

ARTICLE 1

**TITLE, PURPOSE
ENABLING AUTHORITY AND CONDITIONS
OF ENACTMENT**

Charter Township of South Haven of Van Buren County, Michigan ordains:

SECTION 1.01 TITLE

This Ordinance shall be known as the South Haven Township Zoning Ordinance.

SECTION 1.02 PURPOSE OF THIS ZONING ORDINANCE AND RESOLUTION OF INTENT

An ordinance to: provide for the regulation of the development and use of land in the Township as authorized by the Township Rural Zoning Act; create districts wherein land uses, structures, and development are regulated; define terms; establish procedures for administration and enforcement; create a Zoning Board of Appeals; provide for site plan review, Planned Unit Developments, Special Land Uses, and Nonconforming Uses; specify lot, yard, area, height and frontage requirements; regulate access, parking, signs, and other miscellaneous development and use of land, all as authorized by the Township Rural Zoning Act; provide for penalties for violation and for severability; and repeal all ordinances or parts of ordinances in conflict herewith.

SECTION 1.03 STATE LEGISLATION ENABLING AUTHORITY

This Ordinance is adopted pursuant to Public Act 184 of 1943 (MCL 125.271-125.301) as amended, and, when so far as it is applicable, Public Act 168 of 1959 (MCL 125.321-125.333), as amended, of the State of Michigan. Said Public Acts covering Township Planning (Act 168) and Zoning (Act 184) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

[Editor's note: The above cited public acts have all been rescinded. P.A. 184 has been replaced by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and P.A. 168 has been replaced by the Michigan Planning Enabling Act, P.A. 33 of 2008].

SECTION 1.04 ENACTMENT DECLARATION

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a planned orderly growth and development of South Haven Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given immediate effect thirty (30) days after its passage by the South Haven Township Board of Trustees and publication as required by law.

SECTION 1.05 RELATIONSHIP TO ADOPTED MASTER PLAN

The zoning map and text - the plans and specifications for the future development and redevelopment of the Township - are based upon the adopted Master Plan, as amended, for South Haven Township. In particular, the Master Plan components for Land Use, Transportation and Public Utilities and Facilities have been and will continue to be a basis for amending or changing the Zoning Ordinance Map and Text in the future.

ARTICLE II

DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word “use” includes “activities”, the word “building” includes the word “structure”, and “dwelling” includes “residence”; the word “person” includes “corporation”, “co-partnership”, and “association” as well as an “individual”; the word “shall” is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them, except when it is deemed necessary to amend this Ordinance with additional words to be defined or when a word needs to be defined by interpretation, the Zoning Board of Appeals shall define such terms.

SECTION 2.02 DEFINITIONS

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

1. **Accessory Building** - See “Building, Accessory”
2. **Accessory Use** - See “Use, Accessory”
3. **Adjacent Property** - Property which adjoins any side or corner of a specific parcel of land.
4. **Agriculture** - Farms and general farming, including fruit, crop, plant, nurseries, horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses conducted on open land or under structures, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.
5. **Agriculture, Specialized Crops** - Specialized agricultural crops shall include horticulture, floriculture, or ornamental plants, vegetables, fruits, berries, greenhouse and under shade structure types of crop growing.
6. **Alterations** - The term “Alterations” shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.
7. **Animal Hospital** - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to

- hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernable beyond the property upon which it is located.
8. **Animal Shelter** - A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.
 - 8A. **ANSI** – American National Standards Institute.
 9. **Apartments** - The term “Apartments” shall mean the dwelling units in a multiple unit dwelling as defined herein:
 - a. **Efficiency Unit**: is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
 - b. **One Bedroom Unit**: is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
 - c. **Two Bedroom Unit**: is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
 - d. **Three or More Bedroom Unit**: is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).
 10. **Appeal** - See “Zoning Appeal”
 11. **Automobile Wash** - A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.
 12. **Automobile Repair** - A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.
 13. **Automobile Service** - A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor

accessories and service for automobiles.

14. **Automobile or Trailer Sales Area** - Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.
15. **Automobile Storage, Damaged** - Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.
16. **Basement** - That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.
17. **Bed and Breakfast Inn** - A private residence that has sleeping accommodations meant for lodgers (up to fourteen [14] rooms) and is licensed by the State of Michigan as a Bed and Breakfast Inn.
18. **Bedroom** - A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.
19. **Block** - The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.
20. **Board of Appeals** - See “Zoning Board of Appeals”
21. **Breezeway** - Any covered passageway with open sides between two buildings.
22. **Building** - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

23. **Building, Accessory** - A supplemental building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.
24. **Building Area** - The space remaining on a lot or parcel after the minimum yard and open space requirements of this Ordinance have been complied with.
25. **Building, Farm** - Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.
26. **Building Height** - The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
27. **Building Inspector** - The township official appointed by the Township Board to administer and enforce applicable construction codes.
- 27A. **Building Integrated Photovoltaics (BIPVs)** – A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
28. **Building Line** - See “Building Setback Line”
29. **Building, Main** - See “Principal Building”
30. **Building Permit** - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.
31. **Building, Principal** - A building in which is conducted the principal use of the premises on which it is situated.
32. **Building Setback Line** - The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.
33. **Building, Temporary** - See “Temporary Use or Building”

34. **Campground** - A parcel of land used for temporary, short term resort or recreation purposes in accordance with Public Act 368 of 1978, Part 125, Sections 12501-1-2516 and the Administrative rules promulgated under P.A. 368 as administered by the County, District or State Public Health Departments. Such short term uses and activities shall not exceed four (4) weeks at any one period of stay.
35. **Church** - A building wherein persons assemble regularly for the religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with a church. Churches include temples or synagogues.
36. **Clinic, Animal** - See “Animal Hospital”
37. **Clinic, Human** - A building or group of building where human patients are admitted for examination and treatment by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.
38. **Club or Lodge** - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.
39. **College** - A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.
40. **Commercial** - A retail trade and professional, personal, technical and mechanical business service operated primarily for profit.
41. **Commercial District or Center** - A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.
42. **Common Areas, Uses and Services** - Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.
43. **Construction Code** - Means the Michigan State Construction Code or any Code established in accordance with its provisions.
44. **Convalescent or Nursing Home** - A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
45. **District** - See “Zoning District”

46. **Drive-in Establishment** - Any establishment which offers goods and services over the counter or in motor vehicles.
47. **Drive-in Restaurant** - A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
48. **Dwelling** - A building designed and built in accordance with the Township Construction Code and used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings.
49. **Dwelling, Conventional** - Either a home which has been completely built with lumber, brick, concrete and other building materials which have been brought to and assembled upon an individual lot or parcel of land or site; or it is a home which has been manufactured off-site in transportable units and assembled on an individual lot or parcel of land or site.
50. **Dwelling, Farm** - A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.
51. **Dwelling, Group** - (Group housing). Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.
52. **Dwelling, Mobile Home** - A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.
53. **Dwelling, Multiple Family** - A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.
54. **Dwelling, One Family** - A dwelling structure designed exclusively for occupancy by one (1) family.
55. **Dwelling, Two Family or Duplex** - A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.
56. **Dwelling Unit** - A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence

or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

57. **Entrance Ramp** - Automotive access to a highway.
58. **Erected** - The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and other similar construction, shall be considered a part of erection.
59. **Essential Services** - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.
60. **Excavation** - Any breaking of ground, except farm use, common household gardening and ground care.
61. **Exception** - See “Zoning Exception”
62. **Exit Ramp** - Automotive exit from a highway.
63. **Family** - One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than four (4) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.
64. **Farm** - Real property with a principal use of agriculture, forestry, or horticulture as provided by P.A. 116, as amended.
65. **Farming** - See “Agriculture”
66. **Fence** - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.
67. **Filling** - The depositing or dumping of any matter into or onto the ground, except common household gardening and general care.

68. **Filling Station** - See “Automobile Service”
69. **Flood Plain** - That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle as established by the U.S. Army Corps of Engineers or other applicable Federal Agency.
70. **Floor Area, Gross (GFA)** - The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (½) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.
71. **Floor Area, Usable (UFA)** - The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.
- 71.a **Foredune Crest**
A foredune is the first dune landward of the ordinary high water mark, generally not stabilized with mature vegetation. The crest of the foredune is the highest elevation, and frequently changes over time due to wind erosion.
72. **Foster Care Home** - A state licensed child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. Foster Care Homes do not include a hospital licensed under Section 59 and Act No. 269 of the Public Act - No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.
73. **Frontage, Street** - See “Road Frontage”
74. **Frontage, Water** - See “Water Frontage”

75. **Garage, Commercial** - Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.
76. **Garage, Private** - An accessory building not to exceed the height or fifty (50) percent of the usable floor area of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.
77. **Gas Station** - See “Automobile Service”
78. **Grade** - The term “Grade” shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
79. **Greenbelt** - A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers.
80. **Group Housing** - See “Dwelling, Group”
81. **Group Residential Homes** - See “Foster Care Homes”
82. **Highway** - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (See also “Road”.)
83. **Highway, Local Arterial** - Those highways defined as such by the Township Master Plan.
84. **Highway, Major Arterial** - Those highways defined as such in the Township Master Plan.
85. **Historical Building, Site or Area** - Those parcels and/or uses of land and/or structures designated as historical sites by the State of Michigan for the purpose of (a) safeguarding the heritage of the Township by preserving or allowing a structure or use which reflects elements of the community’s cultural, social, economic, political, or architectural history; (b) stabilizing and improving property values in the area; (c) fostering civic beauty; (d) strengthening the local economy; (e) promoting the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

86. **Home, Motor** - A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.
87. **Home Occupation** - Any use customarily conducted entirely within a dwelling, an accessory structure or an enclosed area and carried on by the inhabitants thereof, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not be permitted to make external alterations of construction features or have outdoor work areas, storage, or signs not customarily permitted in residential areas.
88. **Hospital** - An institution providing health services, primarily for inpatients and institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
89. **Hotel** - A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see “Motel.”)
- 89A. **IEC** – International Electrotechnical Commission. The IEC a global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
90. **Industrial** - A product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, businesses, business and service activities that are a normal integral part of an industrial enterprise or area operated primarily for profit.
91. **Industrial Park** - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
92. **Institutional** - An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.
- 92A. **ISO** – International Organization for Standardization.
93. **Junk** - All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes),

ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

94. **Junk Yard** - Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term “junk yard” includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.
95. **Kenel** - Any lot or premises on which four (4) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, boarding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing household or domestic pets of like number are bred or sold.
96. **Laboratory** - A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.
97. **Lake** - A permanent natural or man-made body of surface water of at least five (5) acres in area.
98. **Landscaping** - Any combination of existing or planted trees, shrubs, vines, groundcovers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.
99. **Land Use Permit** - See “Zoning Permit”
100. **Lighting, Source of** - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.
101. **Loading Space** - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.
102. **Lot** - A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see “Parcel” or “Plat”.) A lot shall not include road easements or road right-of-ways.

103. **Lot Area** - The total horizontal area within the lot lines of a lot or parcel. Road right-of ways and access easements shall not be included in the calculation of minimum lot area required to satisfy the provisions of this Ordinance.
104. **Lot, Corner** - A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.
105. **Lot Coverage** - That percentage of the lot or parcel covered by all buildings and structures located in the lot or parcel.
106. **Lot Depth** - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
107. **Lot, Double Frontage** - Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.
108. **Lot, Interior** - Any lot other than a corner lot.
109. **Lot Lines** - The exterior perimeter boundary lines of a lot or parcel.
110. **Lot Line, Front** - In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Permit.
111. **Lot Line, Rear** - That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.
112. **Lot Line, Side** - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
113. **Lot of Record** - A lot or parcel of land existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record."

114. **Lot, Waterfront** - A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the road frontage of the lot.
115. **Lot Width** - The horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.
116. **Major Thoroughfare** - A road, street or highway designated as such in the Township Master Plan.
117. **Marginal Access Road** - A public or private road or driveway paralleling and adjacent to any one of the major roads and arterials as designated in the Township Master Plan.
118. **Master Plan** - The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 168 of 1959 relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.
- 118.A **Mature Forested Vegetation**
Is defined as trees, generally grouped or in a line, of a minimum diameter at breast height (DBH). A DBH of 4 inches is a reasonable minimum size for most mature forested vegetation.
119. **Migrant Housing** - Housing which is provided for migrant labor in conformance with the requirements of the Michigan State Department of Agriculture.
120. **Mobile Home** - A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Refer to Ordinance 30, "Mobile Home Ordinance," for Mobile Homes located outside of Mobile Home Parks.
121. **Mobile Home Park** - A specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use and licensed by the State of Michigan as Mobil Home Park.
122. **Mobile Home Space or Pad** - Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home. Refer to Ordinance 30, "Mobile Home Ordinance," for mobile homes located outside of Mobile Home Parks.

