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Zeeland *Charter* *Township* **Zoning Ordinance**

Includes:
Ordinance No. 348 Amendments from May 20, 2008



LSL Planning, Inc.
Community Planning Consultants

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CHAPTER 1

TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as the "Zeeland Charter Township Zoning Ordinance," "this Ordinance," "the Ordinance," or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Zeeland Charter Township Zoning Ordinance.

SECTION 1.02 PURPOSE

- A. This Ordinance is based upon the Zeeland Charter Township Master Plan and provides for the establishment of Zoning Districts and district uses, standards, and regulations designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy; to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, Agriculture, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on Streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for Improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, Building and population development.

SECTION 1.03 SCOPE

- A. Zoning affects all Buildings, Structures and land uses within the Township.
- B. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference; or with private restrictions placed upon property by covenant, deed or other private agreement; or with restrictive covenants running with the land to which the Township is a party.

- C. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of Buildings, Structures, or land; the height of Buildings or Structures; Lot Coverage; Lot Areas; Yards or other Open Spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 1.04 LEGAL BASIS

This Ordinance is enacted pursuant to the Zoning Act.

SECTION 1.05 REPEAL

- A. The Charter Township of Zeeland Zoning Ordinance, Ordinance adopted April of 1988, as amended, and any prior zoning ordinances of Zeeland Charter Township are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of said ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under said ordinances, or any part thereof, and said ordinances shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.
- B. Conditions which have been attached to land, Buildings, Structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

SECTION 1.06 SEVERABILITY

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, Lot, use, Building or Structure, such ruling shall not affect the application of said provision to any other Lot, use, Building or Structure not specifically included in said ruling.

CHAPTER 2 DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural shall include the singular; all unless the context clearly indicates the contrary.
- D. A "Building" or "Structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, a municipality, an incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- F. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- G. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a

Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday observed by the Township.

- J. With the exception of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- K. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 2.02 DEFINITIONS – A

ABOVEGROUND UTILITY EQUIPMENT

Includes all poles (e.g., electric poles, telephone poles, and similar Structures) and the utility lines carried upon the poles by which a Utility Service Provider is able to provide utility services to any person or entity, if the equipment is located or installed, in whole or in part, above the natural Grade or topography of the location at which the equipment is located or installed.

ABOVEGROUND UTILITY EQUIPMENT SITE

Unless defined to be a specific legally described area in an application filed pursuant to this Ordinance, the Aboveground Utility Equipment Site is the location of the Aboveground Utility Equipment, supporting Buildings, and/or supporting equipment together with the real property within a radius of five (5) feet.

ACCESSORY BUILDING

A Building or portion of a Building supplementary and subordinate to a Main Building on the same Lot occupied by or devoted exclusively to an Accessory Use.

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the land or Building.

ADULT FOSTER CARE FACILITY

A facility defined by the Adult Foster Care Facility licensing act (PA 218 of 1979), as amended, having as its principal function the receiving of adults for foster care. A facility includes facilities and foster care family homes for adults who are aged, mentally ill,

developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.

- A. Adult Foster Care Family Home: A private residence in which the licensee is a member of the household and an occupant, providing foster care for five (5) or more days a week and for two (2) or more consecutive weeks with the approved capacity to receive six (6) or fewer adults.
- B. Adult Foster Care Small Group Home: An Adult Foster Care Facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. Adult Foster Care Large Group Home: An Adult Foster Care Facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

AGRICULTURE

The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

AGRICULTURAL SERVICE ESTABLISHMENTS

Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

ALTERATIONS

Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a Building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

ANIMALS, WILD AND EXOTIC

Any living member of the animal kingdom, including those born or raised in captivity, except the following:

- A. Domestic dogs (excluding hybrids with wolves, coyotes, or jackals)
- B. Domestic cats (excluding hybrids with ocelots or margays)
- C. Ferrets
- D. Rodents
- E. Caged, nonvenomous snakes

F. Captive-bred species of common cage birds.

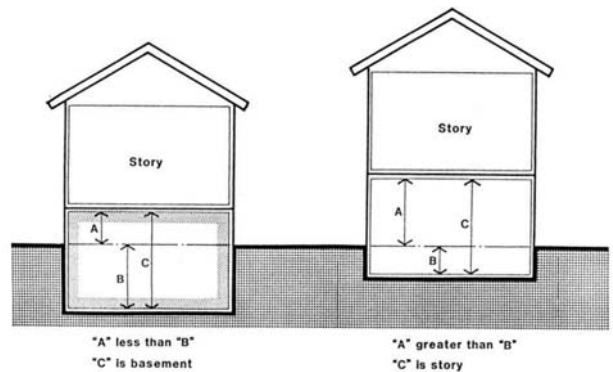
ARCHITECTURAL FEATURES

Architectural Features of a Building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, Awnings, balconies, window projections, landscape Structures or other features that complement the design intent of the Building.

SECTION 2.03 DEFINITIONS – B

BASEMENT

A portion of a Building, partly below Grade but so located that the vertical distance from the average Grade to the floor is greater than the vertical distance from the average Grade to the ceiling.



BED AND BREAKFAST ESTABLISHMENT

A use within a detached Single-Family Dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BERM

A mound of soil Graded, shaped and improved with landscaping in such a fashion as to be utilized for Screening purposes.

BILLBOARDS – See SIGNS

BOARD, TOWNSHIP – See TOWNSHIP BOARD

BREEZEWAY

Any Structure connecting the principal Dwelling Unit with a freestanding Accessory Building.

BUFFER ZONE

A strip of land reserved for plant material, Berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different Zoning Districts.

BUILDABLE AREA

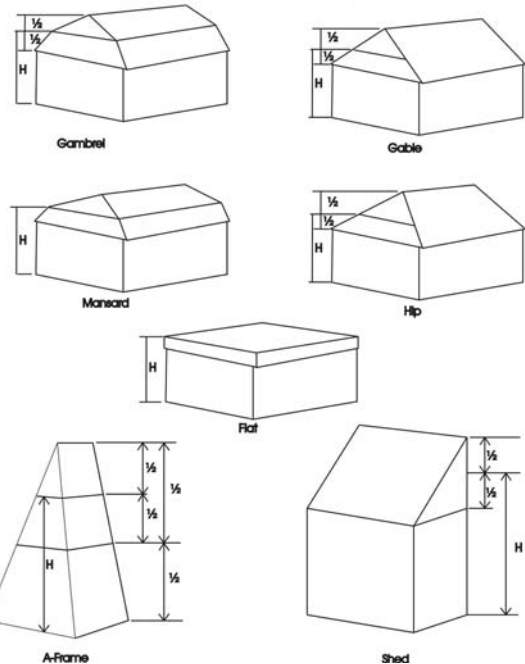
The space remaining within a Lot after the minimum Setback and Open Space requirements of this Ordinance have been met.

BUILDING

An independent work of construction, temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or belongings, or carrying on business activities or other uses. When any Building portion is completely separated from every other part by division of walls from the ground up, and without openings, each portion of the Building shall be deemed a separate Building.

BUILDING HEIGHT

The vertical distance measured from the average Grade to the highest point of the roof surface if a flat roof; to the Deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.



BUILDING, MAIN

A Building in which is conducted the Principal Use of the Lot on which it is situated.

BUSINESS CENTER

Any two (2) or more businesses which meet one (1) of the following:

- A. Are located on a single parcel of property.
- B. Are connected by common walls, partitions, Canopies, or other structural members to form a continuous Building or group of Buildings.
- C. Are under one (1) common ownership or management and have a common arrangement for the maintenance of the grounds.
- D. Share a common parking area.
- E. Otherwise present the appearance of a single, contiguous business area.

SECTION 2.04 DEFINITIONS – C**CANOPY TREE**

A deciduous tree whose mature height and branches provide foliage primarily on the upper half of the tree. The purpose of a Canopy Tree is to provide shade to adjacent ground areas.

CHURCH

See definition of Place of Religious Worship/Church.

CLEARING OF LAND

The removal of vegetation from any site, parcel or Lot except when land is cleared and cultivated for bona fide forestry, agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

CLINIC

A Building or group of Buildings 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 human patients are not lodged therein overnight.

CLUB

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

CLUSTER SUBDIVISION (PUD)

A subdivision in which the Lot sizes are reduced below those normally required in the Zoning District in which the development is located in return for the provision of permanent Open Space.

COMMISSION, PLANNING

As used in this Ordinance, this term means the Zeeland Charter Township Planning Commission.

COMMON AREA

That part of a condominium development in which all members have an ownership interest, including but not limited to Streets, Alleys, walkways and Open Space.

CONDOMINIUM ACT

Public Act 59 of the Michigan Public Acts of 1978, as amended.

CONDOMINIUM UNIT

That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed of the condominium project.

CONSERVATION EASEMENT

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or Open Space values of real property; assuring its availability for agricultural, forest, recreational or Open Space use; protecting natural resources; or maintaining air or water quality.

SECTION 2.05 DEFINITIONS – D**DAY CARE FACILITY**

A facility defined by Public Act 116 of the Michigan Public Acts of 1973, as amended.

- A. Commercial Day Care Facility: A facility, other than a private Dwelling, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an Accessory Use, while parents are engaged or involved in the Principal Use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Commercial Day Care Facility.
- B. Family Day Care Home: A Single-Family Dwelling, occupied as such, in which care is provided for more than one (1) but less than seven (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the Family occupying the Dwelling is excluded from this definition.
- C. Group Day Care Home: A Single-Family Dwelling, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the Family occupying the Dwelling is excluded from this definition.

DECK

An unroofed Structure used for outdoor living purposes which may or may not be attached to a Building and which protrudes more than four (4) inches above the finished Grade.

DEED RESTRICTION

A restriction on the use of a Lot that is set forth in the property deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property or is made a third party beneficiary of the restriction, a Deed Restriction is enforced by the parties to the agreement, not by the Township.

DENSITY

As applied in this Ordinance the number of Dwelling Units situated on or to be developed on a gross acre of land.

DISTRICT, ZONING

A portion of the Township within which certain uses of land or Buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-THROUGH

A commercial establishment whose retail/service character is significantly dependent on providing a Driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicles. Examples include banks, cleaners, and restaurants, but not including Vehicle Service Stations.

DWELLING, OR DWELLING UNIT

Any Building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) or more families, either permanently or temporarily, but in no case shall a motor home, trailer coach, Garage, automobile chassis, tent, or portable Building be considered a Dwelling. In case of mixed occupancy, where a Building is occupied in part as a Dwelling Unit, the part so occupied shall be deemed a Dwelling Unit and shall comply with the applicable provisions of this Ordinance.

- A. Dwelling, Multiple Family: A Building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking and housekeeping.

- B. Dwelling, Single-Family: A Building used or designed for use exclusively by one (1) Family.
- C. Dwelling, Two-Family: A Building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

SECTION 2.06 DEFINITIONS – E

EASEMENT

A right, distinct from the underlying ownership of the land, to cross property with facilities such as, but not limited to, Driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the underlying ownership of the land, to reserve and hold an area for Open Space, recreation, drainage or access purposes.

ELDERLY HOUSING

A Building or group of Buildings containing Dwellings where the occupancy of Dwellings is restricted to persons fifty five (55) years of age or older or couples where either the husband or wife is fifty five (55) years of age or older. This does not include a development that contains a convalescent or Nursing Home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being Sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental Hospital for mental patients licensed under Sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being Sections 330.61 and 330.62 of the Compiled Laws of 1948.

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 the like, shall be considered a part of the term “erect” or “Erected.”

ESSENTIAL SERVICES

- A. The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare.

- B. Essential Services does not include Buildings other than such Buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
- C. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

EXCAVATION

Any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter.

SECTION 2.07 DEFINITIONS – F

FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a Dwelling Unit; or
- B. A collective number of individuals domiciled together in one (1) Dwelling Unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, Club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM MARKET

A commercial establishment selling produce and other farm products, primarily produced in the agricultural operation, at retail to customers.

FENCE

Any permanent or seasonal partition, wall, or Structure Erected for the purpose of separating, Screening, enclosing or protecting property.

FILLING

The depositing or dumping of any matter (i.e., Fill) onto or into the ground, except common household gardening and general farm care.

FLOOD OR FLOODING

A general and temporary complete inundation of normally dry land area from:

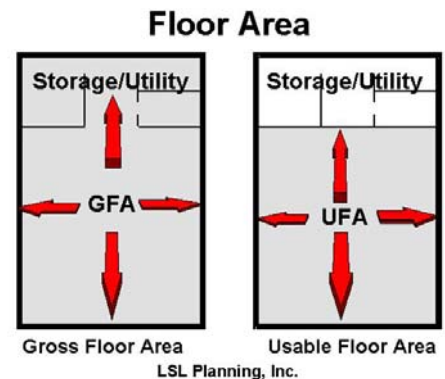
- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD AREA

That area subject to Flooding, on the average of at least once in every one hundred (100) years as established by the Federal Emergency Management Agency.

FLOOR AREA, GROSS (GFA)

- A. The sum of the gross horizontal area of the several floors of the Building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) Buildings. The Gross Floor Area of a Building shall not include the Basement floor area. (See definition of Basement).
- B. Gross Floor Area shall not include attic space having headroom of seven-and-one-half (7½) feet or less, or interior balconies or Mezzanines. Any space devoted to off-Street parking or loading shall not be included in floor area. Areas of Breezeways, porches, or attached Garages are not included.



FLOOR AREA, MAIN (MFA) (Definition added 05/20/08 by Ordinance No. 348)

The sum of horizontal area of the first floor of the Building above Grade, measured from the exterior faces of the exterior walls. Areas of Breezeways, porches or attached Garages are not included.

FLOOR AREA, USABLE (UFA)

- A. That area used for or intended to be used for the sale of merchandise or services; or for serving patrons, clients, or customers; or for living purposes in a Dwelling Unit. Floor Area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of Usable Floor Area.
- B. Measurement of Usable Floor Area shall be the sum of the horizontal areas of the several floors of the Building measured from the interior faces of the exterior walls.

FRONTAGE

The horizontal distance between the Side Lot Lines measured at the Street Right-of-Way or Easement line.

SECTION 2.08 DEFINITIONS – G

GARAGE

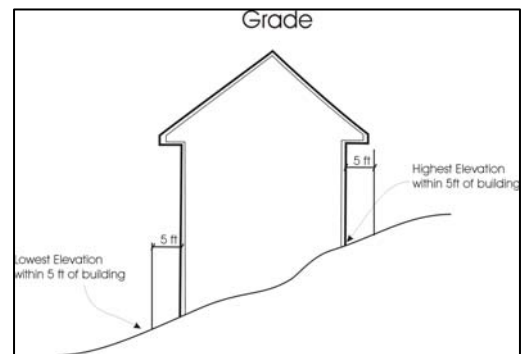
A Building or a portion of a Building used primarily for the storage of self-propelled vehicles for the use of the occupants of a Lot on which the Building is located.

GAS STATION

See definition of Vehicle Service Station.

GRADE (Text of definition revised 05/20/08 by Ordinance No. 348)

The ground elevation established for the purpose of regulating the height of the Building and for determining the location of the Main Floor Area. 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 average elevation of the ground for each face of the Building.



SECTION 2.09 DEFINITIONS – H

HOME-BASED BUSINESS

A business operation based on the same premises as a Single-Family Dwelling which is clearly an incidental and secondary use of the Dwelling, but conducted primarily in other locations off the premises. Examples of Home-Based Businesses include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services.

HOME OCCUPATION

An occupation customarily conducted in a Dwelling Unit that is clearly an incidental and secondary use of the Dwelling. Without limiting the foregoing, a Single-Family Dwelling used by an occupant of that Dwelling to give instruction in a craft or fine arts within the Dwelling shall be considered a Home Occupation.

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL

See definition of Motel.

SECTION 2.10 DEFINITIONS – I

IMPROVEMENTS

Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, Screening, drainage, parking areas and landscaping.

INOPERABLE MOTOR VEHICLE

A motor vehicle which is unlicensed, uninsured and/or incapable of being operated under its own power.

SECTION 2.11 DEFINITIONS – J

JUNK

For the purpose of this Ordinance, this term shall mean any Inoperable Motor Vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

JUNK YARD

The term "Junk Yard" includes automobile wrecking and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of Junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed Buildings.

SECTION 2.12 DEFINITIONS – K

KENNEL

Any Lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

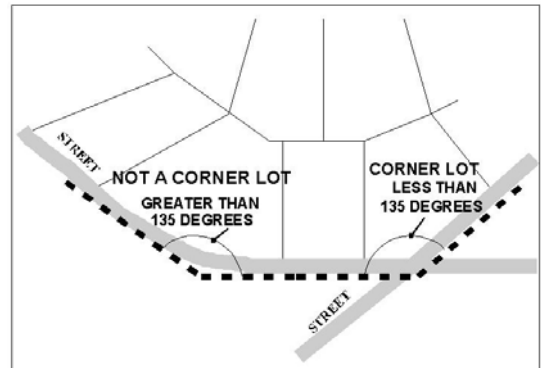
SECTION 2.13 DEFINITIONS – L

LAND DIVISION ACT

Public Act 288 of the Michigan Public Acts of 1967, as amended (MCL 560.101, *et seq.*).

LIVESTOCK

Those species of animals used for human food and fiber or those species of animals used to provide service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.



LOADING SPACE

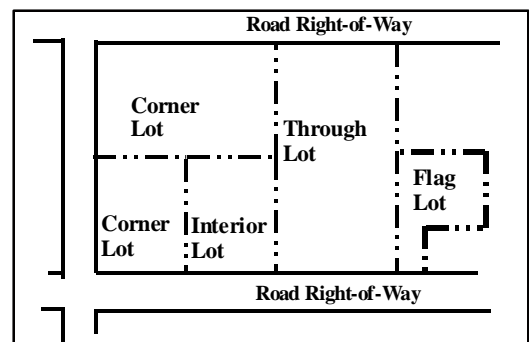
An off-Street space on the same Lot with a Building or group of Buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) Main Building with its Accessory Buildings, and providing the Open Spaces, Parking Spaces, and Loading Spaces required by this Ordinance. The word "Lot" shall include plot or parcel. A Lot need not be a "Lot of Record." A Lot may also mean a portion of a condominium project, as regulated by the Condominium Act, designed and intended for separate or limited ownership or use.

A. Lot Area: The total area encompassed within the lines of a parcel or piece of property, excluding Street rights-of-way or Easements.

B. Lot, Corner: A Lot which has at least two contiguous sides abutting upon a Street for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.



- C. Lot Depth: The distance between the Front and Rear Lot Lines, measured along the median between the Side Lot Lines, or the two (2) front lines of a Double Frontage Lot.
- D. Lot, Double Frontage (Through): Any Lot, excluding a Corner Lot, which fronts on two (2) Streets which do not intersect.
- E. Lot, Flag: An Interior Lot possessing less than the required road Frontage.
- F. Lot, Interior: A Lot other than a Corner Lot with only one (1) Lot Line fronting on a Street.

LOT COVERAGE

The part or percent of the Lot occupied by Buildings or Structures, including Accessory Buildings or Structures, but not including Parking Lots or Driveways.

LOT LINES

The property lines or other described lines bounding the Lot.

- A. Front Lot Line: In the case of an Interior Lot, the Front Lot Line shall mean the line separating such Lot from such Street Right-of-Way or Easement.

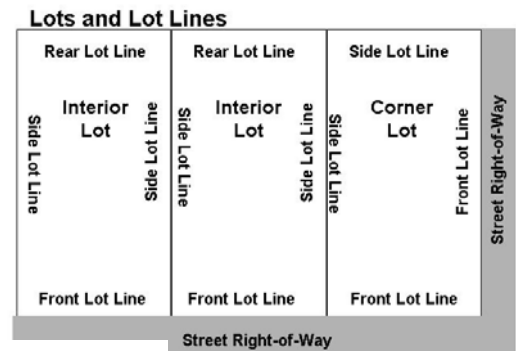
In the case of a Corner Lot or Through Lot, each Lot Line separating the Lot from a Street Right-of-Way or Easement shall be considered a Front Lot Line.

- B. Rear Lot Line: Ordinarily, that Lot Line which is opposite and most distant from the Front Lot Line of the Lot.

In the case of an irregular or triangular-shaped Lot, a line at least ten (10) feet in length entirely within the Lot, parallel to, and at the maximum distance from the Front Lot Line of the Lot shall be considered to be the Rear Lot Line for the purpose of determining depth of the rear Yard.

In cases where none of these definitions are applicable, the Zoning Administrator shall designate the Rear Lot Line.

- C. Side Lot Line: Any Lot Line not a Front Lot Line or a Rear Lot Line. A Side Lot Line separating a Lot from another Lot, or Lots, is an interior Side Lot Line.



LOT OF RECORD

A Lot which exists in a subdivision plat as shown on the records of the County Register of Deeds, or a Lot described by metes and bounds, which has been so recorded as required by law.

LOT WIDTH

The shortest continuous distance between the Side Lot Lines, measured at the Street Right-of-Way or Easement line.

SECTION 2.14 DEFINITIONS – M**MANUFACTURED HOME**

A detached residential Dwelling Unit designed for transportation after fabrication on Streets on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a Dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

MANUFACTURED HOUSING COMMUNITY

A parcel or tract of land under the control of a person upon which two (2) or more Manufactured Homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any Building, Structure, enclosure, Street, equipment, or facility used or intended for use incidental to the occupancy of a Manufactured Home.

MASTER PLAN

The Master Plan currently adopted by the Township, including graphic and written materials and any unit, part, or amendment to the Master Plan.

MEZZANINE

An intermediate or fractional Story between the floor and ceiling of a main Story occupying not more than one-third (1/3) of the floor area of such main Story.

MINI-PARK

A park, as defined by the Michigan Department of Natural Resources, which is between two thousand five hundred (2,500) square feet and one acre in size which addresses limited or isolated recreational needs.

MINI-STORAGE

A Building or group of Buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

MIXED USE SETTLEMENT AREA

As defined on the Future Land Use Map in the Township's Master Plan, generally surrounding the areas of Drenthe, Beaverdam and Vriesland.

MOTEL

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

MULTIPLE USE ABOVEGROUND UTILITY EQUIPMENT

Multiple Use Aboveground Utility Equipment means any Aboveground Utility Equipment utilized by more than one Utility Service Provider.

SECTION 2.15 DEFINITIONS – N**NATURAL FEATURES**

Natural Features shall include, but not be limited to: soils, Wetlands, woodlots, floodways, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission or Township Board.

NON-CONFORMING BUILDING OR STRUCTURE

A Building, Structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

NON-CONFORMING LOT

A Lot that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for Lot Area or Lot Width, and which has not been subdivided or reduced in size.

NON-CONFORMING USE

A use which lawfully occupied a Building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

NUISANCE

An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

NURSING HOME

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation. The home shall conform to, and be licensed under applicable State law.

SECTION 2.16 DEFINITIONS – O**OPEN AIR BUSINESS**

Uses operated substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of Garages, motor homes, Manufactured Homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Flea Markets.

OPEN SPACE

Undeveloped land not part of any required Yard which is set aside in a natural state or for an agricultural use.

OPEN SPACE, COMMON

Open Space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED

Common Open Space dedicated as a permanent recorded Easement.

OPEN SPACE DEVELOPMENT

A development in which the Lot sizes are reduced below those normally required in the Zoning District in which the development is located in return for the provision of permanent Open Space on-site.

OPEN SPACE, USABLE

That portion of the Common Open Space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or Agriculture.

SECTION 2.17 DEFINITIONS – P**PARKING LOT**

A facility (not including parking for Single-Family and Two-Family Dwellings) providing vehicular Parking Spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

PARKING SPACE

An off-Street space exclusive of necessary Driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a Street.

PLACE OF RELIGIOUS WORSHIP/CHURCH

Primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on-site (as an Accessory Use).

PLANNED UNIT DEVELOPMENT (PUD)

A development approval under the provisions of this Ordinance that permits certain flexibility in use, Lot dimensions, and other development requirements for certain purposes as defined by the Zoning Act and this Ordinance.

PLANNING COMMISSION – See COMMISSION, PLANNING

PRINCIPAL USE

The primary purpose for which land or premises, or a Building thereon, is designed, arranged, or intended, or which it is occupied, or maintained, or leased.

PUBLIC UTILITY

Any person, duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (except cellular telephone or Commercial Wireless Communications Towers), telegraph, transportation, sanitary sewer or water services.

SECTION 2.18 DEFINITIONS – R

RECREATION VEHICLE

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RESIDENTIAL DISTRICT

The R-1, R-2, and R-3, Zoning Districts. All other Zoning Districts shall be referred to as Non-residential Districts.

ROADSIDE STAND

A Structure for the display and sale of agricultural products, with no space for customers within the Structure itself.

ROOF LINE

The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

SECTION 2.19 DEFINITIONS – S

SATELLITE DISH

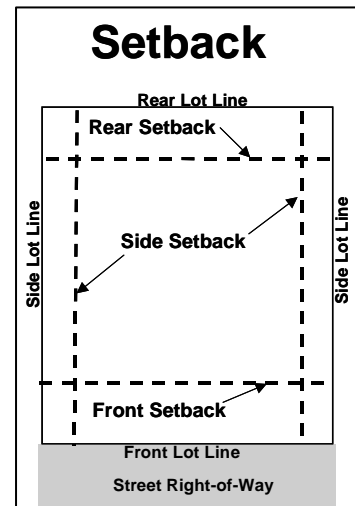
A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, subreflector feed, amplifier and support Structure.

SCREEN OR SCREENING

A Structure providing enclosure, such as a Fence, and a visual barrier between the area enclosed and the adjacent property. A Screen may also be non-Structured, consisting of shrubs or other growing materials.

SETBACK

The minimum required horizontal distance measured from the Front, Side, or Rear Lot Line, as the case may be, which describes an area termed the required Setback area on a Lot.



SETBACK LINES

- A. Front Setback Line: The line marking the required Setback distance from the Front Lot Line that establishes the minimum front Yard Setback area.
- B. Rear Setback Line: The line marking the required Setback distance from the Rear Lot Line which establishes the minimum rear Yard Setback area.
- C. Side Setback Line: Lines marking the required Setback distance from the Side Lot Lines which establish the minimum side Yard Setback area.

SEXUALLY ORIENTED BUSINESSES (definitions relating to)

- A. Adult Bookstore or Adult Video Store: An Adult Bookstore or Adult Video Store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides, or other

visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of Specified Anatomical Areas or Specified Sexual Activities; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
3. A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing Specified Anatomical Areas or Specified Sexual Activities and still be categorized as an Adult Bookstore or Adult Video Store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an Adult Bookstore or Adult Video Store so long as a substantial portion of the commercial establishment's stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.

The phrase "substantial portion of its stock in trade" shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:

- a. Twenty-five percent (25%) or more of the commercial establishment's gross sales area is used for the sale of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.
- b. For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors, display fixtures, stairways, public restrooms, closets, the thickness of interior walls, columns or other features.
- c. Twenty-five percent (25%) or more of the commercial establishment's stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.
- d. Twenty-five (25%) or more of the commercial establishment's gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the

depiction or description of Specified Anatomical Areas or Specified Sexual Activities.

- B. Adult Cabaret: An Adult Cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
1. Persons who appear in a state of nudity; or
 2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any Specified Anatomical Areas or Specified Sexual Activities; or
 3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs [CDs] or digital video discs [DVDs]), slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of an Specified Anatomical Areas or Specified Sexual Activities.
- C. Adult Motion Pictures Theater: An Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs [CDs] or digital video discs [DVDs]), slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Anatomical Areas or Specified Sexual Activities. This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.
- D. Massage Establishment: Any Building, room, place or establishment where body massage is regularly practiced on the human body, to Club members or to the general public, for a charge. The term Massage Establishment includes, but is not limited to massage parlors, health organizations, sauna baths and steam baths if massages are performed at those locations. The term Massage Establishment shall not include:
1. Hospitals, Nursing Homes, medical Clinics;
 2. The office of a State-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
 3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this State, or another state within the United States, or the Federal government, and who practices within the established limits of the person's license, and who administers a massage

in the normal course of the person's duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;

4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
 5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.
- E. Sexually Oriented Business: An Adult Bookstore, video store, or novelty store, Adult Cabaret, Adult Motion Picture Theater, or a commercial establishment that regularly features the sale, rental, or exhibition, for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of Specified Sexual Activities or Specified Anatomical Areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a Sexually Oriented Business.
- F. Specified Anatomical Areas:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- G. Specified Sexual Activities:
1. The fondling or other erotic touching of any human genitals, pubic region, buttocks, anus, or female breasts; or
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
 3. Excretory function as part of or in connection with any of the activities set forth in (1) or (2) above.

SIGNS (definitions relating to)

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that project from the exterior wall of a Building.

- B. Awning Sign: A Sign affixed flat against the surface of an Awning.
- C. Billboard: Any Structure, other than a Directional Sign, on which lettered, figured, or pictorial matter is displayed for advertising either:
1. A business, service, entertainment, activity or event which is not conducted on the land upon which the Structure is located;
 2. A product which is not primarily sold, manufactured, processed or fabricated on the land upon which the Structure is located;
 3. A second Structure which is not located on the land upon which the first Structure is located;
 4. A geographical location or place which is not located on the land upon which the Structure is located; or
 5. A person.
- D. Canopy: A freestanding roof-like Structure built on one (1) or more support posts, designed to offer protection from the weather.
- E. Canopy Sign: A Sign painted or attached directly to and parallel to the exterior face of a Canopy roof and extending no greater than twelve (12) inches from the exterior face of the Canopy to which it is attached.
- F. Directional Sign: A Sign which gives directions, instructions, or facility information for the use on the Lot on which the Sign is located, such as parking or exit and entrance Signs. A Directional Sign may also be Erected adjacent to a Street for the purpose of identifying, pointing toward and giving the distance to any public or semi-public Building, off-Street parking area, recreation space, Club, lodge, Church, institution, business, service, entertainment, activity or event.
- G. Freestanding Sign: A Sign supported on poles not attached to a Building or wall, the bottom of which is more than twenty-four (24) inches above the ground. May also be referred to as a pole Sign.
- H. Ground Sign: A Sign resting directly on the ground or supported by short poles not attached to a Building or wall.
- I. Monument Sign: A Sign, the bottom of which is no more than twenty-four (24) inches from the ground, which rests directly on the ground or is supported by short poles or a base, and is not attached to a Building or wall.

