the Kennel are not perceptible from any property line.

925 KEEPING OF FARM ANIMALS

- A. The Keeping of Farm Animals may be considered by the Planning Commission as a Special Land Use with the following standards to be considered. These provisions do not apply to Specialized Farms in the Agricultural District, provided all other applicable State and County requirements are met.

| Animal | Zoning District Permitted as Special Land Use | Minimum Lot Area for First Animal | Lot Area for Additional Animal |
|---|--|--|---------------------------------------|
| Turkeys, or rabbits | RR R-1 R-2 | 2 acres | .10 acre |
| Horses, ponies, other equine, mules, burros, llamas, and alpaca | | 3 acres | 1 acre |
| Sheep or Goats | | 2 acres | .25 acre |

- B. All grazing areas shall be fenced. An Accessory Structure shall be provided to house permitted animals. Any barn, Stable Structure and any outdoor feed (non-grazing) area or training or exercising corrals shall be Setback at least fifty (50) feet from any Dwelling. All Stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise, or water drainage shall not constitute a nuisance or hazard to adjoining properties.
- C. The keeping of exotic animals, not normally considered Farm Animals or Livestock or domesticated household pets, is prohibited.

926 LAUNDRY AND DRY CLEANING PLANT

- A. All storage tanks or other facilities used to store hazardous, toxic, odorous, explosive or flammable substances shall be equipped with appropriate containment Structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the Township, and to prevent the substances from being perceptible outside such containment.
- B. The Planning Commission reserves the right to require buffering, screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.
- C. The Applicant shall demonstrate and disclose the following.
 1. Potential environmental impacts on air, surface water, ground water, soils, and natural features shall be disclosed. These potential impacts shall be minimized or fully mitigated.
 2. Potential impacts on the health of residents of the Township and surrounding communities and on plant and wildlife communities in the vicinity shall be disclosed. The Planning Commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are Significant.
 3. The potential chemical constituents of all emissions to the air, groundwater and surface waters shall be disclosed. Impacts of these emissions shall be negligible.

927 RESERVED

928 MANUFACTURING AND PROCESSING

- A. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
- B. Noise generated on site from any source shall not exceed sixty (60) Decibels measured at any property line.
- C. The Applicant shall disclose any hazardous, flammable or corrosive materials proposed to be stored, used or handled on the Lot. Use and handling shall be conducted in accordance with applicable State and Federal requirements.
- D. Federal, State and local agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate State, County and Township permits and approvals.
- E. Any storage facilities shall provide adequate security and Signage to notify the public of any hazardous materials and to prevent trespass.
- F. Outdoor storage of materials, substances, products or component parts is not permitted. The Planning Commission may waive this prohibition upon a finding that adequate screening is provided.
- G. Vehicles and equipment that are actively used as an integrated component of the establishment may be temporarily parked on the Lot from time to time, provided such parking is located in the Side or Rear yard, and screened from public view. Screening shall consist of fencing or landscape materials approved by the Planning Commission and shall screen the equipment from any Street or non-industrial Zoning District or use. No portion of the Parking Lot shall be located within two hundred (200) feet of any Residential District or use.
- H. The Planning Commission reserves the right to require buffering, screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.
- I. The Applicant shall demonstrate and disclose the following:
 - 1. Potential environmental impacts on air, surface water, ground water, soils, and natural features (these potential impacts shall be minimized or fully mitigated);
 - 2. Potential impacts on the health of residents of the Township and surrounding communities and on plant and wildlife communities in the vicinity (the Planning Commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant); and

3. The potential chemical constituents of all emissions to the air, groundwater and surface waters (impacts of these emissions shall be negligible).

929 MINERAL REMOVAL

- A. Mineral Removal in excess of one hundred (100) cubic yards shall require a Special Land Use approval. The Planning Commission shall consider the following impacts for Mineral Removal:
 1. The size of the Lot from which such topsoil, sand, gravel, or other such materials are to be removed;
 2. The amount of topsoil, sand, gravel, or other such materials which is to be removed;
 3. The purpose of such removal;
 4. The effect of such removal on adjoining property;
 5. The effect of such removal in terms of causing a safety hazard, creation of erosion problems, altering the ground water table and other problems of this nature;
 6. The potential for such removal to cause the creation of sand blows, stagnant water pools, bogs, or any type or kind of injurious area;
 7. The effect of such removal on the environment and the natural topography and the potential destruction of a natural resource; and
 8. Potential traffic congestion and problems because of trucks and other Vehicles or means utilized to haul and transport the materials removed.
- B. The subject Lot shall be maintained in such a condition that there is present no sand blow, stagnant water pool, bog, or other land condition which will cause injury to adjoining properties.
- C. Topsoil or sand may be removed from a Lot without a Special Land Use permit for the purpose of erecting or constructing a Building or Structure on that Lot provided there is compliance with all other requirements of this Ordinance. In addition, topsoil or sand may be moved from one part of a Lot to another part if this will not cause a sand blow, stagnant water pools, bogs, other possible future injury to adjoining properties or any other type or kind of injurious area.
- D. The Applicant shall provide a site restoration plan to ensure that the site is restored following Mineral Removal.

930 MIXED USE DEVELOPMENT

- A. The Applicant shall demonstrate how the proposed Mixed Use Development will result in a more creative and imaginative design in the development of lands for uses that have essentially different characteristics, yet can effectively be designed and carried out on the same Lot or on adjacent or nearby Lots, including some combination of commercial, office and/or residential uses.

- B. The Applicant shall demonstrate how the proposed combination of Mixed Use Developments through creative Building design, desirable public amenities and necessary infrastructure, will also result in suitable protection to residential uses from adverse effects resulting from more intensive development.
- C. The Mixed Use Development shall result in a high-quality built environment which includes distinctive architecture and public gathering spaces; avoids conventional, standard corporate design, or repetitive Building design; and reflects innovation in the placement and orientation of Buildings and other Structures.
- D. The Mixed Use Development shall result in a beneficial traffic pattern compared to a single-use development that would otherwise be permitted.
- E. The Mixed Use Development shall be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and it shall be consistent with the public health, safety and welfare of Township residents and visitors.
- F. The Mixed Use Development shall be consistent with the policies set forth in the Community Master Plan.
- G. The Mixed Use Development shall consolidate and maximize usable Open Space, wherever possible. The usable Open Space shall be arranged in such a fashion as to establish distinguishable public or semi-public gathering spaces.
- H. The Applicant shall demonstrate that the proposed Mixed Use Development will not constitute a nuisance to future inhabitants or users of the development, or the Township in general. The Planning Commission reserves the right to limit hours of operation for non-residential uses to help ensure compatibility between dissimilar land uses.
- I. The Applicant shall demonstrate that unique retail, office and residential use alternatives will be provided in the Mixed Use Development.
- J. The development shall result in a pedestrian-oriented built environment, where sidewalks and pedestrian linkages are well-designed to promote walking and safety.
- K. To determine Density in a Mixed Use Development, the Applicant shall designate the residential area of the property, minus existing rights-of-way, regulated Wetland Areas, and easements, to determine net Lot Area and multiply that figure by the allowable number of Dwelling Units per acre in the applicable Zoning District. The units may be dispersed throughout the Lot; however the residential area used for calculating Density shall remain in residential use or as Open Space.

931 MORTUARY/FUNERAL HOME

- A. A Mortuary/Funeral Home shall be located on a primary Street.

- B. The site shall be configured so that sufficient assembly area is provided off-Street for Vehicle funeral processions. This assembly area shall be provided in addition to any required Parking Lot. Points of ingress and egress for the Lot shall be designed so as to minimize possible conflicts between traffic on adjacent Streets and funeral processions or visitors entering or leaving the Lot.
- C. Loading and unloading areas used by ambulances, hearses, or other such service Vehicles shall be obscured from the Street right-of-way and all property lines with a wall six (6) feet in height and/or with evergreen landscaping, if the Planning Commission finds that the landscaping required around the Parking Lot per Section 605.B would not be sufficient.
- D. All required Federal, State and local licensing and permits shall be maintained at all times.
- E. A Mortuary that includes a crematorium shall locate any cremating facilities at least one hundred (100) feet from any residential use.

932 MOVING A BUILDING

In considering the granting of such authorization, the following standards shall be considered:

- A. The type and kind of construction of the existing Building in relation to its strength and whether or not the Building may be a fire hazard;
- B. The type and kind of Buildings and Structures adjoining and in the neighborhood surrounding the Lot to which the Building is to be moved and whether or not the type and age of the Building to be moved is in keeping with the type and age of such Buildings which are adjoining and in the surrounding neighborhood; and
- C. The type and kind of materials used in the construction of the 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 is to be moved.

933 NONCONFORMING BUILDINGS OR STRUCTURE, EXPANSION

- A. In considering such authorization, the Planning Commission shall consider the following standards in addition to the standards in Article Nine:
 - 1. Whether the change, extension or enlargement will substantially extend the probable duration of the nonconforming use; and
 - 2. Whether the change, 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 Ordinance; and
 - 3. Whether any new proposed use is equally or more appropriate than the present nonconforming use to the Zoning District in which the Building, Structure or Lot is

located. No change to a less appropriate use may be authorized by the Planning Commission.

934 OUTDOOR POND

- A. A Special Land Use approval shall be required for Outdoor Ponds on parcels greater than five (5) acres in area. The Planning Commission shall consider the following standards:
 - 1. The location of the Outdoor Pond and particularly its proximity to adjoining properties;
 - 2. The purpose(s) of the Outdoor Pond;
 - 3. The character, nature and size of the Outdoor Pond;
 - 4. Any potential of the Outdoor Pond to result in a stagnant water or other such difficulties or problems; and
 - 5. The effect of the Outdoor Pond on adjoining properties and the surrounding neighborhood.

- B. If the Planning Commission shall determine, as part of its proceedings for the authorization of an Outdoor Pond, that the protection and safety of the general public requires that the Outdoor Pond be enclosed, it shall be enclosed by a fence or wall constructed and erected to such specifications as shall be established by the Planning Commission.

- C. No Outdoor Pond shall be approved unless adequate public health measures are periodically taken to ensure that its existence and use will not cause or spread a disease or otherwise provide conditions dangerous to the public health.

- D. The discharge pipe leading from any Outdoor Pond shall not exceed six (6) inches in diameter and shall be composed of galvanized iron or such other standard and durable material as may be approved by the Township engineer. No Outdoor Pond shall be wholly or partially emptied in any manner that will cause water to flow upon any other Lot. No Outdoor Pond shall discharge into the public sanitary sewer. If a storm drain is readily accessible to the Lot on which the Outdoor Pond is located, then the Outdoor Pond shall be emptied in such a manner as to utilize such storm drain.

- E. The slope to the banks or sides of an Outdoor Pond shall in no event exceed a minimum of three (3) feet horizontal to one (1) foot vertical. This slope must be maintained and extended into the water to a depth of three (3) feet.

- F. No Outdoor Pond shall be constructed, erected, installed, maintained or located that will cause or contribute to the erosion of any adjoining Lot. The Outdoor Pond shall not be located in any required Building Setback area.

- G. Outdoor Ponds that are part of a Site Condominium, Subdivision, or PUD do not require a separate notice; however, the pond shall meet the requirements located herein.

935 OUTDOOR SALES FACILITY

- A. Outdoor Sales Facilities shall be ancillary functions to the permitted Principal Use on the Lot.
- B. The area used by Outdoor Sales Facilities shall not occupy or consume any required Parking Spaces, unless an Applicant can demonstrate that sufficient parking would still be provided.
- C. The use shall meet the provisions of Section 313, Clear Visibility at Corners. Encroachment into any Street shall be prohibited.
- D. No item displayed outdoors shall be greater than thirty-five (35) feet in height.
- E. The items shall not be displayed outdoors during non-business hours of the establishment.
- F. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Sales Facility.
- G. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen or combined landscaping, berms, and fencing. These conditions may be in addition to the Landscaping and Buffering standards of Article Six to mitigate the visual impact of an Outdoor Sales Facility.
- H. The Planning Commission may make reasonable inquiries of the Applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to Rear or Side Yards and with adequate landscape screening or fencing.
- I. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) Decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited. All Signs shall be in compliance with the provisions of Article Eight.
- J. The Outdoor Sales Facility area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The Site Plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash and debris on the Lot.

936 OUTDOOR STORAGE OF DREDGE MATERIAL

- A. Permits are required for dredging submerged areas pursuant to Part 325, Great Lakes Submerged Lands or Part 301 or both, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

- B. Dredge material characterization is required and sediment testing results must be submitted with a permit application to be evaluated as part of the proposed project to the MDEQ.
- C. Dredge material shall be placed with a clean cover.
- D. All applicable permitting, testing, or other requirements of the MDEQ shall be met prior to issuance of a Special Land Use Permit.
- E. Stockpiles of dredge material shall not exceed ten (10) feet in height and shall not exceed slopes greater than one (1) foot vertical to three (3) feet horizontal.
- F. The Planning Commission may establish hours of operation.
- G. All stockpiled dredge material shall be removed from the Lot within a specified period from the end date of the dredging activity. Permanent placement of dredge material is prohibited, unless it is clean and suitable for fill material.
- H. Water runoff shall not impact adjacent land uses and water controls shall be approved by the Ottawa County Drain Commissioner.

937 PLACE OF PUBLIC ASSEMBLY (LARGE)

- A. Such use shall be located so as to have its primary access directly onto one (1) or more major thoroughfares as designated by the Ottawa County Road Commission.
- B. Such use shall be located on a Lot with a minimum area of three (3) acres. However, the facility shall not exceed the maximum Lot Coverage requirements of this Ordinance.
- C. The Zoning Administrator or the Planning Commission may require the completion of a traffic impact study by a licensed engineer.

938 PLANNED UNIT DEVELOPMENT

Planned Unit Developments are regulated pursuant to Article Fourteen of this Ordinance.

939 POWER GENERATING FACILITY

- A. A proposal to establish a new Power Generating Facility shall not be approved unless the Planning Commission reaches a finding, based on objectively verified evidence, that all processes to be used in the handling of fuel material, the combustion of fuels, the disposal of any byproduct, the handling of cooling water, the transmission of electrical energy, the handling of process chemicals and liquids, the maintenance of equipment and all processes and procedures associated with the facility shall be the most advanced such systems in terms of the following criteria:
 - 1. Potential environmental impacts on air, surface water, ground water, soils, and natural features shall be minimized or fully mitigated;

2. Potential community impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be either neutral or positive;
 3. Potential impacts on the health of residents of the Township and surrounding communities and on plant and wildlife communities in the vicinity shall be negligible; and
 4. Potential safety impacts on the residents of the Township and surrounding communities and employees of the facility shall be fully and adequately addressed.
- B. The Applicant shall fully disclose:
1. The nature and quantity of all fuels, chemicals, hazardous materials to be used or stored on the Lot and all verification that uses and activities shall at all times comply with Section 340 Performance Standards;
 2. All operating and procedural details of the proposed facility including, but not limited to, equipment specifications, maintenance schedules, capital replacement schedules and plans for eventual Decommissioning of the facility;
 3. The chemical composition of all emissions to the air, groundwater and surface waters;
 4. The organizational, capital and operating financial Structure for the proposed facility including resumes of officers, all members of the board of directors and key technical staff assisting in the development;
 5. The proposed phasing of the project including any change in ownership of the facility during development or following start-up; and
 6. All required Federal, State and local permits needed for facility operation, the procedures for permit application, the standards for review and approval, the specific agencies responsible for permit review, and the status of all such permit applications.
- C. An application for a Power Generating Facility shall include an environmental assessment in accord with the requirements of the Zoning Administrator or the Planning Commission.
- D. All manufacturing and processing activities shall take place inside a fully enclosed Building or Structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or six (6) feet tall fencing designed to be compatible with the surrounding neighborhood.
- E. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) Decibels and any unreasonable vibration at any property line.
- F. All local, County, State, and Federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any Federal or State licensing or permitting requirement shall be grounds for the revocation of any Special Land Use issued pursuant to this Section.

940 PRIVATE ROADS

- A. A Private Road may only be constructed if authorized by the Planning Commission as a Special Land Use.
- B. All Private Roads shall meet the Street base, pavement width, surface, slope and drainage system requirements of the Ottawa County Road Commission for local subdivision Streets, unless otherwise provided below. The Township engineer shall approve final construction plans for Private Roads.
- C. Curb and Gutter: All Private Roads shall be constructed with concrete curb and gutter. The Planning Commission may waive the requirement for curb and gutter in residential developments if the design is acceptable to the Township engineer. The Township engineer shall provide a written report to the Planning Commission, comparing the proposed design to curb and gutter.
- D. Road Width: The minimum pavement width of the travel portion of the Private Road shall be twenty-four (24) feet, and the minimum easement width shall be sixty-six (66) feet. The pavement width may be reduced where the Planning Commission determines the reduced width will preserve Significant Natural Features, will not serve as a through Street to adjacent development, and will serve a limited number of Lots or Site Condominium Units. Where the roadway width is reduced, there shall be no on-Street parking and the Planning Commission may require that additional Parking Lots be provided.
- E. Maximum length:
 - 1. Residential: Maximum length of a Private Road providing access to more than four (4) residential Lots or Site Condominium Units shall be one-fourth (1/4) mile or one thousand three hundred twenty (1,320) feet as measured along the Private Road centerline regardless of multiple access points on a Street. A Private Road up to one thousand seven hundred twenty (1,720) feet in length shall be permitted in a clustered Open Space development under Section 336 where open views from the adjacent Street or additional natural features will be preserved.
 - 2. Non-Residential: Maximum length of a Private Road providing access to more than four (4) non-residential Lots or Site Condominium Units shall be one-fourth (1/4) mile or one thousand three hundred twenty (1,320) feet as measured along the Private Road centerline regardless of multiple access points on a Street.
 - 3. A cul-de-sac or hammerhead turnaround shall be provided at the end of the Private Road, constructed according to the requirements of the Ottawa County Road Commission and subject to the approval of the Township Fire Chief and the Township engineer.
- F. Private Roads may serve a maximum of twenty (20) Lots or Site Condominium Units.
- G. Grade: Grades shall not exceed ten (10) percent, with a maximum grade of two (2) percent for a minimum distance of thirty (30) feet from a Private Road's intersection with a Street or another Private Road.