123. **Motel** - (also see “Hotel) - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient lodging accommodations for the public for compensation.
124. **Motor Court** - See “Motel”
- 124.A **Natural State**
The physical topography, vegetation, and drainage pattern as they exist on a property on the date of the adoption of Article XIV-B, or as they have been changed through naturally occurring, non-human induced development since that date.
125. **Nonconforming Building or Structure** - A nonconforming building or structure is one or portion thereof which does not conform to the provisions of the Ordinance in the zoning district in which it is located.
126. **Nonconforming Use** - A nonconforming use is a use which does not conform to the use regulations of the zoning district in which it is located.
127. **Nuisance** - Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being.
128. **Nuisance Per Se** - Is a nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance.
129. **Nursing Home** - See “Convalescent Home”
130. **Occupied** - A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.
131. **Office** - An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal and/or other related organizations or enterprises.
132. **Office Park** - District or area for office and office related accessory uses.
133. **Off-Street Parking** - See “Parking, Off-street”
134. **Off-Street Parking Lot** - See “Parking, Off-street, lot”
135. **Off-Street Parking Space** - See “Parking, Off-street, space”
- 135A. **On Site Use Wind Energy Systems** – A wind energy system intended to primarily serve the needs of the property owner.

136. **Open Air Business Uses** - Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:
- a. bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
 - b. outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
 - c. retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
 - d. tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).
137. **Open Space** - Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings or other structures, except as provided in this Ordinance.
138. **Open Space Uses** - Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Township Construction Code or any construction requirement of the County or Township Ordinances, Rules or Regulations, except as provided in this Ordinance.
139. **Open Storage** - A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.
- 139A. **Ordinary High Water Mark**
The ordinary high water is established legally by the U.S. Army Corps of Engineers for all of the Great Lakes. The 1986 lake level is generally considered the most reasonable high water mark to use for legal definitions.
140. **Outdoor Advertising Signs** - See "Signs, Outdoor Advertising"
141. **Parcel** - See "Lot"
142. **Parking, Off-street** - Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.
143. **Parking, Off-street, Lot** - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
144. **Parking, Off-street, Space** - An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

145. **Parking Space** - A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.
146. **Pet** - Shall mean only such animals as may commonly be housed within domestic living quarters.
147. **Planned Unit Development** - A planned residential, commercial, industrial, public or semi-public land use development consisting of one or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.
148. **Plat** - A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967 as amended; The Land Division Act and the Subdivision regulations of the Township, if and when enacted.
149. **Pond** - A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.
150. **Porch, Enclosed** - (included patio and deck) - A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
151. **Porch, Open** - (includes patio and deck) - A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
152. **Practical Difficulties** - See “Zoning Variance”
- 152A. **Principal Structure**
 A principal structure is considered the structure necessary for the land use for which a permit is being requested. It is distinguished from accessory structures, which may include garages, sheds, storage buildings, or equipment structures.
153. **Private Road** - See “Road, Private”
154. **Public Utility** - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection

and treatment.

155. **Recreation Vehicle** - A motorized vehicle primarily designed and used as temporary living quarters for recreational camping or a vehicle mounted on or drawn by another vehicle.
156. **Recreation Vehicle Park (RV Park)** - A family recreation oriented facility for the overnight or short-term (not to exceed fourteen [14] days consecutively) parking of travel trailers, recreation vehicles or tents, but not including mobile homes. May also be known as a campground.
157. **Restaurant** - Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.
158. **Right-of-Way, Road** - See “Road Right-of-Way”, includes “Highway and Street Right-of-Way.”
159. **Road** - Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic and which meets the minimum standards of construction of the County Road Commission.
160. **Road, Collector** - A road specified in the Master Plan which connects to minor roads.
161. **Road, Connecting** - A road specified in the “Master Plan” for the Township.
162. **Road Frontage** - The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.
163. **Road, Frontage Access** - A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.
164. **Road, Hard Surface** - A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.
165. **Road, Local Arterial** - A road specified in the “Master Plan” for the Township which provides for the handling of large volumes of local traffic over extended distances.
166. **Road, Minor** - A road specified in the “Master Plan” for the Township which provides for the handling of small volumes of local traffic to individual lots and parcels.

167. **Road, Private** - A non-public road which serves at least two separately owned lots or parcels and which meets the County Road Commission construction standards.
168. **Road Right-of-Way Line** - The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.
169. **Road, Service** - See “Road, Frontage Access”
170. **Roadside Stand** - A temporary or permanent building or structure operated for the purpose of selling only products or produce raised or produced on the same premises or the immediate surrounding area by the proprietor or his family. Comparable uses of similar structures on land not owned by the proprietor are permitted only as temporary transient uses subject to Section 18.28 of this Ordinance. The use of the roadside stand shall not make the land a commercial district on land which is basically classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a roadside stand shall not exceed 400 square feet.
- 170A. **Rotor** - An element of a wind energy system that acts as a multi-bladed airfoil assembly which attracts, through rotation, kinetic energy directly from wind.
171. **Salvage** - Means the same as junk (see definition of Junk).
172. **Sanitary Landfill** - A private or public landfill that meets all of the requirements of Public Act 641 of 1978 or Public Act 64 of 1979 and the rules promulgated under these Acts by the Michigan Department of Natural Resources.
- 172A. **SCADA Tower** – A freestanding tower, containing instruments such as anemometers, that is designed to provide present moment wind data for use by a Supervisory Control And Data Acquisition (SCADA) system.
173. **Setback, Road** - The distance between the right-of-way line and the nearest point of the foundation or the vertical wall extended to the ground of the principal structure.
174. **Setback, Waterfront** - The distance between the shoreline and the nearest point of the foundation or the vertical wall extended to the ground of the principal structure.
- 174A. **Shadow Flicker** - Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window of a dwelling.

175. **Shoreline** - The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner in the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.
176. **Sign** - The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.
177. **Sign, Lighted** - Any sign visible to the outdoors having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.
178. **Sign, Outdoor Advertising** - (also Billboard) - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.
- 178A. **Solar Energy System** – Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy back to the electrical grid.
- 178C. **Solar Energy System, Commercial** – A Solar Energy System where the principal design, purpose or use of such system is to provide energy to site uses or the wholesale or retail sale of generated electricity to any person or entity.
- 178D. **Solar Energy System, Ground Mounted** – A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- 178E. **Solar Energy System, Private** – A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- 178F. **Solar Energy System, Roof or Building Mounted** – A Private or Commercial Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.
179. **Site Plan** - A drawing showing a legal survey of a lot or parcel, and the plan for all of the proposals to develop or change the existing character of the lot or parcel.

- 179A **Social Institution** – includes but is not necessarily limited to the following:
- a. Hospital licensed under the Public Health Code, P.A. 368 of 1978, as amended, or a hospital for mentally ill licensed under the Mental Health Code, P.A. 258 of 1974, as amended.
 - b. Children’s Camp (more than 4 children), Child Care Center (1 or more child), Intergenerational Day Care (2 or more person), Child Caring Institution (6 or more children) licensed under the Child Care Organization Act, P.A. 116 of 1973, as amended.
 - c. Adult Foster Care Medium Group Home (serving at least 7 but not more than 12 persons), AFC Large Group Home (serving at least 13 but not more than 20 persons), AFC Congregate Facility (20 or more persons), and AFC Camps (4 or more persons), licensed under the Adult Foster Care Facility Licensing Act, P.A. 218 of 1979, as amended.
 - d. Nursing Home (7 or more persons), Homes for the Aged (21 or more persons), Hospice Facilities and Sub-acute Care Facility as licensed under the Public Health Code P.A. 368 of 1978, as amended.
 - e. Unregulated facilities such as independent living facilities, senior housing, extended care facilities and adult day care.
180. **Special Use** - A use which is subject to approval by the Township after site plan review. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.
181. **Special Use Permit** - A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township’s inhabitants and the District within which it is permitted to be located.
- 181A. **Steep Bluff**
 A bluff is generally comprised of unsorted glacial till (sand, gravel, clay and cobbles) that rises from the beach. A minimum slope for a bluff to be considered steep is 30 degrees or greater from the toe of the slope to the crest or top of the bluff. This is based upon the average angle of repose found along the Lake Michigan shoreline.
182. **Story** - That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.
183. **Story, Half** - An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

184. **Story Height** - The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.
185. **Street** - See “Road”
186. **Structure** - See “Building”, and in addition any man-made surface feature or designed earth feature (other than normal finished grading for drainage purposes), including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts.
187. **Structural Alterations** - Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.
- 187A. **Survival Wind Speed** - Is the maximum wind speed, as designated by the Wind Energy Conversion System manufacturer, at which a WESC, in unattended operation (not necessarily producing power) is designed to survive without damage to structural equipment or the loss of the ability to function normally.
188. **Swimming Pool** - Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.
189. **Television Satellite Dish** - An outdoor structure used for the purpose of receiving television signals and programs from space satellites.
190. **Temporary Building** - See “Building, Temporary”
191. **Temporary Use** - See “Use, Temporary”
192. **Tent** - As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.
- 192A. **Tower Height** - For a Horizontal Wind Turbine Rotors is the distance between the ground and the highest point of the Wind Energy Conversion System, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades and for a Vertical Axis Wind Turbine as the distance between the ground and the highest point of the WECS.
193. **Township** - Means the Charter Township of South Haven, Van Buren County,

Michigan.

- 193A **Transitional Parole Housing, Half-way House, Substance Abuse Treatment & Rehabilitation Service or similar social institution** – includes a facility for the treatment and rehabilitation of persons undergoing treatment for substance abuse licensed under Article 6 of the Public Health Code, Public Act 368 of 1978, as amended. Also includes: a community correction center, resident home, halfway house, or other similar facility that houses persons who are under the jurisdiction of the Department of Corrections.
This definition shall not include state licensed hospital or psychiatric hospital.
194. **Travel Trailer** - A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.
195. **Unnecessary Hardship** - See “Zoning Variance”
196. **Use** - The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.
197. **Use, Accessory** - A use or activity normally and naturally incidental to, subordinate to, & related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above & below ground; such as garages, sheds, barns and designed surface structures & areas.
198. **Use, Agricultural** - Any use permitted in the “RD” Resource Development and “AR” Agriculture-Residential Zoning Districts in this Ordinance.
199. **Use, Commercial** - Any use permitted in the “C” Commercial Zoning Districts in this Ordinance.
200. **Use, Industrial** - Any use permitted in the “I” Industrial Zoning Districts in this Ordinance.
201. **Use, Institutional** - Any of the public or private organizational uses permitted in this Ordinance.
202. **Use, Land** - The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.
203. **Use, Principal** - The one primary or dominant permitted use or activity to which a lot or parcel is put and continues to be put to that use until the use is legally permitted to change or become another permitted use as evidenced by a Certificate of Zoning Compliance.

204. **Use, Public** - Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.
205. **Use, Residential** - Any of the uses permitted in the Residential Zones in this Ordinance.
206. **Use, Temporary** - A use, activity, or building permitted to exist during period of construction of the main building or use, or for special temporary or transient events.
- 206A. **Utility Grid Wind Energy Systems** – A structure designed and built to provide electricity to the electric utility grid.
207. **Variance** - See “Zoning Variance”
208. **Water Frontage** - The legally established or median shoreline which separates a lot or parcel of land from a surface body of water.
- 208A. **Wind Energy Conversion System (WECS)** – Meaning a combination of (1) A surface area, either variable or fixed, for utilizing the wind for electrical power generation; and (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- 208B. **Wind Energy Conversion System, Interconnected** – Is a WECS which is electrically connected to the local electrical power utility and could feed back power into the local electrical power utility system.
- 208C. **Wind Energy System** – A structure which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and/or tower as well as related electrical equipment and supporting wires. This does not include wiring to connect the wind energy system to the electrical grid.
- 208D. **Wind Site Assessment** – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
209. **Yard** - The required open spaces on the same lot with the principal and accessory building and structures, which remain permanently unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

210. **Yard, Front** - The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building in which the principal use is located.
211. **Yard, Front, Road and Waterfronts** - Are both defined as front yards or setbacks from road right-of-way lines and shorelines of surface water bodies.
212. **Yard, Rear** - The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building in which the principal use is located.
213. **Yard, Side** - The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building in which the principal use is located.
214. **Zoning Administrator** - The official appointed by the Township Board designated to administer and enforce the requirements of this Ordinance.
215. **Zoning Appeal** - An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals.
216. **Zoning Board of Appeals** - As used in this Ordinance, means the South Haven Township Zoning Board of Appeals.
217. **Zoning District** - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.
218. **Zoning Exception** - See “Zoning Interpretation” and “Zoning Variance.”
219. **Zoning Interpretation** - A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required in accordance with the procedures and provisions of this Ordinance.
220. **Zoning Permit** - A permit issued by the Zoning Administrator approving a proposed use, site plan or other activity determined to comply with this Ordinance.
221. **Zoning Variance** - The term “Variance” shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is

granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, © unique circumstances, and (d) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger respective zoning districts.