- J. Placard: A Sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" Signs.
- K. Political Sign: A Temporary Sign used in connection with a noncommercial message or an official Township, school district, County, State, or Federal election or referendum.
- L. Portable Sign: A Sign designed to be moved easily and not permanently attached to the ground, a Structure, or a Building.
- M. Real Estate Sign: A Sign advertising the real estate upon which the Sign is located as being for sale, rent, or lease.
- N. Sign: A device, Structure, fixture, or Placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity on the same site where the Sign is located.
- O. Temporary Sign: A Sign not permanently attached to the ground, a Structure, or a Building. Temporary Signs may include banners, Portable Signs, and any other Signs displayed for a limited period of time.
- P. Wall Sign: A Sign painted or attached directly to and parallel to the exterior wall of a Building extending no greater than eighteen (18) inches from the exterior face of the wall to which it is attached.

STACKING SPACE

An area designated for a line of vehicles waiting for Drive-Through service.

STATE LICENSED RESIDENTIAL FACILITY

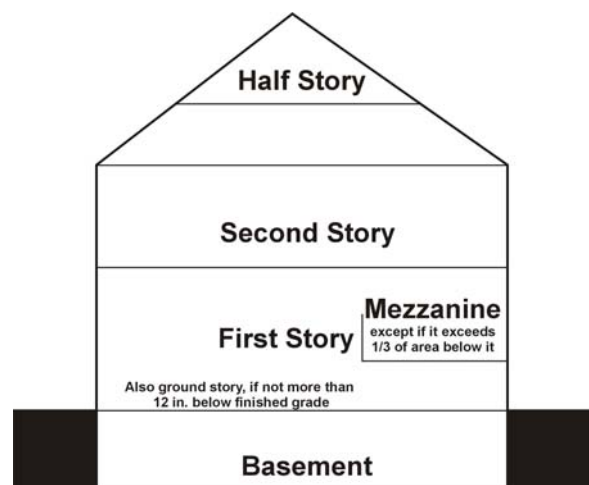
See the definitions of Adult Foster Care Facility and Day Care Facility.

STOP WORK ORDER

An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of, an activity which is in violation of this Ordinance.

STORY

That portion of a Building, other than a Basement or Mezzanine, included between the surface of any floor and the floor next above it,



or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a Basement or cellar shall be counted as a Story only if it is used for business purposes.

STORY, HALF

That part of a Building between a pitched roof and the uppermost full Story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full Story, provided the area contains at least two hundred (200) square feet and contains a clear height of at least seven and one-half (7-1/2) feet, at its highest point.

STREET (definitions relating to)

- A. Alley: A public Right-of-Way, other than a Local Street or Public Street, which provides a secondary means of access to abutting property and is not intended for general traffic.
- B. Collector or Arterial Road: Public Streets that gather traffic from Local Streets and/or move larger volumes of traffic through the Township. Arterials include: M-21, Adams Street, Byron Road, 48th Avenue, 64th Avenue, and 96th Avenue. Collectors include: New Holland, Ransom, Quincy, Riley, Perry, 88th, 84th, and 56th.
- C. Cul-De-Sac: A Local Street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.
- D. Driveway: A means of access for vehicles, from an Alley, Local Street, Private Road or Public Street, across a Lot to a parking or loading area, Garage, Dwelling or other Structure or area on the same Lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the County Road Commission or State of Michigan (depending on which entity exercises authority over the Street from which Driveway access is derived).
- E. Local Street: A public or private Right-of-Way with local traffic volumes, the Principal Use or function of which is to give access to abutting properties.
- F. Private Road: An undedicated, privately controlled and maintained Easement or other interest in land that provides the means of access to two (2) or more Lots.
- G. Public Street: A publicly-owned thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an Alley.
- H. Right-of-Way: A road, Alley, or other thoroughfare or Easement permanently established for passage of persons, vehicles, or the location of utilities. The Right-of-Way is delineated by legally established lines or boundaries.

STRUCTURE

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

SECTION 2.20 DEFINITIONS – T

TEMPORARY BUILDING OR USE

A Building or use permitted by the Zoning Administrator to exist during periods of construction of the Main Building or for special events as permitted by this Ordinance.

TOWNSHIP

Zeeland Charter Township, Ottawa County, Michigan.

TOWNSHIP BOARD

The Zeeland Charter Township Board.

SECTION 2.21 DEFINITIONS – U

UTILITY SERVICE PROVIDER.

Any person who provides to any other person utility service, including but not limited to electric, telephone, cable television and internet.

SECTION 2.22 DEFINITIONS – V

VEHICLE REPAIR

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

VEHICLE SERVICE STATION

A Building and Lot designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles; including the customary space and facilities for the installation of such commodities on or in such vehicles; including space

for storage, hand washing, minor repair, and servicing; but not including Vehicle Repair as defined in this Chapter.

VEHICLE WASH ESTABLISHMENT

A Building, or portion thereof, the primary purpose of which is washing motor vehicles.

VETERINARY CLINIC

A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A Veterinary Clinic may include customary pens or cages only within the walls of the Clinic Building.

SECTION 2.23 DEFINITIONS – W

WATERCOURSE

Any waterway, river, stream, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term “Watercourse” does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water, and does not include lagoons used for treating polluted water.

WETLAND

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support Wetland vegetation or aquatic life. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

WIND ENERGY CONVERSION SYSTEM (WECS)

A combination of:

- A. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
- B. 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
- C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

- D. The tower, pylon, or other Structure upon which any, all, or some combination of the above are mounted; and
- E. Building or equipment accessory thereto.

WIND ENERGY CONVERSION SYSTEM (WECS), COMMERCIAL

A WECS tower placed upon land with the intent to sell or provide electricity to others. Said tower may or may not be owned by the owner of the property upon which the tower is placed.

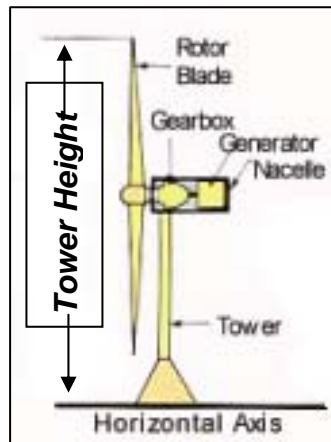
WIND ENERGY CONVERSION SYSTEM (WECS) TESTING FACILITY

A Structure and equipment used to determine the potential for the placement of a WECS.

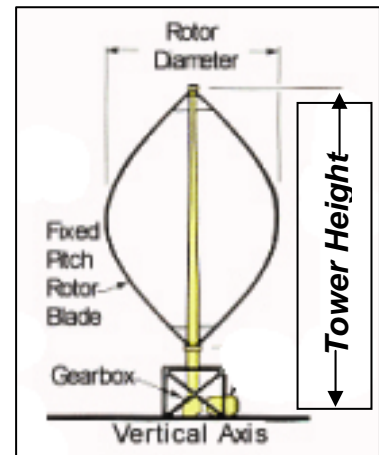
WIND ENERGY CONVERSION SYSTEM (WECS) TOWER HEIGHT

Horizontal Axis Wind Turbine

Rotors: The distance between the Grade and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the Structure which supports the rotor and blades;



Vertical Axis Wind Turbine: The distance between the Grade and the highest point of the WECS.



WIND FARM

Clusters (two [2] or more) of WECS towers placed upon land with the intent to sell or provide electricity to others. Said towers may or may not be owned by the owner of the property upon which the towers are placed.

WIRELESS COMMUNICATIONS TOWER

A Structure designed and constructed to support one (1) or more Antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

- A. Antenna: Any exterior transmitting or receiving device mounted on a communication tower and used in communications that regulate and capture

electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

- B. Collocation: The location of two (2) or more cellular communication Antennas on one (1) tower.

WOOD FURNACE OR OUTDOOR WOOD BURNER

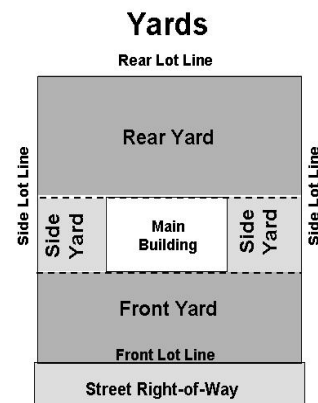
A wood burning, mechanical device which is accessory to and situated outside a Building and which is used for heating. Also known as outdoor furnaces or boilers.

SECTION 2.24 DEFINITIONS – Y

YARD

An Open Space of prescribed width or depth on the same land with a Building or group of Buildings, which Open Space lies between the Building or group of Buildings and the nearest Lot Line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. Yard, Required Front: An Open Space extending the full width of the Lot, the uniform depth of which is the minimum prescribed horizontal Setback distance measured at right angles to the Front Lot Line.
- B. Yard, Required Rear: An open area extending across the full width of the Lot, the uniform depth of which is the minimum prescribed horizontal Setback distance measured at right angles to the Rear Lot Line.
- C. Yard, Required Side: An open unoccupied area between a Main Building and the Side Lot Lines, extending from the front Yard area to the rear Yard area. The width of the Required side Yard shall be measured horizontally from and at right angles to the nearest point of the Side Lot Line.



SECTION 2.25 DEFINITIONS – Z

ZONING ACT

The Michigan Zoning Enabling Act; Act 110 of 2006 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS, OR BOARD OF APPEALS

The Zoning Board of Appeals of Zeeland Charter Township.

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.01 APPLICATION OF REGULATIONS

- A. Unless otherwise noted, the regulations in this Ordinance apply throughout the Township and within each district. They shall be minimum regulations and shall apply uniformly to each class or kind of Building, Structure, land or use.
- B. All Buildings, Structures or Lots may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this Ordinance for the district in which they are located in accordance with this Ordinance.
- C. Except as otherwise permitted by this Ordinance, after the effective date of this Ordinance, no Building or other Structure shall be altered:
 - 1. To accommodate or house a greater number of families than permitted by the Zoning District.
 - 2. To have narrower or smaller rear Yards, front Yards, or side Yards, other than as permitted.
 - 3. To violate this Ordinance in any other way.

SECTION 3.02 CLEARING OF LAND

Unless associated with a bona fide forestry, agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of, the State, Federal government, County, or the Township), it shall be unlawful for any person to engage in land clearing of over one (1) acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or Lot within the Township without first receiving appropriate zoning approval.

SECTION 3.03 EXCAVATIONS

No soil, sand, gravel, or other earth material shall be removed from any land within the Township without Special Land Use approval, with the following exceptions:

- A. When the earth removal or stockpiling is incidental to an operation for which an individual Building permit has been issued by the designated public official;

- B. When the earth removal involves any normal landscaping, Driveway installation and repairs, or other minor projects;
- C. When the earth removal involves less than one thousand (1000) cubic yards;
- D. When the earth removal is for the construction of a swimming pool.

SECTION 3.04 MAIN BUILDING OR PRINCIPAL USE

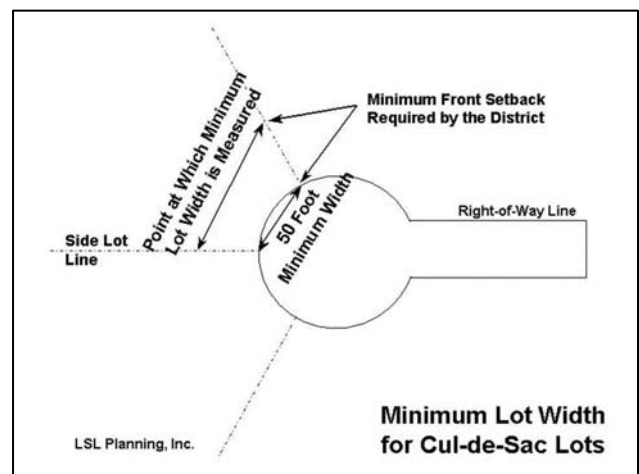
Except as may otherwise be noted in this Ordinance, each Lot shall contain only one (1) Main Building or Principal Use, except for groups of related commercial, industrial, and office Buildings, and Multiple Family Dwellings, contained within a single, integrated complex as demonstrated by sharing parking, Signs, access, and other similar features which, in the opinion of the Zoning Administrator, form a unified function and appearance.

SECTION 3.05 STREET ACCESS

- A. Any Lot created after the effective date of this Ordinance shall front upon and meet the minimum width upon a Public Street or a Private Road Easement meeting the requirements of Section 3.30.
- B. Lots created prior to the enactment of this Ordinance that are less than two (2) acres may provide a single access Easement of thirty-three (33) feet for up to two (2) Single-Family Dwelling sites.

SECTION 3.06 WIDTH TO DEPTH RATIO

- A. No Lot shall be created with a Lot Depth that exceeds four (4) times its width.
- B. The Township Board, after recommendation by the Planning Commission, may permit the creation of a Lot which does not comply with this Section. In order to grant this approval, the Board must first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, Wetlands, or floodplain, and that creation or use of the Lot will not conflict with other ordinances and regulations, unless an appropriate variance is received from any other regulations.



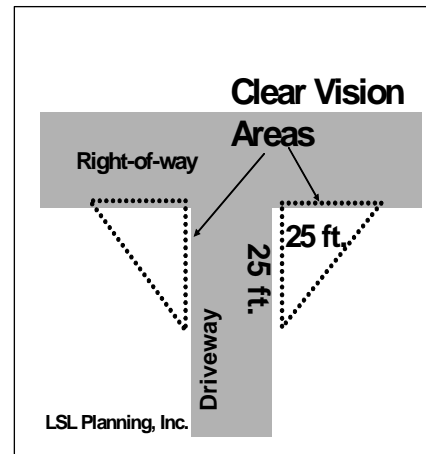
- C. The minimum Lot Width for a Lot on a Cul-De-Sac or other irregularly shaped Lot shall be measured at the Required Front Yard Setback. These Lots shall have a minimum Frontage of fifty (50) feet at the Front Lot Line. (see graphic)

SECTION 3.07 HEALTH DEPARTMENT APPROVAL

No permit shall be issued for the construction of a Building which is to have drinking water and/or sanitary facilities unless the site is served by public water and sanitary sewer facilities, or unless a permit has been issued by the Ottawa County Health Department for a private water supply and sanitary sewage disposal facilities.

SECTION 3.08 CLEAR VISION

- A. No plantings, fencing, Signs or other obscuring Structures or elements shall be established or maintained on any Corner Lot which will obstruct the view of a vehicle driver approaching the intersection. On Collector or Arterial Roads the clear vision triangle shall be twenty-five (25) feet from the Right-of-Way line. On other Streets the clear vision triangle shall be fifteen (15) feet from the Right-of-Way line. The unobstructed corner shall mean a triangular area formed by the Street property lines and a line connecting them at points from the intersection of the Street lines or in the case of a rounded property corner from the intersection of the Street property lines extended (see graphic).
- B. This Section shall not prohibit the placement of shrubbery or other materials less than thirty (30) inches in height at maturity.
- C. No vegetation shall be maintained in any Setback area of any Zoning District, which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from Driveways or adjacent roadways.



SECTION 3.09 SETBACK MEASUREMENTS

- A. The Front Setback Line shall be measured from the Front Lot Line to the front foundation line of the Building.
- B. The Side Setback Line shall be measured from the Side Lot Lines to the side foundations of the Building.

- C. On Corner Lots and Through Lots, the front Yard requirements shall apply on both Streets and both Frontages shall be considered front Yards. Corner Lots shall have two (2) Front Lot Lines and two (2) Side Lot Lines and no Rear Lot Line.
- D. The Rear Yard Setback Line shall be measured from the Rear Lot Line to the rear foundation line of the Building.

SECTION 3.10 HEIGHT EXCEPTIONS

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, Antennas, water tanks, ventilators, chimneys, mechanical equipment, scenery lofts, parapet walls up to four (4) feet or other similar appurtenances not intended for human occupancy and usually required to be placed above the Roof Line.

SECTION 3.11 PROJECTIONS INTO YARDS

- A. Certain Architectural Features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
 - 1. May project a maximum of four (4) feet into a Required Front or Rear Yard Setback area;
 - 2. Shall not project into the Required Side Yard Setback.
- B. Porches, terraces, Decks of fewer than two (2) feet in height, balconies, window Awnings, and similar Structures which are open on all sides, unenclosed, and uncovered:
 - 1. May project a maximum of ten (10) feet into a Required Front Yard Setback area.
 - 2. May project a maximum of fifteen (15) feet into a Required Rear Yard Setback area.
 - 3. Shall not project into a Required Side Yard Setback area.
 - 4. If these features are permanently enclosed on any side, covered in any manner, or otherwise attached to the Main Building, they shall be considered part of the Main Building and shall meet the Setback requirements of the Main Building.

SECTION 3.12 ACCESSORY BUILDINGS AND STRUCTURES

- A. Unless otherwise permitted by this Ordinance or associated with a bona-fide agricultural operation, no Accessory Building shall be permitted on any Lot which does not contain a Main Building.
- B. Attached Accessory Buildings and construction that is structurally part of the Main Building shall conform to the Zoning District Setback requirements of the Main Building. When the distance between the Main Building and Accessory Building is covered by a Breezeway, portico, covered colonnade or similar architectural device, then the Accessory Building must meet the Setback requirements of the Main Building.
- C. Detached Accessory Buildings shall not be located within the front Yard unless the Accessory Building is located over four hundred (400) feet from the Front Lot Line.
- D. On any one (1) Lot, not more than one (1) Accessory Building used as a Garage is permitted. In addition, not more than one (1) Accessory Building not used as a Garage is permitted (except that for Lots which exceed three (3) acres in area, two (2) Accessory Buildings not used as a Garage are permitted). However, if the principal Building on a Lot includes an attached Garage, only one Accessory Building is permitted, whether or not used as a Garage (again, except that for Lots which exceed three (3) acres in area, two (2) Accessory Buildings are permitted, whether or not used as Garages). If a Lot has both an Accessory Building used as a Garage and one (1) or more Accessory Buildings not used as a Garage, the square feet limitations listed below shall be increased by seven hundred (700) square feet and then applied to the sum of the area of the Accessory Building used as a Garage and the area of the Accessory Building or Buildings not used as a Garage.
- E. Accessory Buildings shall not exceed the following area and height limitations, nor shall the length of Accessory Buildings exceed three (3) times their width. On Lots with more than one (1) Accessory Building, the cumulative area of the Accessory Buildings may not exceed the applicable limits described below.

Lot size	Total Number of Buildings	Square footage of Accessory Buildings	Height (feet)
Less than 15,000 sq. ft.	1	350	12
15,000 – 30,000 sq. ft.	1	484	14
30,001 sq. ft. – 1 acre	1	720	16
Over 1 acre – 1.33 acres	1	960	18
Over 1.33 – 2 acres	1	1,200	20
Over 2 acres – 3.5 acres	2	1,600	22
Over 3.5 acres – 5 acres	2	2,400	24
Over 5 acres	2	600 sq. ft. per acre	24

- F. Detached Accessory Buildings in agricultural and Residential Districts shall be Setback from rear and side property lines based on the following table:

Accessory Building Square Footage (GFA)	Required minimum rear and side Yard Setbacks (ft)
960 or less	10
961-1,200	20
1,201-2,400	30
Over 2,400	40

- G. In approved subdivisions, site condominiums or PUDs, Accessory Buildings shall be of residential construction. Sheet metal walls are prohibited.
- H. No Accessory Building shall be used in any part for Dwelling or sleeping purposes.
- I. Manufactured Homes, semi-trailers or other vehicles shall not be used as Accessory Buildings in agricultural or Residential Districts.
- J. No Accessory Building shall occupy any portion of a required greenbelt or buffer in any Zoning District.
- K. After the construction of an Accessory Building upon a Lot, no subsequent division of that Lot shall be made which would cause the Building located thereon to be in violation of the terms of this Ordinance.

SECTION 3.13 SATELLITE DISH ANTENNAS

- A. These regulations shall not apply to Satellite Dish Antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in other Non-residential Districts.
- B. In all Zoning Districts, the following restrictions shall apply:
 - 1. The Satellite Dish Antenna shall be located in the side or rear Yard or mounted on top of a Building.
 - 2. The Satellite Dish Antenna shall be securely anchored.
 - 3. The nearest part of the Satellite Dish Antenna shall be at least five (5) feet from any property line.
 - 4. The height shall not exceed the height restrictions in the Zoning District in which the proposed device is to be located.

5. No portion of the Satellite Dish Antenna shall contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
6. A site plan shall be prepared and submitted to, and subject to the approval of, the Zoning Administrator prior to issuance of a Building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
7. The Zoning Administrator may waive these requirements where they make the Satellite Dish Antenna unusable.

SECTION 3.14 SWIMMING POOLS

- A. Any pool designed to hold (24) inches or more of water shall not be constructed, installed, enlarged or altered until a Building permit has been obtained in compliance with the requirements of this Section.
- B. The outside edge of the pool wall and/or the Deck and any other appurtenances shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front Yard.
- C. Each pool shall be enclosed by a minimum four (4) foot high stockade Fence, wall, or other Structure or device, sufficient to make the pool inaccessible to small children. This enclosure, including gates, shall not be less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made reasonably inaccessible from the outside to small children.
- D. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

SECTION 3.15 FENCES

- A. Fences shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, fasteners, supporting frames, etc., free from deterioration, insect infestation, rot, and rust. All Fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- B. No person shall place, string or maintain razor wire or barbed wire (unless associated with required Homeland Security measures) as part of any Fence, or other Structure in any Zoning District.

- C. Barbed wire may be used as part of an agricultural operation.
- D. Unless specifically provided for elsewhere in this Ordinance, no Fence may exceed a height of three (3) feet for substantially solid or opaque Fences and four (4) feet for chain-link, wrought iron, or picket Fences within the front Yard of Residential Districts. No Fence may exceed a height of six (6) feet behind the Required Front Yard Setback of Main Buildings in Residential Districts or eight (8) feet behind the Required Front Yard Setback in commercial and industrial Zoning Districts. Fencing in the Agricultural District may be up to five (5) feet high.
- E. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be Erected with that side facing the adjoining Street or abutting property owner's premises.
- F. It shall be unlawful to construct any Fence in any public Right-of-Way or across a utility Easement.
- G. Fences may be Erected on the property line.
- H. No Fence shall be Erected or maintained on any Corner Lot that will, in the opinion of the Zoning Administrator, obstruct the view of a vehicle drive approaching the intersection.

SECTION 3.16 ROADSIDE STANDS

Roadside Stands may be permitted in the Agricultural and R-1 Zoning Districts subject to the following:

- A. Adequate off-road parking shall be provided on the property and outside the Street Right-of-Way.
- B. One (1) on-site Sign may be permitted of up to sixteen (16) square feet in area, located outside of the Right-of-Way and adhering to clear vision standards, and having a height limit of eight (8) feet from the ground to the top of the Sign.

SECTION 3.17 PONDS

- A. No person shall commence the Excavation, dredging, or construction of a dam that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a zoning compliance permit approving the specific plans for a pond.
- B. Proposed ponds of less than one (1) acre in size shall be reviewed by the Zoning Administrator and shall require a plot plan.

- C. Ponds (or man made lakes) in excess of one (1) acre shall be reviewed by the Planning Commission and considered under the site plan review process.
- D. Applications for ponds larger than five (5) acres and/or ponds which are located within 500 feet of a lake, river, stream, or open County drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, applies to the proposal.
- E. Plans for ponds shall indicate the size, depth, and proposed finished Grade of the land both above and below water level, any proposed fencing location, and any fencing specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells); method of water discharge; method of filtration; and treatment of the water, if required.
- F. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond to a depth of three (3) feet.
- G. No pond or outlet tube shall be closer than fifty (50) feet from any property line, Easements for egress, Dwelling Units, septic drainage fields and domestic wells, as measured from the high water mark.
- H. No pond shall be constructed, installed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- I. Ponds on parcels of less than twenty (20) acres in size may be required to be Fenced by a minimum four (4) foot Fence, and may be required to maintain one (1) or more safety stations in compliance with the following:
 - 1. U.S. Coast Guard approved ring buoys securely connected to forty (40) feet of rope mounted on posts located at five hundred (500) feet intervals around the perimeter of the pond.
 - 2. A twelve (12) foot long pole shall be attached to one safety station.
- J. No pond shall be used or maintained unless adequate public health measures are periodically taken to insure that the existence and/or use thereof will not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.
- K. The discharge pipe from any pond without a direct outlet to an established drain shall not exceed two (2) inches in diameter. The discharge pipe shall be

constructed with galvanized iron or such other standard and durable material as may be approved by the Zoning Administrator.

- L. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon adjacent properties.

SECTION 3.18 TEMPORARY USES OR BUILDINGS

- A. Upon application, and as noted below, the Zoning Administrator may issue a permit for the following Temporary Buildings or Uses.
 - 1. Temporary office Building or construction trailer incidental and necessary to construction at the site where located.
 - 2. Temporary sales office incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the construction trailer shall be removed when fifty percent (50%) or more of the Lots or units have been sold or leased.

Each permit for these uses shall specify a location for the Building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit extension.

- B. Seasonal Uses
 - 1. The Zoning Administrator may issue a permit for the temporary sale of merchandise in commercial districts related to a seasonal or periodic civic event, such as a festival. Seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include Roadside Stands.
 - 2. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of the use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine that adequate off-Street parking is available to accommodate the use.
 - 3. Each permit shall be valid for a period of not more than one (1) calendar month within any consecutive six (6) month period, except that the permit may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued.

- C. In considering authorization for all Temporary Uses or Buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to Temporary Uses or Structures to ensure that the standards and requirements of this Section are met:
1. The use or Structure will not have an unreasonable detrimental effect upon adjacent properties;
 2. The use or Structure is reasonably necessary for the convenience and safety of the construction proposed;
 3. The use or Structure does not adversely impact the character of the surrounding neighborhood; and
 4. Access to the use area or Structure is located at a safe location.
- D. The Zoning Administrator may, at the Zoning Administrator's discretion, submit a request for a Temporary Use or Building to the Planning Commission for a final decision as a special land use. In making its decision on the requested special land use, the Planning Commission shall consider the same standards as enumerated in C, above.
- E. A performance guarantee may be required to ensure compliance with the terms of the Temporary Use permit.

SECTION 3.19 ILLEGAL DWELLINGS

The use of any Basement for Dwelling purposes is prohibited in any Zoning District unless the Basement meets the appropriate adopted Building Codes for the Township. Buildings Erected as Garages or Accessory Buildings shall not be occupied for Dwelling purposes.

SECTION 3.20 DAMAGED BUILDINGS

- A. A Building which has collapsed or been damaged by fire, flood, storm, or act of God to such an extent that the cost of repair and reconstruction exceeds fifty percent (50%) of its replacement value at the time the damage occurred shall be repaired, removed, or reconstructed by commencement within ninety (90) days and completion within one (1) year of the damage and according to the provisions of this Ordinance (i.e., no Non-Conforming Building may be restored to its non-conforming status) and the Building Code relative to new construction.
- B. A Building damaged by wear and tear, deterioration and/or depreciation to such an extent that the cost of repair and rehabilitation exceeds fifty percent (50%) of its

replacement value shall be repaired, removed, or rehabilitated by commencement within ninety (90) days and completion within one (1) year of the date of notice given the Zoning Administrator, according to the provisions of this Ordinance (i.e., no Non-Conforming Building may be restored to its non-conforming status) and the Building Code relative to new construction.

- C. A Building permit shall be secured before reconstruction of a Building is commenced. The Zoning Administrator shall determine the extent of destruction, deterioration or depreciation prior to granting permission to apply for a Building permit.
- D. The Zoning Administrator may require that damaged Buildings be secured at the doors and windows or that the Building be removed.

SECTION 3.21 DEMOLITION PERMITS

No Buildings shall be razed until a zoning compliance permit has been obtained from the Zoning Administrator who may require a plot plan and performance bond in an amount set by the Township Board. This bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with any requirements of the Building Code, including, but not limited to, requiring all debris being eliminated from the site rather than being buried in a collapsed foundation, Filling Excavations, sealing wells or eliminating septic tanks, and proper termination of utility connections.

SECTION 3.22 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS

The outdoor storage or parking of Recreation Vehicles in all Residential Districts shall be subject to the following minimum conditions:

- A. Any Recreation Vehicle parked outside shall be located behind the front Building line. Not more than one (1) Recreation Vehicle shall be stored on a Lot, except as allowed under subsection D below.
- B. Recreation Vehicles stored outside shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
- C. Storage or parking of the vehicles shall be limited to the Lot upon which the owner of the vehicle also makes the owner's primary residence. The lease of space for storage or parking of Recreation Vehicles for compensation shall not be permitted in a Residential District.
- D. It shall be lawful for only non-paying guests at a residence in a Residential District to occupy one (1) Recreation Vehicle, parked subject to the provisions of this

Ordinance, for sleeping purposes only, for a period not exceeding seventy-two (72) consecutive hours. The total number of days during which a Recreation Vehicle may be occupied under this subsection shall not exceed fourteen (14) in any calendar year.

- E. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas.
- F. Notwithstanding the provisions above, a unit may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a Recreation Vehicle for use.