- H. Intersection Design Standards: Private Roads that intersect with existing or proposed Street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township engineer may recommend that the Planning Commission allow a reduced angle of intersection.
- I. Intersection Offsets from Streets: Proposed Private Roads shall align directly across from, or be offset at least two hundred fifty (250) feet from, Street or Private Road intersections, measured centerline to centerline. This standard may be reduced by the Planning Commission if approved by the Ottawa County Road Commission.
- J. All elements of the Private Road shall be harmoniously and efficiently organized in relation to topography, existing natural features and the overall character of the property subject to the Private Road and the surrounding property.
- K. For Corner Lots, Private Road access shall be provided from the lesser (lowest classification) Street. The determination of the lesser Street shall be based on the functional Street classification as prepared by the Ottawa County Road Commission.
- L. Private Roads shall be named and identified by use of appropriately located Signs. Names shall be approved by the Township and the Ottawa County Road Commission. All Lots or Site Condominium Units fronting on the Private Road shall have an address on the Private Road.
- M. A Private Road shall have direct access to an existing Street.
- N. A Private Road shall have a vertical clearance of at least thirteen (13) feet for its entire length and for the required width.
- O. All Yard Setback requirements for new and existing Buildings and Structures shall be measured from the Private Road easement.
- P. Maintenance: Any Private Road established in accordance with the provisions of this Section shall comply with the following minimum requirements.
 - 1. For purposes of this Section, "safe and unimpeded route of travel" shall mean a Private Road of adequate width to accommodate the safe, two-way passage of pedestrians and Motor Vehicles, and of sufficient construction to accommodate any emergency Vehicle which may be utilized by or in the Township.
 - 2. All Private Roads shall be constructed and continuously maintained in such a way that they assure a safe and unimpeded route of travel in all weather conditions.
 - 3. A maintenance agreement shall be provided that ensures that the Private Road shall maintain a safe and unimpeded route of travel; shall be regularly maintained, repaired and snow plowed; and the cost of the maintenance split among the owners of all Lots or Site Condominium Units served by the Private Road. The maintenance agreement shall provide a means of collection if a benefited property owner fails to timely pay.
 - 4. The Private Road owners agree, by filing the required documentation and receiving approval from the Township, that they will ensure that any Buildings constructed or

- Lots or Site Condominium Units established on the Private Road shall also be subject to the maintenance agreement and that the maintenance agreement shall be recorded with the Ottawa County Register of Deeds and shall run with the land. A copy of the approved and recorded maintenance agreement shall be furnished to the Township prior to the issuance of any Building permit for a principal Building on a Lot or Site Condominium Unit accessed by a Private Road.
5. The Private Road owners agree that by applying for or securing a permit to construct the Private Road, they shall indemnify and hold the Township harmless from any and all claims for personal injury or property damage arising out of the use of the Private Road or out of the failure to properly construct, maintain, use, repair, or replace the Private Road.
- Q. Inspections: The Township engineer shall inspect the Private Road at predetermined intervals during construction to assure it is built as approved.
- R. Certificate of Compliance:
1. Upon completion of the Private Road, an engineer for the Applicants shall certify in writing that the Private Road has been constructed in compliance with all Township requirements. The Township engineer shall review the certification and the Private Road and report to the Township in writing.
 2. A set of "as-built" plans shall be submitted to the Township for review prior to the Township's issuance of a certificate of compliance for the construction of the Private Road.
- S. Building Permits and Occupancy Permits:
1. No Building permit shall be issued for any Building or Structure on a Lot or Site Condominium Unit accessed by a Private Road until the Private Road has been completed and approved in accordance with this Section and with this Ordinance and with the terms of approval established by the Township.
 2. If a Private Road has not yet been completed and approved in accordance with this Section and other applicable provisions of this Ordinance, the Applicant may submit to the Township a performance bond, with acceptable surety, or a letter of credit, conditioned upon the timely and full completion of the Private Road in accordance with this Section; a Building permit may then be issued for a Building or Structure on a Lot or Site Condominium Unit accessed by the Private Road. However, no Building permit shall be issued unless the Zoning Administrator determines that persons and Motor Vehicles, including all emergency Vehicles, may traverse the incomplete Private Road safely.
 3. An occupancy permit for a Building shall not be issued until the Private Road is constructed in accordance with the provisions of this Section and other provisions of this Ordinance and with the terms of approvals given by the Township.
- T. Application procedure and Site Plan:
1. An Applicant wishing to construct a Private Road shall make a Special Land Use application to the Township. Construction of a Private Road shall not commence until

- the Special Land Use has been approved by the Planning Commission and all applicable conditions completed.
2. An application for a Private Road shall be submitted and an escrow fee established to begin the review of the application. In addition to other requirements in this Ordinance, the application shall include the following information:
 - a. A complete construction application form;
 - b. A detailed written description of the properties to be served by the Private Road;
 - c. Twelve (12) copies of complete construction plans sealed by a licensed professional engineer;
 - d. A survey of the easement for the Private Road prepared by a registered land surveyor, together with surveys for each Lot or Site Condominium Unit to be served by the Private Road;
 - e. The location of all existing utilities (water, sewer, telephone, gas, electricity, cable, etc.) and utilities proposed to be within the Private Road easement along with copies of the legal instruments describing the easements;
 - f. The location of any existing Buildings or Structures within one hundred (100) feet of the Private Road easement;
 - g. The location of any streams, lakes, Wetlands, and drains within the Private Road easement and within one hundred (100) feet of it;
 - h. A copy of the draft Private Road maintenance agreement;
 - i. Review comments from the Ottawa County Drain Commissioner, Ottawa County Road Commission, Township Fire Chief, Township engineer and Township Department of Public Works;
 - j. A soil erosion and sedimentation permit, if required; and
 - k. Any proposed lighting and Signage.
- U. The Planning Commission shall consider the following criteria for a Private Road Special Land Use.
1. Whether the Private Road will be consistent with the Community Master Plan and the intent and purpose of this Ordinance;
 2. Whether the Private Road will be laid out in a fashion that promotes the preservation of Significant Natural Features, including streams, Wetlands, lakes and topography;
 3. Whether the Private Road will be constructed to assure a safe and unimpeded route of travel in all weather conditions;
 4. Whether the Private Road will be constructed to protect against or minimize soil erosion; and
 5. Whether the Private Road will be constructed in conformance with special conditions, deemed necessary by the Planning Commission, such as Greenbelts, landscaping, lighting, and other similar items consistent with the intent of this Ordinance.
- V. Special Assessment Provision: The maintenance agreement for the Private Road shall contain a provision authorizing the Township to repair the Private Road if it is not maintained adequately to provide a safe and unimpeded route of travel, and to assess the cost of such repair, including the cost of engineering and administration, to the Signatories of the maintenance agreement on an equitable basis. The decision to authorize repair of the Private Road shall be at the Township's sole discretion, but not until at least thirty (30)

days after the Township has given written notice to the owner or owners of record of the Private Road.

- W. Extension or Increased Level of Service of an Existing Private Road: The provisions of this Section and other applicable Sections of this Ordinance shall apply to any extension of an existing Private Road. If additional Lots or Site Condominium Units are to be created, or additional Buildings or Structures to be constructed, and if they are to be accessed by an existing Private Road which will not be extended, the Planning Commission may allow relief from specific provisions of this Section for practical difficulties or unnecessary hardships, as long as a safe and unimpeded route of travel is maintained.
- X. Variations: The Planning Commission may permit variations in the location or width of the easement or traveled surface of a Private Road if the Applicant can demonstrate that it will result in the preservation of Significant Natural Features, such as woodland, sand dunes, Wetlands, etc., without compromising public safety, consistent with the factors in subsection U above.

941 RETAIL, MAJOR

- A. The Applicant shall provide for measures acceptable to the Planning Commission to prevent any excessive noise at any property line.
- B. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.

942 SELF STORAGE FACILITY

- A. The Lot Area of the proposed site shall be at least one (1) acre.
- B. Self Storage Facilities shall not be used for automotive repair; practice facilities for musical bands; living quarters for human habitation; the keeping of animal life; storage of hazardous materials; wood, metal or other working shops; business or hobby office and other business activities (except the office for the facility and storage of personal belongings).
- C. Storage units shall not have separate public sanitary sewer, public water or electrical services except for needed lighting purposes.
- D. Buildings shall be oriented perpendicular to the Street.
- E. The use shall be established and maintained in accordance with all applicable local, State and Federal laws.
- F. Outdoor storage may be considered in designated isolated areas as determined by the Planning Commission. Outdoor storage shall be limited to licensed and operable Vehicles, trailers, and Recreational Vehicles and are subject to the

following:

1. Outdoor storage areas shall be an accessory use to indoor storage. No more than an amount of the Lot Area equal to fifty (50) percent of the square footage of existing Buildings shall be dedicated to outdoor storage on the Lot.
 2. Outdoor storage areas and associated Maneuvering Aisles shall be designed in an orderly fashion and clearly identified on the Site Plan.
 3. Outdoor storage areas are subject to inspection by the Township Zoning Administrator at any time to ensure that all vehicles, trailers, and Recreational Vehicles are licensed, operable, and that the Maneuvering Aisles are clear.
 4. Outdoor storage shall not be visible from areas zoned or planned for residential uses and Streets. Outdoor storage shall be flanked by attractive indoor storage buildings and/or landscaping and fencing that provides effective year around screening.
- G. All Parking Lots and Maneuvering Aisles shall be provided with a paved surface. All Maneuvering Aisles shall be forty (40) feet in width.
- H. Self Storage Facilities, including common areas and outdoor storage, shall be enclosed by a six (6) foot fence and access to common areas shall be provided through a security gate, unless the Planning Commission deems it unnecessary due to unique environmental conditions. Architectural elevation drawings of the fencing shall be submitted. The Planning Commission shall approve the fencing only if it finds the fencing adequately screens the Self Storage Facility, considering the location of the Self Storage Facility, its layout, and its surrounding neighborhood.
- I. All accesses to the Structures shall be illuminated by security lighting with a cut-off shield not to exceed ten (10) feet above grade. All lighting shall be dark sky compliant. Lighting intensity shall not cause a nuisance to adjacent property nor extend beyond any Lot line.
- J. Landscaping adjacent to any Street frontage and adjacent to any AG, RR, or Residential zoned property shall meet the landscaping requirements of Article 6. Additional or modified landscaping may be required as deemed necessary by the Planning Commission based upon its consideration of the Special Land Use standards in Section 902.
- K. One office for the Self Storage Facility may be provided.
- L. The elevations of Buildings that are visible from the Street frontage or any AG, RR, or Residential property are subject to review and shall, commensurate with the degree of their visibility, contain attractive Building materials and design features deemed to improve overall aesthetics.

943 SEXUALLY ORIENTED BUSINESS

- A. The purpose and intent of this Chapter is to minimize the negative secondary effects associated with Sexually Oriented Businesses through regulating, but not excluding, the location and operation of Sexually Oriented Businesses within the Township. It is recognized that Sexually Oriented Businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of Sexually Oriented Businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety and general welfare of Township residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this Chapter are not intended: (a) to violate the guarantees of the First Amendment to the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963; (b) to deny adults access to Sexually Oriented Businesses and their products; (c) to deny Sexually Oriented Businesses access to their intended market; or (d) to legitimize activities which are prohibited by Township ordinance or by State or Federal law. The Township further states that it would have passed and adopted what might remain of this Chapter following the removal, reduction or revision of any portion of this Chapter found to be invalid or unconstitutional.
- B. Zoning Districts: Notwithstanding any provisions of this Ordinance to the contrary, Sexually Oriented Businesses shall be permitted only as a Special Land Use subject to Planning Commission approval within the I, Industrial Zoning District.
- C. Special Land Use Approval Requirements: Special Land Use approval shall not be granted to any Sexually Oriented Business unless it meets all of the following requirements. Any Sexually Oriented Business granted Special Land Use approval shall continue to comply with all of the requirements of this Section at all times while the business is operational.
1. No Sexually Oriented Business shall be located on a Lot that is within one thousand (1,000) feet of another Sexually Oriented Business. For purposes of this subsection (1), and subsections (2) and (3) below, the distance between a proposed Sexually Oriented Business and (1) another Sexually Oriented Business, (2) the boundary of any land in the Agricultural or any Residential Zoning District or approved as a Planned Unit Development for residential purposes, or (3) land used for any Single-Family, Two-Family or Multi-Family Dwelling; Township, County or State Park; school; library; licensed childcare facility; playground; or church or place of worship, shall be measured in a straight line from the nearest property line of the Lot upon which the proposed Sexually Oriented Business is to be located to (1) the nearest property line of the Lot used for the other Sexually Oriented Business, (2) the nearest boundary of the land in the Agricultural or any Residential Zoning District or approved as a Planned Unit Development for residential purposes, or (3) the nearest property line of the Lot used for a Single-Family, Two-Family or Multi-Family Dwelling; Township, County or State Park; school; library; licensed childcare facility; playground; or church or place of worship.
 2. No Sexually Oriented Business shall be located on a Lot that is within four hundred (400) feet of the boundary of any land in the Agricultural or any Residential Zoning District, or approved as a Planned Unit Development for residential purposes.

3. No Sexually Oriented Business shall be located on a Lot within four hundred (400) feet of any Single-Family, Two-Family or Multi-Family Dwelling; any Township, County or State Park; school; library; licensed child care facility; playground; or Place of Public Assembly.
4. No Sexually Oriented Business shall be located within any principal or Accessory Building or Structure already containing another Sexually Oriented Business.
5. The proposed use shall conform to all requirements of the Zoning District in which it is located.
6. The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and regulations of the County, State and Federal government and, to the extent required, all governmental approvals must be obtained.
7. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent Street or Private Road.
8. Any Sign or Signs proposed for the Sexually Oriented Business shall comply with the provisions of Article Eight; may not otherwise include photographs, silhouettes, drawings, or pictorial representations of Specified Anatomical Areas, Specified Sexual Activities or obscene representations of the human form; and may not include animated or flashing illumination.
9. Entrances to the proposed Sexually Oriented Business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: (1) "persons under the age of 18 are not permitted to enter the premises," and (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
10. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining Street or Private Road or a neighboring property.
11. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday. All Sexually Oriented Businesses shall remain closed on Sundays and legal holidays.
12. All off-Street Parking Areas shall comply with Article Seven of this Ordinance and shall be illuminated after sunset during all hours of operation of the Sexually Oriented Business, and until one (1) hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one (1) foot candle, with a 3:1 uniformity ratio. The illumination shall not reflect on and shall be screened from adjoining properties.
13. Any booth, room or cubicle available in any Sexually Oriented Business, except an Adult Motel, that is used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:
 - a. Be handicap accessible to the extent required by law;
 - b. Be unobstructed by any floor, lock or other entrance and exit control device;
 - c. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;

- d. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
 - e. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental Building code authority.
- D. Application for Special Land Use Approval: Notwithstanding any provisions of this Ordinance to the contrary, applications for Special Land Use permits and Site Plan approval submitted by Sexually Oriented Businesses will be governed by this Chapter, in addition to other provisions in this Ordinance which are not inconsistent with this Chapter.
- 1. An application for a Special Land Use permit provided under this Article for a Sexually Oriented Business shall be filed with the Zoning Administrator on the proper forms supplied by the Township. An application shall not be deemed complete until all required information and necessary documentation have been provided to the Township by the Applicant or the Applicant's agents and representatives.
 - 2. The application shall be accompanied by a Site Plan as specified in Article Ten, and any other data required by the Zoning Administrator indicating how the proposed Sexually Oriented Business will conform to the requirements set forth in this Chapter.
 - 3. The application shall be accompanied by a fee to be established by resolution of the Township Board to cover the expense of considering and making a decision on the application.

944 SITE CONDOMINIUM

- A. Site Condominiums shall be established per the requirements of the Condominium Act, Public Act 59 of 1976, as amended, and any other local, state, or federal regulations and shall adhere to Article Five of this Zoning Ordinance.
- B. Individual Site Condominium Units shall be part of an association with approved bylaws and master deed with language approved by the Township Attorney, for the maintenance of any and all common elements within the development.
- C. A Site Condominium shall be approved only on Lots of two (2) acres or greater.
- D. Dwellings or commercial Structures within Site Condominiums shall be connected to the public sanitary sewer and public water supply.
- E. Stormwater runoff shall adhere to the Township ordinance requirements and remain on the Lot using best management practices as approved by the Ottawa County Drain Commissioner or the Township.
- F. Private roads shall be constructed per minimum standards set forth in this Ordinance.
- G. Sidewalks or other means of pedestrian access shall be located on both sides of each Street or Private Road in the Site Condominium. Sidewalks shall be a minimum of four (4) feet

in width and connect Buildings to public sidewalk segments or the Township bike path system. In the latter case, the trail cross Section shall be the same as the bike path and provide a connection to adjacent properties.

- H. The Planning Commission may require additional site improvements including but not limited to Open Space preservation, vegetation preservation, connectivity to local or regional recreation trails, or other features deemed appropriate.
- I. Connectivity within the Site Condominium shall be provided and shall achieve a Connectivity Index of 1.2.
- J. The Sustainable Community Assessment will be used as one component of analysis in any review and consideration of a site condominium, therefore the Applicant is encouraged to utilize Chapter Thirteen in the layout and design of the proposed project.

944A SOLAR ENERGY COLLECTORS – GROUND-MOUNTED SYSTEMS

- A. Ground-mounted Solar Energy Collectors. Ground-mounted Solar Energy Collectors over two hundred (200) square feet in area and not greater than twelve hundred (1,200) square feet, intended to serve Single-Family Dwellings or Two-Family Dwellings, may be permitted as a Special Land Use in all Zoning Districts subject to the following requirements.
 - 1. Ground-mounted Solar Energy Collectors may be located in the Rear Yard and the Side Yard, but not in the required Rear Yard Setback or in the required Side Yard Setback. The Planning Commission may allow location in the required Rear Yard Setback or the required Side Yard Setback if there would be adequate Screening and if there would be no adverse consequences for adjacent or nearby properties.
 - 2. Ground-mounted Solar Energy Collectors may not be located in the required Front Yard Setback. They may be located in the Front Yard if there would be adequate Screening and if there would be no adverse consequences for adjacent or nearby properties.
 - 3. Ground-mounted Solar Energy Collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of the collectors.
 - 4. The total area of Ground-mounted Solar Energy Collectors on a Lot shall be included in the calculation of the maximum permitted Lot coverage requirement for the Lot, but shall not count against the Accessory Building or Structure allowances in Section 306.F.
 - 5. Ground-mounted Solar Energy Collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted with the Special Land Use application and shall be subject to the Planning Commission’s approval.
 - 6. Ground-mounted Solar Energy Collectors shall comply with applicable construction codes.
- B. Utility Scale Solar Energy Collectors. Utility Scale Solar Energy Collectors may

be permitted as a Special Land Use in all Zoning Districts subject to the following requirements.

1. Applications must include equipment and unit renderings, elevation drawings, and distances from Lot lines and adjacent Buildings and Structures
2. The exterior surfaces of Utility Scale Solar Energy Collectors shall be generally neutral in color and substantially non-reflective of light. A collector may not be installed or located so that sunlight or glare is reflected into Dwellings on other Lots or onto Streets or Private Roads.
3. Utility Scale Solar Energy Collectors shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
4. A Utility Scale Solar Energy Collector shall be permanently and safely attached to the ground. The collectors, and their installation and use, shall comply with construction codes and other applicable Township, County, State, and Federal requirements.
5. Power lines on the Lot between solar panels and inverters shall be placed underground.
6. A Utility Scale Solar Energy Collector that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the solar energy system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall decommission and remove all equipment and facilities and restore the Lot to its condition prior to the development of the system within one (1) year of abandonment.
7. The minimum setback for all Utility Scale Solar Energy Collectors shall be one hundred (100) feet from all Lot lines; however, setbacks may be modified by the Planning Commission if the collectors are adequately screened and if there would be no adverse consequences for adjacent or nearby properties.
8. The maximum height of a Utility Scale Solar Energy Collector shall be twelve (12) feet, measured from the natural grade below the collector to the highest point at full tilt.
9. The Planning Commission may require screening for views of Utility Scale Solar Energy Collectors and associated equipment from residential properties or public rights- of-way may. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the collectors and equipment into the natural setting and existing environment.
10. A decommissioning plan signed by the responsible party and the Lot owner (if different) addressing the following shall be submitted prior to approval of Utility Scale Solar Energy Collectors. The plan shall include the following:
 - a. Defined conditions upon which decommissioning and removal will be initiated (e.g., end of land lease, no power production for twelve [12] months, abandonment, etc.);
 - b. Removal of Utility Scale Solar Energy Collectors and associated equipment, including, Structures, fencing, solar panels, and foundations;
 - c. Restoration of a Lot to the condition which existed prior to the development

- of the Utility Scale Solar Energy Collectors;
- d. Specification of the timeframe to complete decommissioning activities;
- e. Description of any agreement (such as a lease) with the landowner regarding decommissioning, if applicable;
- f. Identity of the entity or individual responsible for decommissioning activities;
- g. Plans for updating the decommissioning plan, as necessary;
- h. A performance guarantee posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township to ensure removal of the Utility Scale Solar Energy Collectors upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal and disposal of collectors, equipment, foundations, and structures associated with the system. These amounts will assist the Township when establishing the performance guarantee amount. The performance guarantee amount shall be valid throughout the lifetime of the system, and the Township may require it to be adjusted periodically to keep pace with the cost of living. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of Special Land Use approval.

945 SUBDIVISION

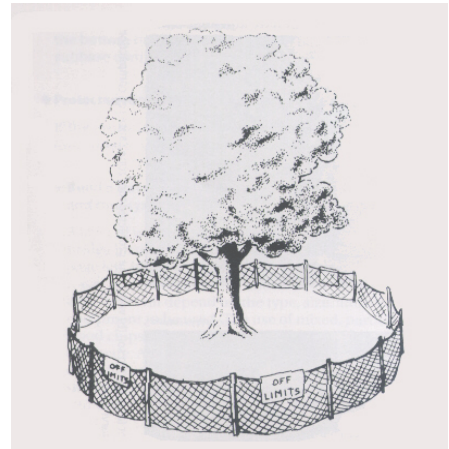
- A. Subdivisions shall be established per the requirements of the Land Division Act, Public Act 288 of 1967, as amended.
- B. Subdivisions shall meet the requirements of Article III, Chapter 20 of the Township’s Code of Ordinances.
- C. All lots within the subdivision shall meet the minimum width and area requirements for the Zoning District in which they are located.
- D. The Planning Commission may require additional site improvements including but not limited to Open Space preservation, vegetation preservation, connectivity to local or regional recreation trails, or other features deemed appropriate.
- E. Connectivity within the Subdivision shall be provided and shall achieve a Connectivity Index of 1.2.
- F. The Sustainable Community Assessment will be used as one component of analysis in any review and consideration of a subdivision, therefore the Applicant is encouraged to utilize Article Thirteen in the layout and design of the proposed project.