- a. **Practical difficulties** - Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- b. **Unnecessary hardship** - Shall mean that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

ARTICLE III

GENERAL PROVISIONS

SECTION 3.01 ESTABLISHMENT OF ZONING DISTRICTS

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- Article IV RD - Resource Development District
- Article V AR - Agricultural Residential District
- Article VI MDR - Medium Density Residential District
- Article VII LDR - Low Density Residential District
- Article VIII HDR - High Density Residential District
- Article VIIA PUO – Public Utility Residential Overlay District
- Article IX MFR - Multiple Family Residential District
- Article IXA RCO – Residential Commercial Overlay
- Article X NSC - Neighborhood Service Commercial District
- Article XI CSC - Community Service Commercial District
- Article XII HSC - Highway Service Commercial District
- Article XIII HC - Heavy Commercial District
- Article XIV I - Industrial District
- Article XIVA AOZ - Airport Overlay Zoning District
- Article XIVB Shoreline Protection Overlay District
- Article XVI PUD - Planned Unit Development District

SECTION 3.02 PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP

These districts, so established, are bounded and defined as shown on the Map entitled: “Zoning District Map of South Haven Township” adopted by the Township Board, and

which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the Districts shown thereon were fully set forth herein.

SECTION 3.03 CHANGES TO OFFICIAL ZONING DISTRICT MAP

If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning District Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk with the assistance of the Zoning Administrator.

SECTION 3.04 AUTHORITY OF OFFICIAL ZONING DISTRICT MAP

Regardless of the existence of other copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

SECTION 3.05 INTERPRETATION OF ZONING DISTRICTS

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning District Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.
- D. 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.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.

- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Planning Commission consistent with the intent and purpose of this Ordinance.

SECTION 3.06 APPLICATION AND INTERPRETATION REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article XXIV of this Ordinance and MCL 125.288-125.293 as amended. The provisions of this Ordinance may be used as a basis for property assessment and taxation in accordance with the property assessment practices required or permitted by the Michigan Constitution, State Laws and State Administrative Rules and Regulations.

This Zoning Ordinance is intended to be specific as to its uses permitted and the application of its regulations. It is intended to limit the use of discretion wherever and whenever possible, except for minor discretions by the Zoning Administrator, Planning Commission and Township Board and the granting of variances by the Zoning Board of Appeals.

SECTION 3.07 SCOPE OF REGULATIONS

- A. Except as may otherwise be provided in Article XVII, “Nonconforming Land, Building and Structural Uses,” herein every building and structure erected, every use and activity of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are

permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed and if the required conditions are met. Only one principal use and its normal accessory uses shall be permitted on a single lot or parcel, except as otherwise provided in this Ordinance.

- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township and the Subdivision Control Act of 1967 as amended.

SECTION 3.08 CONFORMANCE TO OTHER PUBLIC LAWS, RULES AND REGULATIONS

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of this Zoning Ordinance.

SECTION 3.09 CONFLICTING REGULATIONS

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

SECTION 3.10 ZONING - NOT A VESTED RIGHT

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not 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 in this Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township. This provision in no way can stop an existing legal use of land, buildings or structures from continuing exactly as it existed if it should become nonconforming as to use, dimensional or other provisions of this Ordinance or any future amendment to it.

SECTION 3.11 SITE PLAN REVIEW PROCEDURES

All uses permitted under the provisions or as a consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article XXII, "Site Plan Review", except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article XXII, "Site Plan Review", and submitted with the application for a zoning permit.

SECTION 3.12 ZONING PERMITS IN RELATION TO BUILDING PERMITS

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant for construction under the provisions of the Construction Ordinance to first apply for and obtain a zoning permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

SECTION 3.13 PERMITTED ZONING DISTRICT USES AND OTHER PROVISIONS

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article XIVA "Airport Overlay Zoning District"; Article XVIII, "Supplemental Regulations"; "Article XVII, "Nonconforming Land, Building and Structural Uses"; Article XX, "Off-Street Parking, Loading and Unloading Requirements"; Article XXI, "Sign Regulations"; and Article XXII, "Site Plan Review." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

SECTION 3.14 USES NOT SPECIFICALLY LISTED IN THE PERMITTED OR SPECIAL USE SECTIONS OF THE RESPECTIVE ZONING DISTRICTS

It is the intent and purpose of this Zoning Ordinance to limit the permitted uses, special uses and planned unit development uses and their accessory land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be

added only by the Zoning Amendment procedure as required in Article XXV, “Amending the Zoning Ordinance.”

SECTION 3.15 CONTINUED CONFORMANCE WITH REGULATIONS AND APPROVED SITE PLANS

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance and developments required and approved on Site Plans shall be a continuing obligation of the owner of such building or property on which such building or use is located.

SECTION 3.16 WETLAND DEVELOPMENT

All “Wetland Areas” in the Township as designated by the Michigan Department of Environmental Quality (DEQ) shall be required to meet the provisions of this Ordinance and the provisions of Part 303 of Public Act 451 of 1994, as amended, “The Natural Resources and Environmental Protection Act” and any rules promulgated by the Department of Environmental Quality. [amended 1996]

SECTION 3.17 PROJECT PLANNING AND PLAN INFORMATION FROM OTHER AGENCIES AND OFFICIALS

All township, county, school districts, state and federal agencies and officials are required to submit to the Planning Commission through the Zoning Administrator their planning programs and project plans relative to all building, structural and land improvements to be made within the Township prior to the final approval of site acquisition or construction plans and specifications by the respective township, county, school district, state and federal agencies and officials in accordance with MCLA 125.330, as amended.

SECTION 3.18 CONFORMANCE OF LOTS AND PARCELS TO THE LAND DIVISION ACT

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, “The Land Division Act” and the Subdivision Regulations of the Township adopted and in effect at the time. Particular reference shall be made to Public Act 591 of 1996, as amended for lots and parcels created as land divisions not subject to platting.

ARTICLE IV

RD RESOURCE DEVELOPMENT DISTRICT

SECTION 4.01 PURPOSE

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native flora, natural water features including extensive wetlands and high water table soils,, and other extensive land uses which retain the natural character of the area. Single family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will normally mean unserved by public sewer and water systems.

SECTION 4.02 USES PERMITTED BY RIGHT

- A. Existing types of farming and related agricultural operations may continue and the same types of farming may be established in new locations within the District on at least twenty (20) acres of contiguous land and developed in accordance with the relevant provisions of the “AR” District.
- B. Non-farm single family and two-family dwellings.
- C. Those uses permitted under the provisions of Parts 301 and 303 of Public Act 451 of 1994 as amended (Inland Lakes and Streams, and, Wetland Protection)
- D. Public and private conservation areas.
- E. Roadside stands for sale of agricultural produce and other commodities principally raised and produced on the same property. Such structures shall not exceed 400 square feet in gross floor area and 15 feet in building height.
- F. Accessory farm dwelling on parcels of 40 acres or more with no more than one such dwelling for every 40 acres.
- G. Home Occupations
- H. Man-made ponds for agricultural uses
- I. Guest house

SECTION 4.03 PERMITTED SPECIAL USES WITH CONDITIONS

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XV, “Special Uses”:

A. PERMITTED SPECIAL USES

1. Public and private areas for nature preserves.
2. Parks, playgrounds and recreation areas.
3. Campgrounds, seasonal mobile home parks and recreational vehicle parks.
5. Sports facilities, public and private, including: golf courses, tennis courts and soccer fields.
6. Communications towers and other public utilities.
7. Extraction of natural resources.
8. Wind energy conversion systems or wind energy systems.
9. Bed & Breakfast Inn
10. Home Business
11. Agribusiness
12. Type I Planned Unit Development
13. Man-made ponds for non-agricultural uses
14. Fraternal Organizations
15. Race tracks (including midget auto, karting, horse and snowmobile)
16. Recreation and sports building
17. Temporary and transient amusement enterprises

SECTION 4.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area	Single family dwellings	1.1 acre excluding areas subject to flooding
	For all uses except single family	20 acres
Minimum Lot Width		200 feet within 35 feet of a public right-of-way and extending at least 100 feet from the right-of-way
Minimum Front Yard	From a state highway or C.R. 388	50 feet from the right-of-way line
	From Blue Star Hwy. or Ruggles	110 feet from centerline
	From any other county road	35 feet from the right-of-way line
	From any private road	35 feet or as approved by the Township Board
Minimum Side Yards		20 feet each side, except where the side yard abuts a road right-of-way, in which case the front yard setback is required. 15 feet for residential accessory buildings.
Minimum Rear Yard		50 feet for principle structures, 15 feet for residential accessory buildings. Corner lots do not have a rear yard.
Minimum Waterfront Yard		50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.
Minimum Dwelling Floor Area		680 square feet excluding garage & unfinished spaces with at least 500 square feet on the first floor.
Maximum Height Limit All structures are subject to Article XIVA Airport Overlay Zone		Dwellings – 35 feet Residential Accessory Buildings – 25 feet Agricultural Buildings – 45 feet Grain elevators, Silos & Agricultural Windmills – 120 feet Wind Energy Generators – Subject to Article XV Special Uses
Maximum Lot Coverage All structures Except greenhouses & nurseries		20% 50%

ARTICLE V

AR AGRICULTURAL-RESIDENTIAL DISTRICT

SECTION 5.01 PURPOSE

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, woodland or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

SECTION 5.02 USES PERMITTED BY RIGHT

- A. General farming
- B. Field crop, fruit, vegetable, horticultural, maple sugar production, lumber and worm farming, and similar types of specialized farming
- C. Greenhouses and nurseries for trees, shrubs and plants
- D. Generally Acceptable Animal Husbandry
- E. On-site production and consumption of feed for animals
- F. Apiaries
- G. Hatcheries
- H. Public and semi-public buildings for the housing of public facilities, utilities and services
- J. Public and private conservation areas
- K. Public and private sports facilities and recreation areas
- L. Public areas for forest preserves, game refuges and similar uses
- M. Cemeteries; public, private or pet
- N. Single and two-family dwellings.
- O. State licensed Residential Care Facilities (homes and centers)

- P. Roadside stands for sale of agricultural produce and other commodities principally raised and produced on the same property. Such structures shall not exceed 400 square feet in gross floor area and 15 feet in building height.
- Q. Migrant labor housing in compliance with Michigan Department of Agriculture rules and regulations.
- R. Man-made ponds for agricultural uses.
- S. Home occupations
- T. Public schools.

SECTION 5.03 PERMITTED SPECIAL USES WITH CONDITIONS

- A. Outdoor kennels for dogs
- B. Communication towers
- C. Agribusiness and uses permitted under Right-to-farm but regulated by the Michigan Department of Agriculture under the Generally Agreed Agricultural Management Practices (GAAMPs)
- D. Hospitals, clinics, sanitariums, convalescent homes, state licensed residential care facilities for more than 6 persons, and similar structures designed for human care.
- E. Extraction of natural resources
- F. Wind energy conversion systems or wind energy systems
- G. Transitional parole housing, halfway house, substance abuse treatment and rehabilitation service or similar social institution.
- H. Private schools and educational institutions
- I. Campgrounds, seasonal mobile home parks and recreational vehicle (RV) parks.
- J. Bed and Breakfast Inn
- K. Guest house on parcels of at least six acres.
- L. Home business
- M. Type I Planned Unit Developments
- N. Man-made ponds for non-agricultural uses
- O. Fraternal organizations
- P. Race tracks (including midget auto, karting, horse and snowmobile)
- Q. Recreation sports buildings
- R. Sports facilities, public and private, including golf courses, ball fields, courts and diamonds
- S. Temporary and transient amusement enterprises
- T. Solar Farms and Solar Panels for Commercial Use
- U. Accessory Farm Dwellings
- V. Micro-Housing Developments
- W. Churches, Religious Institutions, Private Schools, Libraries, Museums & Community Halls.
- X. Parks, Playgrounds & Recreation Areas (Public & Non-Profit)
- Y. Public & Private Nature Preserves.