SECTION 3.23 ACCUMULATION OF WASTE

The accumulation of waste, rubbish, garbage, refuse, trash; abandoned, discarded or unused objects, machinery or equipment such as furniture, stoves, refrigerators, freezers, cans or containers; or other deleterious substance on any Lot or any Right-of-Way creates blight and greatly increases danger of fire and spread of infections and diseases, and is expressly prohibited by this Ordinance.

SECTION 3.24 KEEPING OF ANIMALS

- A. No more than a combined total of three (3) cats or dogs six (6) months of age or older shall be kept or housed in a Dwelling Unit.
- B. One (1) head of Livestock may be permitted on a Lot with a minimum of three (3) acres. For every head thereafter, an additional one (1) acre shall be provided.
- C. Where Wild and Exotic Animals are kept or allowed outside, a Fence of adequate construction to keep all animals from leaving the premises shall be provided and properly maintained.
- D. Fenced animal paddock areas shall be a minimum of fifty (50) feet from any property line and one hundred (100) feet from any Dwelling.
- E. Animal waste shall be managed so as not to be a hazard to health or a Nuisance to neighbors.

SECTION 3.25 HOME OCCUPATIONS

- A. No person other than the resident occupants shall be engaged in the Home Occupation.
- B. The use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The Home Occupation shall be operated in its entirety within the principal Dwelling, but shall not, in any case, exceed a total floor area of twenty-five percent (25%) of the total Gross Floor Area of the Dwelling Unit.
- C. There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of the Home Occupation other than one (1) Sign as permitted by the Residential District regulations. The permitted Sign shall be located on the same property as the Home Occupation and shall not be permitted within any Right-of-Way.
- D. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the Home Occupation or those goods actually produced on the premises.
- E. Any traffic generated by the Home Occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a Home Occupation shall be hard-surfaced.
- F. No equipment or process shall be used in a Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a Single-Family Dwelling, or outside the Dwelling Unit if conducted in other than a Single-Family Dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises (or outside the Dwelling Unit if conducted in other than a Single-Family Dwelling), or cause fluctuation in line voltage off the premises.

SECTION 3.26 SITE CONDOMINIUMS

- A. A site Condominium Unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, but rather is governed by the Condominium Act.
- B. A site Condominium Unit shall be treated as a separate Lot and may have Buildings constructed and uses conducted thereon as allowed in the Zoning District provided the unit meets the development requirements for the Zoning District in which it is located.

- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with the Site Plan Review process of Chapter 14.
- D. A site condominium project shall comply with all of the construction requirements of the Township's Subdivision Control Ordinance as if the site condominium were a subdivision rather than a site condominium.

SECTION 3.27 WOOD STOVES

Wood Furnaces located outside a Building shall be placed only under the following conditions:

- A. A zoning compliance permit shall be required to place an Outdoor Wood Burner.
- B. The Lot shall be a minimum of two (2) acres in area.
- C. The heating unit shall be forty (40) feet from any other Structure or Building.
- D. The heating unit shall be located a minimum of one hundred (100) feet from any property line.
- E. The heating unit shall not be located in the front Yard.
- F. An area thirty (30) feet around the unit shall be free of ignitable vegetation and debris.
- G. The unit shall not constitute a Nuisance to neighboring properties.

SECTION 3.28 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

- A. It is the intent of this Section to establish minimum standards of appearance and construction for all Single-Family Dwellings, whether constructed on a Lot or a Manufactured Home. Construction and/or placement of a Single-Family Dwelling on any Lot shall be permitted only if the Dwelling complies with the following regulations.
- B. If the Dwelling Unit is a Manufactured Home, the Manufactured Home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any

similar successor or replacement standards which may be promulgated. Alternatively, the Manufactured Home must comply with subsection C below.

- C. Other than Manufactured Homes which comply with subsection B above, the Dwelling Unit shall comply with all applicable Building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable Federal or State standards or regulations for construction.
- D. The Dwelling shall be no more than three (3) times longer than its width.
- E. The Dwelling Unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the Lot Area, Lot Width, residential floor area, Yard, and Building Height requirements of the Zoning District in which it is located.
- F. The Dwelling Unit shall be firmly attached to a permanent continuous foundation, which complies with applicable provisions of the adopted Building Code.
- G. The Dwelling Unit shall be aesthetically compatible in design and appearance with other Dwellings within six hundred (600) feet. The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, orientation to the Street, and overhangs.
- H. The Dwelling Unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty-four (24) feet at time of manufacture, placement or construction.
- I. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or meltwater way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- J. A storage area of at least one hundred twenty (120) square feet shall be provided. The storage area may consist of a Basement, closet area or attached Garage in a Main Building, or as a detached Accessory Building.
- K. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.
- L. The foregoing standards shall not apply to a Manufactured Home located in a Manufactured Home community licensed by the Michigan Manufactured Home Commission and approved by the Community according to the provisions contained in Chapter 7 of this Ordinance except to the extent required by State or Federal law.

SECTION 3.29 ABOVEGROUND UTILITY EQUIPMENT**A. Equipment siting:**

1. Aboveground Utility Equipment exists in the Township, and the Township has received or expects to receive requests to site, expand, rebuild, or install additional Aboveground Utility Equipment within the Township boundaries.
2. The Township finds that it is in the public interest to permit the siting, expansion, rebuilding or installing of Aboveground Utility Equipment within the Township boundaries, and the Township intends to permit these activities.
3. It is the intent of the Township to protect and promote the public health, safety and welfare by regulating the siting, expansion, rebuilding or installing of Aboveground Utility Equipment.

B. The purpose of this Section is to establish general guidelines for the siting of Aboveground Utility Equipment. The goals of this Section are to:

1. Protect against potential adverse impacts of Aboveground Utility Equipment;
2. Minimize the total number of Aboveground Utility Equipment locations throughout the Township;
3. Strongly encourage the joint use of new and existing of Aboveground Utility Equipment Sites as a primary option rather than construction of additional Aboveground Utility Equipment Sites;
4. Encourage users of Aboveground Utility Equipment to configure the equipment in a way that minimizes its adverse visual impact through careful design, siting, landscape Screening, and innovative camouflaging techniques.

C. Administratively Approved Uses:

1. The following provisions shall govern the issuance of administrative approvals for Aboveground Utility Equipment.
 - a. The Zoning Administrator may administratively approve the uses listed in this Section.
 - b. The Zoning Administrator shall respond to each such application within forty-five (45) days after its receipt it by either approving or denying the application. If the Zoning Administrator fails to respond

to the applicant within forty-five (45) days, then the application shall be deemed to be approved.

- c. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of Multiple Use Aboveground Utility Equipment, administratively allow any existing Aboveground Utility Equipment to be reconstructed as Multiple Use Aboveground Utility Equipment.
2. The following uses may be approved by the Zoning Administrator after conducting an administrative review, if all other requirements of this Ordinance and of any other ordinance, statute or regulation are met:
 - a. The location of Aboveground Utility Equipment on an existing Aboveground Utility Equipment Site. To minimize adverse visual impacts associated with the proliferation and clustering of Aboveground Utility Equipment, Collocation of Aboveground Utility Equipment by more than one (1) Utility Service Provider on existing Aboveground Utility Equipment Sites shall take precedence over the construction of new Aboveground Utility Equipment.
 - b. Aboveground Utility Equipment which is located on existing Structures or the rooftops of existing Buildings.
 - c. The location of Aboveground Utility Equipment if it does not result in duplication of the same type of Aboveground Utility Equipment on one or more separate Structures within one hundred fifty (150) feet of any existing Structure or Structures (a single point of intersection of two [2] lines of Aboveground Utility Equipment is permissible if necessary for the two [2] lines to proceed in directions which differ by at least a forty-five [45°] degree angle). One hundred fifty (150) feet is the minimum depth of a Lot in the "R-1" Zoning District which has the minimum Lot Width of one hundred (100) feet.
- D. Removal of Abandoned Aboveground Utility Equipment:

Notwithstanding anything to the contrary in this Ordinance, any Aboveground Utility Equipment that is not operated for a continuous period of six (6) months shall be considered abandoned. The owner of any abandoned Aboveground Utility Equipment shall remove it within ninety (90) days of receipt of notice from Township notifying the owner of the abandonment. Failure to remove abandoned Aboveground Utility Equipment within ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the Aboveground Utility Equipment at the owner's expense. If there are two (2) or more users of a single item of Aboveground Utility Equipment, then this provision

shall not become effective until all users cease using the Aboveground Utility Equipment.

E. Non-Conforming Uses:

Aboveground Utility Equipment that is constructed and installed in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a Non-Conforming Use or Structure.

F. Existing Franchises:

The provisions of this Chapter shall govern the placement, utilization and removal of Aboveground Utility Equipment within the Township so long as they are not in conflict with any duly authorized and executed franchise agreement existing as of the effective date of this Chapter. If any provision of this Chapter is found to be in conflict with such a franchise agreement, the terms of the franchise agreement shall govern only to the extent of the conflict.

G. Future Franchises:

Subsequent to the effective date of this Chapter, all franchise agreements shall be subordinate to the terms of this Section.

SECTION 3.30 PRIVATE ROADS

A. Intent and Purpose: The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, Improvement, maintenance, extension, relocation, and use of Private Roads to assure the following:

1. That Private Roads are designed with sufficient width, surface, and Grade to assure safe passage and maneuverability of private vehicles, as well as police, fire, ambulance, and other safety vehicles.
2. That the Private Roads are constructed with suitable materials to ensure minimal maintenance and safe passage.
3. That Private Roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, Wetlands, and natural environment of the Township.
4. That Private Roads are properly maintained.

B. Permits Required

1. No Private Road shall be constructed, extended, upgraded to serve additional parcels, or relocated after the effective date of this Ordinance unless it has been reviewed through the site plan review process.
2. The road construction permit shall be issued only if the Private Road has been reviewed and approved by the Planning Commission (for Private Roads serving three (3) or more parcels), or the Zoning Administrator (for Private Roads serving no more than two (2) parcels), which shall consider the following review standards:
 - a. Whether the Private Road meets the requirements of this Section.
 - b. Whether the Private Road is reasonably necessary to be private, or if it would be in the best interests of the Township for the road to be a public road.
 - c. Whether the use of the Private Road has the potential to create conditions which may be detrimental to the health, safety, or welfare of persons or property through the creation of hazardous or potentially hazardous situations.
3. The site plan shall provide all of the following information:
 - a. The name(s) of the owner(s) and any other parties having any legal interest in the Private Road and the property across which it is to be constructed.
 - b. A site plan drawn to scale, which meets the standards of Chapter 14 and shows all proposed Lots along the Private Road; the precise location, Grade, route, elevation, dimensions, and design of the Private Road and any proposed extensions thereto; existing and proposed curb cuts; and the location of and distance to any Public Streets which the Private Road is to intersect.
 - c. The location of all public utilities, including, but not limited to, water, sanitary sewer, telephone, gas, electricity, and television cable to be located within the Private Road Right-of-Way or within twenty (20) feet of either side thereof. Copies of the instrument describing and granting Easements shall be submitted with the application.
 - d. The location of any streams, Wetlands, and drains within the proposed Right-of-Way or within one hundred (100) feet of the Right-of-Way.

- e. The location of any other Buildings and Structures located, or to be located, within one hundred (100) feet of the Private Road Right-of-Way.
- f. A proposed maintenance agreement, as defined in this Section.
- g. Any other requirements of this Ordinance.

C. Effect

1. New Private Roads - The provisions of this Section shall apply to all Private Roads constructed from and after the effective date of this Ordinance.
2. Extended Private Roads - If, after the effective date of this Ordinance, an existing Private Road is extended by an increase in its length for the purpose of providing access to one (1) or more additional Main Buildings, Dwellings, Lots or Structures, the provisions of this Section shall thereupon apply to the newly added length of the Private Road.
3. Existing Portion of Private Road to Which a New Segment Will Be Added - All additions to an existing Private Road shall comply with the provisions of this Ordinance. If the existing Private Road, from which the extension will originate, does not meet the Private Road standards of this Ordinance, the road shall be upgraded to comply with the provisions of this Ordinance. In the event compliance is not possible or feasible due to existing development, inability of the applicant to secure necessary Right-of-Way, or other similar factor, the Township Board may allow continued use of the existing, non-conforming Private Road if all of the following requirements are satisfied:
 - a. A determination that sufficient Right-of-Way exists to accommodate projected traffic volumes.
 - b. Use of the non-conforming Private Road segment is not likely to result in traffic and safety concerns for motorists and pedestrians.
 - c. The non-conforming segment is able to accommodate Township fire equipment and other emergency and safety vehicles.
 - d. That satisfactory, written, arrangements have been made to ensure the adequate, year round, maintenance of the non-conforming segment.
 - e. That satisfactory, written, provisions have been made to permit the placement of public utilities within the existing non-conforming Private

Road Right-of-Way, or that satisfactory alternate arrangements have been made to service all parcels with utilities.

D. Standards for Private Roads

No permit for a Private Road shall be approved and no Private Road construction permit shall be issued until and unless the plans, maintenance agreement, and proposed construction comply with the following standards:

1. All Private Roads shall have a recorded permanent Right-of-Way and Easement with a minimum width in compliance with the chart below. The Right-of-Way shall also expressly permit public or private utilities to be installed within the Right-of-Way.
2. The area in which the Private Road is to be located shall have a minimum cleared width of twenty-eight (28) feet (thirty [30] feet if the traveled road width must be twenty-six [26] feet), which shall always be maintained. The Private Road shall meet the requirements contained in the chart below.

PRIVATE ROAD CONSTRUCTION REQUIREMENTS				
Requirement		Parcels Served		
		1 to 2	3 to 5	6 or More
Right-of-Way Easement Width		33 feet	55 feet	66 feet
Traveled Road Bed Width		13 feet	18 feet	22 feet
				26 feet if storm sewer is included, including valley gutters
Minimum Construction Materials	Subbase	10 inches of sand	12 inches of sand	1-3/4 inches of bituminous aggregate, meeting MDOT specification 1100t, as amended
	Surface	6 inches of finished compacted gravel (No. 22A) on top of sand		

3. Any Private Road which terminates at a dead-end shall have a means for vehicle turnaround either by use of a Cul-De-Sac, with a minimum radius of forty (40) feet, or by a continuous loop Private Road system, both of which must be constructed in accordance with the standards set forth in this Section.
4. No Private Road shall extend for a distance of more than one thousand (1,000) feet in length from the nearest Public Street Right-of-Way, as measured along the centerline of the Private Road, without a second direct access thereto being available from another Public Street.
5. The road surface shall have a minimum crown of two-tenths (.2) of one (1) foot from the centerline of the Private Road to the outside edge.

6. A road shoulder, composed of six (6) inches of compacted gravel shall be provided on each side of the Private Road surface, with a minimum width of two (2) feet, containing a slope of twenty-two hundredths (.22) of a foot from the outside edge of the road surface to the toe of the slope.
 7. The layout of a Private Road and the intersections of a Private Road with either a Public Street or another Private Road shall maintain clear vision, safe turning and travel in all directions at the posted speed limit as determined by the Township Engineer. The minimum distance between intersections of public and/or Private Road rights-of-way shall not be less than three hundred (300) feet, measured along the Right-of-Way line thereof.
 8. The Private Road shall be constructed with stormwater runoff, culverts, and drainage contours as is required by either Township or Ottawa County Drain Commission standards to ensure adequate drainage and runoff.
 9. The Private Road shall be given a name and Street Signs shall be installed in accordance with the standards and approval of the Ottawa County Road Commission. Private Road addresses that meet emergency service standards shall be posted in a conspicuous place at the entrance to the Private Road (at the intersection with the public road)
 10. Private Roads serving two (2) or more Dwellings shall have a standard stop Sign where the Private Road abuts the public road.
- E. The applicant(s)/owner(s) of the Private Road agree that by applying for and securing a permit to construct the Private Road that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the Private Road or of the failure to properly construct, maintain, repair, and replace the Private Road.
- F. Performance Guarantee. The Township may, as a condition of the Private Road construction permit, require that the applicant provide a performance guarantee to ensure construction of the road as approved in accordance with the requirements of Section 19.04.
- G. Maintenance Agreement.
1. The applicant(s)/owner(s) of the proposed Private Road Right-of-Way or Private Road shall provide the Township with a recordable Private Road maintenance or restrictive covenant agreement between the owner(s) of the Private Road Right-of-Way and any other parties having any interest therein, or other documentation satisfactory to the Township which shall provide for and assure that the Private Road shall be regularly maintained,

repaired, and snow plowed so as to assure that the Private Road is safe for travel at all times and the cost thereof paid.

2. The maintenance agreement shall provide the method of financing and apportionment of the costs of maintaining the Private Road among the owners of all properties benefiting from it, including payment enforcement options.
 3. A statement shall be included in the agreement that prohibits any parcel owner from interfering with the lawful use of the Private Road by others.
 4. The maintenance agreement shall include a provision indicating the Township may, at its option, improve the Private Road and assess the cost to the owners of benefiting parcels.
 5. The maintenance agreement shall indemnify the Township.
 6. The applicant(s)/owner(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any Building(s) or parcels thereafter created or constructed on the Private Road shall also be subject to the road maintenance or restrictive covenant agreement and that the agreement shall be recorded and shall run with the land. A copy of the agreement shall be furnished to the Township for approval prior to the issuance of the permit.
- H. Upon completion of construction of the Private Road, the applicant(s)/owner(s) shall remove and properly dispose of any and all trees, shrubs, construction debris, and rubbish.
- I. Certificate of Compliance
1. Upon completion of construction of the Private Road, the Township Engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. If the Private Road serves six (6) or more parcels, the applicant(s)/owner(s) shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the Private Road has been completed in accordance with the requirements of the permit.
 2. If the completed Private Road does not satisfy the requirements of the permit or this Ordinance, the applicant(s)/owner(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s)/owner(s) to the penalties provided for in this Ordinance. No Building permit shall be issued

for a Lot along a Private Road until and unless this Private Road fully complies with this Ordinance.

J. Maintenance and Repairs of Private Road

1. Upon completion of the construction, Improvement, relocation, or extension of a Private Road, the applicant(s)/owner(s) shall maintain, repair, and snowplow the Private Road Right-of-Way to always comply with the requirements of this Section in a manner that assures that the Private Road is safe for travel at all times.
2. All Private Roads shall be continuously maintained in a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All Private Roads shall be continuously maintained in a way that they are readily accessible to and usable by emergency vehicles in all types of weather.
3. All costs for maintenance and repair of the Private Road shall be the responsibility of the property owners or any property owners' association served by the Private Road.

SECTION 3.31 DRIVEWAYS

Driveways shall comply with the requirements of Section 3.30.J.2 above.

SECTION 3.32 FLAG LOTS

- A. Flag Lots may only be permitted with a single division of an existing parcel of land of under five (5) acres in size, which is a Lot of Record as of the effective date of this Ordinance and only for the purposes of infill development.
- B. Only one (1) additional Dwelling may be served by any Easement or pole of a Flag Lot (i.e., the narrow portion of the Flag Lot) which must be not less than thirty-three (33) feet in width. The resulting Lots must have a shared Driveway which meets the standards of Section 3.30.

SECTION 3.33 OPEN SPACE PRESERVATION

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

- B. Qualifying conditions: Land may be developed under the provisions of this Section only if each of the following conditions are satisfied:
1. The land shall be zoned in the AG Agricultural or the R-1 Zoning Districts; provided that Single-Family Dwellings not served by public sanitary sewer and located in the R-1 Zoning District shall not qualify under the provisions of this Section.
 2. The Zoning District in which the land is located shall permit development at a Density equivalent to two (2) or fewer Dwelling Units per acre if the land is not served by a public sanitary sewer system, or three (3) or fewer Dwelling Units per acre if the land is served by a public sanitary sewer system;
 3. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension;
 4. At least fifty percent (50%) of the land proposed for development shall remain in a perpetually undeveloped state (i.e., "Open Space"); and
 5. The Open Space preservation option shall not have previously been exercised with respect to the same land.
- C. Permitted uses: Only Dwelling Units and non-Dwelling Unit Buildings (as described in subsection F.10 below) permitted by the Zoning District in which the land is located shall be permitted on land developed pursuant to the provisions of this Section.
- D. Application: The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Chapter 14 of this Ordinance, governing site plans, except as otherwise provided in this Section. In addition to the application materials required by Section 14.03 of this Ordinance, an application for the development of land under the provisions of this Section shall include the following:
1. Parallel Plan Application Requirements: A parallel plan shall be prepared for the purpose of demonstrating the number of Dwelling Units that could otherwise be developed on the land under its existing Zoning District if the Open Space preservation option were not exercised. The parallel plan may be conceptual in nature but shall include at least the following information:
 - a. Dates drawn and revised, north arrow and scale, which shall not be more than one (1) inch equaling one hundred (100) feet (1" = 100'),

and, in all cases, the scale shall be the same as that utilized for the site plan illustrating the proposed Open Space preservation development.

- b. Location of Street Rights-of-Way and all Easements.
 - c. Location of all Lots, illustrating Lot Area and Lot Width to demonstrate compliance with the minimum requirements of the applicable Zoning District.
 - d. Required Building Setback Lines on all Lots to demonstrate the availability of sufficient buildable land to make the Lot usable.
 - e. Location of all utilities that would be necessary to serve a development under the parallel plan and which would not be located within any Public Street Right-of-Way or Private Road Easement, or on buildable Lots. Such utilities include, but are not limited to, stormwater retention or detention basins, community sewage treatment systems and community water supply facilities.
 - f. If development under the parallel plan would require the use of septic tanks and drain fields, the parallel plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each Lot would be approved, or has been approved, by the Ottawa County Health Department.
 - g. The topography of the land, at five (5) feet contours, including identifying the location of all portions of the land that are unbuildable for residential purposes due to the presence of Wetlands, slopes in excess of twenty-five percent (25%), floodplains, or other features prohibiting development for residential purposes.
2. Open Space Plan Application Requirements: The site plan for the Open Space preservation development shall include the following minimum information, in addition to that required by Section 14.03 of this Ordinance:
- a. The portion(s) of the land proposed to remain in a perpetually undeveloped state and the portions of the land to be used for clustered development.
 - b. Total number of acres of land proposed to remain in a perpetually undeveloped state, the total number of acres of land proposed to be used for clustered development, and the area contained within Rights-of-Way or Easements for Streets. The percentage of each, as compared to the total site acreage, shall be indicated.

- c. Lots and proposed Building envelopes, showing the Lot Area, Lot Width, and Setbacks for each Lot. The number of Lots on the site plan shall not exceed the number of Lots that could otherwise be developed as shown on the parallel plan, as approved by the Planning Commission, and reduced to accommodate non-Dwelling Unit Buildings, if necessary, as provided in subsection F.11 below.
 - d. Location and type of all proposed non-Dwelling Unit Buildings and Improvements, including but not limited to all proposed Public Street Rights-of-Way and Private Road Easements.
 - e. Location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each Lot has been approved by the Ottawa County Health Department.
3. A copy of the Conservation Easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, used to perpetually preserve the Open Space in an undeveloped state, shall be included. Such legal instrument shall be reviewed by the Township attorney, and shall be subject to the approval of the Township Board, consistent with the terms of this Section, prior to recording the legal instrument with the Ottawa County Register of Deeds. The legal instrument shall:
 - a. Indicate the permitted use(s) of the undeveloped Open Space.
 - b. Require that the Open Space be perpetually preserved in an undeveloped state, without Buildings, Structures or other Improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar Improvements that may be approved by the Planning Commission.
 - c. Require that the Open Space be maintained by parties who have an ownership interest in the property.
 - d. Provide standards for scheduled maintenance of the Open Space, including necessary pruning and harvesting of trees and new plantings.
4. If the development is to be served by Public Streets, written proof shall be included that the Ottawa County Road Commission has approved the design, layout and construction of the proposed Public Streets.

E. Review Procedure:

1. When reviewing an application submitted under the terms of this Section, the Planning Commission shall determine whether the parallel plan accurately reflects the number of Dwelling Units that could otherwise be developed on the land under its existing Zoning District. If the Planning Commission determines that the number of Dwellings Units illustrated on the parallel plan exceeds the number of Dwellings Units that could be permitted on the land if it were developed under its existing Zoning District, the applicant shall submit a revised site plan for the Open Space preservation development reflecting the permitted number of Dwelling Units, as determined by the Planning Commission.
2. If a site plan for an Open Space preservation development satisfies all applicable requirements of Section 14.03 of this Ordinance, all requirements of this Section, and all conditions of approval imposed by the Planning Commission pursuant to Section 14.07, the Planning Commission shall approve the site plan. The Planning Commission may require performance guarantees, in accordance with Section 14.08.

F. Development requirements:

1. Required Open Space. At least fifty percent (50%) of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "Open Space"), as provided in subsection D.3 above. The following areas shall not be considered as open space:
 - a. All areas within all Public Street Rights-of-Way.
 - b. All areas within all Private Road Easements.
 - c. Any Easement for Aboveground Utility Equipment, unless adjacent to Open Space.
 - d. The area within a platted Lot or site condominium unit.
 - e. Off Street Parking Lots.
 - f. Detention and retention ponds.
 - g. Community drain fields.
 - h. Areas devoted to community water supply or sanitary sewer treatment systems.
 - i. Marinas.

- j. Clubhouses and swimming pools.
 - k. Golf courses.
2. Standards for Open Space. The following standards shall apply to the Open Space required pursuant to this Section.
- a. The Open Space may include a recreational trail, picnic area, children's play area, greenway, linear park, natural area, agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - b. The Open Space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably usable by such residents for passive recreation such as hiking and picnicking. The Open Space may be, but is not required to be, dedicated to the use of the public.
 - c. Open Space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the Open Space from the interior of the development shall be provided.
 - d. A portion of the Open Space shall be located along the perimeter Street Frontage abutting the land. The depth of this area shall be at least fifty (50) feet, not including public Right-of-Way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 - e. Open Space shall be located so as to preserve significant natural resources, Natural Features, scenic or wooded conditions, bodies of water, Wetlands or agricultural land.
 - f. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the Open Space abut the body of water.
3. Use of Open Space. All Dwelling Units and other Buildings, Structures and Improvements shall be located outside that portion of the land designated as Open Space. However, the Planning Commission, in its discretion, may permit Buildings, Structures or other Improvements to be located in the Open Space if they would be consistent with the designated purpose of the Open Space. By way of example only, park or playground equipment could be permitted on Open Space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

However, clubhouses, swimming pools, golf courses, marinas, and similar recreational amenities shall not be permitted within the designated Open Space.

4. Underlying Zoning District. The development of land under this Section shall comply with all requirements of this Ordinance applicable to the Zoning District in which the land is located, except those Setback and Lot Area requirements that must be adjusted to allow the Open Space preservation option permitted by this Section.
5. Uniform Lot Size. Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
6. Building Envelopes. The location and area of Building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of Building envelopes shall be established to achieve the intent and purpose of the Zoning District in which the land is located.
7. Required Frontage. Each Lot shall have a minimum Frontage, measured at the Public Street Right-of-Way or Private Road Easement line, equal to one-half (1/2) of the minimum Frontage which would otherwise be required by the Zoning District in which the land is located. All Dwelling Unit Lots shall be accessed from an interior Street within the development and shall meet the minimum Frontage requirement on such interior Street.
8. Lot Width. Each Lot shall have a minimum Lot Width equal to no less than one-half (1/2) the minimum Lot Width specified for the Zoning District in which the land is located.
9. Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of Lots that could otherwise be developed, as determined from the parallel plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-Dwelling Unit Buildings, if any, as described in subsection F.10 below.
10. Non-Dwelling Unit Buildings. Lots containing non-Dwelling Unit Buildings such as a clubhouse and its related amenities shall be subject to all requirements of this Section applicable to Lots containing Dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of Building proposed.
11. Reduction in Lots for Non-Dwelling Unit Buildings. If Buildings other than Dwellings, such as a clubhouse, are constructed on a Lot in the clustered portion of the land, the number of Dwelling Unit Lots permitted to be developed shall be reduced as follows:

- a. The area occupied by non-Dwelling Unit Buildings shall be divided by the average area of Dwelling Lots that could be situated in the clustered development if the non-Dwelling Unit Buildings were not included, based on the approved parallel plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
 - b. The number calculated under subsection (a) shall be subtracted from the number of Dwelling Unit Lots that could be permitted in the clustered development, as determined from the approved parallel plan.
12. **Perimeter Lots.** Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space preservation development be designed and constructed with Lot sizes and Setbacks on the perimeter that will be reasonably consistent with the Lot sizes and Setbacks of adjacent uses (planned or existing).
13. **Grading.** Grading within the development shall comply with the following requirements:
 - a. To preserve the natural appearance of the land, all Graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be Graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and their shape. Retaining walls may be required.
 - b. All areas indicated as Open Space on the approved site plan shall be undisturbed by Grading, Excavating, Buildings, Structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, Aboveground Utility Equipment, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in Open Space areas if approved by the Planning Commission.
 - c. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.
14. **Private Roads.** Private Roads within an Open Space preservation development shall conform to the Private Road requirements of this Ordinance.

15. Other Laws. The development of land under this Section is subject to all other applicable Township ordinances, State and Federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

G. Amendments to an Approved Site Plan:

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

H. Time Limitation on Development:

1. Each development permitted pursuant to this Section shall be under construction within one (1) year after the date of approval of the Open Space preservation plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant no more than

one (1) extension not exceeding one (1) year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.

2. If the clustered development has not been commenced within the above-stated time period, or within any authorized extension, any zoning or Building permits issued for the development or any part of it shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this Section in order to exercise the clustering option.