946 TATTOO, PIERCING PARLOR

- A. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity. Hours of operation shall be consistent with those of adjacent land uses.
- B. Food or beverages shall not be served at the establishment.
- C. The Applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.
- D. The use shall be compatible with other allowed uses in the vicinity.
- E. A proposed Tattoo, Piercing Parlor shall be located a minimum of one thousand (1,000) feet from an existing Tattoo, Piercing Parlor or Educational Institution. The Planning Commission may waive this requirement if it finds that physical features significantly separate the uses so as to avoid concentration of Tattoo, Piercing Parlors, and to avoid the establishment of a Tattoo, Piercing Parlor in proximity to an Educational Institution.

947 TREE REMOVAL

- A. In considering such authorization, the Planning Commission shall consider the following standards.
 - 1. An inventory of all Protected Trees shall be provided for any areas where disruption may occur, unless waived by the Planning Commission if the Applicant demonstrates through overlays on aerial photography or other means that the site has been designed to protect woodlands, or if the Applicant demonstrates that existing trees are of poor quality through an evaluation by a qualified forester or landscape architect.
 - 2. The Site Plan shall be designed to preserve existing woodlands and individual Protected Trees to the greatest extent reasonable, based upon a consideration of size of the Lot, the Lot Coverage from Buildings and Structures, the required Setbacks, the topography of the Lot, the utility requirements for the Lot, and such other factors as the Planning Commission deems relevant. Trees that are likely to be lost during construction activity or not expected to remain healthy due to the change in the site environment may be removed without penalty with the approval of the Planning Commission.
 - 3. Woodlands, trees, protected areas, and natural areas to be preserved shall be protected during construction by fencing or other barrier obvious to construction personnel. The barrier shall protect one hundred (100) percent of the area within the Dripline.
 - 4. Preserved trees found to be in good health and at least four (4) inches D.B.H. but less than six (6) inches D.B.H. may be counted toward required replacement trees, if any.



Construction barrier located at or outside at least 80 percent of the area within the Dripline of Protected Trees.

5. Trees within the Street right-of-way shall not be removed, except as illustrated on the site plan or as required by the Ottawa County Road Commission or the Michigan Department of Transportation.
6. Any Protected Tree removed or damaged, so as to threaten its continued viability, in violation of this Ordinance must be replaced on a caliper-by-caliper basis. If a Protected Tree's caliper is too great to be replaced directly, then the largest available caliper tree in multiple groups will be required (e.g., if a twenty-four [24] inch caliper maple tree is removed, twelve (12) two (2) inch caliper maple trees would need to be planted).
7. If a Special Land Use is authorized by the Planning Commission according to this Section, the Planning Commission may establish conditions on the Special Land Use. These conditions may include but are not limited to the requirement that the Applicant flag or otherwise designate the Protected Trees to be preserved, and/or that the Applicant Sign an agreement with the Township which includes all of the required conditions and which is filed with the Ottawa County Register of Deeds.

948 URGENT CARE

- A. Any Urgent Care shall maintain all required local, State, and Federal licenses.
- B. All facilities shall be located on a Lot of one (1) acre or more.
- C All facilities shall be connected to public water and public sanitary sewer.
- D. All Urgent Care facilities shall be located on a major road as designated by the Ottawa Country Road Commission.
- E. Planning Commission may require specific site improvements to protect the health, safety, and welfare of adjacent property owners.

949 RESERVED

950 VETERINARY CLINIC/KENNEL

- A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Ottawa County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on the Lot. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a Special Land Use approval for a Veterinary Clinic.
- B. The use shall be established and maintained in accordance with all applicable local, State and Federal laws. As a condition of Special Land Use approval, at all times the Veterinary Clinic/Kennel shall maintain all valid State and local licenses.

- C. The use shall be located on a Lot not less than one-half (1/2) acre in size, provided all operations and the housing of animals are contained in one (1) or more completely enclosed Buildings.
- D. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) Decibels at any property line.

951 WELLS, EXTRACTION

- A. No well shall be closer than one hundred (100) feet from any Structure. This would not include a well house or Structure constructed to house equipment ancillary to the well.
- B. The maximum height of the well Structure shall be sixty (60) feet.
- C. All Setback requirements shall apply to all well Structures.
- D. No well shall be closer than three hundred (300) feet from a residentially Zoned District.
- E. Ground water monitoring shall occur as required by the MDEQ and Michigan Department of Natural Resources.
- F. Continuous automated air quality monitoring shall be installed and maintained to detect releases of hazardous gasses or other airborne contaminants. Types of hazardous materials and exposure thresholds shall be determined by MDEQ, MDNR, or other appropriate State agencies. Incidents of releases shall be promptly reported to local authorities by the well owner.
- G. Any well shall submit an environmental assessment to determine how the sensitive areas, including but not limited to Wetlands, dunes, or open bodies of water, will not be negatively impacted by the well.
- H. A twenty four (24) foot wide clear hard surfaced fire lane must be provided to and completely encircle the drilling well.
- I. A fire hydrant must be located within three hundred (300) feet of the drilling well.
- J. An eight (8) foot high wrought iron or chain link fence must encircle the drilling well. The gate must be locked at all times when there is no one on site.
- K. A containment berm, with a liner designed to contain any liquids released from the well, must be constructed around the well during and after construction, subject to the following requirements:
 - 1. The capacity of the containment berm must be sufficient to protect surrounding land from a liquid release, and shall be calculated on a case-by-case basis, based on reasonable estimates of well capacity and emergency response time.
 - 2. The exterior of the berm must be landscaped. A landscaping plan must be submitted

for Planning Commission approval.

952 WIND ENERGY TURBINES

Wind Energy Turbines are regulated pursuant to Article Fifteen of this Ordinance.

953 WIRELESS COMMUNICATION TOWERS

A. Background:

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

B. Purpose and Goals: This Chapter's purpose is to establish general guidelines for siting Wireless Communications Towers and Antennas. This Chapter's goals are to:

1. Protect residential areas and land uses from potential adverse impacts of Towers and Antennas;
2. Encourage the location of Towers and Antennas in non-residential areas;
3. Minimize the total number of Towers and Antennas throughout the Township;
4. Promote the joint use of existing Tower sites rather than construction of additional Towers;
5. Promote the location of Towers and Antennas in areas where the adverse impact on the Township is minimal;
6. Promote the configuration of Towers and Antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Promote telecommunications services to the Township which are quick, effective, and efficient;
8. Protect the public health and safety of the Township and its residents;
9. Avoid potential damage to adjacent properties from Tower failure through engineering and careful siting of Tower Structures.
10. To further the goals above, the Township shall consider the Community Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of Towers and Antennas.

C. Applicability

1. New Towers and Antennas: All new Towers and new Antennas in the Township shall be subject to this Chapter, except as otherwise provided in the Section.
2. Amateur Radio Station Operators/Receive Only Antennas/Television Antennas: This Chapter shall not govern any Tower, or the installation of any Antenna, that is under

- seventy (70) feet in Height and is owned and operated by a federally-licensed amateur radio station or is used exclusively for receive only Antennas, or is used for television reception.
3. Preexisting Towers and Antennas: Preexisting Towers and Preexisting Antennas shall not be required to meet the requirements of this Chapter, other than the requirements of Section 953.D.6 and 7, and the general requirements of this Ordinance concerning preexisting Structures (i.e. Section 335).

D. General Requirements:

1. Principal or Accessory Use: Antennas and Towers may be considered either principal or Accessory Uses. A different existing use of or on the same Lot shall not preclude the installation of an Antenna or Tower on that Lot.
2. Lot Size: Even though Antennas or Towers may be located on leased portions of a Lot, the dimensions of the entire Lot shall be used to determine if the installation of a Tower or Antenna complies with the regulations of the applicable Zoning District, including but not limited to Setback requirements, Lot Coverage requirements, and other such requirements.
3. Inventory of Existing Sites: Each Applicant for an Antenna or Tower shall provide to the Zoning Administrator an inventory of its existing Towers, Antennas, or sites approved for Towers or Antennas, that are either within the jurisdiction of the Township or within one (1) mile of the Township border, including specific information about the location, Height, and design of each Tower or Antenna.
4. Tower Finish: Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
5. Tower Site: At a Tower Site, the design of the Buildings and related Structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding Buildings.
6. Antenna Color: An Antenna and its supporting electrical and Mechanical Equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting Structure so as to make the Antenna and related equipment as visually unobtrusive as possible.
7. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
8. State or Federal Requirements: All Towers and Antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate Towers and Antennas. If such standards and regulations are changed, then the owners of the Towers and Antennas governed by this Ordinance shall bring such Towers and Antennas into compliance with such revised and applicable standards and regulations within six (6) 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 or Antenna at the owner's expense.

9. **Building Codes; Safety Standards:** The owner of a Tower or Antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable State or local Building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the Township suspects that a Tower or an Antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e., Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the Tower or Antenna into compliance or to remove the Tower or Antenna at the owner's expense.
10. **Measurement: Tower Setbacks and separation distances** shall be measured and applied to facilities located in the Township without regard to municipal and County jurisdictional boundaries.
11. **Not Essential Services:** Towers and Antennas shall be regulated and permitted pursuant to this Chapter. They shall not be regulated or permitted as essential services, public utilities, or private utilities.
12. **Franchises:** Owners or operators of Towers or Antennas shall certify that all franchises required by law for the construction or operation of a wireless communication system in the Township have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.
13. **Signs:** No Signs or advertising shall be allowed on an Antenna or Tower. However, the Tower owner may post a Sign designating a person to contact in an emergency, together with the person's telephone number and address.
14. **Metal Towers:** Metal Towers shall be constructed with a corrosion-resistant material.
15. **No Interference:** Towers shall not interfere with television or radio reception on surrounding properties.
16. **Paving Requirement:** All Parking Lots and Maneuvering Aisles must be paved as provided in this Ordinance.

E. Permitted Uses

1. **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 Land Use permit.
2. **Permitted Uses:**
 - a. 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.
 - b. Antennas which are themselves not more than thirty (30) feet in Height and located upon legally-existing Lattice electric transmission Towers are permitted uses.

F. Special Land Use Permits

1. General: The following provisions shall govern the issuance of Special Use Permits for Towers or Antennas by the Planning Commission.
2. If the Tower or Antenna is not a permitted use then a Special Land Use permit shall be required for the construction of a Tower or the placement of an Antenna in any Zoning District.
3. Applications for Special Land Use permits under this Section shall be subject to the general procedures and requirements of this Ordinance for Special Land Uses, except as modified in this Section.
4. In granting a Special Land 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.
5. Any information of an engineering nature that the Applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the Tower or Antenna will be structurally sound and will comply with all applicable Building and other construction code requirements.
6. Processing Special Land Use Applications:
 - a. Information required. Applicants for a Special Land Use permit for a Tower or an Antenna shall submit the following information in addition to any other information required by this Ordinance.
 - b. 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 and zoning (even if adjacent to another municipality); Community Master Plan classification of the site and all properties within the applicable separation distances set forth in Table 953.2 in this Chapter; adjacent Streets and Private Roads proposed means of access; Setbacks from property lines; elevation drawings of the proposed Tower or Antenna and any other Structures; topography; parking; and other information deemed necessary by the Zoning Administrator or Planning Commission to assess compliance with this Ordinance;
 - c. Legal description of the Lot and the leased portion of the Lot (if applicable), together with a copy of the deed or lease pertaining to that Lot;
 - d. The Setback distance between the proposed Tower or Antenna and the nearest Dwelling, platted residentially zoned properties, and unplatted residentially zoned properties;
 - e. The separation distance from other Towers or Antennas described in the inventory of existing sites submitted pursuant to Section 953.D.3, the type of construction of those existing Towers or Antennas, and the owners/operators of those existing Towers and Antennas, if known;
 - f. A landscape plan showing specific landscape materials;
 - g. Method of fencing, finished color and, if applicable, the method of camouflage and illumination;
 - h. A description of compliance with the requirements of this Chapter, 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
 - k. A description of the feasible location(s) of future 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.
 7. Factors Considered in Granting Special Land Use Permits for Towers or Antennas. In addition to any other standards specified in this Ordinance for considering Special Land Use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a Special Land Use permit under this Chapter:
 - a. Height of the proposed Tower or Antenna;
 - b. Proximity of the proposed Tower or Antenna to residential Buildings and Residential Zoning District boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the proposed Tower or Antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress to the proposed Tower or Antenna;
 - h. Availability of suitable existing Towers or Antennas, Alternative Tower Structures, other Structures, or alternative technologies not requiring the use of Towers or Antennas or other Structures, as discussed below in this Section;
 - i. The effect of the proposed Tower or Antenna on the conforming properties and the surrounding neighborhood; and
 - j. Whether or not the proposed Tower or Antenna is located in Zoning Districts or on Structures where the Township intends at least most Towers and Antennas in the Township to be located, as subsequently described in this Section.
 8. 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 below.
 - a. The Township encourages the location of Towers and Antennas, including the placement of additional Buildings or other supporting equipment used in connection with them, in the GC or HI Zoning Districts.
 - b. The Township encourages the location of Antennas on existing Structures or Towers consistent with the terms of subsections (i) and (ii) below:
 - (i) The Township encourages Antennas on existing Structures which are not Towers, as an Accessory Use to any commercial, industrial, professional, institutional, or Multi-Family Dwelling of eight (8) or more units, provided the Antenna does not extend more than thirty (30) feet above the highest point of the Structure.
 - (ii) The Township encourages Antennas on existing Towers, provided that:
 1. A Tower which is modified or reconstructed to accommodate the collocation of one (1) or more additional Antennas shall be of the same Tower type as the existing Tower or a monopole;
 2. A Tower which is modified or reconstructed to accommodate the collocation of an additional Antenna may be modified or rebuilt to a taller

- Height, not more than once per Tower and not to exceed thirty (30) feet over the Tower's existing Height (this additional Height shall not require an additional distance separation per Table 953.2 of this Chapter; rather the Tower's pre-modification Height shall be used to calculate such distance separations); and
3. A Tower which is modified or reconstructed to accommodate the collocation of an additional Antenna may be moved on site within fifty (50) feet of its existing location, provided that only one (1) Tower remains on the Lot (a relocated Tower shall continue to be measured from its original location for purposes of calculating separation distances between Towers pursuant to Table 953.2 of this Chapter).
- c. The Township encourages the location of new Towers in non-residential Zoning Districts, other than the GC or HI Zoning Districts, provided a licensed professional engineer certifies the Tower can structurally accommodate the number of shared users proposed by the Applicant; and provided the Tower is no more than ninety (90) feet in Height if for a single user, no more than one hundred twenty (120) feet in Height if for two (2) users, and no more than one hundred fifty (150) feet in Height if for three (3) or more users.
 - d. Availability of Suitable Existing Towers, Antennas, Alternative Tower Structures, Other Structures, or Alternative Technology. No new Tower or Antenna shall be permitted unless the Applicant demonstrates to the Planning Commission that no existing Tower, Antenna, Alternative Tower Structure or alternative technology can provide the services sought by the Applicant without the erection of the Applicant's requested new Tower or Antenna. 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:
 - (i) 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.
 - (ii) 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.
 - (iii) The Applicant could demonstrate that existing Towers, Alternative 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.
 - (iv) 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.
 - (v) The Applicant could demonstrate that the costs to collocate an Antenna exceed the costs of erecting a new Tower or Antenna.
 - (vi) The Applicant could demonstrate that there are other limiting factors that render existing Towers, Antennas, Alternative Tower Structures, and other

Structures unsuitable.

- (vii) The Applicant could demonstrate that an alternative technology that does not require the use of Towers or Antennas is cost-prohibitive or unsuitable.
- e. Setbacks. The following Setback requirements shall apply to all Towers for which a Special Land Use permit is required:
 - (i) Towers must be set back a distance equal to at least seventy-five (75) percent of the Height of the Tower from any adjoining Lot line. The Setback is measured from the perimeter or outside edge of the base of the Tower.
 - (ii) Guys and accessory Buildings must satisfy the minimum Setback requirements for the applicable Zoning District.
- e. Separation. The following separation requirements shall apply to all Towers for which a Special Land Use permit is required.
 - (i) Separation of Towers from off-site uses/designated areas.
 - 1. Tower separation shall be measured from the perimeter or outside edge of the base of the Tower to the Lot line of the off-site uses and/or designated areas as specified in Table 953.1, except as otherwise provided in Table 953.1. The separation distance shall be measured by drawing or following a straight line between the base of the proposed Tower and the off-site uses or designated areas, pursuant to a Site Plan of the proposed Tower.
 - 2. Separation requirements for Towers shall comply with the minimum standards (listed in linear feet) established in Table 953.1.
 - (ii) Separation distances between Towers.
 - 1. Separation distances between Towers shall be applicable for and measured between the proposed 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.
 - 2. Separation distances between Towers shall comply with the minimum distances (listed in linear feet) established in Table 953.2.
- f. Security fencing. Towers for which a Special Land Use permit is required shall be enclosed by security fencing not less than six (6) feet in height. The Towers shall also be equipped with appropriate anti-climbing devices.
- g. Landscaping. The following requirements shall govern the landscaping surrounding Towers for which a Special Land Use permit is required. The required landscaping shall be maintained for the duration of the Special Land Use permit.
- h. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the Tower compound from property then used for Dwellings, whether Single-Family, Two-Family or Multi-Family, or included in a residential Zoning District. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- i. 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.

- G. Accessory Utility Buildings. All utility Buildings and Structures accessory to a Tower or an Antenna 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 non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- H. Removal of Abandoned Antennas And Towers. Notwithstanding anything to the contrary elsewhere in this Ordinance, any Antenna or Tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Antenna or Tower shall remove the same within ninety (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 ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the Tower or Antenna at the owner's expense. If there are two (2) or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.
- I. Expansion Of Nonconforming Use. Notwithstanding any other provisions of this Ordinance to the contrary, Towers that are constructed and Antennas that are installed in accordance with this Chapter shall not be deemed to be the expansion of a nonconforming use or Structure.

| Table 953.1 – Separation of Towers | |
|---|--|
| Off-Site Use/Designated Area | Separation Distance ⁽¹⁾ |
| Single-Family or Two-Family Dwelling Units ⁽²⁾ : | 200 feet or three times the Height of the Tower, whichever is greater. |
| Unimproved RR, R-1 or R-2 land which is platted, has preliminary subdivision plan approval which is not expired, or has PUD approval which is not expired: | 200 feet or three times the Height of the Tower, whichever is greater. |
| Other unimproved residentially zoned lands ⁽³⁾ : | 100 feet or the Height of the Tower, whichever is greater. |
| Existing Multi-Family Dwelling Units: | 100 feet or the Height of the Tower, whichever is greater |
| ⁽¹⁾ Separation measured from base of Tower to closest Building Setback line. ⁽²⁾ Includes modular homes and Mobile Homes used for living purposes. ⁽³⁾ Includes any unplatted residentially zoned properties without a preliminary subdivision plan or development approval and any MH Zoning District land. | |

| Table 953.2 – Existing Towers - Types | | | | |
|--|---------|-------|---------------------------------------|--------------------------------------|
| Proposed Tower | Lattice | Guyed | Monopole 75 Feet in Height or Greater | Monopole Less than 75 Feet in Height |
| Lattice | 5000 | 5000 | 1500 | 750 |

| | | | | |
|---------------------------------------|------|------|------|-----|
| Guyed | 5000 | 5000 | 1500 | 750 |
| Monopole 75 Feet in Height or Greater | 1500 | 1500 | 1500 | 750 |
| Monopole Less than 75 Feet in Height | 750 | 750 | 750 | 750 |

954 VEHICLE REPAIR FACILITY

- A. Dismantled, wrecked or inoperable Vehicles or any Vehicle parts or scrap of any kind shall not be kept outdoors where they are visible from any adjoining property or right-of-way, nor shall such Vehicles be stored for more than fourteen (14) days.
- B. The Planning Commission may require an opaque fence up to six (6) feet in height and/or an evergreen landscape buffer not less than six (6) feet in height at time of planting to screen any Vehicles from neighboring uses or passers-by.
- C. No Vehicles shall be parked on site at any time for the purpose of selling or renting such Vehicles.
- D. Outdoor storage of merchandise and equipment shall be prohibited.
- E. All repair and maintenance activities shall be performed entirely within an enclosed Building.
- F. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
- G. The Planning Commission may limit the area enclosed by a screening device or otherwise used to store Vehicles. Such area shall not be located within the area required for minimum Yards and Setbacks.

955 VEHICLE SALES FACILITY

- A. Storage of dismantled, wrecked, or immobile Vehicles may be prohibited on the Lot. Outdoor storage of Vehicle parts may also be prohibited. If the storage of vehicles is permitted, it shall be screened from public view, except for normal parking of vehicles in the process of being repaired.
- B. Vehicle Sales Facilities tend to utilize an excessive amount of nighttime light, and exterior lighting shall meet the provisions of Article Seven. However, the Planning Commission may impose additional limitations on exterior lighting based on the types of adjacent land uses to minimize sky-glow and preserve the Township’s dark sky.
- C. Parking and outdoor Vehicle display and storage areas on the Lot shall meet the provisions of Article Seven.