SECTION 5.04 DIMENSIONAL REQUIREMENTS

Minimum Lot	Area for all uses	20 acres
	Horticulture, floriculture	5 acres
	Single family dwellings	3 acres
Minimum Lot Width		300 feet within 35 feet of a public right-of-way
Minimum Front Yard	From a state highway or C.R. 388	50 feet from the right-of-way line
	From Blue Star Hwy or Ruggles Rd.	110 feet from centerline
	From any other county road	35 feet from the right-of-way line
	From any private road	35 feet or as approved by the Township Board
Minimum Side Yards		20 feet each side, except where the side yard abuts a road right-of-way, in which case the front yard setback is required. 15 feet for residential accessory buildings
Minimum Rear Yard		50 feet for principle structures 15 feet for residential accessory buildings. Corner lots do not have a rear yard.
Minimum Waterfront Yard		50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.
Minimum Dwelling Floor Area		680 square feet excluding garage & unfinished spaces with at least 500 square feet on the first floor.
Maximum Height Limit All structures are subject to Article XIVA Airport Overlay Zone		Dwellings – 35 feet Residential Accessory Buildings – 25 feet Agricultural Buildings – 45 feet Grain elevators, Silos & Agricultural Windmills – 120 feet Wind Energy Generators – Subject to Article XV Special Uses
Maximum Lot Coverage All structures Except greenhouses & nurseries		20% 50%

ARTICLE VI

MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 PURPOSE

The primary purpose of this district is to provide for single and duplex housing in neighborhoods with lot areas measuring a minimum of 15,000 square feet where public sewer and water is available, or one (1) acre on parcels served by on-site well and septic systems. This district should be free of other property uses that are not accessory, supportive, compatible, or convenient to its residents. MDR areas should be designed to have sanitary sewer and public water systems available where possible.

SECTION 6.02 USES PERMITTED BY RIGHT

- A. Single and two family dwellings.
- B. Existing types of agriculture land and building uses provided they meet the AR District requirements.
- C. Accessory buildings as defined.
- D. Accessory uses as defined.
- E. State licensed residential foster care facilities housing six (6) or less persons.
- F. State licensed child care centers.
- G. Public school buildings and facilities.
- H. Home occupations as conditioned by Section 18.21
- I. Private residential swimming pools as conditioned by Section 18.20
- J. Guest Houses as conditioned by Section 18.45

SECTION 6.03 PERMITTED SPECIAL USES WITH CONDITIONS

- A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).
 - 1. Hospitals, clinics, sanitariums, Convalescent homes, state licensed residential care facilities for 6 or more persons and similar structures designed for human care.
 - 2. Parks, playgrounds and recreation areas Public, private non-profit.
 - 3. Bed and Breakfast Inn/Resort
 - 4. Private schools & educational institutions
 - 5. Type I Planned Unit Developments subject to Article XVI and Article XVII.

6. Churches, Religious institutions, private schools, libraries, museums & community halls
7. Sports facilities, public & private, including Golf Courses, ball fields, courts and diamonds.
8. Cemeteries, public, private or pet
9. On-site Wind Energy Conversion Systems (WECS) 65 feet in height or more, subject to Section 15.26
10. Public buildings and facilities
11. Extraction of natural resources
12. Campgrounds, seasonal mobile home parks, and RV parks subject to Section 15.18.
13. Man-made ponds (non-agricultural)
14. Solar Farms and Solar Panels for Commercial Use

B. The above special uses are all subject to the following requirements:

1. The proposed site will have at least one (1) line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to the road.
2. Front, waterfront, side and rear yards will be set back at least one hundred (100) feet, and be landscaped in trees, shrubs, and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any wall, fences or plantings used to screen the use from abutting residential lots and parcels.
3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

SECTION 6.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area: (single and duplex housing)		15,000 square feet with public or common sewer and water.
		1 acre on lots not served by public or common water and sewer.
Minimum Lot Width:		90 feet on lots with water and sewer.
		150 feet on lots without public water and sewer availability.
		Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): 330 feet minimum width, except where an easement for ingress and egress is recorded to/from adjacent parcels, then as above.
Minimum Front Yard:	For state hwy. and CR 388	50 feet minimum from right-of-way line.
	For Blue Star Hwy or Ruggles	110 feet from the center line
	All other county roads	35 feet from the right of way line
	Private roads	35 feet from right of way line or as approved by Township Board
Minimum Side Yard		10 feet minimum for each side yard. 15 feet for residential accessory buildings Parcels with side-yards fronting any street or road are subject to the front yard setback for that side
Minimum Waterfront setback		50 feet minimum from established shorelines for lakes and ponds, and from centerline of streams
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for principle building. 15 feet for residential accessory buildings
Minimum Dwelling Floor Area		Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:		35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.
Maximum Lot Coverage:		30 percent maximum.

**ARTICLE VII
LOW DENSITY RESIDENTIAL DISTRICT**

SECTION 7.01 PURPOSE

The primary purpose of this district is to provide for single and duplex housing in neighborhoods with lot areas measuring a minimum of 20,000 square feet where public sewer and water is available, or one (1) acre on parcels served by on-site well and septic systems. This district should be free of other property uses that are not accessory, supportive, compatible, or convenient to its residents. LDR areas should be planned to be of such area to sustain on-site water supply and wastewater disposal.

SECTION 7.02 USES PERMITTED BY RIGHT

- A. Single and two family dwellings.
- B. Existing types of agriculture land and building uses provided they meet the AR District requirements.
- C. Accessory buildings as defined
- D. Accessory uses as defined.
- E. State licensed residential foster care facilities housing six (6) or less persons.
- F. State licensed child care centers.
- G. County government buildings and facilities.
- H. Home occupations as conditioned by Section 18.21
- I. Private residential swimming pools as conditioned by Section 18.20
- J. Guest Houses as conditioned by Section 18.45
- K. Public schools

SECTION 7.03

PERMITTED SPECIAL USES WITH CONDITIONS

- A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).
1. Hospitals, clinics, sanitariums, Convalescent homes, state licensed residential care facilities for more than 6 persons, and similar structures designed for human care.
 2. Parks, playgrounds and recreation areas Public, private non- profit
 3. Bed and Breakfast Inn/Resort
 4. Private schools & educational institutions
 5. Type I Planned Unit Developments subject to Article XVI and Article XVII.
 6. Churches, Religious institutions, Private Schools, Libraries, Museums & Community Halls
 7. Sports facilities, public & private, including Golf Courses, ball fields, courts and diamonds.
 8. Cemeteries
 9. Communications towers
 10. Public government buildings and facilities
 11. Extraction of natural resources
 12. Public & private nature preserves
 13. Wind Energy Conversion Systems (WECS) or Wind Energy Systems
 14. Solar Farms and Solar Panels for Commercial Use
 15. Communications Towers
 16. Home Business
 17. Public & Private Nature Preserves
- B. The above special uses are all subject to the following requirements:
1. The proposed site will have at least one (1) property line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to this road.
 2. Front, waterfront, side and rear yards will be set back at least one hundred (100) feet, and be landscaped in trees, shrubs and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any walls, fences or plantings used to screen the use from abutting residential lots and parcels.
 3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

SECTION 7.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area: (single and duplex housing)		20,000 square feet with public or common sewer and water. 1 acre on lots not served by public or common water and sewer.
Minimum Lot Width:		100 feet on lots with water and sewer. 150 feet on lots without public water and sewer availability. Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): 330 feet minimum width, except where an easement for ingress and egress is recorded to/from adjacent parcels, then as above.
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard		50 feet minimum from established shorelines for surface water bodies or centerline of streams
Minimum Side Yard		15 feet minimum for each side yard. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for the principle building 15 feet for accessory buildings
Minimum Dwelling Floor Area		Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:		35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.
Maximum Lot Coverage:		30 percent maximum.

ARTICLE VIII

HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 8.01 PURPOSE

The primary purpose of this district is to provide for single and duplex housing in neighborhoods with lot areas measuring a minimum of 10,000 square feet where public sewer and water is available, or one (1) acre on parcels served by on-site well and septic systems. This district should be free of other property uses that are not accessory, supportive, compatible, or convenient to its residents. HDR areas should be designed to have on-site sanitary sewer and public water systems available and installed.

SECTION 8.02 USES PERMITTED BY RIGHT

- A. Single and two family dwellings.
- B. Existing types of agriculture land and building uses provided they meet the AR District requirements.
- C. Accessory buildings as defined.
- D. Accessory uses as defined.
- E. State licensed residential foster care facilities housing six (6) or less persons.
- F. State licensed child care centers.
- G. Public school buildings and facilities.
- H. Home occupations as conditioned by Section 18.21
- I. Private residential swimming pools as conditioned by Section 18.20
- J. Guest Houses as conditioned by Section 18.45

SECTION 8.03

PERMITTED SPECIAL USES WITH CONDITIONS

A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).

1. Nursing, Convalescent, or Assisted Living facilities.
2. Public, private and non-profit recreation areas.
3. Bed and Breakfast Inn/Resort
4. Private schools & educational institutions
5. Type I & Type II Residential Planned Unit Developments subject to Article XVI and Article XVII.
6. Churches, Religious institutions, libraries, museums and community halls
7. Golf Courses and country clubs.
8. Cemeteries
9. Parks, playgrounds & recreation areas (public & non-profit)
10. Public buildings and facilities
11. Extraction of natural resources
12. Sports facilities, public & private including golf courses, ball fields, courts & diamonds
13. Micro-Housing Development

B. The above special uses are all subject to the following requirements:

1. The proposed site will have at least one (1) property line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to this road.
2. Front, waterfront, side and rear yards will be set back at least one hundred (100) feet, and be landscaped in trees, shrubs and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any walls, fences or plantings used to screen the use from abutting residential lots and parcels.
3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

SECTION 8.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area: (single and duplex housing)		10,000 square feet with public or common sewer and water. 1 acre on lots not served by public or common water and sewer.
Minimum Lot Width:		66 feet on lots with water and sewer. 150 feet on lots without public water and sewer availability. Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): 330 feet minimum width. except where an easement is dedicated for a frontage service road to serve the lot.
Minimum Front Yard:	On state hways or CR 388	50 feet minimum from the right of way line.
	On Blue Star or Ruggles	110 feet from the center line
	On other county roads	35 feet from the right of way line
	On private roads	35 feet from the right of way line or as approved by the Township Board
Water front setback		50 feet minimum from established shorelines for lakes and ponds, and from the centerline of streams but not within a flood hazard area.
Minimum Side Yard		10 feet minimum for each side yard. Parcels with side-yards on M-43, M-140, and Cr-388 (Phoenix Road): 50 feet minimum from the right of way line. Parcels with side yards on Blue Star Highway: 110 feet from the center line of Blue Star Memorial Highway.
Minimum Rear Yard: (corner lots have no rear yard)		25 Feet minimum for the principle building 15 feet for accessory buildings
Minimum Dwelling Floor Area		Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:		35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.
Maximum Lot Coverage:		30 percent maximum.

ARTICLE VIII A

PUBLIC UTILITY RESIDENTIAL OVERLAY DISTRICT

SECTION 8A.01 PURPOSE

The primary purpose of this district is to encourage single-family residential development on smaller lots where public sewer and water is available. This district is limited to roads or highways with existing public sanitary sewer and water lines established prior to 2000. The intent is to increase density along those existing public utility lines in order to reduce costs to the system. This district does not include properties within 500 feet of Lake Michigan (within the Shoreline Protection Overlay District).

SECTION 8A.02 USES PERMITTED BY RIGHT

- A. Single family dwellings.
- B. Accessory buildings as defined.
- C. Accessory uses as defined.
- D. State licensed residential foster care facilities housing six (6) or less persons.
- E. State licensed child care centers.
- F. Home occupations as conditioned by Section 18.21
- G. Private residential swimming pools as conditioned by Section 18.20

SECTION 8A.03 PERMITTED SPECIAL USES WITH CONDITIONS

- A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).
 - 1 Two-family dwellings
 - 2 State-licensed care facilities for more than six (6) persons
- B. The above special uses are all subject to the following requirements:
 - 1. The proposed site will have at least one (1) property line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to this road.
 - 2. Front, waterfront, side and rear yards will be landscaped in trees, shrubs and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any walls, fences or plantings used to screen the use from abutting residential lots and parcels.

3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.
4. Maximum lot width shall not exceed 66 feet.

SECTION 8A.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area:	6,600 square feet with public sewer and water.	
Minimum Lot Width:	66 feet on lots with public water and sewer. Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): shall have an easement for ingress and egress recorded to/from adjacent parcels.	
Maximum Lot Width:	66 feet	
Minimum Front Yard:	On state hwys or CR 388	50 feet minimum from the right of way line.
	On Blue Star or Ruggles	110 feet from the center line
	On other county roads	35 feet from the right of way line
	On private roads	35 feet from the right of way line or as approved by the Township Board
Water front setback	50 feet minimum from established shorelines for lakes and ponds, and from the centerline of streams but not within a flood hazard area.	
Minimum Side Yard	10 feet minimum for each side yard. Parcels with side-yards on M-43, M-140, and Cr-388 (Phoenix Road): 50 feet minimum from the right of way line. Parcels with side yards on Blue Star Highway: 110 feet from the center line of Blue Star Memorial Highway.	
Minimum Rear Yard: (corner lots have no rear yard)	25 Feet minimum for the principle building 15 feet for accessory buildings	
Minimum Dwelling Floor Area	Minimum floor area of 680 square feet for each dwelling unit.	
Height Limitations:	35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.	
Maximum Lot Coverage:	25 percent maximum.	