CHAPTER 4 DISTRICTS

SECTION 4.01 DISTRICTS ESTABLISHED

To carry out the purpose of this Ordinance, the Township is hereby divided into the following districts:

"AG"	Agricultural
"R-1"	Rural Residential
"R-2"	Low Density Residential
"R-3"	Multiple-Family Residential
"M-H"	Manufactured Housing Community
"C-1"	General Commercial
"MUV"	Mixed Use Village
"I-1"	Industrial
"FO"	Floodplain Overlay
"PUD"	Planned Unit Development

SECTION 4.02 OFFICIAL ZONING MAP

- A. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Planning Commission Chair, attested by the Township Clerk and shall bear the seal of the Township.
- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and Buildings in the Township which are subject to the provisions of this Ordinance.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with State law.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Township Clerk and shall be the final authority as to

the current zoning status of land and water areas, Buildings, and other Structures in the Township.

SECTION 4.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- A. In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Master Plan, the Township is divided into Zoning Districts. The Zoning Ordinance also provides common unity of purpose, adaptability, or use deemed most suitable to provide for the best development of the Township, while protecting the common rights and interests of all through associated regulations and restrictions. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of roads, highways, or Alleys shall be construed as following center lines;
 2. Boundaries indicated as approximately following the property, parcel, or Lot Lines shall be construed as following such lines;
 3. Boundaries indicated as approximately following streams, rivers or drainage ways shall be construed as following such Natural Features;
 4. Boundaries indicated as approximately following Township, City, or County boundaries shall be construed as following such Township, City, or County boundaries;
 5. Boundaries indicated as following section lines shall be construed as following section lines;
 6. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad Right-of-Way;
 7. Where the application of the these rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator. An appeal of the Zoning Administrator's decision may be taken to the Zoning Board of Appeals.

SECTION 4.04 ZONING OF VACATED AREAS

Whenever any Public Street or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such Public Street or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands (or, if the lands adjoin more than one Zoning District, then the most restrictive Zoning District shall apply).

CHAPTER 5 AGRICULTURAL DISTRICT

SECTION 5.01 INTENT AND PURPOSE

The regulations of the AG Agricultural District are intended to ensure that land areas within the Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Premature subdivisions or site condominium developments requiring urban services are to be excluded from these areas. Isolated Open Space cluster developments are permitted on portions of land not well suited for agricultural production. The Zoning District shall also accommodate very low Density residential development and other specialized rural uses requiring large tracts of land. Certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated in the Zoning District, provided they do not pose a threat to the general health, safety, and welfare of Township residents.

SECTION 5.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for the AG Agricultural District:

- P: Permitted Use: Land and/or Buildings in this Zoning District may be used for the purposes listed by right. Site plan approval may be necessary.
- SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 16 are met.
- NP: Not Permitted: The use is not permitted in the Zoning District, along with any other uses not listed as permitted by right or by Special Land Use.

Table of Uses		AG
Residential	Single- Family Dwelling	P
	Open Space cluster development	SLU
	State licensed residential care facilities; Family homes provided the facility shall not be within 1,500 feet of another State Licensed Residential Facility.	P
	State licensed residential care facilities; small group homes provided the facility shall not be within 1,500 feet of another State Licensed Residential Facility.	SLU
Non residential	Agricultural Service Establishments	SLU
	Agricultural operation including general farming, truck farming, fruit orchard, nursery, greenhouses, and usual farm Buildings	P
	Airports	SLU
	Campgrounds, public or private	SLU
	Cemeteries	SLU
	Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales	P
	Commercial Kennels	SLU
	Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU
	Confined feedlots and Livestock holding facilities	P
	Equine boarding stable and training facility	SLU
	Farm Market	SLU
	Golf course or country Club	SLU
	Place of Religious Worship	SLU
	Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	SLU
	Municipal and public service activities	SLU
	Raising of fur-bearing animals or game birds	SLU
	Schools, elementary, middle and high school (public, private and parochial)	SLU
	Shooting, rifle and handgun ranges	SLU
	Waste disposal for solid waste including sanitary landfills	SLU
	Wind Energy Conversion Systems	SLU
Wireless communication tower of over 75 feet.	SLU	
Wireless communication tower of under 75 feet in height wholly owned and used by a Federally licensed amateur radio station operator.	P	
Wireless communications <u>Antenna</u> when attached to a lawful existing telecommunications tower, water tower, or other Structure	P	

Accessory Uses	Accessory Buildings and uses as defined in Chapter 2 and subject to Section 3.12	P
	Home Occupation subject to Section 3.25	P
	Home-Based Business	SLU
	Bed and Breakfast Establishment	SLU
	Small Excavations subject to the provisions of Section 3.03	P
	Roadside Stands subject to the provisions of Section 3.16	P
	Keeping Livestock subject to the provisions of Section 3.24	P

SECTION 5.03 DEVELOPMENT REQUIREMENTS

A. Lot, Yard, and Building Requirements (5.03.A restated in its entirety 05/20/08 by Ordinance No. 348)

Requirement	AG
Lot Area	49,500 sq. ft.
Minimum Lot Width	165 ft.
Minimum Front Setback*	60 ft.
Lot Width to depth ratio	1:4
Minimum Side Setback	
Residential: Side Yard 1/Total of 2	20 ft./50 ft. total
All other Buildings	25 ft. min.
Minimum Rear Setback	50 ft.
Maximum Height and Width**	
Maximum Building Height	35 ft. or two and one-half (2 ½) stories in height
Minimum Floor Area (MFA)	1,150 sq. ft.
MFA if GFA is 1,500 sq. ft or more	864 sq. ft.
Minimum Gross Floor Area (GFA)	1,500 sq. ft.
Minimum Dwelling Width	24 ft.

* Parcels fronting on M-121, Adams Street, Byron Road, 48th Avenue, 64th Avenue, 96th Avenue, New Holland, Ransom, Quincy, Riley, Perry, 88th Avenue, 84th Avenue and 56th Avenue are subject to additional Setbacks and the access management provisions of Chapter 13.

** Farm Buildings or Structures may be up to one hundred twenty (120) feet in height in the AG District, provided they are Setback from the Lot Line by a minimum of fifty (50) feet.

B. General Parking Requirements for Agricultural District

1. Location of parking: The off-Street parking facilities required shall be located on the same Lot as the Building they are intended to serve.

2. Parking areas for special uses that are adjacent to a residence shall be a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a Buffer Zone for the entire length of the parking area. The Buffer Zone shall comply with the standards of Section 15.05(D) of the Ordinance.
3. See also Section 15.01 for general parking area requirements.
4. The amount of required off-Street Parking Spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 15 for lighting, Loading Spaces and landscaping.

Use	Parking Requirement Spaces per unit of measurement (UFA = Usable Floor Area)
Residential	
Single-Family Dwellings	2 per Dwelling Unit
Bed and Breakfast Establishment	2 plus 1 per guest room
State licensed residential facilities	1 per each 3 individuals computed on the basis of the licensing limits of the facility
Non-Residential	
Agricultural operation including general farming, truck farming, fruit orchard, nursery, greenhouses, and usual farm operations	1 per employee, plus 1 per each truck
Agricultural Service Establishments	1 for each 200 sq. ft. of UFA, and 1 space for each service vehicle
Airports (public and private)	One per plane that can be accommodated
Campgrounds, public or private	2 10'x30' spaces for every campsite plus those for Accessory Uses
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for offices spaces, plus that required for a caretaker's residence
Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales	1 space for each 200 sq. ft. of UFA, plus 1 space for each 2,000 sq. ft. of exterior sales area
Commercial Kennels	1 per 400 sq. ft. of Gross Floor Area, but no fewer than four (4) spaces
Communication towers	1 space for each service vehicle
Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	1 per employee, plus 1 per each truck
Confined feedlots and Livestock holding facilities	1 space for each service vehicle

Use	Parking Requirement Spaces per unit of measurement (UFA = Usable Floor Area)
Non-Residential	
Equine boarding stable and training facility	1 per each 2 stalls; Parking Spaces shall be sized to accommodate vehicles plus trailers
Farm Market	1 space for each 200 sq. ft. of UFA, plus 1 space for each 2,000 sq. ft. of exterior sales area
Golf courses or country Clubs	2 per each hole for a par 3 course; 6 per hole for other courses <u>plus</u> those required for Accessory Uses as noted in the applicable districts
Home-Based Businesses	No more than 2 spaces associated with business vehicles
Municipal and public service activities	1 space for each service vehicle
Raising of fur-bearing animals or game birds	1 per employee
Schools	Elementary and junior high schools, 1 per employee plus 5 spaces for visitors. High schools, 1 space per 5 students or the amount required for the auditorium or place of assembly, whichever is greater. Separate areas for student drop off and pickup areas for buses must be provided
Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	1 per every 2 people based on capacity
Places of Religious Worship	1 for each 3 seats in the main worship unit
Waste disposal for solid waste including sanitary landfills	1 per employee associated with the business
Wind Energy Conversion Systems	1 space for service vehicle
Wireless communications Antenna when attached to a lawful existing telecommunications tower, water tower, or other Structure	1 space for service vehicles

C. Signs

1. The following Signs are permitted in the Agricultural District:
 - a. Internally illuminated Monument Signs of up to twenty four (24) square feet for lawful institutional uses such as Churches, schools and parks. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated Wall Sign of up to twenty four (24) square feet may also be permitted.

- b. One (1) non-illuminated Sign of up to four (4) square feet for a Home Occupation.
 - c. One (1) non-illuminated Sign of up to eight (8) square feet for a Home-Based Business.
 - d. One (1) non-illuminated Sign of up to sixteen (16) square feet for a Farm Market.
2. Standards
- a. Signs shall be Setback from the road Right-of-Way a minimum of fifteen (15) feet and from side property lines a minimum of ten (10) feet.
 - b. Sign design shall respect the rural character of the district. As examples, Sign colors shall be natural and subdued and Sign materials shall be natural looking (e.g. wood and field stone vs. glossy metals and plastics).
3. Signs not requiring a zoning permit:
- a. Political Signs of up to six (6) square feet provided they are removed within ten (10) days after the election to which they pertain.
 - b. Non-illuminated Real Estate Signs, of up to six (6) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
 - c. Non-illuminated trespassing, safety, directional, caution or announcement Signs each not exceeding two (2) square feet in area or Signs announcing the sale of produce each not exceeding six (6) square feet in area.
 - d. Name plates of fewer than two (2) square feet.
 - e. Signs that comply with this Ordinance and have been approved in conjunction with a valid zoning compliance permit for any Principal Use as detailed in a plot plan or site plan.
 - f. Road name Signs and other Signs established by State, County, or Township units of government when necessary for giving proper directions or otherwise safeguarding the public.

CHAPTER 6 RESIDENTIAL DISTRICTS

SECTION 6.01 INTENT AND PURPOSE

The regulations of the R-1 District recognize lands that retain a relatively high proportion of Agriculture and Open Space use but, due to population growth, soil characteristics, availability of public utilities, and related factors, experience ongoing transition to non-farm low Density residential development. It is the intent that areas developed are done so to buffer the uses from agricultural activities. Due to its rural character, the R-1 Rural Residential District permits many of the uses provided for in the Agricultural District. Unlike the AG District, however, uses which are considered incompatible to the R-1 District's emerging residential growth are not permitted.

The regulations of the R-2 and R-3 Districts are intended to encourage a suitable environment for a variety of residential densities, and compatible supportive recreational, institutional, and educational uses. The intent of the R-2 and R-3 Districts is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

SECTION 6.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for the, R-1, Rural Residential District, R-2 Low-Density Residential District and R-3 Multiple-Family Residential District:

- P: Permitted Use: Land and/or Buildings in this Zoning District may be used for the purposes listed by right. Site plan approval may be necessary.
- SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 16 are met.
- PUD: Only permitted as part of a Planned Unit Development.
- NP: Not Permitted: The use is not permitted in the Zoning District, along with any other uses not listed as permitted by right or by Special Land Use.

Table of Uses		R-1	R-2	R-3	
Residential Uses	State licensed residential <u>family</u> facilities provided the facility shall not be within 1,500 feet of another State Licensed Residential Facility	P	P	P	
	State licensed residential <u>small group</u> facilities provided the facility shall not be within 1,500 feet of another State Licensed Residential Facility	SLU	SLU	SLU	
	Multiple Family Dwelling	3 Family	PUD	PUD	P
		4 Family	PUD	PUD	P
		More than 4 units per Structure	NP	NP	NP
		Elderly Housing	NP	SLU	SLU
	Two-Family Dwelling	PUD	PUD	P	
	Bed and breakfast	SLU	SLU	NP	
Single-Family Dwelling	P	P	P		
Institutional Uses	Nursing or convalescent home	NP	SLU	SLU	
	Place of Religious Worship	SLU	SLU	SLU	
	Libraries, museums, community centers, governmental, administration, or service Buildings and similar uses which are owned and operated by a governmental agency or a noncommercial organization	SLU	SLU	SLU	
	Schools, elementary, middle and high school (public, private and parochial)	SLU	SLU	SLU	
Non-Residential Uses	Agricultural operation including general farming, truck farming, fruit orchard and usual farm Buildings but excluding intensive Livestock operation	NP	NP	NP	
	Equine boarding stable and training facility	NP	NP	NP	
	Campgrounds, public or private	NP	NP	NP	
	Cemeteries	SLU	SLU	SLU	
	Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales	NP	NP	NP	
	Commercial Kennels	NP	NP	NP	
	Farm Market	NP	NP	NP	
	Golf course or country Club	SLU	SLU	SLU	
	Home based business	NP	NP	NP	
	Municipal and public service activities	SLU	SLU	SLU	
	Utility substation, transmission line and switching station	SLU	SLU	SLU	
	Wind Energy Conversion Systems	NP	NP	NP	

Table of Uses		R-1	R-2	R-3
Non-Residential Uses	Wireless communication tower of over 75 feet	NP	NP	NP
	Wireless communication tower of under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator	P	P	P
	Wireless communications <u>Antenna</u> when attached to a lawful existing telecommunications tower, water tower, or other Structure	P	P	P
Accessory Uses	Accessory Buildings and uses as defined in Chapter 2 and subject to Section 3.12	P	P	P
	Home Occupation subject to Section 3.25	P	P	P
	Small Excavations subject to the provisions of Section 3.03	P	P	NP
	Roadside Stands subject to the provisions of Section 3.16	P	P	NP
	Keeping Livestock subject to the provisions of Section 3.24	SLU	NP	NP

SECTION 6.03 DEVELOPMENT REQUIREMENTS

A. Lot, Yard, and Building Requirements (6.03.A restated in its entirety 05/20/08 by Ordinance No. 348)

Requirement		R-1	R-2	R-3
Minimum Lot Requirements	Lot Area	15,000 sq. ft.	10,400 sq. ft.	<u>Single-Family:</u> Two-Family- 4 units per acre, or 20,000 sq. ft. per duplex <u>Multiple Family:</u> 4 units per acre, or 7,260 square feet per Dwelling Unit
	Width	100 ft.	80 ft.	120 ft.
	Width to depth ratio	1:4	1:4	1:4
	Front yard*	30 ft.	25 ft.	20 ft.
	Rear Yard	50 ft.	40 ft.	45 ft.
	Side Yards**	15 ft.	10 ft.	<u>Single-Family:</u> 10 ft. <u>Two-Family:</u> 15 ft. <u>Multiple Family:</u> 20 ft.
	Maximum Lot Coverage	30%	40%	50%
	Maximum Building Height	35 ft.	35 ft.	35 ft.
	Minimum Main Floor Area (MFA) for one story	1,000 sq. ft.	960 sq. ft.	<u>Single-Family:</u> 1,000 sq. ft.
	Minimum MFA for more than one story	864 sq. ft.	816 sq. ft.	
Minimum Gross Floor Area (GFA)	1,400 sq. ft.	1,300 sq. ft.	<u>Duplex - Multiple Family:</u> 1 bedroom - 650 sq. ft. per unit 2 bedroom - 750 sq. ft. per unit 3 bedroom - 900 sq. ft. per unit + 3 bedrooms - 100 sq. ft. each over 3	

* Parcels fronting on M-121, Adams Street, Byron Road, 48th Avenue, 64th Avenue, 96th Avenue, New Holland, Ransom, Quincy, Riley, Perry, 88th Avenue, 84th Avenue and 56th Avenue are subject to additional Setbacks and the access management provisions of Chapter 13.

** Zero Lot Line provisions may be used for Main Buildings provided:

1. A zero Lot Line is part of a development proposal (i.e., not a single-Lot development) and approved by the Planning Commission.

2. The Building has an approved fire rating for zero Lot Line development under the Building Code.
3. The Building has adequate fire access preserved pursuant to fire code requirements.
4. The zero Lot Line side is not adjacent to a Street.
5. A maintenance access Easement among properties is approved by the Township and recorded with the County Register of Deeds.

B. Design Standards

1. Accessory Structures shall be compatible with surrounding uses in terms of architecture and materials.
2. Building materials shall relate well and be harmonious with the surrounding area.

C. Location of parking and parking area requirements

1. Required off-Street parking facilities shall be located on the same Lot as the Building they are intended to serve. In the R-1 and R-2 Districts, parking is limited to the Garage and Driveway only. One (1) additional parking lane may be allowed with Zoning Administrator approval.
2. Multiple Family Dwellings and non-residential uses: The off-Street parking facilities required for Multiple Family Dwellings and non-residential uses shall not be located in the Required Front Yard area.
3. Parking areas for a Multiple Family Dwelling that are adjacent to a lower intensity Residential District or use shall be a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a Buffer Zone for the entire length of the parking area. The Buffer Zone shall comply with the standards of Section 15.05(D) of the Ordinance.
4. See also Section 15.01 for general parking requirements.
5. The amount of required off-Street Parking Spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 15 for lighting, Loading Spaces and landscaping.

Use	Parking Requirement Spaces per unit of measurement
Residential	
Bed and Breakfast Establishment	2 plus 1 per guest room
Single-Family Dwellings, Two-Family Dwellings, Multiple Family Dwellings	2 per Dwelling Unit
Elderly Housing	.75 per Dwelling Unit
State Licensed Residential Facilities;	1 per each 3 individuals computed on the basis of the licensing limits of the facility

Use	Parking Requirement Spaces per unit of measurement
Non-Residential	
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Golf courses or country Clubs	2 per each hole for a par 3 course; 6 per hole for other courses <u>plus</u> those required for Accessory Uses as noted in the applicable districts
Municipal and public service activities	1 space for each service vehicle
Nursing or convalescent homes	1 per each 3 beds or 2 rooms, whichever is greater, <u>plus</u> 10 spaces marked for visitors
Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	1 per every 2 people based on capacity
Places of Religious Worship	1 for each 3 seats in the main worship unit
Schools	Elementary and Junior High, 1 per employee plus 5 spaces for visitors. High Schools, 1 space per 5 students or the amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided
Wireless communications Antenna when attached to a lawful existing telecommunications tower, water tower, or other Structure	1 space per service vehicle

D. Signs

1. The following Signs are permitted in all Residential Districts:
 - a. Non-illuminated entranceway Monument Signs of up to sixteen (16) square feet are permitted for residential developments. One (1)

Sign for each Public Street on which there is Frontage and from which there is direct access may be provided. Signs shall not exceed eight (8) feet in height.

- b. Internally illuminated Monument Signs of up to twenty four (24) square feet for lawful institutional uses such as Churches, schools and parks. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated Wall Sign of up to twenty four (24) square feet may also be permitted.
- c. One (1) non-illuminated Sign of up to eight (8) square feet for a Home Occupation or Home-Based Business.
- d. One (1) non-illuminated Monument Sign of up to twenty four (24) square feet may be permitted for all other authorized non-residential uses, unless otherwise regulated in this Ordinance. Sign shall not exceed eight (8) feet in height.

2. Standards:

- a. Signs shall be Setback from the road Right-of-Way a minimum of ten (10) feet and from side property lines a minimum of ten (10) feet.
- b. Sign design shall respect the rural character of the district. As examples, Sign colors shall be natural and subdued and Sign materials shall be natural looking (e.g. wood and field stone vs. glossy metals and plastics).

3. Signs not requiring a zoning permit:

- a. Political Signs of up to six (6) square feet provided they are removed within ten (10) days after the election to which they pertain.
- b. Non-illuminated Real Estate Signs of up to six (6) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
- c. Non-illuminated trespassing, safety, directional, caution or announcement Signs each not exceeding two (2) square feet in area or Signs announcing the sale of produce each not exceeding six (6) square feet in area.
- d. Name plates of fewer than two (2) square feet.

- e. Road name Signs and other Signs established by State, County, or Township units of government when necessary for giving proper directions or otherwise safeguarding the public in any district.
 - f. Non-advertising Signs under two (2) square feet Erected by any organization, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.
4. See Section 15.03 for prohibited Signs.

CHAPTER 7 MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 7.01 INTENT AND PURPOSE

The purpose of this Zoning District is to allow for the establishment of manufactured housing communities and related Accessory Uses. A Manufactured Home community shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, 96 of 1987, as amended, and the Michigan Administrative Code.

SECTION 7.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for the M-H District:

P: Permitted Use: Land and/or Buildings in this Zoning District may be used for the purposes listed by right. Site plan approval may be necessary.

SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 16 are met.

Table of Uses	M-H
Accessory Buildings and uses subject to Section 3.12	P
Cemeteries	SLU
Schools, elementary, middle and high school (public, private and parochial)	SLU
Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	SLU
Manufactured Housing Community	P
Nursing or convalescent home	SLU
Places of Religious Worship	SLU
Municipal and public service activities	SLU
Wireless communications Antenna when attached to a lawful existing telecommunications tower, water tower, or other Structure	P

SECTION 7.03 DEVELOPMENT REQUIREMENTS

A. Lot, Yard, and Building Requirements

Regulation		Individual Manufactured Home Sites
Manufactured Housing Site	Area/Dwelling Unit	5,000 sq. ft.
	Width (ft.)	40 ft.
Minimum Setbacks	Front Yard*	50 ft. for the park, 10 ft. for individual sites
	Side Yard (1/total of 2)	50 ft. for the park, 10 each side for individual sites
	Rear Yard	50 ft. for the park, 15 ft. for individual sites
Building Requirements	Maximum Building Height	35 ft. for community Buildings and similar uses; 15 ft. for Dwellings and all other Buildings
	Minimum Floor Area Per Dwelling Unit	600 sq. ft.

* Parcels fronting on M-21, Adams Street, Byron Road, 48th Avenue, 64th Avenue, 96th Avenue, New Holland, Ransom, Quincy, Riley, Perry, 88th, 84th, and 56th are subject to additional Setbacks and the access management provisions of Chapter 13.

B. Parking Requirements

1. Location of parking

- a. **Manufactured Housing Community:** The off-Street parking facilities required for a single home site shall be located on the same Lot as the Building they are intended to serve. Two (2) spaces per unit shall be provided. Parking is limited to the Garage/carport and Driveway only. One (1) Parking Space per every five (5) Lots shall be provided for visitors, evenly distributed throughout the development.
- b. **Non-residential Uses:** The off-Street parking facilities required for non-residential uses shall not be located in the Required Front Yard area. The respective side and rear Yard Setback common to an adjacent Residential District or use shall be a minimum of thirty (30) feet of which fifteen (15) feet nearest the respective property line shall be developed as a Buffer Zone. The Buffer Zone shall extend the entire depth of the side of the Lot in the case of the side Yard parking adjoining the residential area, or the width of the rear of the Lot in the case of rear Yard parking adjoining the residential area. The required Buffer Zone shall comply with the standards of Section 15.05 (D) of this Ordinance.

- c. See also Section 15.01 for general parking area requirements.
- 2. The amount of required off-Street Parking Spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 15 for lighting, Loading Spaces and landscaping.

Use	Parking Requirement Spaces per unit of measurement
Residential	
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker’s residence
Nursing or convalescent homes	1 per each 3 beds or 2 rooms, whichever is greater, <u>plus</u> 10 spaces marked for visitors
Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	1 per every 2 people based on capacity
Places of Religious Worship	1 for each 3 seats in the main worship unit.
Schools	Elementary and Junior High, 1 per employee plus 5 spaces for visitors. High Schools, 1 space per 5 students or the amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided
Municipal and public service activities	1 space for each service vehicle
Wireless communications facility	1 space per each service vehicle

C. Signs

- 1. The following Signs are permitted in the Manufactured Housing District:
 - a. Non-illuminated entranceway Monument Signs of up to sixteen (6) square feet are permitted for residential developments. One (1) Sign for each Public Street on which there is Frontage and from which there is direct access may be provided. Signs shall not exceed eight (8) feet in height.
 - b. Internally illuminated Monument Signs of up to twenty four (24) square feet for lawful institutional uses such as Churches, schools and parks. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated Wall Sign of up to twenty four (24) square feet may also be permitted.

- c. One (1) non-illuminated Monument Sign of up to twenty four (24) square feet may be permitted for all other authorized uses, unless regulated in this Ordinance. Signs shall not exceed eight (8) feet in height.
2. Standards: Signs shall be Setback from the road Right-of-Way a minimum of fifteen (15) feet and from side property lines a minimum of ten (10) feet.
3. Signs not requiring a zoning permit:
 - a. Political Signs, of up to six (6) square feet provided they are removed within ten (10) days after the election to which they pertain.
 - b. Non-illuminated Real Estate Signs of up to six (6) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
 - c. Non-illuminated trespassing, safety, directional, caution or announcement Signs each not exceeding two (2) square feet in area.
4. See Section 15.03 for prohibited Signs.

CHAPTER 8 C-1 GENERAL COMMERCIAL DISTRICT

SECTION 8.01 INTENT AND PURPOSE

The C-1 General Commercial District is intended to provide appropriate locations to accommodate land uses meeting the office, personal service, retail, and other business needs of the residents of the Township, and to a limited extent, the traveling public. The Zoning District is not intended to provide regional shopping opportunities but rather to be limited in design and scope for community-based businesses. The Gross Floor Area of uses permitted in this Zoning District is generally intended to be between 2,000 and 50,000 square feet in size. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed.

SECTION 8.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for this Zoning District:

- P: Permitted Use: Land and/or Buildings in this Zoning District may be used for the purposes listed by right. Site plan approval is necessary.
- SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 16 are met.
- NP: Not Permitted: The use is not permitted in the Zoning District, along with any other uses not listed as permitted by right or by Special Land Use.

Table of Uses	C-1
Accessory Buildings and uses subject to 3.12	P
Amusement Parks, Fairgrounds and Flea Markets	SLU
Bank or other financial institution without Drive-Through facility	P
Banquet hall, catering establishment	SLU
Commercial Day Care Facility	SLU
Commercial Kennels	SLU
Commercial Mini-Storage	SLU
Contractor’s office and storage Yard	SLU
Drive-Through facility other than a restaurant (e.g., bank, credit union, pharmacy)	SLU
Drive-Through restaurants	SLU
Fraternal or social Club or lodge	SLU

Table of Uses	C-1
Funeral homes and mortuary establishments	SLU
Health or exercise Club	P
Hospitals	P
Hotels and Motels	SLU
Laundromat	P
Medical office, including Clinic	P
Municipal and public service activities	P
Nursing or convalescent homes	P
Open Air Businesses	SLU
Outdoor recreation developments	SLU
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	P
Professional offices	P
Recreation facility, indoor (e.g., arcades, bowling, billiards)	P
Restaurants and cafes with no Drive-Through	P
Retail establishments	P
Vehicle body and repair shops	SLU
Vehicle Service Stations	SLU
Vehicle Wash Establishments, either self-serve or automatic	SLU
Veterinary Clinics and Hospitals	SLU
Video rental and sales (except that video rentals are permitted as an Accessory Use)	P

SECTION 8.03 DEVELOPMENT REQUIREMENTS

A. Lot, Yard, and Building Requirements

Requirement		C-1 Commercial	
Lot Requirements	Area	20,000 sq. ft.	
	Minimum Width	125 ft.	
	Maximum Width-to-depth ratio	1:4	
	Maximum Coverage	85%	
Setback Requirements	Front*	50 ft.	
	Side**	Side Yard adjacent to Residential or Agricultural District	25 ft.
		Corner Lots	50 ft.
		Adjacent to C-1	15 ft.
Rear	35 ft.		
Building Requirements	Maximum Height	35 ft.	

* Parcels fronting on M-21, Adams Street, Byron Road, 48th Avenue, 64th Avenue, 96th Avenue, New Holland, Ransom, Quincy, Riley, Perry, 88th, 84th, and 56th are subject to additional Setbacks and the access management provisions of Chapter 13.

** Zero Lot Line provisions may be used for Main Buildings adjacent to other commercial uses provided:

1. A zero Lot Line is approved by the Planning Commission.
2. The Building has an approved fire rating for zero-Lot Line development under the Building Code.
3. The Building has adequate fire access preserved pursuant to fire code requirements.
4. The zero Lot Line side is not adjacent to a Street.
5. A maintenance access Easement among properties is approved by the Township and recorded with the County Register of Deeds.

B. Design Standards

All commercial uses shall comply with the following architectural guidelines:

1. The applicant shall use quality architecture to ensure that Buildings protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for the Township.
2. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for Building and roofing material.
3. The first floor of commercial Buildings facing a road shall be comprised of at least fifty percent (50%) clear glass. Reflective glass is prohibited.
4. Any side of a commercial Building facing a road shall be covered with, or constructed of, at least fifty percent (50%) of the following materials:
 - a. Brick.
 - b. Decorative concrete block.
 - c. Vinyl or wood siding.
 - d. Cut or simulated stone.
 - e. Logs.
 - f. Other materials approved as part of the site plan.
5. In no case shall sheet metal or cement board be considered an acceptable outdoor wall covering.
6. Building side and rear walls over one hundred (100) feet in length shall be broken up with varying Building lines, windows, architectural accents and trees.
7. Building entrances shall utilize windows, Canopies and Awnings. They shall provide unity of scale, texture, and color.

C. Parking Requirements

1. The amount of required off-Street Parking Spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 15, in addition to all lighting, Loading Spaces and landscaping standards.