- D. Outdoor Vehicle display and storage areas shall maintain open, unobstructed Maneuvering Aisles so that all Vehicles can be readily accessed.
- E. Parking and outdoor Vehicle display and storage areas shall not encroach into any right-of-way or into areas not designated for display.
- F. Streamers shall be prohibited.
- G. The use shall maintain an annual license as per Township Code requirements.

955A WAREHOUSE AND/OR WHOLESALE FACILITY

- A. Warehouses and/or Wholesale Facilities, including food processing, may be permitted as an accessory use to the primary commercial/retail use of the Lot.
- B. The commercial/retail use of the Lot shall remain operational with regular open hours maintained.
- C. Only products produced on the Lot may be sold from and stored in a Warehouse and/or Wholesale Facility.
- D. Noise generated from any source on a Lot with a Warehouse and/or a Wholesale Facility shall not exceed sixty (60) Decibels measured at any Lot line, notwithstanding any contrary provision in the Township's Code of Ordinances.
- E. No hazardous, flammable or corrosive materials shall be stored on the Lot.
- F. Outdoor storage of materials and products is not permitted. The Planning Commission may waive this prohibition upon a finding that adequate screening is provided.
- G. Vehicles and equipment that are actively used in the operation of the Warehouse and/or Wholesale Facility shall be parked in the Side or Rear Yard.
- H. Parking Lots designated for retail customer Vehicles shall be separated from Parking Lots for wholesale distribution Vehicles. Adequate service drives and loading/unloading areas shall be demonstrated and illustrated on the Site Plan.
- I. The Planning Commission may require buffering, screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance if the Planning Commission finds that adding a Warehouse and/or Wholesale Facility to the Lot in addition to the ongoing commercial/retail use of the Lot requires greater restrictions to preserve the spirit and intent of this Ordinance set forth in Section 101 and the intent of the General Commercial District set forth in Section 412.A.
- J. The Planning Commission may limit the area of the proposed Warehouse and/or Wholesale Facility to preserve the spirit and intent of this Ordinance set forth in Section 101 and the intent of the General Commercial District set forth in Section 412.A.

- K. The Planning Commission may limit hours of operation for the Warehouse and/or Wholesale Facility to preserve the spirit and intent of this Ordinance set forth in Section 101 and the intent of the General Commercial District set forth in Section 412.A.

956 WATERFRONT ACCESSORY STRUCTURE

- A. A Waterfront Accessory Structure shall meet the following criteria unless specifically modified by the Planning Commission:
1. Decks shall be one hundred forty-four (144) square feet or less.
 2. All structures or buildings shall be ten (10) feet or more from any property line.
 3. All structures or buildings shall not impede the waterfront view of the adjacent properties.
 4. Sheds shall be eight (8) tall or less and not more than one hundred twenty (120) square feet.

ARTICLE TEN – SITE PLAN REVIEW

1000 INTENT

The intent of Article Ten is to provide an understandable Site Plan review process that is fair for the Applicant, affected neighbors, and the Township. This Article provides a process for the Planning Commission and/or Zoning Administrator to collaborate with an Applicant to help ensure that the Applicant meets the provisions of this Ordinance with minimal adverse effect on the natural environment, shores, Streets and Private Roads, infrastructure, and existing and future uses of property in the immediate vicinity. This Ordinance therefore requires that Site Plans include the documents, information and drawings necessary to address whether a proposed land use or activity is in compliance with applicable ordinances and statutes and the intent and purpose of this Ordinance.

1001 APPLICABILITY AND SCOPE

- A. A **Basic Site Plan** shall be required for new Single-Family Dwellings, new Two-Family Dwellings, additions to Single-Family or Two-Family Dwellings, or construction or placement of Accessory Buildings over two hundred (200) square feet in area. The Basic Site Plan shall be subject to Zoning Administrator review. Basic Site Plans shall comply with Section 1003.

- B. A **Detailed Site Plan** shall be required for any other permitted use not addressed in subsection A above and any Special Land Use, including a Planned Unit Development. The Detailed Site Plan shall be subject to Planning Commission review. Detailed Site Plans shall comply with Section 1003 and shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or planner.

1002 REQUIRED SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans shall be submitted for review to the Zoning Administrator, Department of Public Works, Fire Chief, and Building Official prior to official review and approval. The purpose of such procedure is to allow discussion between an Applicant and the Zoning Administrator to better inform the Applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for Site Plan approval. Such sketch plans shall, at a minimum, include the following:

- A. The name and address of the Applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers and email addresses;

- B. Legal description, property Lot number, and Street or Private Road address of the subject Lot; and

- C. Sketch plans showing tentative site and development plans, produced on a scaled drawing illustrating existing and proposed Structures, Lot boundaries, natural features,

environmental impacts to site, and all improvements, easements, Streets, Private Roads and sidewalks; and

D. The Zoning Administrator shall not be bound by any comments or observations made pertaining to a sketch plan.

1003 SITE PLAN CONTENT

Table 1003 shall apply to both Basic Site Plans and Detailed Site Plans. The Zoning Administrator or the Planning Commission may waive any item in Table 1003 if the Zoning Administrator finds that the item is not reasonably related to the proposed development. Moreover, the Zoning Administrator or Planning Commission may require the submittal of additional information as necessary to aid in the review of the application. A blank cell indicates the item is not required.

| Table 1003 — Site Plan Submittal Requirements | | |
|---|------------------------|---------------------------|
| | Required for | |
| | Basic Site Plan | Detailed Site Plan |
| A. Application Information | | |
| Completed application form | ✓ | ✓ |
| Application fee and escrow, if applicable | ✓ | ✓ |
| Street or Private Road address and legal description of the property | ✓ | ✓ |
| Dimensions of land and total and net acreage (minus rights-of-way and submerged land) | ✓ | ✓ |
| Zoning on the site and all adjacent properties | ✓ | ✓ |
| Written description of the proposed project or use, and name of proposed development | ✓ | ✓ |
| Name, telephone number, fax number, email address, and address of the professional individual, if any, responsible for the preparation of the Site Plan | ✓ | ✓ |
| Name, telephone number, fax number, email address, and address of the Applicant | ✓ | ✓ |
| 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 | ✓ | ✓ |
| B. Site Plan Information | | |
| Name of the development | | ✓ |
| Date, north arrow, and scale. The scale shall not be less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if the subject property is three (3) acres or more | ✓ | ✓ |

| Table 1003 — Site Plan Submittal Requirements | | |
|--|------------------------|---------------------------|
| | Required for | |
| | Basic Site Plan | Detailed Site Plan |
| Location map drawn to a separate scale with north-point, showing surrounding Streets and Private Roads, water, Zoning Districts and Lots within a quarter-mile | | ✓ |
| Name, telephone number, fax number, email address, and address of the Applicant and the plan preparer | ✓ | ✓ |
| Location and dimensions of Lot lines | ✓ | ✓ |
| C. Utilities | | |
| Location of sanitary sewer lines and septic systems, existing and proposed | ✓ | ✓ |
| Location and size of existing and proposed water mains, well sites, water service, storm sewer loads, and fire hydrants | ✓ | ✓ |
| Storm drainage details, including retention/detention calculations and drains | | ✓ |
| Location of above and below ground gas, electric and telephone lines, existing and proposed | | ✓ |
| Location of transformer and utility boxes | | ✓ |
| Refuse and service areas | | ✓ |
| Written narrative on—location, availability and compatibility of utilities | ✓ | ✓ |
| D. Natural and Built Features | | |
| Location, size and type of present Buildings or Structures to be retained or removed | ✓ | ✓ |
| Location of all proposed Buildings and Structures | ✓ | ✓ |
| Preliminary architectural sketches and a general statement as to the type of construction and materials to be used in the proposed Buildings or Structures | ✓ | ✓ |
| Height and square footage of Buildings and Structures | ✓ | ✓ |
| Location of existing Structures on land immediately adjacent to the site within one hundred (100) feet of the site's Lot lines | | ✓ |
| Existing and proposed Streets, Private Roads, Shared Residential Driveways, Maneuvering Aisles, and Parking Lots | | ✓ |
| Loading and unloading facilities | | ✓ |
| Staging area for Building equipment | | ✓ |
| Percentage of Impervious Surface area, including rooftop area and non-porous pavement | | ✓ |
| Screening and buffering with reference to type, dimensions and character | | ✓ |

| Table 1003 — Site Plan Submittal Requirements | | |
|---|------------------------|---------------------------|
| | Required for | |
| | Basic Site Plan | Detailed Site Plan |
| Proposed landscaping in accord with Article Six | | ✓ |
| Topographical features including contour intervals no greater than five (5) feet, including existing and proposed grades. | | ✓ |
| Ditches, wetlands, flood plains, and water courses | ✓ | ✓ |
| Ground cover and other pertinent physical features of the site such as trees | ✓ | ✓ |
| Bike racks | | ✓ |
| Exterior lighting and Signs, including a photometric layout for any Detailed Site Plan | ✓ | ✓ |
| Rights-of-way and walkways | ✓ | ✓ |
| Construction Zone | ✓ | ✓ |
| Dumpsters or Refuse Containers | ✓ | ✓ |
| E. Additional information required for Site Condominium Projects, Two-Family Dwellings, and Multi-Family Dwellings | | |
| The number and location of each type of Dwelling Unit (one bedroom units, two bedroom units, etc.); | ✓ | ✓ |
| Density calculations by type of Dwelling Units (Dwelling Units per acre); | ✓ | ✓ |
| Density calculations by type of Dwelling Units (Dwelling Units per acre); | ✓ | ✓ |
| Garage and/or carport locations and details, if proposed; | | ✓ |
| Mailbox clusters; | | ✓ |
| Location, dimensions, floor plans and elevations of common Building(s), if applicable; | | ✓ |
| Swimming Pool fencing detail, including height and type of fence, if applicable; | | ✓ |
| Location and size of recreation and Open Space areas; | | ✓ |
| Indication of type of recreation facilities proposed for recreation area; | | ✓ |
| Master deed and bylaws, if applicable, and | | ✓ |
| Design standards, if applicable | | ✓ |
| F. Other required information | | |
| Maintenance agreement, when applicable | | ✓ |
| Easements, when applicable | | ✓ |
| The period of time within which the project will be completed | ✓ | ✓ |
| Proposed staging of the project, if any | ✓ | ✓ |
| Delineation of the one hundred (100) year flood plain and any proposed uses therein. | | ✓ |

| Table 1003 — Site Plan Submittal Requirements | | |
|---|------------------------|---------------------------|
| | Required for | |
| | Basic Site Plan | Detailed Site Plan |
| A description of all aspects of the plan which might have an adverse effect on public health, safety and welfare | ✓ | ✓ |
| Method of financing and commitments, or other proof of ability to obtain financing | | ✓ |
| Additional information which the body or official reviewing and approving the Site Plan may request which is reasonably necessary to evaluate the Site Plan | ✓ | ✓ |

1004 APPLICATION PROCEDURE

A. Submittal Requirements.

1. **Basic Site Plan:** If a project qualifies for Basic Site Plan review under Section 1001, three (3) copies shall be submitted to the Zoning Administrator. Table 1003 includes the data that shall be included with and as part of the Basic Site Plan submitted for review, unless deemed unnecessary by the Zoning Administrator.
2. **Detailed Site Plan.** A Detailed Site Plan shall be required for all uses other than those that are required to submit a Basic Site Plan. Detailed Site Plans for any project reviewed by the Planning Commission shall include twelve (12) copies of all required information, including application form, as well as one (1) disk with a .pdf file of the Site Plan, and one (1) eleven (11) inch by seventeen (17) inch reduced copy of the Site Plan. It shall be prepared by an engineer, architect, landscape architect or planner licensed to work in Michigan and shall include and illustrate at a minimum the requirements found in Table 1003, unless deemed unnecessary by the Zoning Administrator or the Planning Commission. Detailed Site Plans which are reviewed and approved by the Zoning Administrator shall include five (5) copies of all required information including application form, as well as one (1) disk with .pdf file of the Site Plan, and one (1) eleven (11) inch by seventeen (17) inch reduced copy of the Site Plan.

B. Completeness Determination. Upon receipt of a submitted application and Site Plan, the Zoning Administrator shall review the plan to determine its completeness. If the submittal is incomplete, the Zoning Administrator shall provide the Applicant with a list of items needed to make the submittal complete.

1. **Basic Site Plan.** If a Basic Site Plan is found to be complete, the Zoning Administrator shall review the Basic Site Plan in accordance with Section 1005, Review Criteria, and approve or deny the application accordingly. The Applicant and the Zoning Administrator shall Sign an approved Basic Site Plan, and a copy shall be kept on file in the Township Offices for future review and enforcement.
2. **Detailed Site Plan.** If a Detailed Site Plan is found to be complete, the Zoning Administrator shall record the date of receipt and transmit copies thereof to each of the Planning Commissioners; and to other Township personnel or other area review agencies as necessary. At least one (1) copy shall be retained in the Zoning Administrator’s office. A complete Detailed Site Plan shall be reviewed in a timely

manner. A Planning Commission meeting shall be scheduled for a review of the application, Detailed Site Plan, and the recommendation of the Zoning Administrator. Members of the Planning Commission shall be delivered copies of the same prior to the meeting for their preliminary information and study. The meeting shall be held within a reasonable time after receipt of the complete Detailed Site Plan and completed application. After conducting a review of the Detailed Site Plan, the Planning Commission shall approve, approve conditionally or reject the Detailed Site Plan, as it pertains to requirements and standards contained in this Ordinance, including Section 1005.

- C. Sustainable Community Assessment and Review. For proposed Planned Unit Developments, Single-Family, Two-Family, Multi-Family or Mixed Use Subdivisions or Site Condominiums, commercial uses, and industrial uses, the Township shall consider the Sustainable Community Assessment (SCA) as part of the overall review and approval process. Applications shall not be wholly approved or denied based on the score of the SCA, but the SCA shall be used in conjunction with general approval criteria and to promote long-term economic vibrancy, strong neighborhoods and protection of significant natural features. The Sustainable Community Assessment is contained in Article Thirteen.
- D. Conditions. In approving a Basic or Detailed Site Plan, the Zoning Administrator or Planning Commission may impose and attach such conditions and restrictions and require such improvements as shall be determined to be necessary or appropriate. Any conditions shall be stated in writing and provided to the Applicant. Any conditions imposed on the application and Site Plan shall:
1. Be designed to protect natural resources; the health, safety, welfare, and social and economic wellbeing of residents and users of the land use or activity under consideration and landowners immediately adjacent to the proposed land use or activity; and the community as a whole;
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity; and
 3. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- E. Financial Guarantees. To insure compliance with this Ordinance and any conditions imposed thereunder, the Zoning Administrator or Planning Commission granting approval of a Site Plan may require a financial guarantee to consist of 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. The financial guarantee shall be deposited with the Clerk of the Township to insure faithful completion of the improvements. The financial guarantee shall be deposited at the time of the issuance of the permit authorizing the project for which Site Plan approval is sought. In the case of a cash deposit, the body or official approving the Site Plan shall rebate portions of the cash deposit to the depositor, upon request, in reasonable proportion to the ratio of work completed on the required improvements as work progresses. For purposes of this Section, the word "improvements" is defined to mean those features and

actions associated with the project which are considered necessary by the body or official granting Site Plan approval, to protect natural resources, or the health, safety and welfare of the residents of the Township and future users or inhabitants of the project for which Site Plan approval is sought and the area surrounding such project, including Streets, Private Roads, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project for which Site Plan approval is sought.

F. Special Studies or Research. For complex Site Plans or for land uses that may generate significant impacts on surrounding land uses or public facilities, the Zoning Administrator or Planning Commission may require any or all of the following reports or studies as a part of a Detailed Site Plan.

1. An Environmental Assessment shall be a summary review of the environmental impacts of a project in accordance with the following standards.

a. The purpose of the Environmental Assessment shall be:

- (i) To provide relevant information to the Zoning Administrator or Planning Commission on the potential environmental impact of applications for Special Land Use permits for substantial projects that may have an impact on the natural, social and economic environment of the Township;
- (ii) To inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large; and
- (iii) To facilitate participation of the citizens of the community in the review of substantial developments.

b. Guidelines. When required by the Planning Commission or the Zoning Administrator pursuant to this Section, an Applicant shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the Site Plan. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission or Zoning Administrator may request further elaboration. The Planning Commission or Zoning Administrator may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.

c. Content. The following material shall be included or addressed in the Environmental Assessment, unless specifically waived by the Zoning Administrator or Planning Commission as not applicable.

- (i) A description of the site in its current condition. This shall indicate any

Buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:

1. Flora and fauna (be sure to list any endangered species on-site);
 2. General topography and drainage patterns including any regulated features such as Wetlands, high risk erosion areas or other features;
 3. Adjacent waterways;
 4. Existing wells, approximate depth and use.
- (ii) A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.
 - (iii) A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any State or Federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain or dispose of the generated waste.
 - (iv) If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
 - (v) A description of the existing soils on-site and as to the suitability of these soils for the proposed use.
 - (vi) A description of any historical or archeological Significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.
 - (vii) A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
 - (viii) A description of any Hazardous Materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
 - (ix) A description of any storm water or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.
 - (x) If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
 - (xi) A description of the anticipated noise levels to be generated at all Lot lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
 - (xii) A description of the anticipated traffic to be generated by the proposed use.

- (xiii) A description of plans for site restoration after construction.
 - (xiv) A description of methods to handle sanitary waste for the project both during construction and after completion.
 - (xv) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval.
 - (xvi) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.
- d. The individual preparing the Environmental Assessment must Sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.
2. Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study completed by qualified professional be prepared as an attachment to a Site Plan submitted for any development in the Township meeting the requirements of this Section. The purpose of this Section is to set forth the standards to be used by the Zoning Administrator or Planning Commission in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.
- a. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key Street and Private Road segments and intersections. The study shall further indicate the effect of a proposed development on adjacent Streets and Private Roads and intersections and indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
 - b. Criteria for Requiring a Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study be prepared as an attachment to a Site Plan for any proposed commercial, industrial, residential or Mixed Use development which has the potential to significantly increase traffic volumes on the surrounding Street or Private Road network. In determining the level of potential impact, the Zoning Administrator or Planning Commission shall consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this Section when, in the judgment of the Zoning Administrator or Planning Commission, the proposed development will result in an increase of either the average daily traffic or the peak

hour traffic equal to or greater than ten (10) percent of the current traffic volume on the adjoining Street or Private Road.

- c. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing Street or Private Road network, including all intersections within one (1) mile of the proposed development, including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the Street or Private Road network, including all intersections within one (1) mile of the proposed development, including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the Zoning Administrator or Planning Commission.
- (i) A narrative summary shall be placed at the beginning of the report, including, but not limited to:
 - 1. The Applicant and project name;
 - 2. A location map;
 - 3. The size and type of development; and
 - 4. Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation engineers – publication, Trip Generation (current edition).
 - (ii) Project phasing identifying the year of development activities per phase and proposed access plan for each phase shall be included.
 - (iii) A transportation system inventory shall be included, describing the physical, functional and operational characteristics of the study area highway system and, where appropriate, locating transit services. The description should provide, where pertinent, data on:
 - 1. peak-hour volumes (existing and projected);
 - 2. number of lanes;
 - 3. cross-section;
 - 4. intersection traffic signals and configuration;
 - 5. traffic Signal progression;
 - 6. percentage of heavy trucks;
 - 7. adjacent access point locations;
 - 8. jurisdiction; and
 - 9. grades
 - (iv) A plan shall be included showing proposed Streets and Private Roads per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or Township standards and guides.
 - (v) Capacity analysis shall be performed at each access point. The Township's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are

- reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed Signalized access within one (1) mile of an existing Signalized intersection shall be analyzed in coordination with the existing Signal timing. A time-space diagram should also be included.
- (vi) A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.
 - (vii) Required operational changes shall be part of the Site Plan review and any access permit approval process.
- d. Evaluation and Criteria. As general criteria, the existing Street or Private Road network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any Streets or Private Road segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
- e. The Zoning Administrator may be provided to the Township engineer, Planner and any independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the Applicant.
3. Market Study. For unique development proposals, projects that may entail some financial expense or risk on the part of the Township or projects that may, in the judgment of the Planning Commission or Zoning Administrator, fundamentally alter the character of the community, the Planning Commission or Zoning Administrator may require a market study to demonstrate a reasonable expectation that a market exists for a proposed development. Such a study shall be prepared in accord with this Section.
- a. Description. A market study shall be a detailed and documented analysis of the existing and projected economic conditions in the community that may impact both the proposed demand for the products or services to be generated on a site and the impact on other potentially competing businesses and services in the community that may result from the proposed development.
 - b. Content. Unless specifically waived by the Zoning Administrator or Planning Commission, a market study shall include the following elements:
 - (i) An executive summary which outlines the key findings of the study;
 - (ii) The background for the study including both project background and the methodology and approach used;
 - (iii) An overview of the market area including area demographic information and a description of the transportation and service infrastructure that would serve the proposed development;
 - (iv) A trade area delineation describing the likely geographic area that may be influenced by the proposed development along with detail on the methodology used in defining the trade area;

- (v) A market feasibility analysis that defines the supply of competing facilities existing and planned in the marketplace, the inventory of alternative sources of supply or services that may compete with the proposed development and the demand for the products and services to be provided by the proposed development (this shall include a supply/demand gap analysis and a description of the ways in which the proposed development may address the gap defined); and
 - (vi) The credentials of the author(s) of the market study.
- c. Evaluation. The Zoning Administrator or Planning Commission or both shall review the market study to be satisfied that there is a reasonable expectation that the proposed development will meet with economic success without creating excessive dislocations within the existing marketplace.