ARTICLE IX

MFR MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 9.01 PURPOSE

The primary purpose of this district is to provide for more intensive use of land for structures such as attached single family houses, townhouses, condominiums, or garden style apartments on parcels with a minimum size of at least one half acre. MFR areas should have sanitary sewer and public water systems available and installed.

SECTION 9.02 PERMITTED PRINCIPAL USES

- A. Multiple family dwellings including attached single-family houses, townhouses, condominiums, garden apartments and similar multi-family dwelling unit buildings.
- B. Existing single-family dwellings.
- C. State licensed residential care homes housing six (6) or fewer persons.
- D. State licensed childcare centers.
- E. Normally accepted accessory uses provided there is a principle use on the property.
- F. Public schools

SECTION 9.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

Subject to approval by the Planning Commission and Township Board and in compliance with Article XXII Site Plan Review, and Article XV Special Uses.

- A. Public buildings.
- B. Parks, playgrounds, and recreational areas, public and non-profit.
- C. Churches, religious institutions, private schools, libraries, museums and community halls.
- D. Sports facilities, public and private, including golf courses, ball fields, courts, diamonds, etc.
- E. Type I Planned Unit Development projects.
- F. Manufactured Housing Community licensed by the Michigan Mobile Home Commission.
- G. Private schools & educational institutions
- H. Bed and Breakfast Inn
- I. Dormitories or boarding house.
- J. Micro-Housing Development

SECTION 9.04 PERMITTED ACCESSORY USES WITH CONDITIONS

- A. Customary home occupations in existing single-family homes as condition by Section 18.21.
- B. Private swimming pools for the use by the residents in conformance with Section 18.21.
- C. Common space for by the residents of the development.
- D. Drives and off-street parking as required by this ordinance.
- E. Recreation or meeting space for the common use by the residents of the development.
- F. Within Manufactured Housing Community of at least ten (10) acres that have been established by Special Use, a public or private campground that is limited to use by recreational vehicles.

SECTION 9.05 DIMENSIONAL REQUIREMENTS

Minimum Lot Area	½ Acre for first dwelling unit plus for each additional unit: 1. Efficiency 2000 square feet 2. 1 BR 2500 square feet 3. 2 BR 3500 square feet 4. 3 BR 5000 square feet 5. 4 BR 6500 square feet 6. Over 4 BR 1500 square feet per unit	
Minimum Lot Width	Lots fronting M-43, M-140 or CR 388	330 feet except where an easement is for ingress and egress is granted to/from adjacent parcels, then as below.
	Lots fronting all other roads or lots with shared drive	200 feet at the building setback line
Minimum Front Yard	From M43/M140/CR 388	50 feet from right-of-way line
	From Blue Star Highway and Ruggles Road	110 feet from centerline
	From any other County Road	50 feet from right-of-way line
	From any private road	35 feet from or as approved by Township Board
	For all Special Uses	75 feet from the right-of-way line
Minimum Side Yards	Equal to height of structure, each side, except where the side yard abuts a road right-of-way	
For all Special Uses	75 feet for all structures	
Minimum Rear Yard	50 feet for principle structures, 15 feet for residential accessory building	
For all Special Uses	75 feet for all structures	
Minimum Waterfront Yard	50 feet from the shore of a lake or pond, or centerline of a stream, but no within a Flood Hazard Area except as provided by law.	
Minimum Dwelling Floor Area	680 square feet excluding garage and unfinished spaces with at least 500 square feet on the first floor.	
Maximum Height Limit*	*(Subject to Article XIVA Airport Overlay Zone)	
Dwelling	35 feet	
Apartment Building	50 feet for hotels with 26-foot wide setbacks on all sides with paving to support 75,000 pounds fire apparatus.	
Residential Accessory Building	20 feet	
Wind Energy Generators	Subject to Article XV Special Uses	
Maximum Lot Coverage	30%	
Minimum Building Separation	Equal to the height of the highest abutting building	
Minimum Floor Area per unit	1. Efficiency 450 square feet 2. 1 BR 600 square feet 3. 2 BR 750 square feet 3. 3 BR 900 square feet 5. Each additional BR over three add 150 square feet	
Maximum Dwelling Unit Density	8 dwelling units per gross acre	

	12 dwelling units per structure
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ARTICLE 9A

RCO RESIDENTIAL-COMMERCIAL OVERLAY DISTRICT

SECTION 9A.01 INTENT

This overlay district is intended as a transitional buffer area between residential areas and high volume traffic routes. It is principally intended for daytime business activities limited to small, professional type, general office/health care professional offices. This district can overlay both residential and commercial zoning districts to allow existing uses to continue as conforming uses while allowing new uses, of a compatible nature to be added.

It is intended that this district is to apply to all properties with frontage on: Phoenix Road (CR 388), Blue Star Highway; M-43; M-140; Alyworth Avenue/8th Avenue west of I-196; 73rd Street (Service Road) between Phoenix Road and 8th Avenue; 73 ½ Street between the city limit and 6th Avenue; 14th Avenue between M-140 and Blue Star Highway; and Ruggles Road.

SECTION 9A.02 USES PERMITTED BY RIGHT

Including normally accepted accessory uses so long as there is a principle use on the property.

- A. Single and two-family dwellings.
- B. State licensed residential care homes housing six (6) or fewer persons.
- C. Child day care centers licensed by the state of Michigan
- D. Conversion of existing dwelling to office use without additions, subject to Article XXII Site Plan Review, and Article XX Parking Requirements.
Office use in converted dwelling is limited to one (1) professional office of the following types only: Medical, dental, sociological, psychological, finance, insurance, real estate, or other licensed professional plus administrative support staff.
- E. Mixed Use: Office/dwelling in an existing structure without additions, subject to Article XXII Site Plan Review, and Article XX Parking Requirements.
The non-residential use in such structures shall be limited to one (1) professional including: Medical, dental sociological, psychological, finance, insurance, real estate or other licensed professional plus administrative support staff.
- F. Religious, educational, seminary living & social institutions on at least three (3) acres.
- G. Offices for finance, insurance, real estate and licensed professional, where a new building or addition is constructed.
- H. Medical, dental, and sociological/psychological professional offices, limited to no more than one (1) professional plus support staff, where a new building or addition is constructed.
- I. Business management consultant (1 only)
- J. Customary home occupations

SECTION 9A.03 PERMITTED SPECIAL USES WITH CONDITIONS

All the following uses are subject to review by the Planning Commission and approval by the Township Board and shall be in compliance with the conditions listed in this chapter, Section 9A.02, B. and in Article XXII Site Plan Review, if the underlying district is residential then the use shall be subject to Article XV Special Uses as well.

A. Permitted Uses with Conditions (all subject to B. below)

1. Auto repair with limited outside storage, no fuel sales, limited auto sales, and a maximum of 5,000 square feet gross floor area.
2. Grocery or convenience store less than 5,000 square feet gross floor area
3. Bakery or coffee shop
4. Barber and beauty shop
5. Butcher shop without on-site processing of animals
6. Book and stationary store
7. Delicatessen
8. Drug store
9. Dry goods & notions stores
10. Dry cleaning & laundry stores
11. Gift shops & specialty shops
12. Hardware & paint stores
13. Home Businesses (see definition)
14. Medical and dental offices in complexes which may include: clinics & emergency care
15. Music store
16. Novelty store
17. Office supply store
18. Professional Offices for: Finance, Insurance, Real estate, Licensed professionals
19. Public parks & recreation areas
20. Public buildings
21. Public service installations and utilities
22. Recreational uses (commercial such as: water sports parks, mini-golf & etc.)
23. Restaurant, without drive-in/through service (may have outdoor seating/service area)
24. Shoe repair shop
25. Sporting goods and bait shop
26. Tailor and dressmaker shop
27. Variety store
28. Ice cream stand
29. Veterinary clinic without kennel or outside animal runs
30. Miscellaneous: Business management consultant, Business service store, Consumer credit reporting agency, Mailing and stenographic services, Public transportation passenger station,
31. Animal welfare organizations for small animals with outside dog runs with incidental and related uses including operation of a retail store.
(added January 2015)

B. Conditions for all Special Uses permitted in Section 9A.03.

The Planning Commission, after a finding of fact that determines that one or more of the following conditions does not serve any useful purpose in protecting public health, safety or welfare, may recommend waiver of such condition(s). Such waiver shall be subject to review and approval by the Township Board.

1. At least one (1) property line shall abut a hard surface road to which the site shall have direct access.
2. All vehicular ingress and egress shall be from either:
 - a. An acceleration and deceleration lane to an access road in accordance with County Road Commission or Department of Transportation, or
 - b. An approved private road connecting to a major road or highway arterial.
3. Outdoor storage of goods, materials, trash or garbage is prohibited except in conformance with Sections 18.23 and 18.30.
4. Where an existing dwelling is converted to professional use and an addition is constructed, the minimum front, side and rear setbacks for all structures and parking areas shall be 25 feet. This 25-foot wide strip shall be landscaped to screen adjacent properties.
5. Where a new structure is proposed for a commercial use, such structure shall conform to the requirements of the NSC Neighborhood Service Commercial zoning district. No such commercial use structure shall exceed 5,000 square feet in gross floor area nor shall such structure exceed 25 feet in height. All such commercial use structures shall have a gable roof and shall resemble in general appearance the architectural character of residential buildings within 300 feet.

SECTION 9A.04 DIMENSIONAL REQUIREMENTS

<p>Minimum Lot Area With public or common sanitary sewer and water ----- With on-site water supply and/or waste water disposal as permitted by the County Health Department -</p>	<p>--10,000 square feet excluding areas subject to easements --One (1) acre excluding areas subject to easements</p>
<p>Minimum Lot Width 1 For lots fronting on M-43, M-140, Blue Star or Phoenix----- 2 For lots fronting all other roads ----- 3 For lots with shared driveways fronting on M-43, M-140, Blue Star or Phoenix-----</p>	<p>--330 feet --150 feet at the building setback line for lots not served by public/common sanitary sewer and/or water --66 feet at The building setback line for lots served by public/common sanitary sewer and water</p>
<p>Minimum Front Yard From a state highway or CR 388 From Blue Star Highway or Ruggles Road----- From any other county road---- From any private road-----</p>	<p>--50 feet from the right-of-way line --110 feet from centerline --35 feet from the right-of-way line --35 feet or as approved by the Township Board</p>
<p>Minimum Side Yards</p>	<p>-10 feet for the principle building, each side, except where the side yard abuts a road right-of-way, in which case the front yard setback is required. -15 feet for all accessory buildings except abutting road right-of-way</p>
<p>Minimum Rear Yard</p>	<p>-40 feet for principle structures, -15 feet for residential accessory buildings. Corner lots do not have a rear yard.</p>
<p>Minimum Waterfront Yard</p>	<p>-50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.</p>
<p>Minimum Dwelling Floor Area</p>	<p>--680 square feet excluding garage & unfinished spaces with at least 500 square feet on the first floor.</p>
<p>Maximum Height Limit All structures are subject to Article XIVA Airport Overlay Zone</p>	<p>--Dwellings – 35 feet --Residential Accessory Buildings – 25 feet --Wind Energy Generators – Subject to Article XV Special Uses</p>
<p>Maximum Lot Coverage</p>	<p>30%</p>

ARTICLE X

NSC NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 10.01 PURPOSE

This district has the intent of providing areas wherein retail trade and service outlets can be located in order to satisfy the day to day needs of the residents in the immediate neighborhood.