Use	Parking Requirement Spaces per unit of measurement GFA = Gross Floor Area, UFA = Usable Floor Area
Art studio/craft shop	1 space per 500 sq. ft. UFA
Amusement parks, fairgrounds and flea markets	2 spaces per 3 seats on amusement rides or 20 spaces per ride or attraction with no specific or defined seating
Bank or other financial institution without Drive-Through facility	1 space per 400 sq. ft. of UFA
Banquet hall and/or conference center	1 space for every 4 persons permitted in the Structure by fire code
Commercial Day Care Facility	1 space per each 3 clients computed on the basis of the greatest number of clients on-site at a given time
Commercial Kennels	1 space per 400 sq. ft. of Gross Floor Area, but no fewer than 4 spaces
Commercial min-storage	1 space for each storage unit (adjacent to each unit) plus one per each employee on-site
Contractor's office	1 per each employee
Drive-Through facility other than a restaurant (e.g., bank, credit union, pharmacy)	Space for 3 cars between the sidewalk area and the service window, and 1 space for every 200 sq. ft. of Usable Floor Area
Drive-Through restaurants	Space for 5 cars between the sidewalk area and the pick up window plus 1 space per each 100 sq. ft. of UFA
Fraternal or social Club or lodge	1 space for every 4 persons permitted in the Structure by fire code
Funeral home or mortuary	1 space per each 50 sq. ft. of UFA
Gas Station/convenience store	2 spaces for each pump plus one space per every 400 ft. UFA
Health or exercise Club	1 space for every 4 persons permitted in the Structure by fire code
Hospitals	1 space per 4 patient beds plus 1 space for each employee
Hotel or Motel	1 space for each guest room, plus 1 additional space for every 2 employees
Laundromat	1 space for each 2 machines
Medical office, including Clinic	1 space per each 400 sq. ft. of UFA
Municipal and public service activities	1 space per each 300 sq. ft. of Gross Floor Area, not including parking areas for municipal vehicles
Nursing or convalescent homes	1 space per each 3 beds or 2 rooms, whichever is less, plus 10 spaces marked for visitors
Open Air Business	1 space per each 800 sq. ft. of Lot Area used of the Open Air Business, plus parking for any main use Building and associated Accessory Uses
Personal service establishments (e.g., salon, tailor, dry cleaning drop-off site, etc.)	2 spaces per service provider (e.g., 1 space per salon chair) or 1 space per 400 square ft. of UFA, whichever is greater
Professional office	1 space per each 300 sq. ft. of UFA

Use	Parking Requirement
	Spaces per unit of measurement GFA = Gross Floor Area, UFA = Usable Floor Area
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 space for every 3 persons permitted in the Structure by fire code
Retail establishment	1 space per each 500 sq. ft. of UFA
Vehicle body and repair shops	1 per employee plus one per service bay
Vehicle Service Stations	1 per employee plus one per service bay
Vehicle Wash Establishments, either self-serve or automatic	3 spaces for each washing stall, in addition to, the stall itself
Veterinary Clinics and Hospitals	1 per examination room plus one per employee
Video rental and sales	1 space per each 300 sq. ft. of UFA

D. Signs

1. The following Signs are permitted in the C-1 Commercial District:
 - a. Signs shall pertain exclusively to the business carried on at the property.
 - b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
 - c. One (1) Freestanding Sign is permitted per property, regardless of the number of businesses there, except that one (1) additional Freestanding Sign may be Erected per Street Frontage when the development has parallel or corner Frontage on more than one (1) Public Street totaling over 500 linear feet.
 - d. One-half (1/2) square foot of Sign area is permitted for every one (1) foot of road Frontage of the parcel except that Signs shall not exceed two hundred (200) square feet.
 - e. Monument Signs shall not exceed eight (8) feet in height. All other freestanding (pole) Signs shall not exceed twenty (20) feet in height.
 - f. Wall, Awning or bracket Signs shall not exceed fifteen percent (15%) of the surface area of the commercial portion of the front Building face and may be placed on any wall. In the case where the Building is over one hundred (100) feet from the road, this allotment may be twenty percent (20%) of the front face of the Building. In the case where the Building is over three hundred (300) feet from the road, this allotment may be twenty-five percent (25%) of the front face of the Building. In no case, shall Wall Signs exceed one hundred fifty (150) square feet.

- g. Signs shall be placed against the Main Building or on a Canopy.
 - h. Canopy Signs shall be considered Wall Signs and a Sign attached to a mansard shall be considered a Wall Sign.
 - i. Signs shall not project above the Roof Line or cornice.
 - j. Signs shall be Setback from the Street Right-of-Way a minimum of fifteen (15) feet and from Side Lot Lines a minimum of ten (10) feet.
2. Signs not requiring a zoning permit:
- a. Political Signs of up to six (6) square feet provided they are removed within ten (10) days after the election to which they pertain.
 - b. Non-illuminated Real Estate Signs of up to sixteen (16) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
 - c. Non-illuminated trespassing, safety, directional, caution or announcement Signs each not exceeding two (2) square feet in area or Signs announcing the sale of produce each not exceeding six (6) square feet in area.
 - d. Name plates of fewer than two (2) square feet.
 - e. Signs that comply with this Ordinance and have been approved in conjunction with a valid zoning compliance permit for any Principal Use as detailed in a plot plan or site plan.
 - f. Road name Signs and other Signs established by State, County, or Township units of government when necessary for giving proper directions or otherwise safeguarding the public in any Zoning District.
 - g. Non-advertising Signs under two (2) square feet Erected by any organization, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.
3. See Section 15.03 for prohibited Signs.

CHAPTER 9

MUV - MIXED USE VILLAGE DISTRICT

SECTION 9.01 INTENT AND PURPOSE

The Mixed Use Village District is intended to permit a creative mix of land uses in close proximity to one another. The centers of these small districts are intended to be the historic settlements of Beaverdam, Vriesland and Drenthe. The district shall be pedestrian oriented with small-scale developments interconnected with one another in terms of non-vehicular and vehicular traffic. Businesses are intended to be small scale, village-like in nature and serving the immediate area. Accessory apartments are encouraged above storefronts and offices. Home/work studios and offices are also encouraged. Small scale Multiple Family Dwellings are encouraged near business uses for easy pedestrian access. The accommodation of foot traffic is important in this district as is the de-emphasis on vehicular parking. Site and Building design are key components of any mixed use village ("MUV") development. The district is intended to be limited to approximately one-quarter mile from the centers of the Beaverdam, Vriesland and Drenthe settlement areas.

SECTION 9.02 TABLE OF USES

- A. Any Development consisting of five (5) acres or more shall be a Planned Unit Development.
- B. The following abbreviations apply to the Table of Uses:
 - P: Permitted Use: Land and/or Buildings in this Zoning District may be used for the purposes listed by right. Site plan approval may be necessary.
 - SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 16 are met.
 - NP: Not Permitted: The use is not permitted in the Zoning District, along with any other uses not listed as permitted by right or by Special Land Use.

Table of Uses	MUV
Accessory apartments as part of a business use (not on the first floor)	SLU
Single-Family Dwellings on Lots of less than 10,000 square feet. Single-Family Dwelling developments shall be limited to 20 total Dwellings	SLU
Agricultural Service Establishments	SLU
Accessory Buildings and uses subject to 3.12	SLU
Art studio/craft shop of up to 2,000 square feet	SLU
Banquet hall or catering establishment	NP
Bank or other financial institution without Drive-Through facility	SLU
Bed and Breakfast Establishment	SLU
2-Story Two-Family Dwellings on single Lots provided there is not another such use within 500 lineal feet (not including accessory apartments)	SLU
Commercial Day Care Facility	SLU
Commercial Mini-Storage of no more than ten (10) Units	SLU
Contractor's office (no outdoor storage)	SLU
4-unit multiple Family townhouse or row house Structures on a single Lot provided there is not another such use within 500 lineal feet (not including accessory apartments)	SLU
Elderly Housing of up to 20 units	SLU
Libraries, museums, community centers, and similar uses which are owned and operated by a governmental agency or a noncommercial organization	SLU
Municipal and public service activities	SLU
Schools, elementary, middle and high school (public, private and parochial)	SLU
Medical office, including Clinics of up to 3,000 sq. ft. in area	SLU
Nursing or convalescent homes	SLU
Open Air Business	NP
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.) of up to 3,000 square feet in area	SLU
Professional offices of up to 3,000 square feet in area	SLU
Recreation facility, indoor (e.g., arcades, bowling, billiards)	SLU
Restaurants and cafes with no Drive-Through	SLU
Retail establishments of up to 5,000 square feet	SLU
Vehicle body and repair shops with no more than 2 service bays	SLU
Vehicle Service Stations	SLU
Vehicle Wash Establishments with no more than 3 service bays	SLU
Video rental and sales (except that video rentals are permitted as an Accessory Use) of up to 3,000 square feet	SLU

SECTION 9.03 DEVELOPMENT REQUIREMENTS

A. Lot, Yard, and Building Requirements

Requirement		Mixed Use Village	
Lot Requirements	Minimum Lot Area	5,000 sq. ft.	
	Maximum Lot Area	1 acre	
	Minimum Lot Width	50 ft.	
	Maximum width-to-depth ratio	1:3	
	Maximum coverage	85%	
Setback Requirements	Front *	15 ft.	
	Side	Side Yard adjacent to a Residential or Agricultural District	25 ft.
		Corner Lots	20 ft.
		Adjacent to MUV**	10 ft.
	Rear	25 ft.	
Building Requirements	Maximum Height	35 ft.	

* Parcels fronting on M-21, Adams Street, Byron Road, 48th Avenue, 64th Avenue, 72nd Avenue through Beaverdam, 96th Avenue, New Holland, Ransom, Quincy, Riley, Perry, 88th, 84th, and 56th are subject to additional Setbacks and the access management provisions of Chapter 13.

** Zero Lot Line provisions may be used for Main Buildings provided:

1. A zero Lot Line is approved by the Planning Commission.
2. The Building has an approved fire rating for zero-Lot Line development under the Building Code.
3. The Building has adequate fire access preserved pursuant to fire code requirements.
4. The zero Lot Line side is not adjacent to a Street.
5. A maintenance access Easement among properties is approved by the Township and recorded with the County Register of Deeds.

B. Design Standards

All proposed development shall comply with the following architectural guidelines:

1. Accessory apartments shall only be permitted on the top floor of a two (2) Story Building.
2. The applicant shall use quality architecture to ensure that Buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for the Township.
3. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for Building and roofing material.
4. Buildings shall possess architectural variety, but enhance the overall cohesive community character. Architectural Features of the Buildings shall include details such as lintels, archways, colonnades, and cornices.
5. The first floor of commercial Buildings facing a Street shall be comprised of at least sixty percent (60%) clear glass. Reflective glass is prohibited.
6. Any side of a commercial or Multiple Family Dwelling facing a Street shall be covered with, or constructed of, at least fifty percent (50%) of the following materials:
 - a. Brick.
 - b. Decorative concrete block.
 - c. High quality vinyl or wood siding
 - d. Cut or simulated stone.
 - e. Logs.
 - f. Other materials approved as part of the site plan.
7. In no case shall sheet metal or cement board be considered an acceptable outdoor wall covering.
8. Building entrances shall utilize windows, Canopies and Awnings. They shall provide unity of scale, texture, and color.
9. Maximum Building width shall be limited to sixty (60) feet.
10. Maximum height for commercial Buildings shall be thirty-five (35) feet.
11. Outdoor cafes and seating areas are encouraged, provided:

- a. The area devoted to outdoor seating must be ancillary to the main use of an indoor restaurant, bakery, coffee shop, delicatessen, specialty food store, or similar establishment.
 - b. Pedestrian circulation and access to the Building entrance shall not be impaired. A minimum of three (3) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables, chairs, and other encumbrances.
 - c. The seating area shall be limited to the area directly in front of the permitted use to which the seating area is accessory and shall not extend into adjoining sites.
 - d. Tables, chairs, umbrellas, Canopies, planters, waste receptacles, and other elements of Street furniture shall be compatible with the architectural character of the Main Building.
 - e. Outdoor amplification shall be prohibited.
 - f. The area devoted to outdoor service shall not encroach upon or extend over any public Right-of-Way.
 - g. A site plan shall clearly depict the seating area and location and style of tables and chairs, reflecting ample aisles for pedestrian traffic.
 - h. The outdoor seating area shall not obstruct visibility of on-coming pedestrians or vehicular traffic.
 - i. All outdoor furnishings shall be completely removed from sidewalk areas December 1 through March 1 of each year.
 - j. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.
 - k. Roof seating shall comply with the Building Code.
12. Sidewalks and other non-motorized links are required between and among uses.

C. Parking Requirements

1. Parking, loading and vehicle service areas (e.g., gas Canopies) are prohibited in the front Yard.

2. Parking areas adjacent to an agricultural or residential zone shall be a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a Buffer Zone for the entire length of the parking area. The Buffer Zone shall comply with the standards of Section 15.05(D) of the Ordinance.
3. See also Section 15.01 for general parking area requirements.
4. The amount of required off-Street Parking Spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 15, in addition to all lighting, Loading Spaces and landscaping standards.

Use	Parking Requirement Spaces per unit of measurement GFA = Gross Floor Area, UFA = Usable Floor Area
Accessory apartments as part of a business use	1 per Dwelling Unit
Agricultural Service Establishment	1 per each 200 sq. ft. of UFA, and 1 space for each service vehicle
Art studio/craft shop	1 space per 800 sq. ft. GFA
Bank or other financial institution without Drive-Through facility	1 space per 400 sq. ft. of UFA
Bed and Breakfast Establishment	2 plus 1 per guest room
Commercial Day Care Facility	1 space per each 3 clients computed on the basis of the greatest number of clients on-site at a given time
Elderly Housing	.75 per unit
Laundromat	1 space for each 2 machines
Medical office, including Clinic	1 space per each 400 sq. ft. of GFA
Nursing or convalescent homes	1 space per each 3 beds or 2 rooms, whichever is less, plus 10 spaces marked for visitors
Personal service establishment	2 spaces per service provider or 1 space per 400 square feet of UFA, whichever is greater
Professional office	1 space per each 300 sq. ft. of UFA
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 space for every 3 persons permitted in the Structure by fire code
Retail establishment	1 space per each 500 sq. ft. of GFA
Single or Multiple Family Dwellings	2 spaces per unit
Veterinary Clinics and Hospitals	1 per examination room plus 1 per employee

D. Signs

1. The following Signs are permitted in the MUV District:

- a. Signs shall pertain exclusively to the business carried on at the property.
 - b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
 - c. One (1) Monument Sign for a Business Center not exceeding thirty two (32) square feet in area and eight (8) feet in height. Signs shall be Setback from the Street Right-of-Way a minimum of ten (10) feet and from side property lines a minimum of five (5) feet.
 - d. Individual business may only have a wall, Awning or bracket Sign which shall not exceed fifteen percent (15%) of the surface area of the commercial or industrial portion of the front Building face. Wall Signs may be placed on any wall.
 - e. Signs shall be placed against the Main Building or on a Canopy.
 - f. Canopy Signs shall be considered Wall Signs.
 - g. A Sign attached to a mansard shall be considered a Wall Sign.
 - h. Signs shall not project above the Roof Line or cornice.
 - i. Sign design shall respect the rural character of the Zoning District. As examples, Sign colors should be natural and subdued and Sign materials should be natural looking (e.g. wood and field stone vs. glossy metals and plastics).
2. Signs not requiring a zoning permit:
- a. Political Signs of up to six (6) square feet provided they are removed within ten (10) days after the election to which they pertain.
 - b. Non-illuminated Real Estate Signs of up to six (6) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
 - c. Non-illuminated trespassing, safety, directional, caution or announcement Signs each not exceeding two (2) square feet in area or Signs announcing the sale of produce each not exceeding six (6) square feet in area.
 - d. Name plates of fewer than two (2) square feet.

- e. Signs that comply with this Ordinance and have been approved in conjunction with a valid zoning compliance permit for any Principal Use as detailed in a plot plan or site plan.
 - f. Street name Signs and other Signs established by State, County, or Township units of government when necessary for giving proper directions or otherwise safeguarding the public in any Zoning District.
 - g. Non-advertising Signs under two (2) square feet Erected by any organization, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.
3. The following Signs are prohibited:
- a. Pole Signs.
 - b. See also Section 15.03

CHAPTER 10 I-1 INDUSTRIAL DISTRICT

SECTION 10.01 INTENT AND PURPOSE

The I-1 Industrial District is intended primarily for general industrial uses. The Zoning District is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials.

SECTION 10.02 TABLE OF USES

The following abbreviations apply to the Table of Uses:

P: Permitted Use: Land and/or Buildings in this Zoning District may be used for the purposes listed by right. Site plan approval is necessary.

SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 16 are met.

NP: Not Permitted: The use is not permitted in the Zoning District, along with any other uses not listed as permitted by right or by Special Land Use.

Table of Uses	I-1
Assembly of paperboard containers, building paper, building board, and bookbinding	P
Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities	SLU
Billboards	SLU
Commercial laundries and dry cleaning establishments	P
Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU
Concrete and asphalt plants	SLU
Contractor yards, Building material storage	P
Day care centers where such use is clearly incidental and accessory to the primary use	P
Laboratories including experimental, film, and testing	P
Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps	P
Lumber and feed supply yards	P
Manufacturing facilities, including tool and die	P
Municipal Buildings, public service Buildings	P
Printing and publishing	P

Table of Uses	I-1
Production of apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials	P
Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage and kindred foods	P
Production of household goods like jewelry, silverware, toys, ceramics and pottery, athletic equipment, office and tobacco goods, musical instruments, etc.	P
Production of textile mill products including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other textile goods	P
Production or assembly of furniture and fixtures	P
Research and development facilities	P
Retail sales of goods where such sale is clearly incidental and accessory to the primary use not exceeding 5,000 square feet in customer sales area	SLU
Saw mills	P
Sexually-oriented businesses	SLU
Trade or industrial schools	P
Truck and freight terminals	SLU
Waste disposal for solid waste including sanitary landfills.	SLU
Water supply and treatment facilities	SLU
Wireless communication tower	SLU
Wireless communications <u>Antenna</u> when attached to a lawful existing telecommunications tower, water tower, or other Structure	P
Wholesale establishments distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, lumber and Building products, and warehousing	P

SECTION 10.03 DEVELOPMENT REQUIREMENTS

A. Lot, Yard, and Building Requirements.

Requirement		I-1 Industrial	
Minimum Lot Requirements	Area	87,120 sq. ft. (2 acres)	
	Width	150 ft.	
	Maximum width to depth ratio	1:3	
	Depth	200 ft.	
	Maximum Coverage	75%	
Minimum Setback Requirements	Front*	50 ft.	
	Side	One side	20 ft.
		Total 2 sides	40 ft.
		Adjacent to Agricultural or Residential District	100 ft.
	Rear	Adjacent to Agricultural or Residential District	100 ft.
In all other cases		25 feet	
Building Requirements	Maximum Height	45 ft. or three stories in height, whichever is less.	

* Parcels fronting on M-21, Adams Street, Byron Road, 48th Avenue, 64th Avenue, 96th Avenue, New Holland, Ransom, Quincy, Riley, Perry, 88th, 84th, and 56th are subject to additional Setbacks and the access management provisions of Chapter 13.

B. Design Requirements

1. A minimum of fifteen percent (15%) of the front face of the Building shall be glass.
2. A minimum of twenty-five percent (25%) of the front face of the Building shall be:
 - a. Brick.
 - b. Decorative concrete block.
 - c. Cement board.
 - d. Cut stone.
 - e. Logs.
 - f. Other materials approved as part of the site plan.

C. Parking Requirements

1. Parking areas adjacent to a residential use or zone shall be a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a Buffer Zone for the entire length of the parking area. The Buffer Zone shall comply with the standards of Section 15.05(D) of the Ordinance.
2. Parking shall be provided within three-hundred (300) feet of the Building.
3. The amount of required off-Street Parking Spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 15, in addition to all lighting, Loading Spaces and landscaping standards.

Use	Parking Requirement Spaces per unit of measurement GFA = Gross Floor Area, UFA = Usable Floor Area
Accessory office areas related to Principal Uses	1 space per each 300 sq. ft. of UFA
Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities	1 space per 1.3 employees on the largest shift
Day care centers where such use is clearly incidental and accessory to the primary use	1 space per each 3 clients computed on the basis of the greatest number of clients on-site at a given time
Truck and freight terminal including garaging and maintenance of equipment	1 space per each 300 sq. ft. of UFA of office space plus 1 space per employee on the largest shift
Municipal Buildings, public service Buildings	1 space per each 300 sq. ft. not including parking areas for municipal vehicles
Production of apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials	1 space for each 1,000 sq. ft. or one space for every employee on the largest shift (whichever is greater) <u>plus</u> those spaces required for offices located on the premises
Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage and kindred foods	
Production of household goods like jewelry, silverware, toys, athletic equipment, office supplies, tobacco goods, musical instruments, etc.	
Production of textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread and other textile goods	

Use	Parking Requirement Spaces per unit of measurement GFA = Gross Floor Area, UFA = Usable Floor Area
Production or assembly of furniture and fixtures	
Research and development facilities	
Retail sales of goods where such sale is clearly incidental and accessory to the Principal Use	1 space for each 500 sq. ft. UFA <u>plus</u> those spaces required for offices located on the premises
Trade or industrial schools	1 space per employee plus 1 space per every two students
Wholesale establishments	1 space per each 300 sq. ft. of UFA
Waste treatment facilities	1 for each 2,000 sq. ft. <u>plus</u> that required for office space
Water supply and treatment facilities	1 space per employee, not including areas for municipal vehicles
Wireless communication tower	1 space for a maintenance vehicle

D. Signs

1. The following Signs are permitted in the Industrial District:
 - a. Signs shall pertain exclusively to the business carried on at the property.
 - b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
 - c. One (1) pole or Monument Sign is permitted per property, regardless of the number of businesses there, except that one (1) additional Freestanding Sign may be Erected per Public Street Frontage when the development has parallel Frontage on more than one (1) Public Street (not including a Local Street) or corner Frontages on Public Streets (not including any Local Streets) totaling over five hundred (500) linear feet. Sign area shall be limited to sixty-four (64) square feet.
 - d. Monument Signs shall not exceed eight (8) feet in height.
 - e. All other freestanding (pole) Signs shall not exceed twenty (20) feet in height.
 - f. Signs shall be Setback from the Street Right-of-Way a minimum of fifteen (15) feet and from Side Lot Lines a minimum of ten (10) feet.

- g. Wall, Awning or bracket Signs shall not exceed twenty percent (20%) of the surface areas of the front Building face and may be placed on any wall. In no case shall the Signs exceed one hundred fifty (150) square feet in area.
 - h. Signs shall be placed against the principal Building or on a Canopy.
 - i. A Sign attached to a mansard shall be considered a Wall Sign.
2. Signs not requiring a zoning permit:
- a. Political Signs, of up to six (6) square feet provided they are removed within ten (10) days after the election to which they pertain.
 - b. Non-illuminated Real Estate Signs, of up to sixteen (16) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
 - c. Non-illuminated trespassing, safety, directional, caution or announcement Signs each not exceeding two (2) square feet in area or Signs announcing the sale of produce each not exceeding six (6) square feet in area.
 - d. Name plates of under two (2) square feet.
 - e. Signs that comply with this Ordinance and have been approved in conjunction with a valid zoning compliance permit for any Principal Use as detailed in a plot plan or site plan.
 - f. Street name Signs and other Signs established by State, County, or Township units of government when necessary for giving proper directions or otherwise safeguarding the public in any Zoning District.
 - g. Non-advertising Signs under two (2) square feet Erected by any organization, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.
3. See Section 15.03 for prohibited Signs.

CHAPTER 11 FLOODPLAIN OVERLAY DISTRICT

SECTION 11.01 STATEMENT OF PURPOSE

It is the purpose of this Chapter to significantly reduce hazards to persons and damage to property as a result of Flood conditions in the Township and to retain the stormwater retention capabilities of existing natural systems helping to prevent the need for significant public investment for man-made drainage systems.

SECTION 11.02 DELINEATION OF THE FLOODPLAIN OVERLAY DISTRICT

- A. The Floodplain Overlay District shall overlay existing Zoning Districts delineated on the Official Zoning Map. The boundaries of the Floodplain Overlay District shall be one thousand (1,000) feet from the ordinary high water mark of the Macatawa River and five hundred (500) feet from the edge of any County drain Easement. The term "floodplain" as used in this Ordinance shall mean the Floodplain Overlay District and shall be the designated regulatory floodplain.
- B. When a development approval is requested for any use requiring site plan review (e.g., multiple Family development, Planned Unit Development, site condominium, etc.), the location of the Floodplain Overlay District boundary shall be determined as follows:
1. The Township shall be provided with accurate topographic data for the site in addition to information addressing stormwater storage and Flooding potential of the area. The submitted information shall be sealed by a registered civil engineer.
 2. The Township engineer shall advise the Township regarding the submitted site information and whether or not relocating the district boundary on the piece of property will negatively affect Flooding and stormwater storage potential on the subject property or for upstream and downstream properties.
- C. In addition to other requirements of this Ordinance applicable to development in the underlying Zoning District, compliance with the requirements of this Chapter shall be necessary for all development occurring within the Floodplain Overlay District. Conflicts between the requirements of this Chapter and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this Chapter, except where the conflicting requirement is more stringent and would further the objectives of this Chapter. In such cases the more stringent requirement shall be applied.

SECTION 11.03 PERMITTED PRINCIPAL USES

Notwithstanding any other provisions of this Ordinance, no Building or Structure shall be Erected, converted or structurally altered, and no land and/or Structure shall be used in the regulatory floodplain except for one or more of the following uses:

- A. Farming, gardening, and horticulture;
- B. Open recreational uses such as parks, playgrounds, playfields, athletic fields, golf courses, bridle paths and nature paths;
- C. In the area within the floodplain, land may be used to supply Open Space or Lot Area requirements of a Lot partially located outside the floodplain, provided, however, no Building or Structure shall be located within the floodplain.

SECTION 11.04 ACCESSORY USES OF PRINCIPAL AND SPECIAL LAND USES

Within the Floodplain Overlay District, off-Street parking is permitted as a use accessory to a Principal Use provided no Fill is brought to the site for such parking areas.

SECTION 11.05 USES REQUIRING SPECIAL LAND USE PERMIT

The following uses are permitted in the Floodplain Overlay District when approved as a Special Land Use pursuant to the procedures described herein and as provided in Chapter 16 (Special Land Uses):

- A. In the area within the Floodplain Overlay District, dumping or backfilling with any material in any manner is prohibited unless through compensating Excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable State regulations are met.
- B. In the area within the Floodplain Overlay District, the construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause an increase in water surface elevation, obstruct flow or reduce impoundment capacity of the floodplain. In addition, all equipment shall be anchored to prevent flotation and lateral movement. Approval of a Special Use Permit for any of the above shall be subject to an engineering finding by a registered engineer that the above requirements are satisfied.

SECTION 11.06 OFF-STREET PARKING AND LOADING

See parking requirements of the respective uses in the underlying Zoning District.

SECTION 11.07 SIGNS

See Sign regulations of the respective uses in the underlying Zoning District.

SECTION 11.08 UTILITIES

All on-site new and replacement water and sanitary sewer systems and appurtenances in the floodplain shall be located and designed to minimize infiltration of Flood waters and constructed to Ottawa County Health Department standards so as to avoid impairment that might otherwise result from Flooding.

SECTION 11.09 ALTERATION OF WATERCOURSES

No alteration of any Watercourse in the Floodplain Overlay District shall be undertaken unless and until neighboring communities and the Michigan Department of Natural Resources shall have first been notified and provided with detailed plans and specifications prepared by a registered engineer. Such plans shall show full compliance with local ordinances, State statutes, State regulatory agencies and Federal regulations and shall make provisions for maintaining the full carrying capacity of the altered water course.

SECTION 11.10 DISCLAIMER OF LIABILITY

The degree of Flood protection required by this Ordinance is considered reasonable for regulatory purposes. Approval of the use of land under this Chapter shall not be considered a guarantee or warranty of safety from Flood damage. This Ordinance does not imply that areas outside the Floodplain Overlay District will be free from Flood damage. This Ordinance does not create liability on the part of the Township or any officer or employees thereof for any Flood damages that result from reliance on this Ordinance or any administrative decision lawfully made.

CHAPTER 12

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 12.01 DESCRIPTION AND INTENT

- A. The intent of the PUD district is to permit coordinated development on larger sites in order to achieve most or all of the following:
1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of Buildings and Structures constructed.
 2. Provide the opportunity to mix compatible uses or residential types.
 3. Allow clustering of residential units to preserve Common Open Space, traditional neighborhood design, historic or significant Architectural Features.
 4. Keep Open Spaces close to and contained within developed areas.
 5. Ensure compatibility of design and function between neighboring properties.
 6. Protect and preserve natural resources, Natural Features and Open Space.
 7. Promote efficient provision of public services, utilities and transportation facilities.
 8. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
 9. Provide complete non-motorized circulation to, from and within developments.
 10. Provide adequate housing and employment opportunities.
 11. Encourage development of convenient recreational facilities as an integral part of residential developments.
 12. Ensure the type, scale and mass of uses, Buildings and Structures will relate harmoniously to each other and to adjoining existing and planned uses.

13. Encourage development that is consistent with the goals stated within the Master Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township after considering the intent of this Chapter, assures a superior quality of development. If this improved quality is not determined by the Township to be present after the Township has reviewed the development and the intent of this Chapter, the site shall not qualify for the modifications allowable under this Chapter.