1005 REVIEW CRITERIA

In addition to any standards or requirements specified in other Sections of this Ordinance 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:

- A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of Lot, the character of adjoining property and the type and size of Buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscaping and other existing natural features on the site shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas and existing drainage patterns.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties or surface or groundwater resources.
- D. The Site Plan shall provide reasonable, visual and sound privacy for all Dwelling Units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All Buildings or groups of Buildings shall be so arranged as to permit emergency Vehicle access by some practical means to all sides.
- F. Every Structure or Dwelling Unit shall have access to a Street, Private Road, walkway or other area dedicated to common use.
- G. A pedestrian circulation system shall be provided which is insulated as completely as reasonably possible from the vehicular circulation system.

- H. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential properties or Streets, shall be screened, by a vertical screen consisting of structural (fence) or plant materials no less than six (6) feet in height.
- I. Exterior lighting shall be so arranged that it is deflected away from adjacent properties, so that it does not impede the vision of traffic along adjacent Streets or Private Roads. Lighting shall further be arranged in a manner that is Night Sky Friendly Lighting and shall provide reasonable site illumination without adverse light pollution. Flashing or intermittent lights shall not be permitted.
- J. The Site Plan shall be consistent with the intent and purpose of this Ordinance and the Community Master Plan.
- K. Whether the proposed Site Plan furthers the Township's desire for sustainable development.
- L. All outdoor storage areas utilized in connection with non-residential activities shall be enclosed by a solid fence or wall of not less than six (6) and no more than ten (10) feet in height which is adequate to conceal such facilities from adjacent properties and from public view.
- M. The exact size and placement of Construction Zones will be determined by the Planning Commission or the Zoning Administrator during the Site Plan review or the permit process, but will include, at a minimum, the following areas:
 - 1. The Building footprint(s) plus a maximum area of twenty-five (25) feet surrounding the footprint(s) and a twenty-two (22) feet wide driveway access for all principal Building(s) on the Lot;
 - 2. Streets and utility easements; and
 - 3. Designated areas that must incur Protected Tree losses due to engineering requirements, such as but not limited to utilities, swales, site grading, stormwater systems, paved areas or other regulatory requirements.
- N. The Site Condominium Project shall meet the General Review Standards of Section 326.

1006 CONFORMITY TO APPROVED SITE PLANS

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

1007 TERM OF APPROVAL OF THE SITE PLAN

Each Site Plan shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.

- A. The Planning Commission may grant one (1) extension of up to an additional one (1) year period provided:
 - 1. The Applicant applies for such extension prior to the date of the expiration of the Site Plan approval and provided that:
 - 2. The Applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the Applicant; and
 - 3. The Site Plan requirements and standards, including those of this Ordinance and the Community Master Plan, that are reasonably related to the development have not changed.
- B. If construction is not underway and no Building permit has been issued under the current Michigan Building Code within the original approval time period or within the approved extension time period, the Site Plan approval shall be null and void.
- C. An Applicant may apply to renew a Site Plan after expiration as long as a new application has been submitted to the Township and the Site Plan receives full review as required by this Chapter.
- D. Any Site Plan which has been approved by the Township as of the effective date of this Ordinance, but for which Site Plan construction is not underway and no Building permit has been issued under the current Michigan Building Code within one (1) year after that effective date or within any approved extension time period, the Site Plan approval shall be null and void.

1008 AMENDMENT TO THE SITE PLAN

- A. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Site Plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include but not necessarily be limited to the following:
 - 1. Reduction of the size of any Building or Sign or both;
 - 2. Movement of Buildings or Signs or both by no more than ten (10) feet;
 - 3. Landscaping approved in the Site Plan that is replaced by similar landscaping to an equal or greater extent;
 - 4. Changes in floor plans, of up to five (5) percent of the total Floor Area, which do not alter the character of the use or increase the amount of required parking;
 - 5. Internal rearrangement of a Parking Lot, or changes to the number of Parking Spaces provided by not more than ten (10) percent;
 - 6. Changes required or requested by the Township, the County, or other State or Federal regulatory agency in order to conform to other laws or regulations; and
 - 7. Change of phases or sequence of phases, only if all phases have received final approval.
- B. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the Site Plan and shall be processed in the same manner as the original Site Plan application.

1009 APPEALS

Any person claiming to be aggrieved by a decision granting or denying Site Plan approval shall have the right to appeal the decision to the Board of Appeals. This right of appeal shall be the exclusive remedy available to the aggrieved party and written notice of appeal shall be filed with the Township Clerk within ten (10) days of the decision of the Planning Commission.

ARTICLE ELEVEN - HOME OCCUPATIONS

1100 PURPOSE

These standards are intended to insure compatibility with the other permitted uses and the residential character of the neighborhoods in which Home Occupations are located. Home Occupations shall be secondary or incidental to the residential use of the Lot and principal Structure. Each Home Occupation shall meet the standards contained herein; and shall be so located and constructed that the average neighbor, under normal circumstances, will not be aware of its existence.

1101 REGISTRATION REQUIRED

Home Occupations shall be registered with the Zoning Administrator prior to commencement of any activity related to them.

1102 PERFORMANCE STANDARDS

- A. All Home Occupations shall, unless an exception is authorized by the Planning Commission as provided hereinafter, be subject to the following restrictions and regulations:
1. The Home Occupation shall be conducted in the home Building by members of the Family residing in such Building.
 2. No Home Occupation shall occupy more than twenty (20) percent of the usable Floor Area of the home Building; provided, however, that in no event shall the Home Occupation occupy more than three hundred (300) square feet.
 3. For purposes of identification, one (1) non-illuminated Name Plate not exceeding one (1) square foot in area shall be permitted. Such identification Name Plate shall identify only the name and profession, vocation or trade of the person or persons operating the Home Occupation. No other Sign shall be permitted in connection with the Home Occupation.
 4. No motors other than electrically-operated motors shall be used in conjunction with the Home Occupation. The total horsepower of all electrical motors utilized in the Home Occupation shall not exceed three (3) horsepower. No single electrical motor used in the Home Occupation shall exceed one (1) horsepower. All electrical motors and equipment used in the conduct of the Home Occupation shall be shielded so as not to cause radio or television interference for adjoining properties.
 5. In no event shall the use of the home Building for a Home Occupation alter the residential character of the home Building.
 6. No merchandise or articles for sale shall be displayed on the Lot utilized for the Home Occupation.
 7. No article or material used in connection with the Home Occupation shall be stored other than in the home Building.
 8. Home Occupations shall provide sufficient waste receptacles substantially screened from view; and the Lot shall be maintained free of debris.
 9. Home Occupation shall include an individual's ability to operate as a registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R

333.133 (the "General Rules"), the MMMA, and the requirements of this Article. Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing Marihuana not in strict compliance with the MMMA and the General Rules. Also, since Federal law is not affected by the MMMA or the General Rules, nothing in this Article, or in any companion regulatory provision adopted in any other provision of Ordinance is intended to grant, nor shall this it be construed as granting, immunity from criminal prosecution under Federal law. The MMMA does not protect users, caregivers or the owners of properties on which the Medical Use of Marihuana is occurring under the Federal Controlled Substances Act or any other applicable Federal legislation. The following requirements for a registered primary caregiver shall apply.

- a. The Medical Use of Marihuana shall comply at all times and in all circumstances with the MMMA and the General Rules, as they may be amended from time to time.
 - b. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, library, or Family Day Care home, to ensure community compliance with Federal "Drug-Free School Zone" requirements.
 - c. Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients per Dwelling Unit.
 - d. All necessary Building, electrical, plumbing and mechanical permits shall be obtained for any portion of the Dwelling Unit in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of Marihuana are located.
 - e. If a room with windows is utilized as a growing location for Marihuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the Dwelling Unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
 - f. That portion of the Dwelling Unit where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable standards.
 - g. The Lot and Dwelling Unit shall be open for inspection upon request by any or all of the following for compliance with all applicable laws and rules: the Zoning Administrator or the Fire Department or law enforcement officials.
- B. All Home Occupations shall be registered with the Zoning Administrator. Registration shall be provided on forms developed by the Township and may require a fee as determined by the Township Board. The Applicant shall sign such registration and shall document that the Home Occupation shall be conducted in accordance with the terms of this ordinance. If the Home Occupation fails to meet the provisions of this Ordinance, the registration shall become null and void until proof of compliance is provided.

- C. Home Occupations must comply with the following performance standards:
1. Home Occupations must be conducted in such a manner so as not to create, constitute or increase a nuisance. All Home Occupations must not generate noise, vibrations, smoke, dust, odor, heat or glare that is detectable beyond the property lines;
 2. Home Occupations shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential unit in the District; and
 3. Home Occupations shall not generate more than ten (10) Vehicle trips per day; and Home Occupations shall not require more than two (2) parking spaces, located in the driveway or on the Street directly adjacent to the property.

1103 REVOCATION OF PERMIT

All permits issued to Home Occupations pursuant to this Ordinance, or which have been granted by the Township previously, shall be revocable by the Zoning Administrator if such Home Occupation fails to comply with any of the applicable standards as set forth in this Ordinance, any other applicable ordinance or code.

ARTICLE TWELVE - ACCESS MANAGEMENT REGULATIONS

1200 INTENT

The intent of this Article is to provide standards to facilitate traffic operations and improve public safety. The standards of this Article are intended to protect the public investment in Streets and to minimize traffic congestion and accident potential while still providing property owners with reasonable but not necessarily direct access to abutting Streets and Private Roads.

1201 APPLICABILITY

The standards of this Article shall apply to all uses for which Site Plan review and approval is required according to Article Ten.

1202 ADDITIONAL INFORMATION REQUIRED

In addition to the submittal information required for site plan review, the following shall be provided with any application for site plan review:

- A. Proposed and existing access points on both sides of the Street within five hundred (500) feet of the development.
- B. Evidence indicating that the Sight Distance requirements of MDOT, Ottawa County Road Commission (OCRC), and Spring Lake Township, as applicable, are met.
- C. Dimensions for driveways (width, radii, throat length, length of any acceleration or deceleration lanes, tapers, pavement markings and signs) and all curb radii within the site.
- D. Route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles, and other similar vehicles.
- E. Correspondence showing that the proposal has been submitted to MDOT, and/or the OCRC.
- F. Where shared access is proposed or required, a draft access easement, including the maintenance and operation agreements.
- G. A copy of the cooperative parking contract between the property owners when a cooperative parking agreement has been proposed.

1203 GENERAL ACCESS REQUIREMENTS

- A. The Planning Commission shall have the authority to:
 - 1. Require Front Yard and/or Rear Yard Service Drives;
 - 2. Limit the number of driveways for a Lot;
 - 3. Require that Parking Lots on adjacent Lots be connected;
 - 4. Require driveways for adjacent Lots be shared;
 - 5. Require driveways on opposite sides of a Street be directly aligned or have proper offsets; and
 - 6. Require the closing, relocation, or redesign of a driveway or access point.
- B. Criteria: In determining whether to impose the access control measures described in (A) above, the Planning Commission shall consider the following criteria:

1. The type and location of uses on the Lot and adjacent to the Lot;
2. The location, size and design of existing and proposed Parking Areas;
3. The existing and projected traffic volume on abutting and adjacent Streets;
4. Compatibility between adjacent land uses and likelihood of change or expansion;
5. Number of Lots involved, location of Lot lines and amount of Street frontage;
6. Topography and sight distance along adjacent Streets and on the site;
7. Distance from intersections;
8. Location of driveways opposite the site;
9. Width of the abutting Street(s) and number of traffic lanes;
10. Environmental limitations (steep slopes, water, vegetation, etc.);
11. Building Setbacks;
12. Any specific recommendations of the Township Master Plan; and
13. The results of any traffic assessments or study.

1204 NUMBER OF DRIVEWAYS

- A. General Access: Unless otherwise warranted under the provisions of this Section, access to a County Primary Road for an individual Lot, or access to any Street from contiguous Lots under the same ownership, shall be limited to a single two-way driveway.
- B. County Primary Road Frontage: For a Lot with County Primary Road frontage of more than three hundred (300) feet, an additional driveway may be allowed for each additional three hundred (300) feet of County Primary Road frontage (e.g. two [2] driveways for six hundred [600] feet of County Primary Road, three [3] driveways for nine hundred [900] feet of County Primary Road frontage, etc.), provided that driveways meet the spacing standards of this Chapter.
- C. Dual Frontage: Where Lots have dual frontage on both a higher and lower classification of roadway (i.e. County Primary Road and a County Local Road) access shall be provided from the latter. If the Lot has a minimum of three hundred (300) feet of County Primary Road Street frontage, additional access may be allowed along the County Primary Road if the access meets the spacing standards of this Chapter.

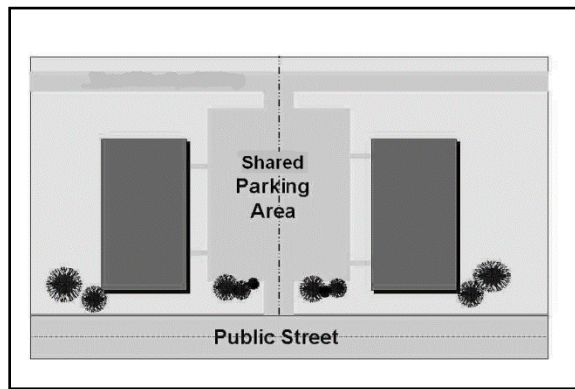
1205 TEMPORARY AND SHARED DRIVEWAYS, REAR SERVICE DRIVES, PARKING LOT CONNECTIONS AND FRONT SERVICE DRIVES

- A. Temporary Access: In cases where a Lot is not allowed to have permanent direct driveway access to a County Primary Road, a temporary direct access may be granted if the adjoining parcels are undeveloped. Approval of a temporary driveway permit by the Planning Commission and the Ottawa County Road Commission or MDOT shall specify the future means and location of the permanent access, as well as when such access will be provided. The property owner shall record with the Township and the Ottawa County Register of Deeds a temporary access agreement noting these items as well as a statement that the temporary driveway will be closed at no cost to the Township at such time as access becomes available through the development of adjoining properties.

B. Shared Driveways: Sharing or joint use of a driveway by two (2) or more Lots may be required. In cases where access is restricted by the driveway spacing requirements of this Chapter, a shared driveway may be the only access allowed. The shared driveway shall be constructed as nearly as practical to straddle the common property line. A written easement and maintenance agreement shall be provided and legally recorded with the Ottawa County Register of Deeds which allows traffic to travel across one (1) Lot to access another, and to access the Street.

C. Rear Service Drives and Parking Lot Connections:

1. Where a proposed Parking Lot is adjacent to an existing Parking Lot of a similar use, there shall be a vehicular connection between the two (2) Parking Lots where possible, as determined by the Planning Commission according to the criteria of Section 1203.B above.



2. Lots may be required to include a Rear Yard Service Drive especially where connection to a second Street is available.
3. If a Lot with an established commercial use is divided to allow for an additional commercial use, an additional driveway for that use will only be permitted if the driveway spacing requirements of this Chapter are met. The original and the additional commercial use shall have adjoining connected Parking Lots and may be required to construct a connecting Rear Yard Service Drive.
4. Front Yard Service Drives: Front Yard Service Drives may be required for locations where construction of Rear Yard Service Drives is not practical. In cases where a Front Yard Service Drive exists or is proposed on an approved site plan for an adjoining Lot, access shall be provided via such Service Road, rather than by direct connection to the County Primary Road except as may be temporarily permitted by Section 1205(A).

1206 DESIGN AND CONSTRUCTION OF SERVICE DRIVES

- A. Rear Yard and Front Yard Service Drives required under this Chapter shall be constructed according to the following standards:
1. A Service Drive shall have a minimum width of twenty four (24) feet, measured from face to face of the curb, with an approach approved by the Ottawa County Road Commission at intersections with a Street.
 2. The geometrics of Rear Yard or Front Yard Service Drive intersections with Streets shall be approved by the Ottawa County Road Commission or MDOT, as applicable.

3. A Service Drive shall have a minimum of one hundred (100) feet of stacking space or throat length for entering and exiting Vehicles at the intersection of the Service Drive and the Street.
4. Parking shall generally be prohibited along Service Drives. However, one (1) way or two (2) way Service Drives designed with additional width for parallel parking may be allowed if such traffic studies demonstrate that such parking will not significantly affect the safety or operation of those Service Drives. Perpendicular or angle parking along either side of a designated Service Drive shall be prohibited.
5. Directional Signs and pavement markings may be required to help promote safe and efficient circulation. The property owner(s) shall be required to maintain all pavement markings and signs. All Directional Signs and pavement markings shall conform to the standards contained in the current "Michigan Manual of Uniform Traffic Control Devices."

B. Curb Radii:

1. Driveways shall be designed with at least twenty five (25) feet radii where primarily passenger Vehicle traffic is expected.
2. Driveways shall be designed with at least thirty five (35) feet radii where primarily truck Vehicle traffic is expected.

C. Acceleration, Deceleration and Bypass Lanes: Acceleration, deceleration and/or left turn bypass lanes may be required to be built according to the standards of the Ottawa County Road Commission, as determined by the Planning Commission, the Ottawa County Road Commission, or MDOT.

1207 DRIVEWAY SPACING AND SERVICE DRIVE SPACING AND LOCATION

A. Driveway and Service Drive Spacing and Location from Intersections:

1. Driveway and Service Drive spacing from intersections shall be measured from the centerline of the driveway to the nearest edge of the Travel Lane on the intersecting Street.
2. The minimum distance between a driveway or Service Drive and an intersecting Street shall be based on the following:

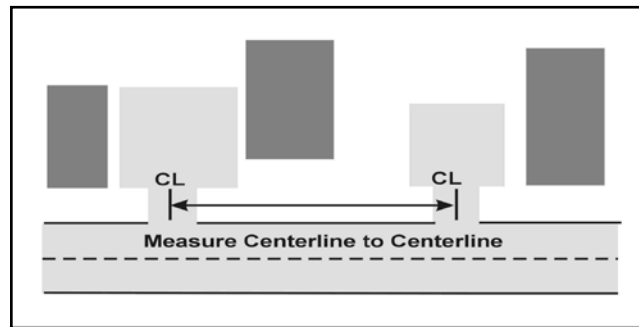
| Driveway and Service Drive Spacing from Street Intersection | |
|--|-------------------------|
| Intersecting Street | Driveway Spacing |
| County Primary Road or signalized County Local Road | 250 Feet |
| Non-signalized County Local Road or Subdivision Street | 150 feet |

B. Driveway and Service Drive Spacing from Other Driveways or Service Drives:

1. There shall be minimum spacing of twenty five (25) feet between the outside edge of a driveway and the adjacent property line. The centerline for a driveway is measured at the Street right-of-way line. This requirement does not apply to shared driveways.