SECTION 10.02 PERMITTED PRINCIPAL USES

The following uses are permitted as long as the use is conducted completely within an enclosed building:

- A. Bakeries
- B. Barber and beauty shops
- C. Book and stationery stores
- D. Clothing stores
- E. Delicatessens
- F. Drug stores
- G. Dry cleaning and laundry and dry cleaning stores
- H. Dry goods and notion stores
- I. Gift shops
- J. Hardware and paint stores
- K. Medical and dental offices in complexes which may include:
 - Garment and prosthetic appliance stores
 - Medical, Dental, Optical Laboratories
 - Pharmacies
- L. Music stores
- M. Novelty shops
- N. Office supply stores
- O. Offices for:
 - finance
 - insurance
 - professionals
 - real estate
- P. Professional health care services
- Q. Public buildings
- R. Public service installations
- S. Religious institutions
- T. Restaurants
- U. Self-service laundry and dry cleaning stores
- V. Shoe repair shops
- W. Sporting goods store
- X. Tailor and dressmaker shops
- Y. Variety stores

- Z. Veterinary clinics
- AA. Miscellaneous:
 - Business management consultants
 - Business service stores
 - Consumer credit reporting agencies
 - Mailing and stenographic services

SECTION 10.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Automotive gasoline and service stations in accordance with the provisions of Article XV, "Special Uses" for this use.
- B. Drive-in retail and service establishments in accordance with the provisions of Article XV, "Special Uses" for these uses.
- C. Customary home occupations in existing single family homes, as conditioned by Section 18.21.
- D. Fraternal Organizations
- E. Home Business
- F. Home Occupations – type II
- G. Retail including on-site manufacturing
- H. Vehicle fueling stations

SECTION 10.04 PERMITTED ACCESSORY USES

- A. Normal accessory uses to all "Permitted Principal Uses."
- B. Normal accessory uses to all "Permitted Principal Special Uses."
- C. Customary home occupations in existing single family homes, as conditioned by Section 18.21.

SECTION 10.05 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE

Minimum Lot Area: (single and duplex housing)	on lots not served by public or common water and sewer.	1 acre
	feet with public or common sewer and water.	10,000 square
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet. except where an easement is dedicated for a frontage service road to serve the lot.
	All other roads on lots without public water and sewer availability.	150 feet
	All other roads on lots with water and sewer.	80 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard	50 feet minimum from established shorelines for surface water bodies or centerline of streams	
Minimum Side Yard	10 feet minimum for one side yard and at total of 25 feet for both side yards. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side	
Minimum Rear Yard (corner lots have no rear yard)	50 Feet minimum for the principle building 15 feet for accessory buildings	
Minimum Dwelling Floor Area	Minimum floor area of 680 square feet for each dwelling unit.	
Height Limitations:	35 feet maximum for all residential structures. 20 feet maximum for all residential related structures.	
Maximum Lot Coverage:	75 percent maximum.	

SECTION 10.06 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road/drive in accordance with Section 18.26 or (2) an approved private road connecting directly to a major road or highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road in accordance with Section 18.26, or an approved private road connecting directly to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. The outdoor storage of goods, materials, trash and garbage is not permitted, except as provided in Section 18.23 and 18.30.

ARTICLE XI

CSC COMMUNITY SERVICE COMMERCIAL DISTRICT

SECTION 11.01 PURPOSE

This district is intended to provide areas where retail trades and service outlets can be located that are convenient to the residents of several neighborhoods and where the owners, employees, guests and customers of office, other commercial, industrial and agricultural uses and activities in the Township and adjacent communities.

SECTION 11.02 USES PERMITTED BY RIGHT

Including normally accepted accessory uses so long as there is a principle use on the property.

- A. Art and merchandise studio
- B. Auto parts store
- C. Automobile service station
- D. Bakery
- E. Barber and beauty shop
- F. Bicycle store
- G. Book and stationary store
- H. Bowling alley, pool hall, and mechanical amusement center
- I. Brew-pub
- J. Building material store
- K. Car wash
- L. Clothing store
- L. Commercial garage
- M. Commercial, private business school
- N. Delicatessen
- O. Drive-in business
- P. Drive-in restaurant
- Q. Drug store
- R. Dry cleaning and laundry
- S. Educational and social institutions
- T. Farm implement and supply store
- U. Fast food restaurant
- V. Funeral home
- W. Furniture store
- X. Garden store
- Y. Gift shop
- Z. Golf driving range
- AA. Greenhouse and nursery, retail only
- BB. Hardware and paint
- CC. Household appliance store
- DD. Ice cream store
- EE. Indoor kennel

- FF. Interior decorating shop
- GG. Jewelry store
- HH. Medical and dental offices in complexes which may include:
 - Garment and prosthetic appliance stores
 - Medical, dental and optical laboratories
 - Pharmacies
- II. Micro-brewery
- JJ. Miniature golf course
- KK. Mini-warehouses/mini-storage
- LL. Mortuary
- MM. Motel and hotel
- NN. Music store
- OO. New and used automobiles, motorcycles, boats, campers, recreational vehicles and trailers
- PP. New and used mobile homes
- QQ. Novelty store
- RR. Office supply store
- SS. Offices for:
 - Finance
 - Insurance
 - Real estate
 - Licensed professionals
- TT. Pet shop
- UU. Photographic studio
- VV. Printing and publishing establishment
- WW. Professional health care services
- XX. Public buildings
- YY. Public schools
- ZZ. Public service installations and utilities
- AAA. Religious institutions
- BBB. Restaurant
- CCC. Second-hand store with no outside storage
- DDD. Service and repair shop
- EEE. Shoe repair shop
- FFF. Sporting goods store
- GGG. Tailor and dressmaker shop
- HHH. Temporary buildings
- III. Temporary and transient amusements
- JJJ. Theater, indoor and outdoor
- KKK. Toy store
- LLL. Variety store
- MMM. Veterinary clinic and hospital
- NNN. Warehouses
- OOO. Miscellaneous:
 - Business management consultant
 - Business service store

- Consumer credit reporting agency
- Mailing and stenographic services
- QQQ. Normal accessory uses to the above uses and buildings provided a principle permitted building is present.

SECTION 11.03 PERMITTED SPECIAL USES WITH CONDITIONS

All the following uses are subject to review by the Planning Commission and approval by the Township Board and shall be in compliance with the conditions listed in this chapter and in Article XXII Site Plan Review, as well as Article XV Special Uses.

- A. Planning Shopping Centers for collective grouping of two (2) or more principal permitted uses.
- B. Retail store including the on-site manufacture of product(s)
- C. Private schools & educational institutions
- D. Parks & recreation areas
- E. Single family dwelling on the same parcel as a business
- F. Boarding House, Dormitory
- G. Communications towers
- H. Accessory Impound Yards
- I. Fraternal organizations
- J. Home business
- K. Parks, playgrounds & recreation areas (public & non-profit)
- L. Race tracks (including midget auto, karting, horse, and snow mobile)
- M. Recreation & sports buildings
- N. Sports facilities, public & private, including golf courses, ball fields, courts & diamonds
- O. Temporary transient amusement enterprises
- P. Transitional parole housing, halfway house, substance abuse treatment & rehabilitation service or similar social institution.
- Q. Hospitals, clinics, sanitariums, convalescent homes, state licensed residential care facilities for more than 6 persons, and similar structures designed for human care.
- R. Solar Farms and Solar Energy Systems for Commercial Use

SECTION 11.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area (non-agricultural)	With public or common sanitary sewer and water	10,000 square feet excluding areas subject to easements
	With on-site water supply and/or waste water disposal as permitted by the County Health Department --	One (1) acre excluding areas subject to easements
Minimum Lot Width	For lots fronting on M-43, M-140, Blue Star or Phoenix	330 feet
	For lots fronting all other roads or for lots with shared driveways	150 feet at the building setback line for lots not served by public/common sanitary sewer and/or water
	For lots fronting all other roads or for lots with shared driveways	80 feet at the building setback line for lots served by public/common sanitary sewer and water
Minimum Front Yard	From a state highway or C.R. 388	50 feet from the right-of-way line
	From Blue Star Highway	110 feet from centerline
	From any other county road	35 feet from the right-of-way line
	From any private road	35 feet or as approved by the Township Board
Minimum Side Yards	10 feet on one side , but a minimum total of 25 feet for both sides, except where a side yard abuts a road right-of-way, in which case the front yard setback is required.	
Minimum Rear Yard	50 feet for principle structures, 15 feet for accessory buildings. Corner lots do not have a rear yard.	
Minimum Waterfront Yard	50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.	
Maximum Height Limit	35 feet 50 feet for hotels with 26-foot wide setbacks on all sides with paving to support 75,000 pounds for fire apparatus. Wind Energy Generators – Subject to Article XV Special Uses	
All structures are subject to Article XIVA Airport Overlay Zone		
Maximum Lot Coverage	75%	

SECTION 11.05 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. All sites shall have at least one property line abutting either:
 - 1. a major road or highway arterial as defined in the Master Plan and from which the site has vehicular access via a driveway or an access road, or
 - 2. an approved private road connecting to a major road or highway arterial.

- B. All vehicular ingress and egress shall be from either:
 - 1. an acceleration and deceleration land to an access road in accordance with Section 18.26, or
 - 2. an approved private road connecting to a major road or highway arterial.

- C. Storage of goods, materials, trash or garbage is not permitted outside of a building, except as provided in Section 18.23 and 18.30.

ARTICLE XII

HSC HIGHWAY SERVICE COMMERCIAL DISTRICT

SECTION 12.01 PURPOSE

The highway service commercial district is designed to provide for servicing the needs of highway traffic at the interchange areas of public roads and highways facilities. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at the interchange area and on the highway, and the protection of adjacent properties in other districts from the adverse influences of traffic are prime considerations in the location of the district.

SECTION 12.02 PERMITTED PRINCIPAL USES

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses: *[list amended 1999]*

- A. Battery and ignition shops
- B. Building supply and hardware stores
- C. Emergency facilities related to highway travellers
- D. Equipment rental, sales and service shops
- E. Freight transfer facilities
- F. Laundries and dry cleaners
- G. Public transportation passenger stations
- H. Marine sales and service businesses
- I. Mechanical equipment rental and service shops
- J. Parking garages and parking areas.
- K. Radiator repair shops
- L. Retail & service establishments providing foods and services which are directly needed by highway travellers
- M. Tire sales, re-treading and repair shops

- N. Transient lodging facilities, including motels and hotels
- O. Vehicle rental and sales establishments
- P. Vehicle service and repair stations for automobiles, trucks busses and trailers
- Q. Welding shops

SECTION 12.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses, and located in the District so as not to interfere with or interrupt the pattern of development of the “Permitted Principal Uses” in Section 12.02 and shall further meet the requirements of Article XV, “Special Uses”:

- A. Recreation and sports buildings.
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.
- C. Shopping Centers
- D. Communications towers
- E. Race tracks (including midget auto, karting, horse, and snow mobile)
- F. Sports facilities, public & private, including golf courses, ball fields, courts & diamonds
- G. Temporary transient amusement enterprises
- H. Public buildings

SECTION 12.07 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE

Minimum Lot Area:	For lots not served by public or common water and sewer.	1 acre
	For lots served by public or common sewer and water.	10,000 square
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet. except where an easement is dedicated for a frontage service road to serve the lot.
	All other roads on lots without public water and sewer availability.	150 feet
	All other roads on lots with water and sewer.	80 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard	50 feet minimum from established shorelines for surface water bodies or centerline of streams	
Minimum Side Yard	10 feet minimum for one side yard and at total of 25 feet for both side yards. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side	
Minimum Rear Yard (corner lots have no rear yard)	50 Feet minimum for the principle building 15 feet for accessory buildings	
Minimum Dwelling Floor Area	Minimum floor area of 680 square feet for each dwelling unit.	
Height Limitations:	35 feet maximum for all residential structures. 20 feet maximum for all residential related structures.	
Maximum Lot Coverage:	75 percent maximum.	

SECTION 12.08 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has the most direct vehicular access by means of a frontage access road, as specified in Section 18.26; or (2) an approved private road connecting directly to a major road or highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access, in accordance with Section 18.26, or to an approved private road connecting directly to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. The outdoor storage of goods, materials, trash, or garbage is not permitted, except as provided in Section 18.23 and 18.30.

ARTICLE XIII

HC HEAVY COMMERCIAL DISTRICT

SECTION 13.02 PERMITTED PRINCIPAL USES

- A. Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air, including truck terminals and railroad sidings.
- B. Warehousing and related bulk handling facilities, equipment and support services.
- C. Bulk handling of commercial and industrial services and related facilities, equipment and support services.
- D. Contractor buildings, structures and equipment and materials; storage yards for building and other types of construction materials.
- E. Building material supply establishments.
- F. Vehicle fueling stations
- G. Brewery

SECTION 13.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals.
- B. Sanitary septic waste hauling and servicing facilities in accordance with the provisions of Article XV, Special Uses. *[amended February 2007]*
- C. Communications towers
- D. Fraternal organizations
- E. Junk yards and inoperable vehicle yards
- F. Public buildings

SECTION 13.04 PERMITTED ACCESSORY USES

- A. Accessory buildings and uses customarily incidental to above named principal permitted uses.
- B. Signs in accordance with the relevant requirements detailed in Article XXI, "Sign Regulations," herein.
- C. Towers in accordance with the relevant requirements detailed in Article XVIII, "Supplemental Regulations," herein. *[amended 1999]*
- E. Outdoor storage of goods or materials when directly related to on-site businesses and when properly screened.
- F. Accessory Impound Yards

SECTION 13.05 DIMENSIONAL REQUIREMENTS

Minimum Lot Area:	For lots not served by public or common water and sewer.	80,000 square feet
	For lots with public or common sewer and water.	40,000 square feet
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet. except where aneasement is dedicated for a frontage service road to serve the lot.
	All other roads on lots without public water and sewer availability.	200 feet
	All other roads on lots with water and sewer.	120 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard		50 feet minimum from established shorelines for surface water bodies or centerline of streams
Minimum Side Yard		25 feet minimum both side yards. 50 feet minimum for yards abutting residential uses. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for the principle building 15 feet for accessory buildings
Height Limitations:		35 feet maximum for all structures.
Maximum Lot Coverage:		75 percent maximum.