SECTION 12.02 ELIGIBILITY CRITERIA

To be eligible for Planned Unit Development approval, the applicant must demonstrate that both A and B below will be met:

- A. **Demonstrated Benefit:** The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another Zoning District:
1. Preservation of significant natural or historic features.
 2. Preservation of agricultural lands.
 3. A complementary mixture of uses or a variety of housing types.
 4. Common Open Space for passive or active recreational use.
Noncontiguous Open Space is not permitted.
 5. Redevelopment of a non-conforming site where creative design can address unique site constraints.
- B. **Control of Property, Unified Agreement:** Land owners involved in a proposed Planned Unit Development must provide a signed agreement among all involved parties, which is approved by the Township's attorney that indicates their unified approach to the PUD development concept.

SECTION 12.03 TYPES OF PUDS

- A. A property meeting the eligibility criteria may be rezoned to a PUD District based on the requirements shown in the following table and appropriate requirements contained elsewhere in this Ordinance. The rezoning shall be concurrent with

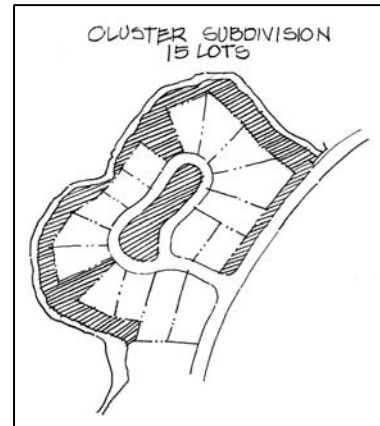
the approval of a preliminary PUD plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.

- B. The Township Board, after recommendation from the Planning Commission, shall establish a list of permitted uses as part of the PUD agreement (as required in Section 12.13), based upon the provisions of the following table and this Chapter.

PUD DESCRIPTIONS				
PUD District	Minimum PUD Size	Locations Allowed	Permitted Uses	Percentage Open Space Required
Open Space Cluster PUD (OPUD) Standards under Sec. 12.4	40 acres	Where the pre-PUD zoning is Agricultural or floodplain	Open Space cluster design	Total
				50%
Residential (RPUD) Standards under Sec. 12.5	5 acres	Where pre-PUD zoning is a Residential District (R-1, R-2 or R-3) and public sewer is available	Residential uses permitted in the pre-PUD Zoning District with additional uses as provided in this Chapter	30%
Mixed Use (MPUD) Standards under Sec. 12.6	2 acres; except that no minimum is required in the Mixed Use Settlement Area	Where pre-PUD zoning is R-3, OS-1, or C-1 or C-2 and public sewer is available	Residential, commercial, office, recreational, and additional uses provided in this Chapter	15%
Industrial (IPUD) Standards under Sec. 12.7	10 acres	Where the pre-PUD zoning is I-1 or I-2	Uses permitted in the I-1 or I-2 Districts where integrated into an office/research/ light industrial park setting	5%

SECTION 12.04 OPEN SPACE PUD (OPUD) STANDARDS

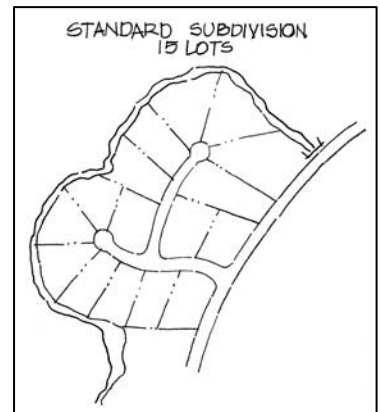
A. Intent: The purpose of the Open Space PUD is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering Dwelling Units rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the Township as a whole. These regulations are also intended to foster the preservation of significant Natural Features, large Open Spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.



Sample comparison;
Cluster vs. traditional

B. Housing Types: All Dwelling Units shall be Single-Family Dwellings.

C. Uses: The OPUD may include agricultural crops, golf courses, Churches, stables, and private airports. In no case, however, shall a golf course be considered part of the required Open Space. Special Land Uses must follow the procedures of Chapter 16. The list of allowed uses shall be established in the PUD agreement.



D. Parallel Plan: The maximum base Density and number of Dwelling Units permitted in the OPUD shall be determined through the submission of a parallel plan showing the number of Dwelling Units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:

1. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each Lot.
2. All Lots or Buildings shown on the parallel plan shall be located on buildable Lots, which, for the purposes of this Section shall mean Lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal Building, septic and well systems (where no

public sanitary sewer or water system is to be used), and required Streets and Driveways.

3. Areas of Wetlands, stormwater control, water bodies, and other unbuildable areas shall not be included within Buildable Areas, but may be included in the Lot Area calculations.

In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, Lot orientation, Street layout, and other considerations the Planning Commission deems appropriate.

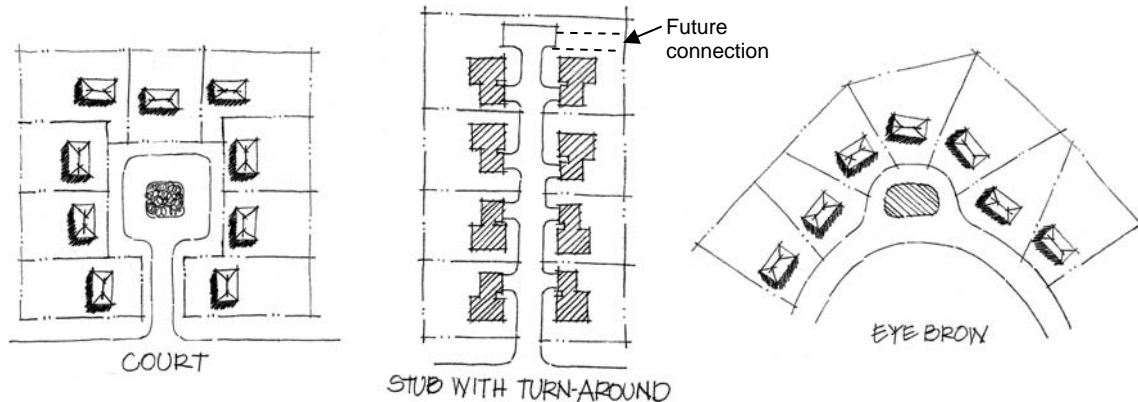
- E. Density Bonus: The Township Board, after recommendation by the Planning Commission, may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of an OPUD. In no case shall the Density bonus total more than thirty percent (30%) of the Density determined by the parallel plan.

Amenity	Additional Lots permitted
Preservation of Wetlands	5%
10% Additional Open Space provided	5%
20% Additional common water frontage provided	5%
Trails throughout the development and a playground provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%

- F. Design Standards:

1. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should range from 10-15 units per cluster for smaller developments (up to 50 total units) and 15-20 units for larger developments (50 or more total units).
2. Visual Screening of Dwellings from off-site Street networks and Open Space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing Screens, and providing new natural Screens and/or Open Space buffers where appropriate.

3. Dead-end or Cul-De-Sac Streets serving the development are discouraged. Eyebrow, court, or stub Streets are preferred (see below).



4. Entryways to OPUDs shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
5. Where adjoining areas are not subdivided, the arrangement of Streets within the proposed Open Space community shall be extended to the boundary line of the project to make provision for the future projection of Streets into adjoining areas.
6. Street systems shall be designed so that their curvature or alignment produces 'terminal vistas' (the landscape element that is visible at the end of a Street, or along the outside edge of a curve, where the view is focused or ends). The terminal vista shall consist of Open Space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of Street intersections or where there are Driveways provided on only one side of the road.
7. Open Space areas must adhere to the standards of Section 12.8.
8. Development Setback
 - a. Any proposed Building Lot shall be located at least two hundred (200) feet from any previously existing Public Street Right-of-Way.
 - b. No native or natural vegetation shall be removed from the two hundred (200) foot Setback, nor may any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage Improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OPUD.

- c. Upon recommendation by the Planning Commission, the Township Board may reduce this Setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural Screen that substantially blocks the view to the proposed development.
- d. Upon recommendation by the Planning Commission, the Township Board may require a landscape plan for the development Setback area showing additional landscaping to enhance the Screening of the OPUD from the adjacent Street. This landscaping may consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- e. OPUD sites abutting more than one (1) Public Street shall be permitted to reduce the Setback on the shortest side of the abutting Streets to one hundred (100) feet without a natural Screen. No native or natural vegetation shall be removed from the one hundred (100) foot Setback, nor may any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

SECTION 12.05 RESIDENTIAL PUD (RPUD) STANDARDS

- A. Intent: The purpose of the RPUD is to promote neighborhood development which provides a variety of single-Family housing opportunities in addition to small scale multiple Family uses. RPUD developments are intended to integrate pedestrian and cyclist links among neighborhoods and to public facilities.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the RPUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate Lot dimensions and Building Heights and Setbacks, subject to the following:
 - 1. The overall Lot dimensions and Setbacks shall not be less than fifty percent (50%) of the Zoning District that the use(s) would be placed in without a PUD. Zero-Lot Line may be permitted on one (1) Side Lot Line provided that the remaining side Yard equals at least a total width of two (2) Required Side Yards in the district the use would be placed in without a PUD.
 - 2. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
 - 3. The minimum Lot size shall be six thousand five hundred (6,500) square feet.

- C. Housing Types: Not more than thirty percent (30%) of the Dwelling Units may be two-Family or multiple Family. In no case shall any Building contain more than four (4) Dwelling Units. The remaining Dwelling Units shall be detached Single-Family Dwellings.
- D. Density: At the discretion of the Township Board, after recommendation from the Planning Commission, the RPUD's Density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development and a Mini-Park (with playground) are provided on-site by the developer.
- E. Uses: The PUD may also include any Special Land Uses permitted in the R-1 and R-2 Zoning Districts. The list of allowed uses shall be established in the PUD agreement.
- F. Design Standards:
1. Dead-ends or Cul-De-Sacs Streets serving the development are discouraged. Eyebrow, court, or stub Streets are preferred (see graphics above).
 2. Where adjoining areas are not subdivided, the arrangement of Streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of Streets into adjoining areas.
 3. The Planning Commission may recommend and Township Board require the development to provide such amenities as bus stops or bus turn-outs.
 4. Open Space areas must adhere to the standards of Section 12.8.

SECTION 12.06 MIXED USE PUD (MPUD)

- A. Uses: A Mixed Use PUD shall include a mixture of uses that are considered to be consistent with the Master Plan. A minimum of forty percent (40%) of the PUD land area shall be occupied by residential uses. The list of uses allowed shall be established in the PUD approval.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the PUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate Lot dimensions and Building and Yard requirements. In no case, however, shall the overall Lot dimensions or Yard requirements be less than fifty percent (50%) of the R-1 Zoning District (in the case of Single-Family Dwellings) or the R-2 Zoning District (in the case of Two-

Family or Multiple Family Dwellings). The height restrictions with any use shall not be increased by more than twenty-five percent (25%).

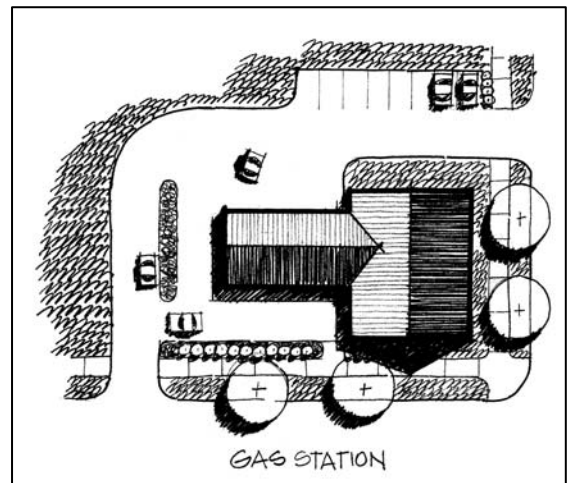
- C. Density: At the discretion of the Township Board, after recommendation from the Planning Commission, the MPUD's Density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development and a Mini-Park (with playground) are provided on-site by the developer.
- D. Site Design Standards:
1. The applicant shall demonstrate that the proposed Lot dimensions and Building and Yard requirements shall result in a higher quality of development than would be possible using conventional zoning standards.
 2. A series of dead-ends or Cul-De-Sacs serving the development are discouraged. Eyebrow, court, or stub Streets are preferred (see graphics above).
 3. Where adjoining areas are not subdivided, the arrangement of Streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of Streets into adjoining areas.
 4. The Planning Commission may recommend and Township Board require the development provide such amenities as bus stops or bus turn-outs.
 5. To encourage a true integration of mixed uses and improved efficiency in land use, the overlap in parking requirements may be permitted between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips.
 6. Pedestrian gathering and seating plazas, greenways and tree lined drives shall be within Parking Lots and throughout the site to provide an inviting pedestrian environment, including protection of the pedestrian from vehicular circulation for improved traffic operations and views. Other site amenities to create a pedestrian safe environment shall be provided such as bike racks, benches, information kiosks, art, planters, or streetscape elements to separate principal Buildings from the Parking Lots.
 7. Open Space areas must adhere to the standard of Section 12.8.
- E. Driveway Access and Circulation:
1. Access shall be limited to one (1) major entrance along any Collector or Arterial Road, excluding any entrance designed solely for truck traffic.

Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.

2. Main access points shall be spaced from existing signalized intersections to ensure proper spacing and efficient flow of traffic if the main access point might be signalized in the future.
3. The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives shall provide circulation between uses.
4. Additional Right-of-Way shall be provided to accommodate Improvements to the existing Arterial Roadway system that are planned or required to mitigate traffic associated with the PUD.

F. Building Design Standards:

1. Buildings shall utilize high quality architecture and landscaping that create an integrated, pedestrian-oriented environment. At least forty percent (40%) of first floor office and commercial development shall be clear glass.
2. Primary Building materials for non-glassed areas of the remainder of the commercial or office Buildings shall be comprised of at least fifty percent (50%) masonry material, such as brick, stone or split face block, or another acceptable material as determined by the Planning Commission.
3. Plain concrete masonry units (cement board) shall constitute no more than twenty percent (20%) of the facades of any Buildings.
4. Sheet metal paneling on exterior walls is prohibited.



Example of pedestrian-friendly design



SECTION 12.07 INDUSTRIAL PUD (IPUD)

- A. Uses: Industrial District Permitted Uses and Special Land Uses shall be allowed in an Industrial PUD. Up to ten percent (10%) of the floor area of an industrial use may be used for retail outlet purposes provided the materials sold are produced on-site. Special Land Uses provided for in Section 10.02 shall follow the review process required for Special Land Uses in addition to the PUD review process outlined in this Chapter. In addition, lodging, restaurants or entertainment related uses shall be permitted, provided these uses do not border any other Zoning District.
- B. Dimensional Standards: All Buildings, and Structures, and parking areas shall meet the minimum Setback standards of the Industrial Zoning District for the perimeter of the PUD. On Interior Lots, dimensional standards, Setbacks and Building Height shall be approved by the Township Board, upon recommendation by the Planning Commission, through the PUD approval. In no case, however, shall the overall Lot dimensions or Yard requirements be less than forty percent (40%) of the Zoning District than the use(s) would be placed in without a PUD. The height restrictions with any use shall not be increased by more than thirty percent (30%).
- C. Buffer: There shall be a fifty (50) foot deep buffer strip along exterior public roads and any adjoining Residential District, either landscaped or preserved in a natural wooded condition. The public road buffer strip may be reduced in depth by the Township Board upon recommendation by the Planning Commission if the applicant provides additional landscaping. The Residential District buffer may be reduced by the Township Board upon recommendation by the Planning Commission if the applicant provides a five (5) foot masonry wall.
- D. Design Standards. Buildings shall utilize high quality architecture and landscaping that create a research and office-park environment with primary use (more than fifty percent [50%]) of masonry material, such as brick, stone or split face block, and glass on Buildings and landscaping along roadways. Metal

paneling and plain concrete masonry units (cement board) shall constitute no more than twenty-five percent (25%) of the facades of Buildings visible from the internal roadway or any adjoining public roadway.

SECTION 12.08 OPEN SPACE REQUIREMENTS FOR ALL PUDS

All PUDs, in addition to the above requirements for specific types, shall meet the following requirements for Open Space.

- A. Designated Open Space shall be set aside through an irrevocable conveyance, approved by the Township Attorney, such as a recorded Deed Restriction, covenants that run perpetually with the land, a Conservation Easement, land trusts. The Dedicated Open Space shall forever remain Open Space, subject only to uses on the approved site plan. Further use of Open Space for other than recreation or conservation purposes, except for Easements for utilities, shall be strictly prohibited. Any change in use of the Open Space from what is shown on the approved site plan shall require Township Board approval, and shall not diminish compliance with the requirements of this Chapter.
- B. Nothing herein shall prevent the conveyance of Open Space to a public agency or other non-profit entity for recreational or conservation use.
- C. The designated Open Space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- D. The Open Space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or Common Open Spaces.
- E. The following land areas shall not be included as Dedicated Open Space for the purposes of meeting minimum Open Space requirements:
 1. Area proposed as Single-Family residential or site condominium Lots.
 2. Residential Yards or required Setback areas for any use.
 3. The area of any Street Right-of-Way or Private Road Easement.
 4. Surface water in detention or retention basins in non-residential developments (unless designed to have the appearance of a natural Wetland, in which case they may be counted for up to fifty percent [50%] of the required Open Space).
 5. Golf courses.

6. Parking and loading areas, except those exclusively associated with a recreation facility or Common Open Space area.
 7. Any other undeveloped areas not meeting the intent and standards for Open Space stated in this Section, as determined by the Township Board.
- F. On-site Common Open Space shall be planned in locations visible and accessible to all in the development. The Planning Commission shall determine if the proposed Open Space is usable and functional. The Common Open Space may either be centrally located, located to preserve Natural Features, located to buffer adjacent uses, or located to connect Open Spaces throughout the development, provided the following areas shall be included within the Open Space area:
1. Any significant Natural Features.
 2. At least one-third (1/3) of the required Common Open Space shall be Usable Open Space for the residents of the development.
 3. Open Space, except for where trails and bike paths are located, shall have minimum dimension of one hundred (100) feet by one hundred (100) feet.
 4. Where an Open Space preservation development abuts a lake or river, at least fifty percent (50%) of the shoreline, as well as reasonable access to it, shall be a part of the Common Open Space land.
 5. A minimum fifty (50) foot wide undisturbed Open Space Setback shall be maintained from the edge of any stream or Wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar Structures that enhance passive enjoyment of the site's natural amenities within the Setback.
 6. Where adjacent land includes Open Space, public land or existing or planned bike paths, Open Space connections shall be provided between the site and adjacent Open Space, public land or existing or planned bike paths. Trails between adjoining Open Space Development, public land or existing or planned bike paths shall be constructed to allow future interconnection between developments.
- G. Allowable use(s) of the Dedicated Open Space shall be indicated in the Conservation Easement or other legal instrument and shall prohibit the following:
1. Dumping or storing of any material or refuse.
 2. Activity that may cause risk of soil loss.

3. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation.
 4. Use of motorized off road vehicles.
 5. Cutting, Filling or removal of vegetation from Wetland areas.
 6. Use of pesticides, herbicides, or fertilizers either within or adjacent to (within one hundred [100] feet of) water bodies and Wetlands, unless required by the Michigan Department of Environmental Quality to manage Nuisance species.
 7. Inclusion of a requirement that the Dedicated Open Space shall be maintained by parties who have an ownership interest in the Open Space.
- H. Requirements for maintenance of the Open Space shall be provided. In the event that the Open Space is not adequately maintained, or is determined by the Township Zoning Administrator to be a public Nuisance, the costs for maintenance shall be assessed upon the owners of the Open Space.

SECTION 12.09 PUD APPROVAL PROCESS

A. Pre-Application Meeting:

1. An applicant desiring to submit an application for a Planned Unit Development shall attend a pre-application meeting with staff members or consultants the Township Zoning Administrator deems advisable.
2. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements, and to identify issues of significance regarding the proposed application.
3. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting shall be forwarded to the Planning Commission.

- B. Application: The applicant shall prepare and submit to the Township a request for rezoning to the appropriate PUD designation, including twelve (12) copies of a preliminary PUD site plan meeting the requirements of Site Plan Review submittals (Section 14.03) including a narrative which details how the plan relates to the intent of the PUD district, phases of development, and approximate timeframes for each phase. Materials shall be submitted at least forty-five (45) days prior to the meeting at which the Planning Commission shall first review the request.

- C. Additional Information: During the PUD review process, the Township Board or Planning Commission may require additional information it determines is reasonably necessary to demonstrate compliance with the review standards of this Chapter. Such information may include, but not be limited to, soil reports, hydrological tests, traffic studies, or Wetland determinations.
- D. Workshop: In addition to the pre-application meeting, a workshop may be required by the Planning Commission, or, if not required, the workshop may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal.
- E. Planning Commission Public Hearing: The Planning Commission shall review the PUD rezoning request, the conceptual PUD site plan, and conduct a public hearing in accordance with the requirements of the Zoning Act.
- F. Planning Commission Recommendation: The Planning Commission shall review the preliminary PUD site plan in consideration of public hearing comments, technical reviews from Township staff, and other comments from consultants and applicable review agencies, and compliance with the standards and requirements of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request.
- G. The recommendation to the Township Board shall be based on the following standards:
1. The PUD shall satisfy the Intent of Section 12.1 and the Eligibility Criteria of Section 12.2.
 2. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. Architecture should provide coordinated and visually appealing styles, Building forms and Building relationships.
 3. The PUD shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.
 4. The proposed type and Density of use shall not exceed the Township's ability to provide adequate public services, including public facilities, and utility capacities.
 5. The design of the PUD shall minimize the negative impact on the Street system in consideration of items such as vehicle trip generation, access

location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.

6. Natural Features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making those Alterations to the topography which are reasonably necessary to develop the site.
 7. Natural drainage ways shall be preserved insofar as practical, by minimizing grading, and tree and soil removal in and adjacent to natural drainage swales.
 8. Slopes of over fifteen percent (15%) are protected and maintained in a natural state.
 9. The proposed PUD shall provide greater protection of and less adverse impact on the quality of the Natural Features in comparison to the impacts associated with a conventional development.
 10. The proposed development shall not have an adverse impact on future development as proposed in the Master Plan.
 11. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
 12. The proposed development shall adequately consider pedestrian and cyclist safety and circulation, and tie sidewalks, paths and trails into public facilities and adjoining properties.
 13. When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and Open Space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the Open Space and the residents of the surrounding area.
- H. Township Board Decision: Following receipt of the Planning Commission's recommendation, the preliminary PUD site plan shall be considered by the Township Board. The Township Board shall hold an additional public hearing as provided by the Zoning Act. The Township Board shall take one (1) of the following actions on the request:
1. If the application is determined to be insufficient, does not fully respond to Planning Commission issues or more information is required, the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the PUD plan, or direct the Township staff or

consultants to conduct additional analysis. The application shall not be removed from the table until the conditions causing its tabling have been satisfied.

2. If the Township Board, during its review process, believes there is new information that might modify the recommendation of the Planning Commission, the application shall be returned to the Planning Commission with the new information for its reconsideration. The Planning Commission shall provide a recommendation within thirty (30) days, or such longer time as is established by the Township Board, after the Township Board has determined it would like further review. No additional public hearings are required, unless otherwise provided by the Zoning Act.
3. Approval or Approval with Conditions:
 - a. Upon determination that a PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, the Township Board shall approve the preliminary PUD site plan.
 - b. The Township Board may impose reasonable conditions with the approval of a PUD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PUD site plan that demonstrates compliance with the conditions.
 - c. Approval of the preliminary PUD plan shall constitute approval of the rezoning and the Official Zoning Map shall be changed to indicate the zoning of the property as the appropriate PUD District.
 - d. Approvals may include a performance bond or similar guarantee in order to ensure the completion of required Improvements or the protection of significant Natural Features.
4. Denial: Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance or other applicable ordinances or laws, or requires extensive revision in order to comply with the standards and regulations, the Township Board shall deny the application. Re-submittal of a denied application shall be considered a new application.

SECTION 12.10 FINAL APPROVAL

- A. Final site plans shall be submitted for review and approval in accordance with the Site Plan Review provisions of the Ordinance. If final site plans for at least the

first phase of the project are not submitted and approved within a two (2) year period from the approval of the development agreement, the right to develop under the approved PUD preliminary site plan shall terminate and a new application must then be filed and processed.

- B. In reviewing final site plans, the following standards and requirements shall apply, in addition to those of Section 12.9.G.
1. Final site plans shall be in substantial conformance with the approved PUD preliminary plan.
 2. Each final site plan shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Chapter and the approved PUD preliminary plan regarding layout, Density, Open Space and land use.
 3. Each final site plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.
 4. Any amendment to the development agreement referenced in Section 12.13 which is requested by the developer shall be submitted for review by the Township Attorney and shall be subject to the approval of the Township Board.

SECTION 12.11 EXTENSIONS

The two (2) year period for preliminary PUD approval may be extended for up to one (1) additional year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval, and granted by the Township Board, provided that the reasons for the delay are beyond the general control of the applicant.

SECTION 12.12 REVISIONS TO APPROVED PUD PLANS

- A. Approval of the preliminary PUD plan and final site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.
- B. Within fourteen (14) days of receipt of a request to amend the site plan, the Zoning Administrator shall determine whether the change is major, warranting

review by the Planning Commission, or minor, allowing administrative approval, as noted below.

- C. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the development agreement referenced in Section 12.13, would not reduce the area devoted to Open Space, and all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Planning Commission and Township Board of the approval in writing.
- D. The Zoning Administrator shall consider the following when determining a change to be minor:
1. For residential Buildings, the square footage of Buildings may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall Density of units does not increase, the minimum square footage and parking requirements are met, and the Building(s) do not extend outside a designated Building envelop, or into any required Open Space or required Setback.
 2. Gross Floor Area of non-residential Buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the Building does not extend into any required Open Space or required Setback.
 3. Floor plans may be changed if consistent with the character of the use.
 4. Relocation of a Building by up to five (5) feet, if consistent with required Setbacks, Open Space and other requirements.
 5. Height of Buildings may be lowered.
 6. Designated woodlands or areas not to be disturbed may be increased.
 7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site.
 8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.

9. Changes of Building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Zoning Administrator.
 10. Grade change of up to one (1) foot, after review by the Township Engineer.
 11. Modification of entry design, Sign placement or reduction in size of Signs, which is consistent with the intent of the approved PUD plan.
 12. Internal rearrangement of Parking Lots which does not affect the number of Parking Spaces or alter access locations or design.
 13. Changes to the location of Accessory Buildings and Structures, when the new location will be consistent with the Building envelope identified on the approved plan, and when it would not extend into any required Open Space or required Setback.
 14. Changes required or requested by the Township, County or State for safety reasons.
- E. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are inconsistent with the approved preliminary PUD plan, a revised preliminary PUD site plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the preliminary PUD plan shall be considered major and require resubmission of a new preliminary PUD Plan.

SECTION 12.13 DEVELOPMENT AGREEMENT

- A. After receiving final PUD approval but prior to any site preparation or the issuance of any Building permits, the applicant shall submit a development agreement stating the conditions upon which approval is based, for review and approval by the Township. The agreement, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded with the County Register of Deeds. At a minimum, the agreement shall provide:
1. A certified boundary survey of the acreage comprising the proposed development.

2. The manner of ownership of the developed land and the manner of the ownership and of dedication of Common Areas in addition to a mechanism to protect any designated common open areas.
3. Satisfactory provisions to provide a performance guarantee for the future financing of any Improvements shown on the plan for site Improvements, Open Space areas and Common Areas which are to be included within the development.
4. Provisions to ensure adequate protection of Natural Features.
5. A copy of the approved preliminary PUD site plan signed by the applicant and the Township Supervisor or appointed designee.

SECTION 12.14 PERFORMANCE GUARANTEES

The Township Board may require a performance guarantee in accordance with Section 14.08 to ensure compliance with the approved Planned Unit Development.

SECTION 12.15 APPEALS

PUD decisions granting or denying a proposal or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual Lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve Alterations to Open Space areas as shown on the approved PUD site plan, does not violate any condition of PUD approval, and otherwise meets the applicable review standards applicable to variances in this Ordinance.

CHAPTER 13

ACCESS MANAGEMENT CORRIDOR OVERLAY DISTRICT

SECTION 13.01 PURPOSE

- A. For the purposes of this Ordinance, the Access Management Corridor Overlay District generally applies to the area located within five hundred (500) feet of the centerline, within the Township limits, on the following road segments: M-21, Adams Street, Byron Road, 48th Avenue, 64th Avenue, 96th Avenue and New Holland (herein defined as “corridors”). Front Setbacks for parcels fronting on these corridors shall provide a one hundred twenty-five (125) foot Setback from the center line of the corridor. The required front Setback shall not be cleared of natural vegetation
1. Minor disturbance to the natural vegetation, such as a road or utility crossing, may be permitted by the Planning Commission under the following conditions:
 - a. There is a clear public need for the disturbance that outweighs the effects on the natural vegetation.
 - b. There are no other feasible and prudent alternatives to the disturbance.
 - c. The disturbance is the minimum necessary and is proposed at a location and in a manner that will have the least detrimental effect to the natural vegetation.
 2. Where no substantial natural vegetation exists, the Planning Commission may require the Setback be augmented with natural vegetation. It is not the intent of this Section to promote an overly groomed landscape but rather to promote and retain rural character.
- B. This Zoning District was developed following specific evaluation and planning for these corridors through the Master Plan. The Master Plan recommends that segments of the corridors will be developed for more intense commercial and residential use, while other segments will be developed for mixed uses. Continued development along the corridors will increase traffic volumes and introduce additional conflict points which can erode traffic operations and increase potential for crashes.