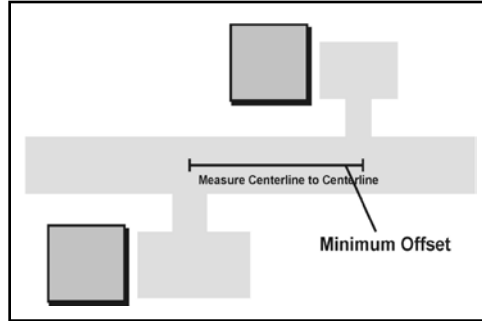
2. Minimum driveway spacing requirements shall be determined based on posted speed limits along the Street frontage, as indicated in the following table. This space is based on average Vehicle acceleration and deceleration rates and are intended to maintain safe traffic operation. The spacing is measured from the inside edge of the proposed driveway to the inside edge of the nearest existing driveway, both measured at the Street right-of-way line.

| Required Spacing Between Adjacent Driveways or Service Drives on same side of Street | |
|---|------------------------|
| Legal Driving Speed Limit on the Street which Adjoins or Abuts the Proposed Driveway | Minimum Spacing |
| 25 mph or less | 100 feet |
| 30 mph | 125 feet |
| 35 mph | 150 feet |
| 40 mph | 200 feet |
| 45 mph | 250 feet |
| 50 mph or over | 300 feet |



- C. Minimum Spacing Between Opposite Side Driveways or Service Drives (Alignment). Access Points shall be aligned with Opposite Side Driveways or Service Drives, or offset by the appropriate distance contained in the table below. Measurements shall be taken from centerline of the proposed Driveway or Service Drive to the centerline of the Opposite Side Driveway or Service drive.

| Posted Speed | Required Minimum Spacing |
|---------------------|---------------------------------|
| 40 mph | 525 feet |
| 45 mph | 630 feet |
| 50 mph + | 750 feet |



- D. In the event that a particular existing Lot or Lots of record lack sufficient Street frontage to maintain the required spacing required in (A) and (B) above, the landowner(s) shall seek relief in the following order.
1. The landowner and an adjacent landowner are encouraged to establish a shared driveway, connected parking lot, or service drive, thus eliminating the need for at least one (1) access point to the Street.
 2. Upon demonstrating to the Planning Commission, by way of written documentation of contact with the adjacent property owner, an inability to achieve a form of shared access, the landowner may seek a reduction of minimum spacing from the Planning Commission. The Planning Commission may allow a lower classification in the above tables, if convinced that the landowner has no other reasonable alternatives.
- E. Closing, Relocation, or Redesign of Access Point: In the case of expansion, alteration, change of use, or redesign of an existing development where existing Access Points do not comply with the current spacing standards, the Planning Commission may require that the Access Point be closed, relocated, or redesigned.

1208 STATE TRUNK LINES

All requirements of this Article for County Primary Roads shall also apply to State Trunk Lines, to the extent the Township is not preempted.

ARTICLE THIRTEEN - SUSTAINABLE COMMUNITY ASSESSMENT

1300 PURPOSE AND INTENT

The Sustainable Community Assessment (SCA) is a development review tool to comprehensively analyze how new development and redevelopment contributes toward Sustainable Community development in the Township. The Sustainable Community Assessment was created to implement the Community Master Plan by creating a review process for development and redevelopment that follows smart growth practices and neighborhood guidelines established by the U.S. Green Building Council. The intent of the SCA is to give staff, Applicants, and decision makers an indicator as to the level of sustainability a project includes within it, as well as its contribution to the broader community.

1301 APPLICABILITY

The SCA shall be a review process only and shall be used as one factor (of many) in the review process for proposed commercial or industrial uses, Special Land Uses, Planned Unit Development, Subdivisions, Site Condominiums, Multi-Family Dwellings and Two-Family Dwellings. Applications shall not be wholly approved or denied based on the score of the SCA, but used in conjunction with general approval criteria and to promote long-term economic vibrancy, strong neighborhoods and protection of Significant Natural Features.

1302 POINT REQUIREMENTS

The SCA shall utilize the following point thresholds to be incorporated into the SCA finding:

EXCEEDS MINIMUM STANDARDS: one hundred two (102) points or greater;

MEETS MINIMUM STANDARDS: fifty-one (51) points or greater; and

DOES NOT MEET MINIMUM STANDARDS: Less than fifty-one (51) points

The point scale above assumes a maximum point score of one hundred fifty-five (155), with fifty-one (51) (meets minimum standards) and one hundred two (102) (exceeds minimum standards) representing thirty-three (33) percent and sixty-six (66) percent thresholds of this maximum number, respectively. For proposals where certain line items from the SCA are not applicable to the project, the total maximum points and point thresholds shall be adjusted and pro-rated accordingly. A nonapplicable point or line item is one which is impossible to include in the project because of its location or existing condition. Table 13.1, Applicability for Optional Items, depicts the optional point categories that are applicable to a specific use type.

For example, a residential project has two (2) non-applicable points (since Limited Turf/Efficient Species is not applicable). Therefore, the maximum of one hundred fifty-five (153) points are possible and the following SCA finding thresholds would apply accordingly:

***EXCEEDS MINIMUM STANDARDS:** sixty-six (66) percent of one hundred fifty-three (153): one hundred (100) points or greater;*

***MEETS MINIMUM STANDARDS:** thirty-three (33) percent of one hundred fifty-three*

*(153): fifty (50) points or greater; and
DOES NOT MEET MINIMUM STANDARDS: less than fifty (50) points.*

1303 REQUIREMENTS OF ANY SCA

A. Location/Site Data

1. For sites greater than twenty thousand (20,000) square feet in area, a natural features analysis shall be conducted to document existing vegetation and natural features, such as wooded areas, Wetlands, floodplains, slopes, etc. Site layout minimizes negative impact to existing natural features. **REQUIRED.**
2. The project preserves ridgelines and slopes steeper than twenty (20) percent in an undeveloped, natural state. **REQUIRED.**

1304 OPTIONAL POINT DETAILS SECTION

A. Location/Site Data.

1. Location Infill/Redevelopment: The project is either infill or adjacent to an existing town or community center (defined as an area with multiple private businesses and services within walking distance of each other).
 - a. Infill site: The site is surrounded on all sides by development. Four (4) points.
 - b. Adjacent site: The site is adjacent to existing development as part of a town or community center on at least one (1) side of the project. Two (2) points.
 - c. Previously developed (deconstruction required): One (1) point.
 2. Detailed Natural Features Inventory: A natural feature inventory documenting existing natural features such as but not limited to: Wetlands, floodplain, habitat, vegetation, wildlife corridors, etc. Endangered species are identified for sites greater than five (5) acres in area. Five (5) points.
 3. Riparian/Wetland Preservation: For any site with Wetland/stream/Water Body(ies), any development is set back from the edge of the delineated riparian/Wetland vegetation, and avoids any floodplain. (Note that a twenty-five [25] feet Setback is required per Section 357).
 - a. Setback from twenty-six (26) to fifty (50) feet, one (1) point.
 - b. Setback from fifty-one (51) to one hundred (100) feet, two (2) points.
 4. Agricultural Land Preservation: The project is either on previously developed land or is not located on land used for agriculture, such as but not limited to blueberry fields. Two (2) points.
 5. Existing Vegetation Preservation: The project preserves natural grades and avoids disturbance of existing trees and mature shrub species. To qualify, vegetation is fenced around the Dripline. Silt fences are in place to prevent sediment run-off towards protected vegetation. If no such vegetation exists on site, this item is inapplicable. Two (2) points.
 6. Brownfield/Blight Redevelopment: The project redevelops an area that is currently dilapidated or blighted. Blight is defined for purposes of this subsection as: an unsightly condition including the accumulation of debris, litter, rubbish, or rubble; fences or Structures characterized by holes, breaks, rot, crumbling, cracking peeling, rusting or damage; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood. Four (4) points.
- OR**

- The project cleans up a brownfield Lot. In this case brownfield is a property with actual demonstrated past commercial or industrial contamination. A contamination cleanup plan must be documented and administered. Four (4) points.
7. Stormwater Management: Best management practices for stormwater management, including Low Impact Development principles, are utilized and one hundred (100) percent of surface runoff travels through bioswales, rain gardens, engineered Wetlands, greenroofs, and/or other vegetated drainage features that remove particulates and pollutants from surface runoff, provide onsite rainwater irrigation, and promote natural groundwater recharge. Four (4) points.
 8. Staging Plan: The staging of construction equipment and materials is kept out of the public realm. One (1) point.

B. Connections/Uses

1. Open Community: The project is not gated and roads/paths/amenities are open to the public for use and connected to the community outside the development project. Two (2) points.
2. Public Access: The project provides public access to existing or appropriate trailheads, Parks, community facilities or access points to Public Lands or rivers (new access points must include approval from appropriate jurisdictional authority). Two (2) points.
3. Compact Development: Residential development has a minimum average gross Density of seven (7) units per acre. Five (5) points.
4. Maximized Height: The project is located entirely upon previously developed areas of the property. One (1) point.
5. Views of important natural features and water bodies are preserved through Building design, including step backs or elevated Setbacks, gable orientation toward the waterfront, and minimizing the Building widths. Two (2) points.
6. Clustering: The project utilizes efficient infrastructure and reduced site impacts by concentrating development in compact clusters or nodes of development and creates or maintains Open Space on the property. Four (4) points.
7. Scenic Landscapes and Vistas: Preserve and protect views from public rights-of-way to Lake Michigan dunes, Spring Lake, the Grand River or other Watercourses and Wetlands. Three (3) points.
8. Agriculture: Retain the Township's history, culture, and agricultural land uses. Three (3) points.
9. Wildlife, Wildlife Habitat and Migration Routes: Set aside areas critical to the long-term health and vitality of indigenous wildlife. Three (3) points.
10. Sensitive Lands and Environments: Protect and enhance riparian areas, flood plains, and other sensitive, unique, or endangered ecosystems or environments. Three (3) points.
11. Physical and Visual Buffers: Promote community distinction, and provide separation between developed areas and sensitive lands. Three (3) points.
12. Open Space points for permanently protected open space through conservation easements:
 - a. Protects more than fifty (50) percent of Significant Natural Features on site. Three (3) points.

- b. Provides active recreational amenities. Three (3) points.
 - c. Contains a width of at least one hundred (100) feet for all dimensions. Three (3) points.
 - d. Located adjacent to other permanently protected open space areas. Three (3) points.
 - e. Open space areas incorporate Universal Design features. Three (3) points.
13. Reduced Parking Footprint:
- a. For nonresidential projects, ten (10) percent of Parking Spaces are reserved for carpool Vehicles of two (2) or more passengers. One (1) point.
 - b. Covered bicycle storage is provided for a minimum fifteen (15) percent of occupants. One (1) point.
 - c. Covered bicycle storage is provided for a minimum twenty-five (25) percent of occupants. Two (2) points.
 - d. Use is made of porous pavement, waffle pavers or other semi-porous pavement materials comprising at least twenty-five (25) percent of the total pavement surfaces. Two (2) points
14. Parking Location: For all non-residential and Multi-Family Dwellings, all surface parking must be in the Side Yard or Rear Yard, leaving Building Frontages and Streetscapes free of Parking Lots. Side Yard parking must be adequately screened.
- a. For Single-Family and Two-Family Dwellings, garages cannot protrude from the front façade, unless the garage design incorporates a staggered Setback; Side Yard and Rear Yard parking; or access via alley, shall promote pedestrian access. Two (2) points.
 - b. Parking only in Rear Yard of Buildings, or no surface Parking Lots. Four (4) points.
 - c. Parking in Side Yard of Buildings (not obstructing entrance). Two (2) points.
15. School Proximity: A public school is located within a mile of the project. Children are able to walk or ride from the development to the school safely on designated routes or paths. Distance is measured as traveled on such routes or paths. Four (4) points.
16. Diversity of Uses: The project includes residential mixed with commercial uses whereby the commercial uses are complementary to the residential uses, meeting the daily needs of residents. Two (2) points.
17. Diversity of Housing Types: To enable citizens from a wide range of economic levels and age groups to live within a community, a diversity of housing types is necessary.
- a. One (1) point is awarded for each housing type as defined in the following list:
 - (i) Detached residential large more than one thousand eight hundred [1,800] square feet, not to exceed three thousand [3,000] square feet);
 - (ii) Detached residential small (less than one thousand eight hundred [1,800] square feet);
 - (iii) Duplex or townhouse large (equal to or more than one thousand two hundred [1,200] square feet, not to exceed two thousand [2,000] square feet);
 - (iv) Duplex or townhouse small (less than one thousand two hundred [1,200] square feet);
 - (v) Multi-Family large (equal to or more than one thousand [1,000] square feet, not to exceed two thousand [2,000] square feet);

- (vi) Multi-Family small (less than one thousand [1,000] square feet);
- (vii) Live/work large (equal to or more than one thousand two hundred [1,200] square feet); and
- (viii) Live/work small (less than one thousand two hundred [1,200] square feet).

C. Transportation

1. Walkable Streets:

- a. Each Building has a principal front entry that faces a functional public pedestrian space. A functional public pedestrian space is one that has gathering areas nearby and is connected to pedestrian walkways. Two (2) points.
 - b. Sidewalks or footpaths are available on all Streets and Private Roads within and bordering the project. Two (2) points.
 - c. Eight (8) feet wide non-motorized bike paths connect to the public path system. Two (2) points.
 - d. All Streets facing non-residential Mixed Uses are posted for twenty-five (25) miles per hour or slower. Two (2) points.
 - e. All Streets in residential-only blocks have road designs for twenty (20) miles per hour or slower. Two (2) points.
 - f. Pedestrian entrance to commercial use occurs at least every fifty (50) feet on average. Two (2) points.
- 2. All ground-level non-residential interior space has at least fifty (50) percent transparent glass on the ground-level façade. Two (2) points.
 - 3. No blank walls longer than thirty (30) feet occur along sidewalks. Vertical elements act as breaks to blank walls, including windows, doors, murals or others. Two (2) points.
 - 4. For non-residential projects, at least fifty (50) percent of ground level space is retail or service (banks/real estate not included). Two (2) points.
 - 5. Trees, awnings, or other Structures provide shade to at least fifty (50) percent of sidewalks (tree shading at maturity). Two (2) points.
 - 6. Traffic calming devices are provided within the Streets or Private Roads such as narrowed travel lanes, curves, chicanes, roundabouts, bump-outs or other physical modifications to slow traffic. Two (2) points.
 - 7. Additional Signage, crosswalks, and pavement markings are provided to enhance pedestrian safety. Two (2) points.
 - 8. Street Network: The project has a small-block grid pattern providing interconnectivity of Streets and Private Roads or both. Two (2) points. If not a grid pattern, at least fifty (50) percent of cul-de-sacs have a bicycle/pedestrian path through-connection. If topographic or other limitations prevent connection, those are not included in calculation.
 - 9. Walkable Vicinity Access: Services and stores are within walkable distance of the project. Use www.walkscore.com to establish the vicinity walkability of the project. A score of:
 - Twenty-six (26) to fifty (50): one (1) point;
 - Fifty-one (51) to seventy-five (75): two (2) points; and
 - Seventy-six (76) to one hundred (100): three (3) points.

10. Bicycle Network: The project provides direct and dedicated access to the Township non-motorized trail system. Maintenance of the access way is contained in a maintenance agreement for review and approval by the Township. Three (3) points.
11. Access To Public Spaces: Ninety (90) percent of Dwelling Units or non-residential spaces are within a quarter mile of a public green space that is at least a quarter acre in size (cannot be a narrow strip of green space). Two (2) points.
12. Access To Active Space: The project allows access to public outdoor recreation areas:
 - a. Fifty (50) percent of Dwelling Units are within a half mile of a public active space of at least one (1) acre (soccer fields, ball fields, basketball court, Park with active recreational facilities, etc.) One (1) point.
 - b. Ninety (90) percent of Dwelling Units are located within a half mile of a recreation path or network or that is least three (3) miles in length. One (1) point.
13. Local Food Production:
 - a. The project allows for private gardens in Side Yards, Rear Yards, or balconies. If applicable, condominium association covenants state such allowances. One (1) point.
 - b. Neighborhood gardens for growing a diverse mix of fruits, vegetables and grains exist as dedicated areas of one hundred (100) square feet per Dwelling Unit. The gardens include fencing, irrigation, and raised beds. Two (2) points.

D. Resource Efficiency

1. Limited Turf/Efficient Turf Species:
 - a. Less than twenty-five (25) percent of landscaped areas are irrigated turf grass. One (1) point.
 - b. Irrigated turf grass areas use a species that requires on average twenty-five (25) percent or less irrigation than Kentucky blue grass. One (1) point.
 - c. Diverse Native Landscaping: The project uses over ten (10) or more species of native low-water plants as a part of its landscape plan in an effort to diversify plant materials and promote low water-use landscaping. Two (2) points.
2. Solar Orientation: Seventy-five (75) percent of all Buildings in the project have solar orientation. The south-facing façade of the Buildings must be at least one and one-half (1.5) times the east-west façades. Three (3) points.
3. Renewable Energy: Provide on-site renewable energy system(s), but not including wood burners. Three (3) points for each five (5) percent of total energy consumption offset by system(s).
4. Infrastructure Recycled Content:
 - a. Concrete and/or asphalt is at least seventy-five (75) percent recycled content. One (1) point
 - b. Any mulch is recycled wood waste chip, and/or recycled tire mulch, or other type of recycled mulch material (for play areas). One (1) point

E. Buildings and Structures:

1. Buildings and Structures qualify for the following:
 - a. Leadership in Energy and Environmental Design (including LEED-ND); Four (4) points;
 - b. Michigan GreenBuilt or Energy Star: Four (4) points;
 - c. Include Energy Star appliances: Two (2) points; and

- d. MSHDA Green Communities: Four (4) points.
 - 2. Building and Structures that use the intelligent sensor-based lighting: One (1) point.
- F. Public Involvement: Neighborhood Meeting: Publicize, promote and provide an opportunity for gathering public comment prior to project design and submittal. Four (4) points.
- G. Innovation in Design: Demonstrate other components of the design that meet the intent of the Sustainable Community Assessment which is to promote resource efficiency, renewable power, reduced impacts, and social capital/equity. Points reviewed on a case by case basis. One (1) to five (5) points.

| TABLE 13.1 | | | | |
|--|-----------------|--------------------|------------------------------|------------------|
| APPLICABILITY FOR OPTIONAL POINTS | <u>All Uses</u> | <u>Residential</u> | <u>Commercial/Industrial</u> | <u>Mixed Use</u> |
| Location/Infill Redevelopment | X | | | |
| Detailed Natural Features Inventory | X | | | |
| Riparian/Wetland Preservation | X | | | |
| Agricultural Land Preservation | | X | | |
| Brownfield/Blight Redevelopment | X | | | |
| Stormwater Management | X | | | |
| Open Community | | X | | X |
| Public Access | X | | | |
| Compact Development | X | | | |
| Maximized Height | X | | | |
| Clustering | | X | | X |
| Open Space | X | | | |
| Reduced Parking Footprint | | | X | |
| Parking Location | X | | | |
| School Proximity | | X | | X |
| Diversity of Uses | X | | | |
| Diversity of Housing Type | | X | | X |
| Affordable Housing | | X | | X |
| Affordable Rental Housing | | X | | X |
| Walkable Streets | X | | | |
| Street Network | X | | | |
| Transit Facilities | X | | | |
| Walkable Vicinity Access | X | | | |
| Bicycle Network | X | | | |
| Access to Public Spaces | X | | | |
| Access to Active Space | X | | | |
| Local Food Production | | X | | X |
| Limited Turf/Efficient Species | | | X | |
| Solar Orientation | X | | | |
| Renewable Energy | X | | | |
| Infrastructure Recycled Content | X | | | |
| Buildings and Structures | X | | | |
| Public Involvement | X | | | |
| Innovation In Design | X | | | |

ARTICLE FOURTEEN - PLANNED UNIT DEVELOPMENT

1400 INTENT

- A. Planned Unit Developments (PUDs) in the Township may be established in any Zoning District when approved by the Township Board in accordance with the procedures specified in this Article as a Special Land Use. The purpose of the Planned Development is to:
1. Provide for flexibility in the regulation of land development;
 2. Encourage innovation in land use and variety in design, layout, and type of Buildings and Structures;
 3. Achieve economy, efficiency and sustainability in the use of land, natural resources, energy, and the provision of public services and utilities;
 4. Encourage the use of land in accordance with its character and adaptability;
 5. Encourage useful Open Space;
 6. Promote the enhancement of housing, employment, traffic circulation, pedestrian movement, and recreational opportunities for the residents of the Township;
 7. Provide for the regulation of a variety of land uses not otherwise authorized within a single Zoning District;
 8. Create better living, working, and shopping environments; and
 9. Provide for developments which would result in recognizable and substantial benefits to the ultimate users of a development, and to the community in general, where such benefits would be unfeasible or unlikely to be achieved under the conventional requirements of this Ordinance.
 10. Create developments that achieve the standards and best practices of smart growth and sustainable, energy efficient design.
- B. In order to accomplish these objectives, this Article permits the relaxation of the conventional requirements found in the underlying Zoning District(s). The use of land and the construction and use of Buildings and other Structures as a PUD shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Article.

1401 QUALIFYING CONDITIONS

Any development which fails to meet the following qualifying conditions, at a minimum, shall not qualify for development as a PUD.