SECTION 13.06 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has vehicular access by means of a frontage access road/drive in accordance with Section 18.26, or (2) an approved private road connecting directly to a major road or highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road in accordance with Section 18.26, or to an approved private road connecting to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. All uses shall meet the requirements for off-street parking and loading and unloading as specified in Article XX.
- D. When an HC zoned parcel adjoins a Residential Zoning District, it shall meet the requirements of Section 18.30.

ARTICLE XIII

HC HEAVY COMMERCIAL DISTRICT

SECTION 13.02 PERMITTED PRINCIPAL USES

- A. Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air, including truck terminals and railroad sidings.
- B. Warehousing and related bulk handling facilities, equipment and support services.
- C. Bulk handling of commercial and industrial services and related facilities, equipment and support services.
- D. Contractor buildings, structures and equipment and materials; storage yards for building and other types of construction materials.
- E. Building material supply establishments.
- F. Vehicle fueling stations
- G. Brewery

SECTION 13.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals.
- B. Sanitary septic waste hauling and servicing facilities in accordance with the provisions of Article XV, Special Uses. *[amended February 2007]*
- C. Communications towers
- D. Fraternal organizations
- E. Junk yards and inoperable vehicle yards
- F. Public buildings

SECTION 13.04 PERMITTED ACCESSORY USES

- A. Accessory buildings and uses customarily incidental to above named principal permitted uses.
- B. Signs in accordance with the relevant requirements detailed in Article XXI, "Sign Regulations," herein.
- C. Towers in accordance with the relevant requirements detailed in Article XVIII, "Supplemental Regulations," herein. *[amended 1999]*
- E. Outdoor storage of goods or materials when directly related to on-site businesses and when properly screened.
- F. Accessory Impound Yards

SECTION 13.05 DIMENSIONAL REQUIREMENTS

Minimum Lot Area:	For lots not served by public or common water and sewer.	80,000 square feet
	For lots with public or common sewer and water.	40,000 square feet
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet. except where an easement is dedicated for a frontage service road to serve the lot.
	All other roads on lots without public water and sewer availability.	200 feet
	All other roads on lots with water and sewer.	120 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard		50 feet minimum from established shorelines for surface water bodies or centerline of streams
Minimum Side Yard		25 feet minimum both side yards. 50 feet minimum for yards abutting residential uses. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for the principle building 15 feet for accessory buildings
Height Limitations:		35 feet maximum for all structures.
Maximum Lot Coverage:		75 percent maximum.

SECTION 13.06 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has vehicular access by means of a frontage access road/drive in accordance with Section 18.26, or (2) an approved private road connecting directly to a major road or highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road in accordance with Section 18.26, or to an approved private road connecting to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. All uses shall meet the requirements for off-street parking and loading and unloading as specified in Article XX.
- D. When an HC zoned parcel adjoins a Residential Zoning District, it shall meet the requirements of Section 18.30.

ARTICLE XIV

I INDUSTRIAL DISTRICT

SECTION 14.01 PURPOSE

It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernable noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernable beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

SECTION 14.02 PERMITTED PRINCIPAL USES

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

- A. Dry bulk blending plants
- B. Electrical and electronic equipment manufacturers
- C. Fabricated metal products
- D. Jobbing and machine shops
- E. Laboratories *[added 1999]*
- F. Metal plating and finishing
- G. Mini storage facilities *[added 1999]*
- H. Monument and cut stone manufacturers
- I. Plastic products forming and molding
- J. Printing and publishing
- K. Processing of machine parts
- L. Public service and utility facilities, but only during construction of:
Permanent buildings and structures, and provided that they are removed immediately upon completion.
- M. Research and development establishments
- N. Trade and industrial schools
- O. Wood industries, except wood distillation
- P. Brewery, distillery, winery or similar

SECTION 14.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Planned Industrial Parks in accordance with the provisions of Article XV, “Special Uses,” for the collective grouping of two (2) or more of the principal uses permitted in this district.
- B. Sanitary septic waste hauling and servicing facilities in accordance with the provisions of Article XV, Special Uses. *[amended Feb. 2007]*
- C. Communications towers
- D. Vehicle fueling stations
- E. Junk yards and inoperable vehicle yards
- F. Public buildings

SECTION 14.04 PERMITTED ACCESSORY USES

The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

- A. Banking
- B. Caretakers quarters
- C. Customary home occupations in existing single family homes, as conditioned by Section 18.21.
- D. Education, library and training facilities
- E. Medical and health care facilities
- F. Normal accessory uses to all Permitted Principal Uses
- G. Office facilities
- H. Recreation and physical fitness facilities
- I. Research and experimentation facilities
- J. Restaurants
- K. Sales display facilities and areas
- L. Truck and equipment service, maintenance, repair and storage facilities
- M. Warehouse and storage facilities
- N. Work clothing sales and service facilities
- O. Accessory Impound Yards

SECTION 14.05 REQUIREMENTS FOR ALL DISTRICT USES

- A. **ACCESS ROADS:** All uses shall only have vehicular access via a hard year-round surface paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road, in accordance with Section 18.26.

- B. **BARRIERS:** All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved accessways or driveways.

- C. **SCREENING:** When adjacent to or across the road from existing residential developments or zoning districts an industrial use of a lot or parcel shall provide a landscaped greenbelt or wall screen in accordance with Section 18.30.

- D. **SEWAGE DISPOSAL:** Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department. All packaged treatment plant facilities shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

- E. **TOXIC WASTE DISPOSAL:** All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

SECTION 14.06 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE

Minimum Lot Area:	For lots not served by public or common water and sewer.	2 acres
	For lots with public or common sewer and water.	40,000 square
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet. except where an easement is dedicated for a frontage service road to serve the lot.
	All other roads on lots without public water and sewer availability.	200 feet
	All other roads on lots with water and sewer.	120 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard		50 feet minimum from established shorelines for surface water bodies or centerline of streams
Minimum Side Yard		25 feet minimum for both side yards. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for the principle building 15 feet for accessory buildings
Height Limitations:		40 feet maximum for all residential structures. 20 feet maximum for all residential related structures.
Maximum Lot Coverage:		75 percent maximum.

SECTION 14.07 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has vehicular access by means of a frontage access road/drive in accordance with Section 18.26, or (2) an approved private road connecting to a major road or a highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road in accordance with Section 18.26, or to an approved private road connecting to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. The storage of goods, materials, trash or garbage is not permitted outside of the principal or accessory buildings or structures, except as provided in Section 18.23 and 18.30.

ARTICLE XIVA

AOZ – AIRPORT OVERLAY ZONING DISTRICT

SECTION 14A.01 INTENT.

The Airport Overlay Zoning District, is an additional set of zoning regulations governing development permitted by the terms of the underlying zoning district for specific properties located in proximity to the South Haven Airport as required by Section 203 (2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, and the Airport Zoning Act, P.A. 23 of 1950 (Ex Sess.).

The intent of these additional regulations is to prevent the location of potential hazards to aviation by restricting the height of buildings and structures located on individual properties abutting and in proximity to the South Haven Airport.

SECTION 14A.02 AIRPORT APPROACH (OR LAYOUT PROTECTION PLAN

The Michigan Department of Transportation, Aeronautics Division has prepared and the Michigan Aeronautics Commission has approved an Approach (or Layout) Plan prepared pursuant to Section 151 of the Michigan Aeronautics Code, P.A. 327 of 1945, as amended, for the South Haven Airport. This Plan is composed of two maps and one explanatory sheet, including the:

MDOT Bureau of Aeronautics Land Use Zoning for South Haven Regional Map which describe accident safety zones on and surrounding the airport where land use planning and regulatory measures will be applied.

Accident Safety Zones, Land Use Guidelines and Planning Strategies for New Development which describe specific land use characteristics, land use guidelines and land use planning strategies for each accident safety zone.

Part 77 Surface Map which details the maximum allowable height for buildings and structures with the AOZ – Airport Overlay Zoning District.

Section 14A.03 – Jurisdiction of Overlay Zoning District.

The geographic jurisdiction of the AOZ – Airport Overlay Zoning District shall be that area defined in the Part 77 Surface Map dated 06/28/02, as well as any subsequent revisions or amendments, prepared by the Michigan Department of Transportation, Aeronautics Division and approved by the Michigan Aeronautics Commission as part of the Airport Approach Protection Plan, prepared pursuant to CFR Title 14; Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.25, Civil Airport Image Surfaces.

Section 14A.04 – Relationship to Underlying Zoning Regulations.

The AOZ – Airport Overlay Zoning District imposes certain restrictions upon the location and height of buildings and structures specifically allowed in each underlying zoning district classification shown on the zoning map.

A. Uses Permitted by Right but Subject to the Maximum Height Limitations.

Any use permitted by right allowable by the terms of the underlying zoning district shall be permitted provided the location and height of all buildings and structures do not exceed the maximum height limitations set forth in the Part 77 Surface Map. Uses permitted by Special Use approval may be permitted provided the density or potential occupancy does not exceed the limitations of the Accident Safety Zones Land Use Guidelines.

B. Zoning Board of Appeals May Grant Variances to Height Limitations.

An applicant may request and the Zoning Board of Appeals may grant a variance from the height limitation terms of this district upon filing an approved “Acknowledgment of Notice” and receipt of a “Determination of No Hazard” issued by the Federal Aviation Administration and a Michigan Department of Transportation “Tall Structures Permit” issued pursuant to P.A. 259 of 1959, as amended, permitting the construction of a building or structure exceeding the height limitation imposed upon the property as set forth in the Part 77 Surface Map.

Section 14A.05 – Nonconforming Uses of Land, Buildings and/or Structures.

Nonconformities shall comply with all Federal Aviation Administration and/or Michigan Department of Transportation Aeronautics Division regulations as well as Article XVII – Nonconforming land, building and structural uses, of this ordinance.

Section 14A.06 – Site Plan and Approval Requirements.

A site plan prepared pursuant to Article XXIII Section 23.04B, showing the location and height of all buildings and structures shall accompany an application for a building permit for new construction or renovation of an existing building or structure on any property within the AOZ District. The Zoning Administrator or Building Official may accept less information than required in cases where the applicant can provide adequate information to determine the exact location of the building(s) and/or structure(s) upon the property and the location of boundaries of the height requirements imposed by the Part 77 Surface Map.

Section 14A.07 – Notification of the Federal Aviation Administration (FAA).

All applicants for a building permit in the AOZ District shall provide notice to the Michigan Department of Transportation, Aeronautics Division and the Federal Aviation Administration as required pursuant to CFR Title 14, Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.13, Construction or Alteration Requiring Notice.

Section 14A.08 – FAA Determination & MDOT Permit to be filed Prior to Issuance of Building Permit.

For any proposed structure or addition that breaks an imaginary surface or plane extending outwards and upwards at the rate of one (1) foot rise for every 100 feet of horizontal distance within 20,000 feet of the nearest point of all runways, the Zoning Administrator and/or Building Official shall not issue a zoning compliance permit or building permit until the applicant has filed with the Township (1) the “Acknowledgement of Notice” and a “Declaration of No Hazard” issued by the Federal Aviation Administration; and (2) the Michigan Department of Transportation “Tall Structure Permit” issued pursuant to P.A. 259 of 1959, as amended, concerning the proposed construction or alteration.

Section 14A.09 – Zoning Map Designation and Part 77 Map Incorporation by Reference.

The Official Zoning Map shall include an AOZ – Airport Overlay Zoning District, which shall refer to the boundary of the Part 77 Surface Map dated 06/28/02 prepared by the Michigan Department of Transportation, Aeronautics Division and approved by the Michigan Aeronautics Commission as part of the Airport Approach Plan, pursuant to CFR Title 14; Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.25, Civil Airport Image Surfaces of which the Part 77 Surfaces Map shall be incorporated by reference as part of the Official Zoning Map.