SECTION 13.02 INTENT

The intent of this Corridor Overlay Zoning District is to:

- A. Preserve the capacity of roadways by limiting and controlling the number, location and design of access points, and requiring alternate means of access through shared Driveways, service drives, and access off cross Streets in certain locations.
- B. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- C. Improve safety and reduce the potential for crashes.
- D. Avoid the proliferation of unnecessary curb cuts and Driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.
- E. Require coordinated access among adjacent lands where possible.
- F. Require demonstration that resultant parcels are accessible through compliance with the access standards of this Chapter prior to approval of any land divisions to ensure safe accessibility.
- G. Identify additional submittal information and review procedures required for parcels that front along the corridors.
- H. Avoid the need for unnecessary and costly Street reconstruction which disrupts business operations and traffic flow.
- I. Ensure efficient access by emergency vehicles.
- J. Improve safety for pedestrians and other non-motorized travelers by reducing the number and width of access crossings.
- K. Establish uniform standards to ensure fair and equal application of access management standards.
- L. Help ensure a collaborative process between MDOT, Ottawa County Road Commission and the Township on access decisions to implement the recommendations of the Master Plan.

SECTION 13.03 APPLICABILITY

- A. The regulations of this Zoning District apply in addition to, and simultaneously with, the other applicable regulations of the Ordinance.
- B. The standards of this Zoning District shall apply to all special land uses and non-residential development permitted in the underlying Zoning District.
- C. The regulations apply to developments and proposals for multiple Family, Two-Family and single-Family residential subdivisions and site condominiums consisting of more than one Single-Family Dwelling Unit.
- D. No land division or subdivision or site condominium project shall be approved within this district unless it is in compliance with the access and spacing standards of this District.
- E. For Building or Parking Lot expansions, or changes in use, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this Zoning District. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, sight distance limitations, site topography or Natural Features, impacts on internal site circulation, and any recommendations from the Ottawa County Road Commission or MDOT. Required Improvements may include removal or rearrangement or redesign of site access points. Where conflict occurs between the standards of the Township, MDOT and Ottawa County Road Commission, the more restrictive regulations shall apply.
- F. In recognition that specific instances may warrant exception from the access standards that typically apply, this Chapter provides for a certain level of exceptions by the Planning Commission with input from the road agencies when certain conditions exist.

SECTION 13.04 ADDITIONAL SUBMITTAL INFORMATION

In addition to the submittal information required in Section 14.03, the following shall be provided with any application for site plan review. The information listed in items A-D below shall also be required with any request for a land division.

- A. Existing access points within five hundred (500) feet of the Frontage, on both sides of any adjoining Streets, shall be shown on the site plan or on a separate plan sheet.

- B. The applicant shall submit evidence indicating that the sight distance requirements of the Township, MDOT and Ottawa County Road Commission, as applicable, are met. This may require the submittal of road profiles.
- C. Dimensions between proposed and existing drives, intersections, and median crossovers shall be shown.
- D. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted to the Township for approval as part of the final site plan approval. The agreement shall be approved by the Township attorney and recorded with the Ottawa County Register of Deeds prior to the issuance of any Building permit.
- E. The applicant shall provide correspondence that the proposal has been submitted to MDOT or Ottawa County Road Commission for its information. Any correspondence from the MDOT or the County shall be reviewed during the site plan review process.
- F. A Driveway permit shall not be requested from the road agency until a land division or site plan is approved by the Township. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the appropriate road agency.

SECTION 13.05 ACCESS MANAGEMENT STANDARDS

Access points (not including Driveways that serve a Single-Family Dwelling, Two-Family Dwelling, or Public Utility Structures) shall meet the following standards.

- A. In making a determination as to the location of Driveway access, the Planning Commission shall consider:
 - 1. The characteristics of the proposed use;
 - 2. The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent Street system;
 - 3. The location of the property;
 - 4. The size of the property;
 - 5. The orientation of Buildings and Structures on the site;
 - 6. The number and location of Driveways on existing adjacent and opposite properties;

- 7. The location and carrying capacity of intersections;
- 8. The proper geometric design of Driveways;
- 9. The spacing between opposite and adjacent Driveways;
- 10. The internal circulation between Driveways; and
- 11. The speed of the adjacent roadway.

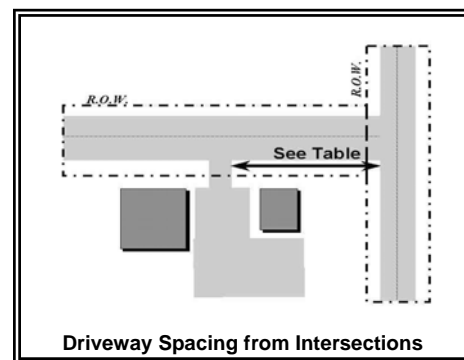
B. Number of Driveways:

- 1. Each Lot shall be permitted one (1) access point. This access point may consist of an individual Driveway, a shared access with an adjacent use, or access via a service drive or Frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this Zoning District.
- 2. An additional Driveway located along a side Street or a shared access with an adjacent site may be permitted by the Planning Commission upon finding the following conditions exist:
 - a. The site has a Frontage of over six hundred sixty (660) feet and the spacing standards between access points listed below are met; and
 - b. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future; or
 - c. A traffic impact study, prepared in accordance with accepted practices as described in this Chapter, indicates the need for a second Driveway.

C. Spacing of Driveways:

Access points shall be spaced from intersections, and measured from pavement edge to pavement.

- 1. Signalized locations: six hundred (600) feet
- 2. Unsignalized locations: three hundred (300) feet

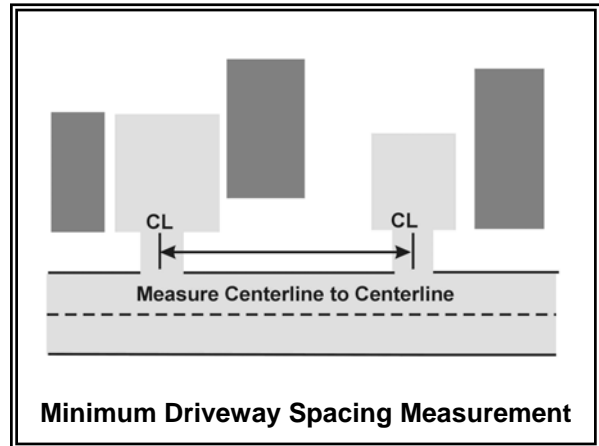


D. Spacing of Adjacent Driveways:

Access points shall provide the following spacing from other access points along the same side of the Public Street (measured from centerline to centerline), based on the posted speed limit along the Public Street segment. The Township may allow adjacent Driveway spacing less than the spacing requirement below if traffic mitigation measures are provided like deceleration or left turn ingress lanes

<u>Posted Speed</u>	<u>Required Spacing</u>
*25 mph	130 ft.
30 mph	185 ft.
35 mph	245 ft.
40 mph	300 ft
45 mph	350 ft.
50 mph	455 ft.
55 mph	455 ft. +

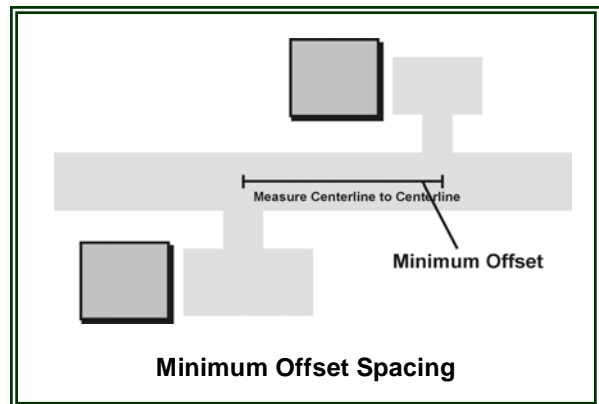
*unless greater spacing is required to meet other standards herein



E. Alignment of Opposite Driveways:

Access points shall be aligned with Driveways on the opposite side of the Street or offset a minimum of two hundred fifty (250) feet, measured centerline to centerline.

The Planning Commission may reduce the Driveway offset to not less than one hundred fifty (150) feet where each of the opposing access point generates less than fifty (50) trips (inbound and outbound) during the peak hour of the Public Street; or where sight distance limitations exist; or where existing development or other reasons do not allow the maximum alignment.



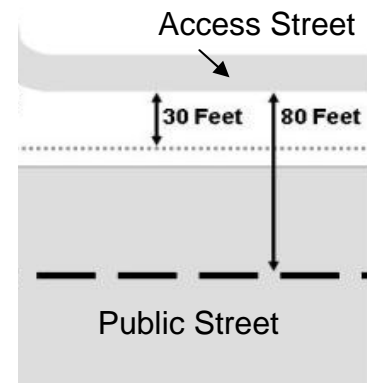
F. Separation Distances from Railroad Crossings and Freeway Entrances:

In addition to all other applicable standards, Driveways and any other access points must be:

1. At least one hundred (100) feet from a railway crossing (measured to the nearest edge of the railway Right-of-Way); and
2. At least three hundred (300) feet from a freeway entrance or exit ramp (measured to the nearest edge of whichever is applicable).

G. Shared Access (shared Driveways, Frontage roads and rear service drives):

1. A joint private access Easement may be required between adjacent Lots in order to minimize the total number of access points along those Streets and to facilitate traffic flow between Lots.
2. A private cross-access Easement may be required in order to minimize the number of access points and facilitate access between and across individual Lots.
3. In cases where a shared access is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future shared drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative shared access becomes available. This may require posting of a performance guarantee.
4. The Planning Commission may require development of Frontage roads, or rear service drives, where such facilities can provide access to signalized locations, where service drives may minimize the number of Driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.



5. Frontage roads or service drives shall be constructed in accordance with the following standards:
 - a. Maintain the following distance requirements (whichever is greater):
 - (1) Minimum of thirty (30) feet from the nearest edge of the service drive to the edge of the Right-of-Way; or
 - (2) Minimum of eighty (80) feet from the nearest edge of the service drive to the centerline of the Public Street.
 - b. Larger access Street Setbacks may be required if the trip generation characteristics of the site warrant greater separation between the Public Street and internal access Street.
6. No Driveway shall interfere with Township and County facilities such as Street light or traffic signal poles, Signs, fire hydrants, cross walks, utility poles, drainage Structures, or other necessary Street Structures.

Driveways may also be adjusted by the Planning Commission to protect significant Natural Features.

H. Geometric Design of Driveway Access:

1. All Driveway geometric design and corner clearance shall meet the requirements of the Township/County/MDOT specifications for Street construction.
2. A right-turn deceleration lane with storage length plus taper may be required. Design of right-turn deceleration lanes shall be in accordance with the Ottawa County Road Commission or MDOT, as the case may be.
3. Additional Right-of-Way may be required where a left-turn-lane should be provided to accommodate the traffic volumes of a given development.
4. Access points on Arterial and Collector Streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any Right-of-Way dedication, design, hardware, or construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with the Township's requirements.

SECTION 13.06 MODIFICATION OF ACCESS STANDARDS

Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission as part of the site plan review process upon a finding that all of the following conditions apply:

- A. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, Wetlands, drain, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
- B. The proposed modification is consistent with State and local guidelines and Township staff supports the proposed access design.
- C. The proposed modification is consistent with the general intent of the standards of this Corridor Overlay Zoning District and the recommendations of the Master Plan.

- D. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve or not compromise traffic operations and safety.
- E. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
- F. Indirect or shared access is not reasonable at this time but provision for potential future connections has been provided.
- G. Such modification shall be demonstrated to be the minimum necessary.

CHAPTER 14

SITE PLAN REVIEW

SECTION 14.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent Streets and highways, and on existing adjacent and future land uses and the natural environment.

SECTION 14.02 SITE PLANS REVIEWED

In accordance with the provisions of this Chapter, a Site Plan Review by the Planning Commission shall be required prior to the establishment of a new use or the erection of a Building in the Zoning Districts under the conditions cited below:

- A. Staff approval: The following uses may be approved by the Zoning Administrator, if all applicable requirements are satisfied:
1. Single-Family Dwellings (except as may be provided in a site condominium or Planned Unit Development).
 2. Agricultural uses.
 3. A change of use that does not result in the change of the Building footprint.
 4. Expansion of existing lawful, conforming uses, outside the MUV Zoning District, which create the need for less than five (5) additional Parking Spaces and which comply with all applicable requirements.
 5. Family Day Care Home and Adult Foster Care Family Home.
 6. Accessory Buildings and uses.
 7. Additions to commercial or industrial uses in the C-1 and I-1 Zoning Districts of under ten thousand (10,000) square feet or twenty-five percent (25%) of the existing Building (whichever is less), except those designated by this Ordinance for Planning Commission review and approval (e.g., a modification to a Special Land Use). The Zoning Administrator shall consult various resources, as appropriate, to assist with the review.

- B. Staff denial: In the event the Zoning Administrator rejects a site plan or a substantial portion of a site plan, the applicant shall have the right to review by the Planning Commission, which shall review the site plan or portion thereof in question, applying the same standards and method of review which is used in all Planning Commission-site plan reviews.
- C. Staff referral: In cases where the Zoning Administrator reasonably determines that a site plan presents problems or issues which should be reviewed for approval or rejection by the Planning Commission, the Zoning Administrator may, with proper notice to the applicant, refer the matter to the Planning Commission for review and action in accordance with the procedures and standards set forth by this Ordinance.
- D. Planning Commission approval: Site plan review and approval by the Planning Commission is required as follows, unless staff approval is allowed pursuant to subsection A above.
1. All uses permitted in the "R-3" Multiple Family Residential Zoning District; the "MUV" Mixed Use Village Zoning District; the "M-H" Manufactured Housing Community Zoning District; the "C-1" General Commercial Zoning District; and the "I-1" Industrial Zoning District.
 2. Special Land Uses in any Zoning District.
 3. Site condominiums in any Zoning District.
 4. Planned Unit Developments.
 5. Grading, Excavation, Filling, soil removal, creation of ponds or tree clearing of over one (1) acre.

SECTION 14.03 SITE PLAN REVIEW REQUIREMENTS

- A. Optional Preliminary Site Plan Review.
1. Twelve (12) copies of a preliminary site plan may be submitted by the applicant for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plan submittal shall include the preliminary site plan information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100').
3. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant in the context of the standards required by this Ordinance. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

B. Final Site Plan Review

1. If submission of a preliminary site plan is not desired by the applicant, or after the applicant has pursued preliminary site plan approval, twelve (12) copies of a final site plan prepared by a professional engineer, architect, or land surveyor shall be submitted for review by an applicant who seeks site plan approval. Final site plans shall be at a scale not less than one (1) inch equals twenty (20) feet (1"=20') for property under three (3) acres and not less than one (1) inch equals one hundred (100) feet (1"=100') for property three (3) acres or more.
2. Applications for final site plan reviews shall include the information as listed within subsection C, below, for both preliminary and final site plan review, unless deemed unnecessary by the Zoning Administrator.

C. Required Site Plan Submission Requirements

Preliminary and Final Site Plan Requirements	
A general location sketch showing at minimum, properties, Streets and use of land within 1/2 mile of the area	
Zoning of surrounding properties	
Legal description of the subject property	
The date, north arrow, and scale	
Name and address of the property owner or petitioner	
Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared	
Existing zoning and use of all properties abutting the subject property	
All Buildings, parking and Driveways within 100 feet of all property lines	
Narrative: Shown on the site plan or submitted	The overall objectives of the proposed development
	Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in Building, Structures, parking, Public Streets and drives, and Open Space

separately, describing in general terms:	Dwelling Unit densities by type, if applicable
	Proposed method of providing sewer and water service, as well as other public and private utilities
	Proposed method of providing storm drainage
Preliminary Site Plan Requirements	
Property lines and approximate dimensions	
Existing adjacent Streets and proposed Streets	
Parking Lots and access points	
Proposed buffer strips or Screening	
Significant Natural Features; and other natural characteristics, including but not limited to Open Space, Wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards	
Any Signs not attached to the Building(s).	
General topographical features at contour intervals no greater than 5 feet	
Existing and proposed uses, Buildings and Structures	
Final Site Plan Requirements	
Seal, name, and firm address of the professional individual responsible for the preparation of the site plan	
Property lines and required Setbacks shown and dimensioned	
Dimensions of all existing and proposed Structures on the subject property including Dwelling Unit densities by type, if applicable	
Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems	
All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, Signs, exterior lighting, curbing, parking areas (including the dimensions of a typical Parking Space and the total number of Parking Spaces to be provided), fire lanes, and unloading areas. For projects on a Collector or Arterial Road, see also Section 13.04	
Existing and proposed topographic contours - minimum 2 foot intervals	
Pavement width and Right-of-Way width of all roads, Streets, and access Easements within 100 feet of the subject property	
Location and size of all surface water drainage facilities	
Snow storage areas	
Location of all solid waste disposal facilities, including recycling, and Screening	
Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials	
All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed Fences and walls	
Recreation areas, common use areas, floodplain areas and areas to be conveyed for public use and purpose	
Exterior lighting showing area of illumination and indicating the type and height of fixture to be used	
Elevation drawings of proposed Buildings	

D. Additional Information

1. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, impacts on significant Natural Features and drainage, soil tests and other pertinent information.
2. The Planning Commission may require a Traffic Impact Assessment or Traffic Impact Study pursuant to Institute for Transportation Engineers standards as part of final site plan review. The level of detail required for either a Traffic Impact Assessment or Traffic Impact Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below.
 - a. Traffic Impact Assessment: A traffic impact assessment shall be required for projects expected to generate either between fifty (50) to ninety-nine (99) direction trips during the peak hour or five hundred (500) to seven hundred fifty (750) directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall include proposed access design and other mitigation measures that will positively affect traffic operations at these points.
 - b. Traffic Impact Study: A traffic impact study shall be required for projects expected to generate either one hundred (100) or more directional trips in the peak hour or over seven hundred fifty (750) trips on an average day. The study shall evaluate pedestrian access, circulation and safety, and current background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The study must also include proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The study must take into account the Master Plan in analyzing future traffic developments.

SECTION 14.04 APPLICATION AND REVIEW

- A. A completed site plan review packet including twelve (12) site plans, a completed application form, the application fee, and escrow deposit (if applicable), shall be submitted to the Zoning Administrator prior to the deadline for the next regular Planning Commission meeting. The Zoning Administrator shall review the packet for completeness. If deemed complete the Zoning Administrator shall put the

request on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Zoning Administrator.

- B. The Planning Commission shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter and the additional applicable Sections of Chapter 15.
- C. Any conditions or modifications required by the Planning Commission shall be recorded in the minutes.
- D. Two (2) copies of the final approved site plan shall be signed and dated by the Planning Commission Chairperson or designee and the applicant. The Township shall keep one (1) of these approved copies on file, and one (1) shall be returned to the applicant or the applicant's designated representative.
- E. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
 - 1. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan. The Planning Commission may require a performance guarantee as part of the extension.
 - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 - 3. If neither of the above provisions are fulfilled, the one (1) year extension of site plan approval shall be null and void and any performance guarantees may be exercised to finalize required Improvements, as permitted by the Zoning Act.

SECTION 14.05 CHANGES IN THE APPROVED SITE PLAN

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of the Ordinance and the intent of the design and will not alter the basic design or any specified conditions

imposed as part of the original approval. A revised site plan shall be submitted which reflects the approved changes. Minor changes shall include the following:

1. For residential Buildings, the square footage may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall Density of units does not increase, the minimum square footage and parking requirements are met, and the Buildings do not extend outside a designated Building envelop, or into any required Open Space or required Setback.
2. Gross Floor Area of non-residential Buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the Building does not extend into any required Open Space or required Setback.
3. Floor plans may be changed if consistent with the character of the use.
4. Relocation of a Building by up to five (5) feet, if consistent with required Setbacks, Open Space and other requirements.
5. Height of Buildings may be lowered.
6. Designated woodlands or areas not to be disturbed may be increased.
7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site.
8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
9. Changes of Building materials to another of higher quality, or a slight change in exterior material, as determined by the Zoning Administrator.
10. Grade change of up to one (1) foot, after review by the Township Engineer.
11. Modification of entry design, Sign placement or reduction in size or number of Signs, which is consistent with the intent of the approved PUD plan.

12. Internal rearrangement of Parking Lots which does not affect the number of Parking Spaces or alter access locations or design.
 13. Changes to the location of Accessory Buildings and Structures, when the new location will be consistent with the Building envelope identified on the approved plan, and when it would not extend into any required Open Space or required Setback.
 14. Changes required or requested by the Township, County or State for safety reasons.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. If the Zoning Administrator determines that a proposed minor change may have a major impact on the neighborhood or area involved, the Zoning Administrator may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

SECTION 14.06 REVIEW STANDARDS

- A. The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.
- B. Site Development Standards
1. The uses proposed will not adversely affect the public health, safety, or welfare.
 2. Uses, Buildings and Structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of Buildings to the site. The site shall be developed so as not to impede the normal and orderly development or Improvement of surrounding property for uses permitted in this Ordinance.
 3. The site plan shall provide reasonable visual and sound privacy for all Dwelling Units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on

adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments.

4. The site shall be developed to create a pleasant, rural-paced atmosphere. Site amenities like Street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
5. All Buildings and groups of Buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
6. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent Streets. Lighting of Buildings or Structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 15.04.
7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or Public Streets, shall be Screened in accordance with the requirements of Section 15.02.
8. Site plans shall conform to all applicable requirements of Township, County, State, and Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted.
9. The general purposes and spirit of this Ordinance and the Master Plan shall be maintained.

C. Vehicular and Pedestrian Standards

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, Streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned Streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township.
3. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number

of Dwelling Units or other land uses within the site, the nature and location of the surrounding Streets, the effect of traffic in the area, nearby topography, and other factors. All Streets and Driveways shall be developed in accordance with the access management standards of Chapter 13, as appropriate.

4. Adequate traffic control shall be provided on-site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary.
5. Sidewalks appropriate for pedestrians or non-motorized vehicles shall be required within the development and between developments but may be deferred with an appropriate performance guarantee.
6. The Planning Commission may require shared Driveways or the consolidation of existing Driveways where appropriate consistent with the requirements of Chapter 13.

D. Environmental and Natural Features Standards

1. Removal or alteration of significant Natural Features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Landmark trees and significant vegetation slated for protection shall be marked on-site to prevent their damage during construction.

For purposes of this subsection, a "landmark tree" is in good health and condition and is of the following size and species. For purposes of the following table, "d.b.h." means diameter breast height, the diameter in inches of a tree measurement at four and one-half (4-1/2) feet above existing Grade.

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>	<u>d.b.h.</u>
All Trees		24"
American Hornbeam	Ostrya Virginiana	8"
Arborvitae	Thyja	18"
Beech (American)	Fagur Grandifolia	18"

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>	<u>d.b.h.</u>
Beech (Blue)	Carpinus Caroliniana	8"
Birch	Betula	18"
Black Walnut	Juglan Nigra	20"
Cedar (Red)	Juniperus Virginiana	12"
Chestnut	Castanea	10"
Crabapple/Hawthorne	Malus/Crataegus	12"
Dogwood (Flowering)	Cornus Florida	8"
Fir	Abies	18"
Ginkgo	Ginkgo	18"
Hemlock	Tsuga	18"
Hickory	Carya	18"
Kentucky Coffeetree	Gymnocladus Dioicus	18"
Larch/Tamarack	Larix	12"
London Plane/Sycamore	Platanus	18"
Maple	Acer	18"
Oak	Quercus	18"
Redbud	Cercis Canadensis	8"
Sassafras	Sassafras Albidum	15"
Serviceberry	Amelan Chier	8"
Spruce	Picea	18"
Sweetgum	Liquid Amber Styraciflua	16"
Tulip Poplar	Liriodendrom Tulipifera	18"
White Pine	Pinus Strobus	18"
Wild Cherry	Prunus	18"
Witch Hazel	Hamamelis Virginiana	8"

3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system.

4. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within Parking Lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.
5. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system.
6. Areas of natural drainage such as swales, Wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
7. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
 - a. Limit land disturbance and grading.
 - b. Maintain vegetated buffers and natural vegetation.
 - c. Minimize impervious surfaces.
 - d. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
 - e. Use infiltration devices.

SECTION 14.07 SITE PLAN APPROVALS

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- B. Conditions imposed shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.

- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- D. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- E. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.
- F. Any site plan review approval may be voided by the Zoning Administrator or Planning Commission if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The voiding of an approved site plan shall be communicated in writing with reasons for revocation to the property owner. The Building Official shall also be notified to withhold permits until a new site plan is approved.

SECTION 14.08 PERFORMANCE GUARANTEES

The Planning Commission and Zoning Administrator may require a performance guarantee in accordance with Section 19.04 to ensure compliance with the approved site plan.

SECTION 14.09 APPEAL

If any person shall be aggrieved by the action of the Zoning Administrator or Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Section 18.03, within fourteen (14) days after the date of the action. The Zoning Board of Appeals shall fix a time and place for a public hearing at which all interested parties shall be afforded the opportunity to be heard. The public hearing shall be publicized in the manner required by the Zoning Act. After the hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Zoning Administrator or Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

CHAPTER 15

SITE DEVELOPMENT REQUIREMENTS

SECTION 15.01 GENERAL PARKING REQUIREMENTS

A. Parking - General

1. Minimum required off-Street Parking Spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with the Ordinance.
2. Off-Street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing Building or use, shall not be reduced to an amount less than required for a similar new Building or new use.
3. Parking and pavement (other than access drives) shall not be located within the required front Setback. A ten (10) foot strip of the Required Side and Rear Yard Setbacks shall be maintained as a Buffer Zone unless otherwise provided for in this Ordinance.
4. The Planning Commission may defer construction of the required number of Parking Spaces if the following conditions are met:
 - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of Parking Spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - b. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, but in any event the Alterations shall be subject to the requirements of this Ordinance.
 - c. All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.
5. Maximum Parking Requirement
 - a. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no Parking Lot shall have Parking Spaces totaling more than an amount equal to ten percent (10%) greater than the minimum

Parking Space requirements, as determined by the Parking Requirements as noted in each Zoning District, except as may be approved by the Planning Commission.

- b. The Planning Commission, upon application, may grant additional spaces beyond those permitted in subsection a, above. In granting additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant.

6. Shared Parking Areas

- a. The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-Street parking facility where the operating hours of the uses do not significantly overlap.
- b. Required parking shall be calculated from the use that requires the greatest number of spaces.
- c. Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.

B. Off-Street Parking Lot Construction and Design Requirements

1. Parking Spaces shall be a minimum of nine (9) feet by eighteen (18) feet.
2. All spaces shall be provided adequate access by means of maneuvering aisles.
3. Backing directly onto a Street shall be prohibited.
4. The outdoor storage of merchandise; motor vehicles for sale; trucks or equipment; wrecked, Junked or unlicensed vehicles; and the repair of vehicles in areas designated for parking, including the maneuvering lane, are prohibited.
5. Parking Lot Access

- a. Adequate ingress and egress to and from the Parking Lot by means of clearly limited and defined drives shall be provided for all vehicles (see also Chapter 13 for access management standards for Collector and Arterial Streets).
 - b. Ingress and egress to and from a Parking Lot located in a Non-residential District shall not be across land zoned in the Residential District or land used for residential purposes.
 - c. Access drives and maneuvering lanes shall be a minimum of twelve (12) feet in width for one-way traffic and twenty four (24) feet in width for two-way traffic.
6. Construction Requirements
- a. The entire parking area, including Parking Spaces and maneuvering lanes, shall be provided with asphalt or concrete surfacing in accordance with approved specifications.
 - b. Surfacing of the parking area shall be completed prior to occupancy unless seasonal restrictions apply in which case a performance guarantee which ensures that paving occurs by a specified time the following season shall be required.
 - c. Off-Street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward Buildings. Sunken landscape islands and rain gardens are preferred as a means to avoid large detention basins.
 - d. All Parking Spaces shall be striped with paint or other approved material, at least four (4) inches in width. The striping shall be maintained and clearly visible.
 - e. Bumper stops or curbing, sufficient to keep vehicles from encroaching on property lines, landscaping areas or sidewalks shall be provided. The curbing or bumper stops shall be at least four (4) feet from the edge of a property line or sidewalk. Bumper stops shall be secured to prevent their movement.
 - f. The off-Street parking area shall be provided with lighting, landscaping and Screening as required in this Chapter.

7. Snow Storage

- a. For Parking Lots having more than one hundred (100) spaces, where the Planning Commission determines that snow removal and storage may pose a problem to traffic circulation or reduce the amount of required parking, the site plan shall designate snow storage areas.
- b. Storage areas may be provided only within a side or rear Yard, and shall not be permitted to hinder the vision of drivers or pedestrians within the Parking Lot.
- c. The snow storage area shall be equal to at least ten percent (10%) of the size of the planned Parking Lot. The area used for calculation of snow storage shall not include deferred parking areas, until such time as the deferred parking area is converted to parking.
- d. Snow shall be removed as necessary to maintain the number of required Parking Spaces.

C. Off-Street Parking Requirements

1. Parking Space requirements for specific uses are found in the respective Zoning Districts.
2. When units or measurements determining the number of required Parking Spaces or Loading Spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) Parking Space.
3. For those uses not specifically mentioned, the requirements for off-Street parking facilities shall be in accord with a use that is similar in type. If there is no requirement that is reasonably applicable to the use, the Zoning Administrator shall determine the number of Parking Spaces that must be provided.

D. Stacking Spaces

1. Certain uses are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This subsection addresses these individual uses and outlines requirements for Stacking Spaces.
2. Each Stacking Space shall be shown on a site plan.