- A. All PUDs shall be served by public water and public sanitary sewer facilities or a private community system approved by the Township Board, the Ottawa County Health Department, and other agencies, as appropriate.
- B. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties or their agent or both. If the PUD application is filed by a prospective purchaser or option holder, written consent of all property owners must be submitted as evidence of their concurrence with the PUD application.

C. The proposed uses and densities of the PUD must be consistent with the Community Master Plan for the subject property, unless otherwise noted in this Article.

D. All PUDs shall contain a minimum of twenty (20) percent Open Space.

1402 SITE DEVELOPMENT REQUIREMENTS

A. Residential PUD.

1. The Residential PUD site shall be not less than five (5) acres in area.
2. All residential uses shall be permitted including: Detached Single-Family Dwellings, Attached Single-Family Dwellings, Two-Family Dwellings, and Multi-Family Dwellings. Leisure and recreational amenities accessory to the residential use may also be permitted. Such uses may include but are not limited to: Golf Courses, Marinas, riding Stables, health clubs, and similar uses authorized as part of the PUD. In addition, one (1) real estate sales office may be permitted, provided the office is used solely for the purpose of marketing and selling properties located within the PUD, and provided the office is located in a Building approved as part of the PUD.
3. The maximum number of Dwelling Units permitted shall be determined by the underlying Zoning District. Residential densities shall not exceed those limits, unless otherwise permitted through the Density Bonus Option provisions of this Article. If the PUD lies in more than one Zoning District, the number of Dwelling Units shall be calculated on a proportionate basis.
4. The total amount of land to be used for the calculation of the permitted Density in a PUD shall be determined by using the net acreage of the site, excluding existing Street and Private Road rights, easements, or Significant Natural Features.
5. Land not proposed for development but used for the calculation of overall Density shall be considered Open Space and subject to the requirements of Section 1411.E.

B. Mixed Use PUD.

1. If the PUD is to contain a mixture of residential and non-residential uses (commercial establishments or offices), the minimum required area shall be ten (10) acres.
2. Only uses permitted in the underlying Zoning District shall be permitted.
3. All non-residential uses allowed in the PUD shall occupy no more than twenty-five (25) percent of the PUD's developable area (i.e., the gross or total acreage of the site, excluding any Street or Private Road rights-of-way). However, mixed occupancy Structures comprised of residential and office or commercial space in which at least fifty (50) percent of the Floor Area is occupied by Dwelling Units shall be considered residential uses. Recreational amenities such as golf courses and health clubs shall be considered residential uses.
4. The PUD site shall abut a County Primary Road, and all non-residential uses shall have direct access to such Street.
5. All non-residential uses shall be integrated into the design of the PUD with similar architectural and site development elements, such as Signs, landscaping, etc.
6. All merchandise for display, sale or lease shall be entirely within one (1) or more enclosed Building(s).

7. Buildings designed exclusively for non-residential uses shall be constructed according to the following requirements.
 - a. If the entire PUD contains forty (40) or fewer Dwelling Units, seventy-five (75) percent of these Dwelling Units must be constructed prior to construction of any Building intended only for commercial, office, or similar non-residential use.
 - b. If the PUD contains more than forty (40) Dwelling Units, fifty (50) percent of these Dwelling Units shall be constructed prior to the construction of any Building intended only for commercial, office, or similar non-residential use.

C. Non-Residential PUD.

1. The Non-Residential PUD site shall be not less than three (3) acres in area for commercial PUDs and not less than three (3) acres in area for industrial PUDs.
2. Only uses permitted in the underlying Zoning District shall be permitted.
3. No minimum Setback requirements shall apply. All Setbacks and Building separation shall be determined as part of the preliminary development plan approval by the Planning Commission and the Township Board.

D. Open Space.

1. To the extent possible, designated Open Space shall be large enough and of proper dimensions to contribute significantly to the intent of the PUD.
2. Open Space Maintenance.
 - a. All Open Spaces shall be in the joint ownership of the property owners within the PUD. A property owners' association shall be formed which shall take responsibility for the maintenance of the Open Space. Alternatively, evidence shall be given that satisfactory arrangements will be made for the maintenance of the Open Space land to relieve the Township of its future maintenance.
 - b. The maintenance requirements of Open Space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this Section, maintenance requirements are intended to include such items as the removal of any accumulation of trash or waste material within the Open Space, clean up of storm damage, or removal of diseased plant materials.
3. The Applicant for the proposed PUD shall provide the Township with a recordable maintenance or restrictive covenant agreement among the owners of the Open Space, or other documentation satisfactory to the Township which shall provide for and assure that the Open Space shall be preserved in perpetuity and maintained as needed. Open Space may be deed restricted, placed in a conservation easement, or otherwise held as Open Space in perpetuity. Suitable recorded instruments shall be submitted to the Township for review prior to final approval of the PUD.

- E. All applicable requirements of this Ordinance shall apply unless specifically modified in this Article.

1403 PRE-QUALIFICATION FOR APPLICATION

- A. Before submitting a formal application for a PUD, an Applicant shall submit a pre-qualification request intended to demonstrate to the satisfaction of the Township staff (e.g., the Zoning Administrator, the Township Supervisor, the Department of Public Works Director, the Township engineer, the Township Fire Chief, etc.), that the proposed PUD will satisfy the intent of this Article, as set forth in Section 1400, and that the Applicant has the necessary qualifications.
- B. At the time of the pre-qualification meeting with the Township staff, the Applicant will be expected to demonstrate thorough knowledge and understanding of the unique character, the advantages, and the limitations of the proposed site; the capability of that site to support the proposed PUD; and the consistency of the foregoing with the intent of this Article, as set forth in Section 1400.
- C. The pre-qualification request shall include, but not necessarily be limited to, the following:
 - 1. The qualifications of the professional designer of the proposed PUD, including academic and other written credentials, a list of comparable or relevant past projects, and graphic examples if available;
 - 2. The principal objectives of the PUD; identification of its prospective users and their needs; and why this site is appropriate for those objectives and those users;
 - 3. A graphic representation of the regional context of the proposed PUD;
 - 4. A description of the basic character, building form and layout of the proposed PUD;
 - 5. Evidence that the capital and human resources necessary for construction of the proposed PUD are, or will be, available;
 - 6. A map showing legal boundaries of the PUD, Streets, Private Roads, easements, and other pertinent legal indications of the property and its abutting Lots;
 - 7. An aerial orthographic photograph of the site and its vicinity, with the same graphic scale as is used for the map in (6) above (additional aerial views may also be submitted to further describe the nature of the existing site);
 - 8. A topographic map of the site, with the same graphic scale as is used for the map in (6) above, at contour intervals of no more than five (5) feet if the site is hilly or irregular, and two (2) feet if it is nominally flat;
 - 9. A conceptual plan showing Significant Natural Features, vehicular and pedestrian circulation, and anticipated number and Density of Dwelling Units;
 - 10. A graphic inventory of the characteristics of the site, including:
 - a. Significant Natural Features, as defined in Section 220
 - b. Soil characters, by approximate locations;
 - c. Slopes/Grade Changes;
 - d. Drainage patterns;
 - e. Wind directions (favorable and unfavorable);
 - f. Solar orientation;
 - g. Microclimate(s);
 - h. Forestation (type, coverage, size);
 - i. Other Significant existing vegetation (type, coverage, size);
 - 11. A site analysis or at least a graphic summary of the site, which clearly demonstrates the designer's understanding of, and the design implications of, the impact of the proposed PUD on the site.

- D. All of the information in (C) above shall be in written or graphic form. The Applicant shall furnish six (6) copies of the entire presentation for distribution to the Township staff members and other officials. The Applicant shall furnish two digital copies in a common format acceptable to the Zoning Administrator.
- E. The Township staff shall advise the Applicant if the application conforms with the intent for PUDs in Section 1400, whether it qualifies under the minimum requirements of Sections 1401, 1402 or 1411.B (Density Bonus Option), and whether the general concept is consistent with the Community Master Plan. In no case shall any representations made by the Township staff be construed as an endorsement of the PUD or an approval of the concept.

1404 PUD APPLICATION AND PRELIMINARY DEVELOPMENT PLAN

Applicants seeking approval of a PUD shall submit a complete application and a preliminary development plan to the Zoning Administrator, who shall schedule a date and time for a public hearing before and review by the Planning Commission. The PUD application shall include the following:

- A. A completed application form supplied by the Zoning Administrator.
- B. A Density calculation indicating the number of Dwelling Units by type, per gross acre of the site.
- C. Payment of a fee, as established by the Township Board.
- D. A narrative statement describing:
 - 1. The objectives of the PUD and how it relates to the intent for PUDs, as described in Section 1400;
 - 2. The relationship of the PUD to the Community Master Plan;
 - 3. Phases of the PUD and approximate time frame for each phase;
 - 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD;
 - 5. Anticipated start and completion of construction;
 - 6. Location, type, and size of areas to be dedicated for common Open Space; and
 - 7. A breakdown of the approximate square footage/acreage of major types of Significant Natural Features.
- E. A parallel plan shall be submitted for all residential and Mixed Use PUDs to illustrate the maximum development potential that would otherwise be possible under conventional zoning requirements. The parallel plan shall be based on the zoning requirements and shall reflect a development that could be built in the Township.
 - 1. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated Lot and/or Dwelling Unit.
 - 2. At a minimum, the parallel plan shall show property boundaries and dimensions, individual Lots, Building Envelopes, Street and Private Road rights-of-way or

- easements, Significant Natural Features (critical dunes, Wetlands, water features, and similar constraints), and utility easements. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
3. All Lots or Buildings shown on the parallel plan shall be buildable, which for the purposes of this Section shall mean Lots or Building areas that meet the minimum requirements of the Zoning District to which the property corresponds; that have an area of sufficient size and shape to accommodate the proposed principal Building; and that provide required driveways, Streets, Private Roads, or other means of permitted access.
 4. Areas of Wetlands, water bodies, and flood plains shall not be considered buildable.
- F. Twelve (12) copies of a preliminary development plan in accordance with Section 1408.E. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:
1. The PUD's name, the Applicant's name, the name and address of the firm and individual who prepared the preliminary development plan, scale, and north arrow;
 2. Property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres;
 3. Existing zoning and land use of all abutting properties;
 4. Existing Significant Natural Features;
 5. Existing Buildings on the site;
 6. Proposed uses and their approximate locations;
 7. Rights-of-way and pavement edges of existing Streets abutting the PUD;
 8. Locations of proposed access drives, Streets, Private Roads, and Parking Areas within the PUD;
 9. Proposed walkways or pedestrian paths;
 10. Proposed method of providing public water, public sanitary sewer, and stormwater drainage facilities;
 11. Layout and typical dimensions of proposed Lots;
 12. Approximate phases of the PUD;
 13. Proposed residential Density by area or phase;
 14. Location of Building Envelopes, Clearance Zones, and Significant Natural Features (Density Bonus Option applications only);
 15. Trees to be planted on the site, and Protected Trees to remain on the site; and
 16. Other landscape features, including plantings and hardscape.

1405 NOTICE AND PUBLIC HEARING FOR PUD

- A. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the manner required by law for a special land use, except that notice by mail shall be sent to all property owners within one thousand (1,000) feet of the subject property.
- B. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application. While not required,

it is strongly suggested that the Applicant meet informally with residents of the general area surrounding the proposed PUD site prior to the Planning Commission public hearing or even prior to submitting the PUD application. The purposes of such meeting would be to explain the development, answer questions, and make adjustments to the PUD plan to address concerns.

1406 PLANNING COMMISSION RECOMMENDATION

Following the public hearing, the Planning Commission shall review the PUD request and development plan based on the following and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD request. In its recommendation, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and Sections of the Ordinance, and identify those specific conditions, if any, it considers necessary. The Planning Commission shall consider at least the following factors in making its recommendation concerning the PUD request:

- A. Conformance with the Community Master Plan;
- B. Compatibility with the type, character, and Density of existing and anticipated uses surrounding the site; and
- C. Consistency with the intent and qualifying conditions of this Article in Sections 1400 and 1401, respectively.
- D. Point total achieved under Article Thirteen, Sustainable Community Assessment.
- E. The Planned Unit Development project shall meet the General Review Standards of Section 326.

1407 TOWNSHIP BOARD ACTION

After receiving the recommendation of the Planning Commission and applying the standards of Section 1410 and the factors of Section 1406, the Township Board shall review the application package, preliminary development plan, the record of the Planning Commission proceedings, and the Planning Commission's recommendations. At the applicant's request, the Township Board may hold a public hearing on the Special Land Use request prior to final action. The public hearing shall be held in accordance with Section 111. Following the public hearing, the Township Board shall then make its findings as to approval, approval with conditions, or denial. An approval with conditions shall not be considered granted until the Applicant submits to the Township Board a written acceptance of the conditions and all necessary revisions to the development plan which may be accomplished via a resolution of approval. At such point, the action of the Township Board to approve the PUD shall constitute the designation of the property as a PUD.

1408 FINAL DEVELOPMENT PLAN APPLICATION

Within one (1) year of the Township Board's approval of the PUD preliminary development plan, the Applicant shall submit to the Planning Commission a request for final PUD approval.

If a request for final approval is not submitted within the one (1) year period, the provisions of Section 1414 shall apply. An application for final PUD approval shall consist of the following:

- A. A completed application form, supplied by the Zoning Administrator;
- B. Payment of a fee, as established by the Township Board;
- C. A written response to the findings, review comments, and conditions, if any, from the Planning Commission and Township Board review of the preliminary development plan and a narrative explanation of the changes made to the final development plan in response to those items;
- D. Evidence that all required permits, other than Building permits, have been obtained, as applicable, from County, State, and/or Federal agencies; and
- E. A Site Plan containing all of the information required in Article Ten (Site Plan review); provided, individual Detached Single-Family Dwellings need not be shown on the plan. For developments consisting of three (3) or more phases, a plan meeting the requirements of Section 1404 may be submitted for the overall PUD and a detailed plan as required for final development plan may be submitted for the first phase. Each subsequent phase shall be reviewed in the same manner.

1409 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD approval. If it is determined that the final development plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Section 1404 through Section 1407 of this Ordinance.
- B. If the final development plan is consistent with the approved preliminary development plan and any conditions of approval, the Planning Commission shall review the final development plan in accordance with the criteria of Section 1410.
- C. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- D. The decision of the Planning Commission may be appealed to the Township Board which shall review the record of the proceedings, along with all materials submitted, and shall make its decision in accordance with the standards of Section 1410.

1410 STANDARDS FOR APPROVAL

A final development plan for a PUD shall be approved only if it complies with each of the following standards.

- A. The proposed development is consistent with the intent of a Planned Unit Development in the Township, as described in Section 1400, and represents a development opportunity for the community that could not be achieved through conventional zoning.
- B. The proposed PUD complies with all qualifying conditions of Section 1401 and with all qualifying conditions of Section 1411.B if applicable.
- C. The uses to be conducted within the proposed PUD and the proposed residential Density are consistent with the Community Master Plan.
- D. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- E. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- F. The proposed PUD meets all the review standards of Article Ten (Site Plan review) and Article Eleven (Special Land Use).
- G. The PUD preserves, in perpetuity, Significant Natural Features.
- H. The Planning Commission may require evidence that groundwater sources will be protected and that environmental, traffic, or other concerns are met. Approval of the County Health Department, County Road Commission, or other agencies, while required to develop the site, shall not be the sole determining factor in this regard.
- I. The PUD furthers the Township's desire for creating a sustainable community.
- J. The Township Board or Planning Commission may require additional information which either deems reasonably necessary to demonstrate compliance with the review standards and other requirements of this Article. Such information may include soil reports, hydrological tests, traffic studies, Wetland determinations, or other such evidence which shall be submitted by the Applicant prior to approval.

1411 DENSITY BONUS OPTION

- A. Intent. In order to further promote the benefits of PUD for the community and the property owner, an optional Density Bonus may be applied which is intended to provide added incentive, through increased densities and reduced minimum requirements, in exchange for preservation of Open Space in excess of that required under a traditional PUD and which might otherwise be developed.
- B. Qualifying Conditions. In order to qualify for a Density Bonus Option as defined in this Section, the property proposed for Planned Unit Development shall meet all of the following:

1. The proposed PUD-Density Bonus Option site shall have a minimum sixty-six (66) feet of Frontage on an existing Street sufficient to provide Street access to the site.
2. The Applicant must demonstrate that the property proposed for Density Bonus Option contains unique site conditions, Significant Natural Features, or large Open Spaces which would otherwise be developed but which will be preserved from development as a result of exercising the Density Bonus Option.
3. The Applicant must demonstrate, in writing and other appropriate material, that the proposed Density Bonus Option meets the intent of this Section, in addition to the intent described in Section 1400 and all other requirements of this Article for a PUD.
4. That the proposed PUD exceeds the minimum applicable point standards of the Sustainable Community Assessment.

C. Density Bonus Option: Design Requirements

1. Development Regulations for Residential PUDs for Density Bonus Option
 - a. All Lands: The following development regulations apply to all lands within the PUD-Density Bonus Option.
 - (i) Lot sizes for Detached Single-Family Dwellings and Site Condominiums may be reduced from the minimums specified elsewhere in this Article, but shall not be less than six thousand (6,000) square feet in area. There shall be no minimum Yard Setback requirements; provided, no principal Buildings shall be closer than twelve (12) feet to any other Building.
 - (ii) No Building site shall be permitted to gain direct access to any Street or Private Road not constructed or planned as part of the PUD-Density Bonus Option.
 - (iii) The total Clearance Zone area of any Lot shall be limited to that necessary to construct Buildings, drives, sidewalks, or other facilities or Structures, but in any case shall be limited to fifteen thousand (15,000) square feet, or sixty-five (65) percent of the area of the Lot, whichever is less. The Planning Commission may allow additional Lot Clearance Zone area upon finding that the Applicant has demonstrated that such a limitation does not allow sufficient area for Building and Lot development, due to the presence of Significant Natural Features or other limitations related to the physical features of the site.
 - (iv) Clearance Zone areas shall be clearly staked on each Lot prior to any construction activity or land clearing and no disturbance of the site shall take place outside of the Clearance Zone.
 - b. Development Setbacks: No Building Envelope shall be located nearer than one hundred (100) feet to any existing Street not included as part of the PUD in accordance with the following:
 - (i) No native or natural vegetation shall be removed from the Development Setback, except for that necessary for entrance Streets or Private Roads. The Planning Commission may modify this requirement provided the Applicant demonstrates that the clearing of existing vegetation would contribute significantly to the intent of this Article as described in Section 1400.
 - (ii) No grading or changes in topography shall be permitted, except as may be necessary to construct entrance Streets or Private Roads, or provide screening

as noted in subsection (c) below.

- (iii) The required one hundred (100) foot Setback may be reduced to fifty (50) feet if a year-round, opaque, natural screen is present or provided for at least seventy (70) percent of the lineal distance of the property line abutting any Street and having a depth of at least twenty-five (25) feet. The natural screen shall be subject to the approval of the Planning Commission, shall have at least fifty (50) percent opacity from the Street view, and shall consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- c. Commercial Uses: The Planning Commission and Township Board may allow commercial uses within the Density Bonus Option, subject to the following requirements.
 - (i) All commercial uses allowed in the PUD-Density Bonus Option shall occupy not more than twenty (20) percent of the acreage of the PUD site.
 - (ii) All other applicable standards of Section 1402.B shall apply.

D. Density Calculation

- 1. Development Density shall be calculated for the entire area encompassed by the PUD-Density Bonus Option which is intended to be used for residential purposes, or any individual phase thereof.
- 2. Lands within any public utility easement shall be excluded from any Density calculation, but may be used as part of the dedicated Open Space calculations.
- 3. The density bonus shall be per the table in Section 1411.E below.

E. Density Bonus Criteria

- 1. Any land outside a designated Lot, excluding any easements for Streets or Private Roads, used for the calculation of overall Density, shall be considered Open Space and designated as such on the Density Bonus Option plan. The Density Bonus Option shall allow the applicant to select from Column 1, 2 or 3 to achieve a density bonus of up to twenty-five (25) percent as approved and deemed reasonable by the Planning Commission and Township Staff.

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|-------------------------------------|--|---|
| Achieve a Minimum Open Space of 30% | Attain Points of 2/3 of available points in the Sustainable Community Assessment | Qualify for LEED-ND at the time of approval |

- 2. All requirements of Section 1402.D shall also apply to the PUD-Density Bonus Option.