ARTICLE XIV B

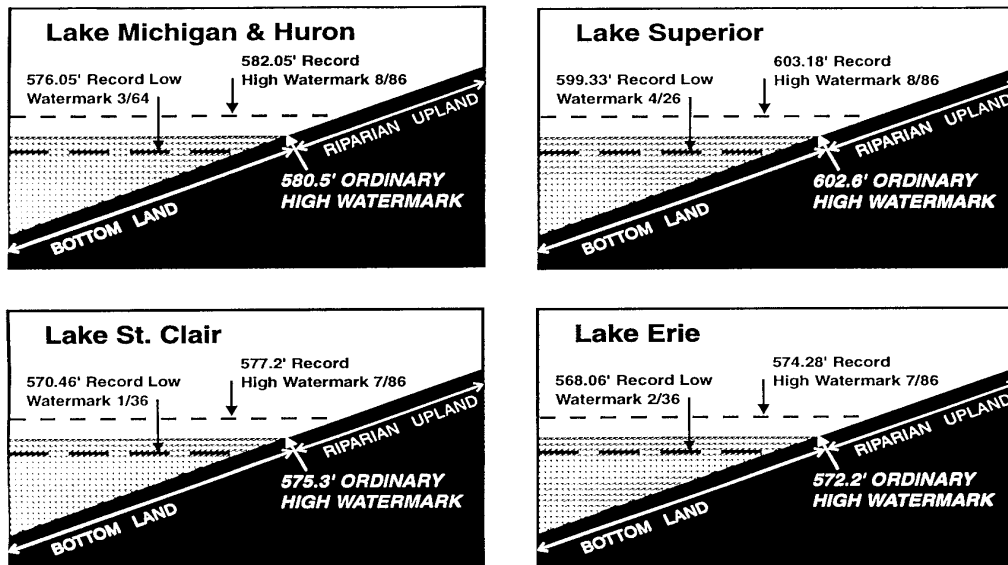
SHORELINE PROTECTION OVERLAY DISTRICT

SECTION 14B.01 Purpose and Intent

A. Purpose

The Shoreline Protection Overlay District includes all land located within **500 feet** of the 1986 Record High Water Mark, and as depicted on the Official Zoning Map for South Haven Charter Township. This boundary extends across all underlying zoning districts. This overlay zoning district is intended to be used in addition to any requirements of Article XIX Environmental Conservation Provisions.

1986 Record High Water Mark: the line of highest water level recorded by the state of Michigan : Lakes Michigan and Huron – 582.05 feet; See illustration below:



ORDINARY HIGH WATERMARK AS SET BY ACT 247 P.A. 1955 ON THE GREAT LAKES

Elevations above the International Great Lakes Datum of 1985 Record Monthly High & Low Levels

B. Intent

The Shoreline Protection Overlay District is intended to protect the unique and sensitive natural environment of the lake shore areas adjacent to Lake Michigan in South Haven Charter Township. Its purpose is based on the recognition that:

- 1) The economic and environmental well-being and health, safety, and general welfare of South Haven Charter Township is dependent on, and connected with the preservation of its Lake Michigan shoreline areas;
- 2) The shoreline zone has unique physical, biological, economic, and social attributes;

South Haven Township Zoning Ordinance

Shoreline Protection Overlay Zone

- 3) Future land development and redevelopment should not be conducted at the expense of these attributes;
- 4) Property values will be enhanced when the natural features of the shoreline zone are preserved; and
- 5) Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands and waters of Lake Michigan should be prevented or minimized.

SECTION 14B.02 General Requirements

A. Allowable Uses

1. All land located in the Shoreline Protection Overlay District must comply with this Article, in addition to any use restrictions or other regulations applicable under the underlying zoning district(s).
2. In the event that regulations imposed in this Article conflict with regulations of an underlying zoning district, the regulations established in this Article shall prevail to the extent of the conflict and no further.

B. Requirements to Receive Land Use Permit

1. Prior to any construction, earth moving or removal of vegetation within the Shoreline Protection Overlay District, and **prior to the issuance of any Land Use Permit**, all of the following criteria must be met:
 - a) A site plan meeting the requirements outlined in Article XXII and in Section 14B.03 of this Article, shall be submitted to the Zoning Administrator;
 - b) A land use permit shall be withheld pending verification that the applicant has received all required county, state or federal permits, including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetland permits; flood plain and culvert permits; driveway permits; or building permits.
 - c) If a permit or approval has been issued by the State of Michigan for a building, structure, or any grading, filling, earth moving, clearing, or removal of vegetation within the jurisdiction and scope of regulations set forth above, a copy of such permit shall be filed with the Zoning Administrator, and such permits or approvals shall be attached to and made a condition of performance for any permit issued under this Article. This Article is intended to supplement, and not abrogate, the Michigan Department of Environmental Quality's authority over the review of applications and issuance of permits for construction activities under the provisions of the Sand Dune Protection and Management Act (Part 353, Natural Resources Environmental Protection Act, MCL 324.35301 et. seq.) and the Shore Lands Protection and Management Act, (Part 323, Natural Resources Environmental Protection Act, MCL 324.32301 et. seq.);
 - d) Prior to receiving site plan approval, slopes of over 30 degrees from the toe of the slope to the crest shall be protected in a natural state, as defined in Article II of this Zoning Ordinance.

C. Setback Requirements

1. For all earth removal or excavations within the Shoreline Protection Overlay Zone, a side setback of fifteen (15) feet from the nearest point of any earth change to the lot line shall be required.
2. All structures proposed to be built within the Shoreline Protection Overlay Zone shall be set back according to the requirements below, except for the following exempt structures: pump houses, recreational docks, storm water and erosion control devices, picnic tables, benches, recreational watercraft, and stairways and walkways.
 - a) Within the Shoreline Protection Overlay boundary, the following setback requirements apply:
 - i) No structure, except those listed in subparagraph (2) above, shall be allowed within 50 feet of the 1986 Record High Water Mark;
 - ii) All structures, except those specifically exempted in subparagraph (2) above, shall be set back 100 feet from the 1986 Record High Water Mark.
 - iii) On lots with a steep bluff which begins within 100 feet of the 1986 Record High Water Mark all structures, except those specifically exempted in subparagraph (2) above, shall be set back at least 50 feet from the top of the bluff;
 - b) If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply. Where the imposition of the setbacks in the above table precludes the location of a dwelling or other primary structure, the applicant may request a variance. Any variance must be obtained from the Zoning Board of Appeals in accordance with Article XXIV. No variance shall be granted for any use or structure in violation of the intent and purpose of this Article or state law.

D. Minimum Requirements for New Lots or Land Divisions Outside of Plats

1. For new lots or land divisions located outside of existing plats, the minimum lot depth shall be 300 feet.
2. The minimum lot width for new parcels shall be 75 feet. Lots deeper than 300 feet shall not exceed the length to width ratio of 4 to 1.

SECTION 14B.03 SITE PLAN REVIEW

A. Site Plan Approval Standards

In addition to Site Plan Review Standards set forth elsewhere in the South Haven Township Zoning Ordinance, the following standards shall be considered by the Zoning Administrator or Planning Commission when reviewing a Site Plan submission in the Shoreline Protection Overlay District:

1. The Site Plan shall demonstrate that erosion and sedimentation shall be prevented, and that the risk of structural loss due to future changes in lake levels is minimized;
2. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance on adjacent properties.

B. Site Plan Data Required

An application for a land use permit in the Shoreline Protection Overlay District requires submission of a site plan, even if the underlying zoning district does not require a site plan. The site plan must contain the following documents and information:

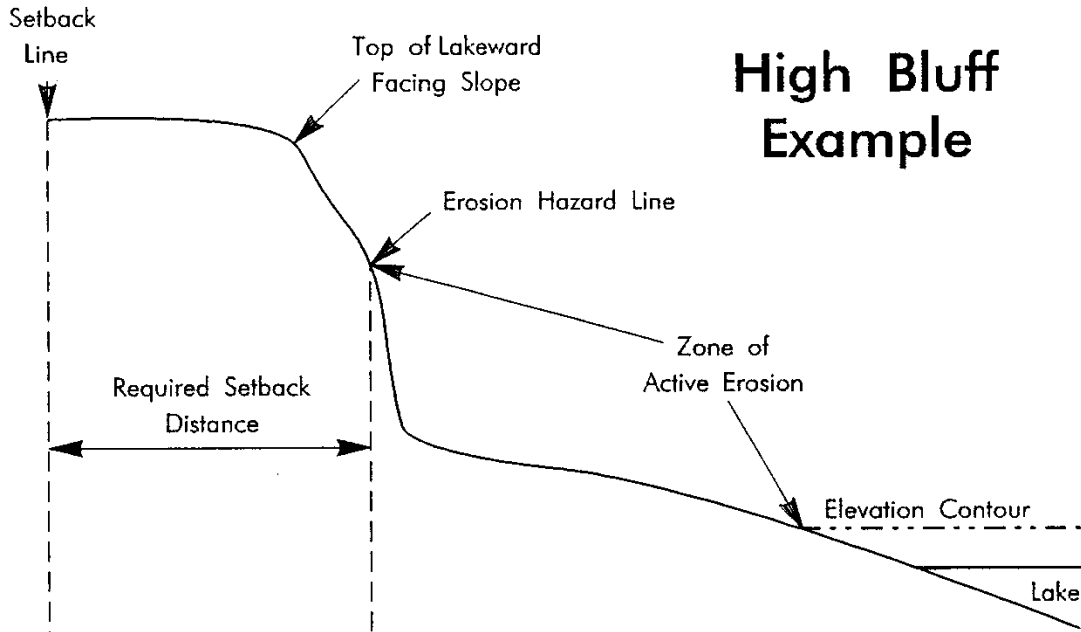
South Haven Township Zoning Ordinance

Shoreline Protection Overlay Zone

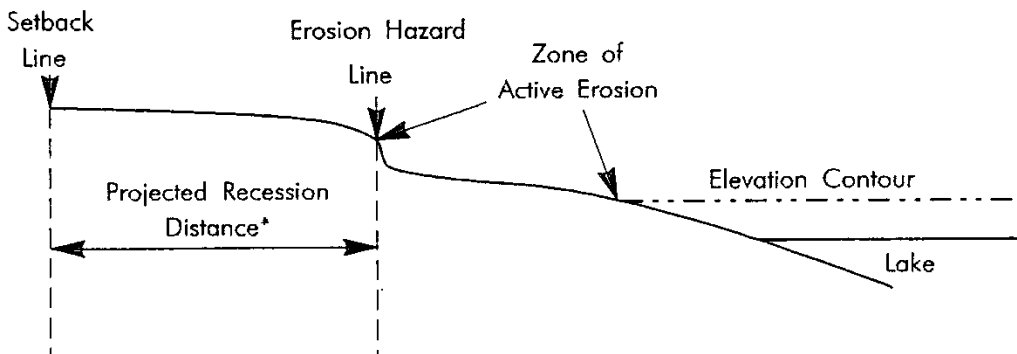
1. Two complete sets of plans that show the placement of any buildings or other structures, delineate a perimeter line encompassing all proposed activities, and identify the location and extent of the Shoreline Protection Overlay District boundary;
2. All shoreline types and coastal resources should be identified, including bluff ridges, wetland boundaries, dune crest, ordinary high water mark, and tree line (as defined by trees with a minimum diameter of 4" DBH), and first landward boundary of native grasses;
3. A description of outdoor lighting;
4. A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks;
5. A Grading Plan that delineates areas of cut and fill, and identifies changes in topography and drainage. If the area to be graded exceeds a depth or fill of two (2) feet the applicant shall submit a map showing the existing contours of the site and finished contours to be achieved by grading. Contours shall be sufficiently detailed to define the topography over the entire site (generally at two-foot intervals) and shall be design to have no impact upon neighboring properties;
6. Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization measures as submitted to the Soil Erosion Control Enforcement Officer;
7. Detailed drawings delineating areas to be cleared of vegetation before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas;
8. Detailed drawings that show the location of existing structures on the property, as well as dwellings on neighboring parcels;
9. Detailed map identifying the location of property, including a full tax identification number, location of the nearest public road intersection, a north arrow and map scale;
10. The name, address, professional status, license number (if applicable), and phone number of the person who prepared the plan;

C. Site Plan Review Procedures

1. The Zoning Administrator shall review and approve permits for the construction of any single family dwelling, or accessory buildings or structural additions to a proposed or existing single family dwelling, on lots or parcels with Lake Michigan frontage. The Planning Commission shall review and approve permits for the construction of any commercial or industrial structures, or residential applications for more than one dwelling, or any other structure, land use, or clearing and grading, or other earth removal activities on lots or parcels with of Lake Michigan frontage.



Low Bluff Example



* Is the required setback distance on low bluffs.