1412 PUD AGREEMENT

Prior to issuance of any Building permits or commencement of construction on any portion of the PUD, the Applicant shall enter into an agreement with the Township in recordable form, setting forth the Applicant's obligations with respect to the PUD. The agreement shall describe

all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval of the PUD. The agreement shall also establish the remedies of the Township in the event of default by the Applicant in carrying out the PUD, and shall be binding on all successors in interest to the Applicant. All documents shall be executed and recorded in the office of the Ottawa County Register of Deeds.

1413 CHANGES TO AN APPROVED PUD

Changes to an approved PUD shall be permitted only under the following circumstances.

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any Building or Sign;
 - 2. Movement of Buildings or Signs by no more than ten (10) feet;
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
 - 4. Changes in floor plans, of up to five (5) percent of the total Floor Area, which do not alter the character of the use or increase the amount of required parking;
 - 5. Internal rearrangement of a Parking Lot which does not affect the number of Parking Spaces or alter access locations or design;
 - 6. Changes required or requested by the Township, the County, or other State or Federal regulatory agency in order to conform to other laws or regulations;
 - 7. Change of phases or sequence of phases, only if all phases of the PUD have received final approval.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application, including both preliminary and final plan review.

1414 TIME LIMIT FOR APPROVED PUD

Each PUD shall be under construction within one (1) year after the date of approval of the PUD final development plan, except as noted in this Section.

- A. The Planning Commission may grant one (1) extension of up to an additional one (1) year period if the Applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
 - 1. The Applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the Applicant; and
 - 2. The PUD requirements and standards, including those of this Ordinance and the Community Master Plan, that are reasonably related to the development have not changed.

- B. If either of the provisions of Section 1414.A are not fulfilled, or if an extension has expired without construction underway, the PUD approval shall be null and void.

1415 WAIVER OR MODIFICATION OF REQUIREMENTS

- A. Variations: The Planning Commission may permit variations of the requirements in this article if the Applicant can demonstrate that it will result in the preservation of Significant Natural Features, such as woodland, sand dunes, Wetlands, etc., without compromising public safety, consistent with the factors in Section 1400.

ARTICLE FIFTEEN - WIND ENERGY TURBINES

1500 INTENT

The purpose of this Article is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

- To promote the safe, effective, and efficient use of a WET;
- To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET; and
- To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

1501 APPLICABILITY

This Ordinance applies to all WETs proposed to be constructed after the effective date of this Ordinance.

1502 SUMMARY OF WETS PERMITTED

| Facility Type | Application Process | Districts Permitted | Ordinance Section |
|----------------------|----------------------------|------------------------------|--------------------------|
| Anemometer | Permitted (Temporary) | All Districts | 1503 |
| SSMWET | Permitted | All Districts | 1504 |
| STMWET | Permitted | All Districts | 1504 |
| MWET | Special Land Use | AG, NC, GC, MU, LI, I, PR* | 1505 |
| LWET | Special Land Use | Wind Energy Overlay District | 1505 |

** MWETs are also permitted in Site Condominium Projects.*

1503 TEMPORARY USES – ANEMOMETERS

Anemometers are permitted in all Zoning Districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations. The following conditions apply.

- A. The construction, installation, or modification of an Anemometer Tower shall require a Building permit and shall conform to all applicable local, State, and Federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- B. An Anemometer shall be subject to the minimum requirements for Tower Height, Setback, separation, location, safety requirements, and Decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- C. An Anemometer shall be permitted for no more than thirteen (13) months for a SSMWET, STMWET, or MWET, and no more than three (3) years for a LWET.

1504 PERMITTED USES – SSMWETs, STMWETs

A SSMWET or STMWET shall be considered a permitted use in all Zoning Districts and is subject to all State of Michigan Building Codes. All SSMWETs and STMWETs are subject to the following minimum requirements.

A. Siting and Design Requirements:

1. SSMWET requirements:

- a. **Height:** The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, Antennae, and other similar protuberances.
- b. **Setback:** The Setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a Structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the Setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The Setback shall be measured from the furthest outward extension of all moving parts.
- c. The SSMWET shall not be affixed to the wall on the side of a Structure facing a Street or Private Road.
- d. No more than three (3) SSMWETs shall be installed on any Lot.
- e. If more than one (1) SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the bases of each SSMWET.

2. STMWET requirements:

- a. **Height:** The Total Height of a STMWET shall not exceed one hundred twenty (120) feet.
- b. **Location:** The STMWET shall be located in a Rear Yard of a Lot that has a principal Building. However, a STMWET may be permitted in the Side or Front Yard if the following conditions are met:
 - (i) The STMWET is at least two hundred (200) feet from the Front and Side Lot line; and
 - (ii) Evidence proves that the Side or Front Yard is the best site for sustained winds.
- c. **Separation:** All occupied Buildings shall be a minimum of twenty (20) feet measured from the base of the Tower.
- d. **Setbacks:** The Setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the Lot line, public right-of-way, public easement, or overhead Public Utility lines. This Setback may be reduced if the Applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the Tower Height of the STMWET.
- e. **Quantity:** No more than one (1) STMWET shall be installed on any Lot.
- f. **Electrical System:** All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each Lot at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the Tower wiring are

exempt from this requirement.

- B. Application and Site Plan Requirements: The application and Site Plan shall include the following information:
1. Name of property owner(s), address, and Lot number shall be included.
 2. A scaled Site Plan shall illustrate the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, Lot lines, physical dimensions of the Lot, existing Building(s), Setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, Streets, Private Roads and contours. The Site Plan must also include adjoining properties as well as the location and use of all Structures and Buildings.
 3. The proposed type and height of the SSMWET or STMWET to be constructed shall be set forth; including the manufacturer and model, product specifications including maximum noise output (measured in Decibels), total rated generating capacity, dimensions, Rotor Diameter, and a description of ancillary facilities.
 4. Compliance shall be documented with the noise requirements set forth in this Ordinance.
 5. Compliance shall be documented with applicable local, State and Federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
 6. Evidence shall be submitted that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-Grid Systems shall be exempt from this requirement.
 7. Other relevant information shall be provided as may be reasonably requested.
 8. Total proposed number of SSMWETs shall be given.
 9. A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

1505 SPECIAL LAND USES – MWETs, LWETs

- A. An MWET shall be a Special Land Use in Agricultural, Commercial, Industrial and Public Use Zoning Districts, as well as in Site Condominium Developments that are approved after the effective date of this Ordinance.
- B. A LWET shall be a Special Land Use in the Wind Energy Overlay District, which is created at the time the LWET is proposed in accordance with the Ordinance amendment procedures of Section 109.C and the applicable requirements of this Article.
- C. Siting and Design Requirements for all MWETs and LWETs: The design of a MWET or LWET shall conform to all applicable industry standards.
- D. Shadow Flicker: The MWET or LWET owner(s) or operator(s) shall conduct an analysis on potential Shadow Flicker at any Occupied Building with direct line-of-sight to the MWET or

LWET. The analysis shall identify the locations of Shadow Flicker that may be caused and the expected duration of the Shadow Flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where Shadow Flicker may affect the occupants of the Buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate or mitigate the problems.

E. MWET requirements:

1. Location: If an MWET is located on an agricultural, commercial, industrial, or public property that has an Occupied Building it shall only be located in the Rear Yard. The MWET shall only be located in a General Common Element in a Condominium Development.
2. Height: The Total Height of a MWET shall not exceed one hundred fifty (150) feet.
3. Quantity: No more than one (1) MWET shall be installed for every two and one half (2.5) acres of land included in the Lot.
4. Setback and Separation:
 - a. Occupied Building Setback: The Setback from all Occupied Buildings on the Applicant's Lot shall be a minimum of twenty (20) feet measured from the base of the Tower.
 - b. Property Line Setback shall be equal to the Total Height of the MWET as measured from the base of the Tower. This Setback may be reduced to a distance agreed upon as part of the Special Land Use permit if the Applicant provides a registered engineer's certification that the MWET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the MWET.
 - c. Street Setbacks: Each MWET shall be set back from the nearest Street a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such Street.
 - (i) Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of the MWET, as measured from the base of the Tower, determined from the existing power line or telephone line.
 - (ii) Tower Separation: MWET/Tower separation shall be based on industry standard and manufacturer recommendation.

F. LWET requirements:

1. Quantity: The number of LWETs shall be determined based on Setbacks and separation.
2. Setback and Separation:
 - a. Occupied Building Setback: Each LWET shall be set back from the nearest Occupied Building that is located on the same Lot as the LWET a minimum of one and one-half (1.5) times its Total Height.
 - b. Lot Line Setbacks: Lot line Setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This Setback may be reduced to a distance agreed upon as part of the Special Land Use permit if the Applicant provides a registered engineer's certification that the LWET is designed to

- collapse, fall curl, or bend within a distance or zone shorter than the Total Height of the LWET.
- c. Wind Energy Overlay District Setbacks: Along the border of the Wind Energy Overlay District, there shall be a Setback distance equal to one and one-half (1.5) times the Total Height as measured from the base of the Tower.
 - d. Street Setbacks: Each LWET shall be set back from the nearest Street a minimum distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such Street.
 - e. Communication and Electrical Lines: Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined from the existing power line or telephone line.
 - f. Tower Separation: LWET separation shall be based on industry standards and manufacturer recommendation.
3. Access Driveway: Each LWET shall require the construction of a Private Road to offer an adequate means by which the Township may readily access the site in the event of an emergency. All Private Roads shall be constructed to the Township's Private Road standards.
- G. Application and Site Plan Requirements: The application and Site Plan shall include the following information:
1. All MWET or LWET Special Land Use applications shall be accompanied by a Detailed Site Plan in accordance with Article Ten of this Ordinance.
 2. The proposed number, representative types and Total Height of each MWET or LWET to be constructed shall be included. The information shall specifically include their manufacturer and model, product specifications including maximum noise output (measured in Decibels), total rated capacity, Rotor Diameter, and a description of ancillary facilities.
 3. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET Tower separation.
 4. Documented compliance with the noise and Shadow Flicker requirements set forth in this Ordinance shall be provided.
 5. Engineering data shall be provided concerning construction of the MWET or LWET and its base or foundation, which may include, but not be limited to, soil boring data.
 6. A certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.
 7. Anticipated construction schedule shall be provided.
 8. A copy of the maintenance and operation plan shall be provided, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET or LWET to conduct maintenance, if applicable shall be provided.
 9. Documented compliance shall be provided with applicable local, State and Federal

regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communication standards. The MWET or LWET shall comply with FAA requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.

10. Evidence shall be provided that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-Grid Systems shall be exempt from this requirement.
11. A written description of the anticipated life of each MWET or LWET shall be provided, along with the estimated cost of Decommissioning; the method of ensuring that funds will be available for Decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET or LWET becomes inoperative or non-functional.
12. The Applicant shall submit a Decommissioning plan that will be carried out at the end of the MWET's or LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
13. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
14. A description of the routes to be used by construction and delivery Vehicles and of any Street and Private Road improvements that will be necessary to accommodate construction Vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to Streets and Private Roads and other areas caused by construction of the LWET.
15. A statement shall include what Hazardous Materials will be used and stored on the site.
16. A study shall assess any potential impacts on the natural environment including, but not limited to, assessing the potential impact on endangered species, eagles, birds or other wildlife, Wetlands and fragile ecosystems. The study shall conform to State and Federal wildlife agency recommendations based on local conditions.

H. Certification and Compliance:

1. The Township must be notified of a change in ownership of a MWET or LWET or a change in ownership of the property on which the MWET or LWET is located.
2. The Township reserves the right to inspect any MWET or LWET, in order to ensure compliance with the Ordinance.
3. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any MWET or LWET to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the MWET or LWET becomes operational. Sound shall be measured by a third-party, qualified professional.
4. The MWET or LWET owner or operator shall provide the Zoning Administrator with a copy of the yearly maintenance inspection.

1506 GENERAL REQUIREMENTS FOR ALL WETs

A. Visual Appearance:

1. WETs shall be non-reflective, non-obtrusive in color (e.g., white or gray). The appearance of the turbine, Tower, and any ancillary facility shall be maintained throughout the life of the WET.
2. WETs shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for reasonable safety and security.
3. WETs shall not be used for displaying any advertising (including flags, Streamers, or decorative items), except for identification of the turbine manufacturer.

B. Ground Clearance: The lowest extension of any blade or other exposed moving component of a WET shall be at least fifteen (15) feet above the ground and at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the WET.

C. Noise: Noise emanating from the operation of a WET or shall not exceed, at any time, the lowest Ambient Sound Level that is present between the hours of 10:00 p.m. and 7:00 a.m. at any Lot line of a residential or agricultural use Lot or from the property line of Parks, schools, Hospitals, and churches. Noise emanating from the operation of a WET shall not exceed, at any time, the lowest ambient noise level plus five (5) dB(A) that is present between the hours of 10:00 p.m. and 7:00 a.m. at any Lot line of a non-residential or non-agricultural use Lot.

D. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a WET is located.

E. Guy Wires: Guy wires shall not be permitted as part of any WET.

F. Safety Requirements:

1. If the WET is connected to a Public Utility system for Net-Metering purposes, it shall meet the requirements for interconnection and operation as set forth in the Public Utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate Public Utility.
2. The WET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the Tower Structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. All spent lubricants, cooling fluids, and any other Hazardous Materials shall be properly and safely removed in a timely manner.
4. Each WET shall have one (1) Sign, not to exceed two (2) square feet in area, posted at the base of the Tower and on the security fence if applicable. The Sign shall contain at least the following:
 - a. Warning of high voltage;

- b. Manufacturer's and owner/operator's name; and
 - c. Emergency contact numbers (list more than one number).
5. The structural integrity of the WET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
 6. Signal Interference: The WET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

G. Decommissioning:

1. The WET owner) or operator shall complete Decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or operator(s) of the WET, the Township Board may grant a reasonable extension of time. The WET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All Decommissioning expenses are the responsibility of the owner(s) or operator(s) and the Township may require financial guarantees to assure compliance.
2. If the WET owner(s) or operator(s) fails to complete Decommissioning within the period prescribed above, the Township may designate a contractor to complete Decommissioning with the expense to be charged to the violator or to become a lien against the Lot. If the WET is not owned by the property owner(s), a bond must be provided to the Township for the cost of Decommissioning each WET.
3. Decommissioning shall include the removal of each WET, Buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) or operator(s) of the WET.
5. All WET applications shall provide a Decommissioning plan and performance bonds as necessary by the Township.
6. Legal agreements may be required to ensure compliance with all Decommissioning requirements.

H. Public Inquiries and Complaints: Should an aggrieved property owner allege that the WET is not in compliance with the noise and Shadow Flicker requirements of this Ordinance, the procedure shall be as follows:

1. Noise Complaint:
 - a. Notify the Township in writing regarding concerns about noise level.
 - b. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - c. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.

- d. If the MWET or LWET is in violation of the Ordinance noise requirements, the owner shall reimburse the Township for the noise level test and take immediate action to bring the WET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.
2. Shadow Flicker Complaint - MWETS and LWETS only.
 - a. Notify the Township in writing regarding concerns about the amount of Shadow Flicker
 - b. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the owner to provide a Shadow Flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.
 - c. If the MWET or LWET Owner(s) is in violation of the Ordinance Shadow Flicker requirements, the owner shall take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.

ARTICLE SIXTEEN – ARCHITECTURAL STANDARDS

1600 APPLICABILITY

The following standards shall apply to a Lot in a Mixed Use Commercial, General Commercial, or Neighborhood Commercial Zoning District when the Applicant proposes to make one (1) or more of the following improvements (i.e. "Covered Development"):

- A. Alteration of existing Principal Building requiring Site Plan approval; or
- B. New construction (including tear down redevelopments).

1601 INTENT

All proposed Covered Development shall utilize quality architecture to ensure a Building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high quality image. The Planning Commission shall have the authority to approve or disapprove an architectural design that satisfies this intent, regardless of compliance with the specific standards in this Article. The Applicant and the Applicant's design professionals are encouraged to submit or present architectural concepts and alternatives at a study session with the Zoning Administrator or the Planning Commission or both, and to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. This can include sketches, photographs, or other graphic materials. Architecture for Covered Development shall be reviewed by the Planning Commission as a part of Site Plan review under the criteria of this Article.

1602 STANDARDS

- A. A minimum of eighty percent (80%) of the exterior finish material of all Building facades (excluding the roof and window areas) visible from the Street, Private Road, Parking Lot, or adjacent residentially zoned land, shall consist of:
 - 1. facing brick;
 - 2. cut stone;
 - 3. split face block;
 - 4. fluted block;
 - 5. scored block;
 - 6. native fieldstone;
 - 7. cast stone; or
 - 8. wood with an opaque or semi-transparent stain, or bleaching oil.

Any other block or Building material not specifically listed may be reviewed and approved by the Planning Commission upon determination that the block or material is compatible with surrounding uses, protects the investment of adjacent landowners,

blends harmoniously with the natural features, and promotes a high quality image to those traveling through the Township.

- B. The remaining maximum twenty (20) percent of the Building's facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), or Exterior Insulation and Finishing Systems ("EIFS"). The Planning Commission may permit other materials for facades not visible from a Street that are adequately screened from adjoining Lots.
- C. Front Building facades shall provide a minimum twenty-five (25%) percent glass windows but shall not exceed eighty (80%) percent glass. Calculations are exclusive of the roof area.
- D. Covered Development that currently utilizes EIFS as the primary Building material and which is being renovated or expanded, or which is simply being maintained on a Lot which is subject to Site Plan review, may continue to use EIFS, if the Planning Commission determines it will be compatible with the surrounding properties. In such cases where EIFS is used as the primary Building material for a renovation or expansion, other materials such as brick, stone, or decorative block shall be used for architectural detailing.
- E. Buildings with walls over fifty (50) feet in length shall be broken up with items such as varying rooflines, varying Building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary Building materials, and landscaping.
- F. Rear and side Building facades shall be constructed to a finished quality comparable to the front façade where the rear or side facade is visible to a Street or a Lot used or zoned residentially.
- G. Buildings shall be a minimum of two (2) stories, or mimic two (2) stories in design.
- H. Roofs:
 - 1. Roof shape and materials shall be architecturally compatible with adjacent Buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the Building and architectural elements are used to significantly reduce the roof mass when viewed from the Street.
 - 2. Rooflines shall be varied using dormers, gables, uneven peaks, or other features.
- I. Building entrances shall utilize windows, canopies, awnings, or any combination of them; the entrances shall provide unity of scale, texture, and color, as well as a sense of place.
- J. Rooftop equipment shall be illustrated on the plans for a Covered Development, and it shall be screened from view by parapet walls or other architectural elements that complement the overall Building design.

- K. Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal Building such as peaked roofs, shingles, and support structures that match or simulate materials of the principal Building. Lighting fixtures shall be fully recessed into the canopy and in neutral colors.
- L. Any neon lights or permanent ornamental lights must be shown on the plans for a Covered Development and found to be complementary to the overall design of the Building and approved as part of the Site Plan approval. Neon and ornamental lights proposed to be used as an architectural detail shall be indicated on the Building elevation and must be specifically found by the Planning Commission to be compatible with surrounding properties.
- M. With respect to Covered Development due to major changes in Use (i.e. a permitted Use is replaced by a Special Land Use, a Special Land Use is replaced by a different Special Land Use, or the Lot is rezoned to allow a different permitted Use or Special Land Use) and renovations due to disaster (e.g. fire, flood, tornado, etc.), the Planning Commission shall have the discretion to require less than full compliance with the intent as described in Section 1601. To make that determination, the Planning Commission must find that partial compliance with the intent described in Section 1601 and fairness to the Applicant will allow the Township to satisfy the purposes of Section 101 of this Ordinance without demanding full compliance with the intent of Section 1601.
- N. Examples of facing brick, cut stone, split face block, fluted block, native fieldstone, cast stone, EFIS, and brick pillars are pictured as follows.



Facing Brick



Cut Stone



Split face block



Fluted Block



Native Fieldstone



Cast Stone



EFIS on right side. (Exterior Finish and Insulation Systems)



Brick Pillars to Match Building

ADOPTION

This Ordinance was approved and adopted by the Township Board on April 12, 2010, and is ordered to take effect on April 30, 2010.

John Nash, Supervisor
Spring Lake Township

H. Carolyn Boersma, Clerk
Spring Lake Township

CERTIFICATE

I, H. Carolyn Boersma, the Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Township Zoning Ordinance was adopted at a regular meeting of the Township Board held on April 12, 2010. The following members of the Township Board were present at that meeting: Nash, Boersma, Koster, Lindquist and Mierle. The following members of the Township Board were absent: Miljan and Shay. The Ordinance was adopted by the Township Board with members of the Board Nash, Boersma, Koster, Lindquist and Mierle voting in favor and members of the Board none, voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Haven Tribune* on April 23, 2010.

H. Carolyn Boersma, Clerk
Spring Lake Township