3. Each Stacking Space shall have a minimum dimension shown of twenty-two (22) feet in length by nine (9) feet in width. The lane containing the Stacking Spaces shall be separate and distinct from other access drives and maneuvering lanes for Parking Spaces.
4. The location of Stacking Spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
5. Regardless of the number of Stacking Spaces required or provided, in no instance shall the operator permit vehicles to stack up out into any adjacent Street.
6. The following minimum Stacking Spaces shall be provided for the uses noted:

Use	Required Stacking Spaces
ATM stations	4 spaces per ATM
Vehicle Service Station	2 spaces per service bay
Vehicle Wash Establishment	1 space for self-serve washes and 10 spaces for automated washes
Bank Drive-Through windows	4 spaces per service lane
Nurseries/Day Care Facility	5 spaces
Restaurants with Drive-Through facilities	10 spaces per ordering station

SECTION 15.02 LOADING REQUIREMENTS

- A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every Building, Structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise.
- B. Loading, unloading or parking of delivery vehicles and trailers in a Non-residential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours.
- C. At least one (1) Loading Space per commercial or service establishment shall be provided in the C-1 District, in addition to any required off-Street parking area, unless the Planning Commission concludes a particular use does not require a Loading Space. Required spaces shall be provided in the rear Yard. The Planning Commission may permit the side Yard to be used for Loading Spaces, provided adequate Screening is provided.

- D. All Loading Spaces in the I-1 District shall be at least ten (10) feet by fifty (50) feet, or other dimensions totaling at least five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder. Spaces shall be provided as follows:

Gross Floor Area (sq. ft.)	Loading and Unloading Spaces Required
0 – 1,400	None
1,401 – 20,000	1 space
20,001 – 100,000	1 space <u>plus</u> 1 for each 20,000 sq. ft. UFA over 20,001 sq. ft. UFA
100,001 and over	5 spaces <u>plus</u> 1 for each 40,000 sq. ft. UFA over 100,001 sq. ft. UFA

SECTION 15.03 SIGNS

- A. Signs not explicitly permitted are prohibited. A permit shall be obtained for the erection, construction, alteration and/or replacement of any Sign; except as otherwise provided in this Ordinance. All regulated Signs shall be subject to the approval of the Zoning Administrator as to their conformance with the requirements of this Ordinance. As part of the zoning compliance permit, the applicant shall provide the following:
1. Total display area of the Sign in square feet;
 2. Proposed Setback of the Sign from the Street Right-of-Way, drives and adjacent properties;
 3. Sign type, purpose and height, and ground clearance if applicable;
 4. Height and width of Building if the Sign is a Wall Sign or wall projecting type;
 5. Site area and Frontage;
 6. Site and Building photos.
- B. The following Signs are prohibited in all Zoning Districts:
1. A Sign resembling the flashing lights customarily used in traffic signals; or flashing lights resembling police, fire, ambulance, or rescue vehicles or flashing lights resembling traffic Directional Signs or devices.

2. A Sign using the words, "Stop," "Danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.
 3. Signs on parked vehicles where the Sign is the primary use of the vehicle.
 4. Signs greater than two (2) square feet that are affixed to trees, shrubs or similar Natural Features.
 5. Signs affixed to Fences or utility poles or structural elements not capable of supporting such Signs.
 6. Any Sign which obstructs the ingress or egress from a required door, window, or other required exit.
 7. Banners used as permanent Signs.
 8. Temporary Signs and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
 9. Signs placed within the Street Right-of-Way.
 10. Scrolling or flashing electronic message boards.
 11. Signs with moving or revolving parts.
- C. All Signs and Sign Structures shall conform to all applicable codes adopted or enforced by the Township. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frames, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All Signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- D. Signs Erected in the Township shall not obstruct the clear view of traffic. If the location or design of a Sign may result in a conflict with pedestrian or vehicular movement or circulation, the Township may require a clearance of up to ten (10) feet from the finished Grade level or curb elevation to the lowest part of such Sign or a front Setback of up to ten (10) feet.
- E. If a Sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that Sign shall be considered abandoned and the Sign faces shall be removed and replaced with blank faces within sixty (60) days after written notification from the Township to the Sign

owner, owner of the property where the Sign is located, or other party having control over the Sign.

- F. Non-conforming but previously conforming Signs in use on the effective date of this Ordinance shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the Sign. Extensive repairs constituting rebuilding must meet the requirement of the pertinent Zoning District.

SECTION 15.04 LIGHTING

The following lighting standards shall apply to all uses requiring site plan review:

- A. Off-Street Parking Lots shall be adequately lit to ensure security and safety.
- B. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to Buildings or other Structures that permit light to be directed horizontally.
- C. Lighting shall illuminate only the Parking Lot or other areas approved for illumination by the Planning Commission.
- D. Site lighting fixtures shall be limited to thirty (30) feet in height. In the Mixed Use District, the Planning Commission may require only Building fixtures.
- E. Canopy lighting shall be mounted flush with the Canopy surface.
- F. No light fixture shall protrude below the underside (fascia) of any Canopy.

SECTION 15.05 LANDSCAPING REQUIREMENTS

- A. Description and Intent: The intent of these regulations is to provide specific landscaping requirements that achieve the following:
 - 1. Conserve the value of land and Buildings.
 - 2. Integrate various elements of a site to attain and maintain attractive properties.
 - 3. Blend harmonious land uses, buffer incompatible land uses, and define outdoor and architectural spaces.
 - 4. Control soil erosion by slowing or constraining the effects of wind or water.

5. Minimize the transmission from one land use to another of Nuisances associated with noise, dust and glare.
 6. Distinguish and separate vehicular and pedestrian traffic systems.
 7. Minimize visual pollution; minimal Screening provides an impression of separation of spaces, and more extensive Screening can entirely shield the visual effects of an intense land use from a less intense land use.
 8. Establish a greater sense of privacy from visual or physical intrusion of intense land uses; the degree of privacy shall vary with the intensity of the Screening.
 9. Safeguard the public health, safety and welfare, and preserve the aesthetic qualities and enhance Township character.
- B. The landscape requirements of this Section are considered the minimum necessary to achieve the intent noted above. In several instances, the standards or requirements are intentionally flexible to encourage adaptability to specific circumstances and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.
- C. General Requirements:
1. For all uses requiring site plan review a landscape/Screening plan shall be submitted to the Township for review and approval. The plan shall contain the following:
 - a. All applicable information listed in Chapter 14.
 - b. All applicable information listed in this Section pertaining to plant materials.
 - c. The location, general size, and type of existing vegetation to be retained.
 - d. A planting schedule and plan providing the following information:
 - (1) The botanical and common name of each plant used.
 - (2) The size of each plant to be used at the time of planting.
 - (3) The quantity of each plant to be used.

- (4) Whether plants to be used are balled and burlapped, container grown or bare root.
 - (5) The spacing and location of all proposed trees, shrubs and ground cover.
 - (6) The percentage of landscaped area to be provided on-site.
2. Required plant materials shall be of the following sizes at the time of planting:

Minimum Plant Material Size			
Plant Type	Minimum Caliper¹	Minimum Height	Minimum Spread
Large Deciduous Trees	2 inches	4 feet to first branch	--
Medium Deciduous Trees	2 inches	4 feet to first branch	--
Small Deciduous Trees	2 inches	4 feet	--
Evergreen Trees	--	5 feet	--
Narrow Evergreen Trees	--	3 feet	--
Large Deciduous Shrubs	--	2 feet	15 inches
Hedges ²	--	4 feet	--

Footnotes: ¹Measured 12 inches above Grade
²Hedges shall be planted and maintained so as to form a continuous, unbroken, visual Screen within 2 years after planting

3. Trees Not Permitted: For the purposes of this Section, the following trees shall not be permitted because they split easily, their wood is brittle and breaks easily, their roots clog drains, or they are unusually susceptible to disease or insect pests. The Zoning Administrator, however, may allow trees from this list when associated with an appropriate ecosystem, such as a Wetland area:
- a. Ash
 - b. Box elder
 - c. Silver maples
 - d. Elms
 - e. Poplars

- f. Ailanthus (Tree of Heaven)
 - g. Willows
 - h. Eastern Red Cedar
 - i. European Barberry
 - j. Northern Catalpa
4. **Mixing of Species:** The overall landscape plan shall not contain more than thirty-three percent (33%) of any single plant species. The use of trees native to the area and West Michigan, and mixture of trees from the same species association, is encouraged.
5. **Plant material spacing:** At planting, materials shall be spaced so as to ensure their survival over the length of their growing period.
6. **Installation**
- a. Whenever a landscape planting Screen or other plantings are required under this Section, it shall be installed according to accepted planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen.
 - b. The Planning Commission may require that landscaped areas be irrigated.
 - c. All required plantings shall be installed within six (6) months of their approval by the Township.
 - d. Plant material shall be installed so that at maturity, it does not obscure traffic Signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties.
 - e. Landscaped areas shall be covered by grass or other living ground cover.
 - f. In areas outside the Access Management Overlay District trees and shrubs shall be Setback a minimum of ten (10) feet from the edge of a Street and five (5) feet from a vehicular access or pathway.

- g. In the Access Management Overlay District trees and shrubs shall be Setback a minimum of forty (40) feet from the edge of a Street and five (5) feet from a vehicular access or pathway.

7. Maintenance

- a. Maintenance of plantings shall be done with regularity to ensure a healthy and neat appearance.
- b. Required landscaping (including buffer strips, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance free of disease and insect infestations as well as clear of weeds and debris.
- c. All unhealthy and dead plant material shall be replaced in the earliest appropriate planting period.
- d. The landscape plan shall indicate all individuals or businesses that will be responsible for continued maintenance of the landscaping, including a method of contacting them.

8. Existing vegetation

- a. Where healthy plant material exists on a site prior to its development or redevelopment variations from the landscape requirements may be approved to allow credit for the existing plant material if the adjustment is keeping with the intent of this Section.
- b. All existing live trees in excess of twelve (12) inches in diameter at four and one half (4 ½) feet above the ground shall be preserved as much as practical.
- c. Should any tree required by this Ordinance to be preserved die, it shall be the responsibility of the owner/developer to replace the dead tree on a caliper-per -caliper basis (e.g., if a tree with twenty-four [24] inches in diameter at four and one-half [4-1/2] feet above the ground is destroyed, it shall be replaced with six [6] trees four [4] inches in diameter, or four [4] trees six [6] inches in diameter, etc.).
- d. A means of protecting site trees against injury during construction or injury from mowing equipment and vehicles shall be provided.

D. Landscape Buffer Zones

- 1. Where landscape Buffer Zones are required:

- a. A landscaped Buffer Zone ten (10) feet wide measured from the property line and planted with evergreens or shrubbery which maintains its Density and Screening effect throughout the calendar year shall be provided.
 - b. Additional Screening may be required by the Planning Commission, including additional Buffer Zone width, a wall, Berm and/or fencing to prevent the creation of any Nuisance, avoid annoyance by artificial lighting or incompatible activity.
2. Landscaping may be required to serve as windbreaks.
 3. Berms and swales shall be constructed with slopes not to exceed a one (1) foot vertical to three (3) feet horizontal gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet in height and shall be a minimum of three (3) feet in width at the highest point of the Berm.

E. Parking Lot Landscaping

1. All off-Street parking areas shall provide the following landscaping within the Parking Lot (in aboveground or sunken landscape islands, bump-outs near the perimeter of the Parking Lot, as boulevards, etc.):
 - a. One (1) deciduous Canopy Tree shall be required for each five (5) Parking Spaces, provided that in no case shall less than two (2) trees be provided.
 - b. Three (3) under story shrubs shall be required for each five (5) Parking Spaces.
 - c. Parking Lot islands shall be at least one hundred (100) square feet in area, ten (10) feet in width and two (2) feet shorter than adjacent Parking Spaces. Sunken landscape islands with rolled curb and/or curbing with drainage gaps are encouraged to help manage stormwater runoff.
2. When off-Street parking and loading of a non-residential use abuts a Residential District or use, the Parking Lot and loading area shall be Screened from the Residential District or use by a solid, ornamental Fence or masonry wall at least six (6) feet high. In lieu of a Fence or wall, the Planning Commission may permit a sculpted Berm and landscaping of a minimum of one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary.

F. Site Landscaping

1. Perimeter plantings shall be provided a rate of two (2) deciduous Canopy, ornamental, or evergreen trees for every ten (10) feet of Street Frontage; ten (10) shrubs per fifty (50) linear feet of property Frontage; and twenty (20) perennials per fifty (50) linear feet of property Frontage. Plant materials shall be creatively and functionally dispersed around the perimeter of the property. Clustering and staggering of materials is recommended to maintain the rural character of the Township.
2. The Required Front, Side and Rear Setbacks shall be landscaped to:
 - a. Define cross-connections between properties for both pedestrian and vehicles;
 - b. Define internal access ways for vehicles and pedestrians;
 - c. Provide shade and lawn areas for outdoor activities;
 - d. Provide appropriate outdoor amenities including seating, trash receptacles, etc., depending on the nature of the land use;
 - e. Serve as windbreaks where warranted;
 - f. Break up long expanses of Building without windows.
3. Curbing may be required to prevent the encroachment of vehicles on landscaped areas.

G. Detention and Retention Ponds:

1. Plantings shall be provided a rate of one (1) deciduous Canopy or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank.
2. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a natural formed (i.e., "free form") depression and shall be part of the natural landscape and Open Space system of the site.
3. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.

H. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

1. For utility Buildings, stations, and/or substations, Screening shall be provided consisting of a six (6) foot high wall, Berm or Fence, except when all equipment is contained within a Building or Structure which is comparable in appearance to residential Buildings in the surrounding area.
2. Any trash receptacle or trash storage area shall be contained within an enclosure constructed of masonry material and sturdy obscuring wood gates. The enclosure must be at least six (6) feet in height, or the minimum height of the trash collection or storage receptacle, and the location of the trash receptacle or storage area shall be approved by the Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission.
3. When located outside of a Building, support equipment including air conditioning and heating devices, and water and gas meters, but not including plumbing or exhaust vents or chimneys, is to be Screened to the height of the particular piece of equipment.
4. Outdoor open storage of any equipment, vehicles and materials, shall be Screened from public Right-of-Way and Residential Districts or uses. Such storage shall not be located in the required front Setback. Commercial uses do not need to Screen from one another and industrial uses do not have to Screen from one another.

SECTION 15.06 CHANGE OF LAND USE

Change of use of an existing Building: When a commercial, industrial or office Building has a change of use which does not require site plan review because there is no change in a Building footprint or the increase in the parking requires less than five (5) spaces, the new use shall comply with the following:

- A. The previously approved site plan, should one exist.
- B. All maintenance-related standards of this Ordinance.
- C. Screening and landscaping requirements of this Ordinance.

CHAPTER 16 SPECIAL LAND USES

SECTION 16.01 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a Zoning District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations. The purpose of this Chapter is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of this Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the Special Land Use under consideration.

SECTION 16.02 APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator. The Zoning Administrator will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
 2. An application for a Special Land Use approval shall consist of the following:
 - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 14.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the Zoning Administrator.
 - d. A legal description of the entire property that is the subject of the Special Land Use.

- e. A statement with regard to compliance with the criteria required for approval in Section 16.03.A.1-5, and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
- f. Other materials as may be required by the Planning Commission.

B. Public Hearing

1. Upon receipt of an application for a Special Land Use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application.
2. Notice for the public hearing shall be given as required by the Zoning Act.
3. The application for a special land use permit shall be submitted at least thirty (30) days prior to the next regular Planning Commission meeting.
4. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a Building permit. When the conditions of approval require a revised site plan, it must be submitted and approved prior to the acceptance of a Building permit application.
5. If denied by the Planning Commission, the reasons for such denial shall be stated in the minutes of the Planning Commission meeting and the applicant shall be provided a copy or a written explanation. The applicant may appeal the decision to the Zoning Board of Appeals, which must restrict its review to the Planning Commission record and use the same criteria as the Planning Commission as a basis for determination under this Section.

SECTION 16.03 BASIS OF DETERMINATION

Prior to approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 2. The Special Land Use shall not change the essential character of the surrounding area.
 3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
 4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
 5. The Special Land Use shall be in general agreement with the Master Plan.
 6. The Special Land Use shall comply with all site plan review standards.
- B. The Planning Commission may impose conditions with the approval of a Special Land Use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.
- C. The Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the Special Land Use complies with the conditions of approval.
- D. If, after the establishment, the Special Land Use is found in noncompliance with the approval granted by the Planning Commission, the noncompliance shall be corrected in sixty (60) days or less to eliminate any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, or such shorter period as the Township determines in its discretion, the provisions of Section 16.05 shall be initiated.

SECTION 16.04 APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded by the applicant (or by the Township at the applicant's expense) with the Ottawa County Register of Deeds within ninety (90) days of approval and prior to the issuance of a zoning or Building Code permit.

- B. A Special Land Use approval shall be valid for two (2) years from the date of approval, and the Planning Commission may grant up to a one (1) year extension, unless approval is revoked as provided in Section 16.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.
- C. If, by the end of the one (1) year extension, or at the end of two (2) years if no extension is granted, one of the following exists, the Special Land Use shall be deemed expired and no longer valid, and any zoning or Building Code permit issued shall be revoked:
1. The Special Land Use has not been initiated;
 2. Construction necessary for the Special Land Use has not been initiated; or
 3. Construction has been initiated but is not proceeding meaningfully toward completion.
- D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

SECTION 16.05 REVOCATION OF SPECIAL LAND USE APPROVAL

The Planning Commission may revoke any Special Land Use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 16.02.B.

SECTION 16.06 SPECIFIC SPECIAL LAND USE STANDARDS

The following Special Land Uses shall be subject to the requirements of the District in which they are located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. Special Land Uses not listed below shall be subject to the general standards of Section 16.03 of this Ordinance. The following uses have such conditions, standards, or regulations:

- A. Agricultural Service Establishments
- B. Airports
- C. Amusement parks, fairgrounds and flea markets
- D. Banquet hall, catering establishment
- E. Bed and Breakfast Establishments

- F. Billboards
- G. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities
- H. Campgrounds, public or private
- I. Cemeteries
- J. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources
- K. Commercial Kennels
- L. Commercial Mini-Storage
- M. Concrete and asphalt plants
- N. Contractor's offices and storage area
- O. Drive-Through facility other than a restaurant
- P. Drive-Through restaurants
- Q. Elderly Housing
- R. Equine boarding stable and training facility
- S. Farm Market
- T. Four unit Multiple Family Dwelling (general standard MUV)
- U. Fraternal or social Club
- V. Funeral homes and mortuary establishments
- W. Golf course or country Club
- X. Group Day Care Home and Commercial Day Care Facility
- Y. Home Based Business
- Z. Hotels and Motels
- AA. Libraries, museums, community centers, and similar uses that are owned and operated by a governmental agency or a noncommercial organization
- BB. Moving Buildings or Structures to a Lot in the Township
- CC. Municipal and public service activities
- DD. Nursing or convalescent homes
- EE. Open Air Businesses
- FF. Outdoor recreation development
- GG. Place of Religious Worship/Church
- HH. Raising of fur-bearing animals or game birds
- II. Retail sales of goods associated with manufacturing where such sale is clearly incidental and accessory to the primary use not exceeding 5,000 square feet in customer sales area (general standard I-1)
- JJ. Schools, elementary, middle and high school (public, private and parochial)
- KK. Sexually Oriented Businesses
- LL. Shooting, rifle and handgun ranges
- MM. State Licensed Residential Facilities - small group homes
- NN. Truck and freight terminals
- OO. Two Story Two-Family Dwellings (general standard MUV)
- PP. Vehicle Repair shops
- QQ. Vehicle Service Stations
- RR. Vehicle Wash Establishments, either self-serve or automatic
- SS. Veterinary Clinics and Hospitals
- TT. Waste disposal for solid waste, including sanitary landfills

- UU. Water supply and treatment facilities
- VV. Wind Energy Conversion Systems (WECS)
- WW. Wireless Communications Towers over 75 feet

A. Agricultural service establishments

1. Uses shall include, but are not limited to, grain elevators for storage, drying and sales; bulk feed and fertilizer outlets and distribution centers; seed dealership outlets and distribution centers; crop truck and cartage facilities; agricultural products, production and processing operations; and auctions for Livestock.
2. Minimum Lot size shall be five (5) acres.
3. Minimum Frontage shall be three hundred (300) feet.
4. Trucking, outside storage, loading and dock areas shall be Fenced and Screened, pursuant to the buffering landscaping requirements of Section 15.05(D).
5. No storage or loading activities shall be permitted within one hundred (100) feet of any Lot Line.
6. All Buildings shall be set back a minimum of seventy five (75) feet from any Lot Line.
7. All agricultural service activities shall be located at least three hundred (300) feet from any Residential District and one hundred (100) feet from the property line of an abutting residential use.
8. The Lot shall be located so at least one (1) side abuts an Arterial or Collector Road and all access shall be from that Street.
9. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed Chapter 13.

B. Airports

1. The minimum Lot size shall be twenty (20) acres.
2. All Buildings and Structures directly associated with the use shall be set back a minimum of one hundred (100) feet from all property lines.
3. The airport shall not be located within five hundred (500) feet of any school, Church, or other public meeting place.

C. Amusement parks, fairgrounds and flea markets

1. The minimum Lot size shall be twenty (20) acres.
2. The Lot shall be located so at least one (1) side abuts a paved Arterial or Collector Road and all access shall be from that Street.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
4. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
5. All main and Accessory Buildings shall maintain a separation of at least two hundred (200) feet from any residential Dwelling located on an adjacent property.
6. Maximum Building coverage shall be twenty-five percent (25%).
7. Any amusement enterprises located within five hundred (500) feet of any adjacent Dwelling shall not be open later than 10:00 p.m.
8. The Planning Commission may require the entire premises to be surrounded by a six (6) foot Fence at or near the property lines.
9. No entrances or exits shall be from a gravel or residential Street.
10. A landscaped area of at least twenty-five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Section 15.05 (D) shall be provided adjacent to Residential Districts.

D. Banquet hall, catering establishment

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Ottawa County Health Department.
2. The establishment shall be located on property with direct access to an Arterial or Collector Road.
3. Where the site abuts a Residential District, Screening shall be provided along that property line. Grass, plant materials, and sight obscuring Fences or walls, of a type approved by the Planning Commission, shall be

placed within the Buffer Zone. The Planning Commission shall use Section 15.05(D) when determining Screening is needed.

4. The design is to be of a residential character and exterior materials are to be primarily wood or brick.
5. All Parking Lots and access drives shall be paved.
6. Parking shall be located to minimize negative impacts on adjacent properties.
7. Driveways and Parking Lots shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.

E. Bed and breakfast establishments

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Ottawa County Health Department.
2. The establishment shall be located on property with direct access to a Public Street.
3. A Bed and Breakfast Establishment shall not be permitted on any property where there exists more than one (1) other Bed and Breakfast Establishment within six hundred sixty (660) feet, measured between the closest property lines.
4. Such uses shall only be established in a Single-Family Dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet of Lot Area, or fraction thereof, in excess of one (1) acre of Lot Area, not to exceed a maximum of nine (9) guest rooms in any case.
7. Exterior refuse storage facilities beyond what is normally expected for a Single-Family Dwelling shall not be located in any front Yard and shall be properly Fenced in or Screened from view on three sides.
8. Signs for Bed and Breakfast Establishments shall be limited to one (1) Ground Sign, or one (1) Wall Sign. A Ground Sign shall not exceed sixteen (16) square feet in size, or six (6) feet in height, and must be set

back at least five (5) feet from all property lines. A Wall Sign shall not exceed five percent (5%) of the wall area to which it is attached. Neither Sign may be illuminated.

9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a Bed and Breakfast Establishment shall be made available only to overnight guests of the establishment, including but not limited to gift shops, restaurants, bakeries, and facilities for weddings or special events.
11. Meals shall be served only to the operator's Family, employees, and overnight guests.
12. Interior design of the establishment must adhere to typical residential characteristics so that the Dwelling Unit retains its inherent single-Family character.
13. All guest rooms must have interior access to Common Areas (e.g., dining sitting, restrooms, etc.)

F. Billboards

1. Billboard supports shall be at least three hundred (300) feet from any Residential District or use and shall be spaced at least one thousand (1,000) feet from another Billboard. Such distance shall not be measured from across a Street. Billboards shall be at least two hundred (200) feet from any intersection.
2. Nothing of a sexually explicit nature shall be presented on any Billboard in the Township.
3. The top of the Billboard shall not exceed twenty (20) feet above the average Grade on a vacant Lot and thirty-five (35) feet above the average Grade on a Lot with a Main Building. Average Grade shall be determined by the ground on which the Billboard sits or the Grade of the abutting roadway, whichever is higher.
4. Billboards regulated by this Ordinance shall not be illuminated because of their potential to: bleed light, cast glare in the public Right-of-Way, distracting drivers; take attention from on-premise businesses; or shine into adjacent residential areas.
5. Sign area shall be limited to two hundred (200) square feet.

6. The leading edge of the Sign face shall comply with Setback requirements of the Zoning District.
7. Billboards are permitted only on Chicago Drive.

G. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities

1. Minimum Lot size shall be five (5) acres.
2. The Lot shall be located so that at least one (1) side abuts an Arterial or Collector Road and all access shall be from that Street.
3. No storage shall take place closer than two hundred (200) feet from any property line, or five hundred (500) feet from any Residential District, or a greater distance if required by applicable State or Federal regulations.
4. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, Federal or State requirements may be imposed.
5. Outdoor storage of empty tanks for sale or lease to the public shall be permitted only in the I-1 District.
6. The site shall be designed to permit easy access by emergency vehicles.
7. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.

H. Campgrounds, public or private

1. Campsites shall not be located within one hundred (100) feet of any property line.
2. Minimum Lot Area shall be ten (10) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - a. All commercial uses allowed shall occupy no more than two thousand (2,000) square feet.
 - b. No merchandise for display, sale or lease shall be located in any manner outside the Main Building, except for those specific items

approved by the Planning Commission.

- c. All commercial uses shall be located at least two hundred (200) feet from any property line.
4. Each campsite shall have a minimum area of one thousand five hundred (1,500) square feet.
5. Common Area shall be provided at the ratio of one thousand (1,000) square feet for each campsite.
6. Driveways and Parking Lots shall be at least fifty (50) feet from any adjacent property line.

I. Cemeteries

1. Minimum Lot Area shall be five (5) acres and there shall be a minimum Frontage of two hundred (200) feet.
2. The use shall be located on property with direct access to a Public Street.
3. Gravesites shall be located a minimum of fifty (50) feet from the property line of any Residential District or use.
4. Buildings, including Buildings for storage of equipment, shall be located one hundred (100) feet from the property line of any abutting Residential District or use.
5. Driveways and Parking Lots shall be at least fifty (50) feet from any adjacent property line.

J. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources

1. In addition to the information required for site plan review, the application for commercial extraction and processing of soil, sand, gravel, or other mineral resources, shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Twelve (12) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
 - (1) A north arrow, scale, and date;

- (2) Shading indicating the extent of land area on which mineral removal operations and activities will take place;
 - (3) The location, width, and Grade of all Easements or rights-of-way on or abutting the lands;
 - (4) The location and nature of all Structures and Buildings on the lands;
 - (5) The location and direction of all water courses and Flood control channels that may be affected by the mineral removal operations;
 - (6) Existing elevations of the lands at intervals of not more than five (5) feet;
 - (7) Typical cross sections showing the estimated extent of overburden and estimated extent of mineral material location in or on the lands, and showing the water table;
 - (8) Mineral processing and storage areas (including crushing area, washing area, asphalt plants, etc.);
 - (9) Proposed fencing, gates, Parking Lots, and Signs;
 - (10) Streets for ingress to, and egress from the lands, including on-site Streets, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - (11) A map showing access routes between the subject lands and the nearest Arterial or Collector Road;
 - (12) Areas to be used for ponding; and
 - (13) Proposed method of managing overburden (e.g., seeding, grading, erosion and sedimentation control, etc.).
- c. A narrative description and explanation of the proposed extraction operations and activities, including:
- (1) The date of commencement.
 - (2) Proposed hours and days of operation.

- (3) Estimate of type and quantity of mineral materials to be removed.
 - (4) Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof.
 - (5) A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
 - (6) Description of size of trucks and daily volume of traffic entering and leaving the site, and on-site circulation pattern.
- d. A site rehabilitation plan including the following:
- (1) A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment.
 - (2) A phasing plan, if the Excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.
 - (3) A plan showing:
 - i. Final Grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet;
 - ii. Water courses, ponds, or lakes, if any;
 - iii. Landscaping and plantings;
 - iv. Areas of cut and Fill; and
 - v. All of the components of the proposed end-use(s);
 - (4) A description of the proposed methods or features that will ensure that the end-use is feasible, and can comply with all applicable requirements of this Ordinance.
2. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:

- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
 - b. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
 - c. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - d. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - e. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, Screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
3. No machinery shall be Erected or maintained within one hundred (100) feet of any exterior property line. No cut or Excavation shall be made closer than fifty (50) feet to any Street Right-of-Way line or property line in order to ensure subterranean support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of Excavation where the site is located within two hundred (200) feet of any Residential District or use.
 4. No business or industrial Buildings of a permanent nature shall be Erected, except when such Building is a permitted use within the district in which the Excavation pit is located.
 5. The Planning Commission shall request that the Ottawa County Road Commission recommend routes for truck movement to and from the site in order to minimize the wear on Public Streets, and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the Public Street.
 6. Proper measures shall be taken to minimize the Nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.

7. Mineral resource extraction operations shall not operate prior to 7:00 a.m. or after 7:00 p.m., Monday through Friday. Saturday operations shall not operate prior to 8:00 a.m. or after 3:00 p.m. Operations shall not operate any time on Sundays or holidays.
8. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
9. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each three (3) feet of horizontal distance, after the cessation of daily operations. However, the Planning Commission may permit some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire Fence, or Fence of equally substantial material. Such Fence shall be at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each three (3) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
10. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed control, erosion and sedimentation control, fencing and visual Screening including Berms, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
11. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Township as the insured party, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Zoning Administrator as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
 - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land

reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator.

- b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the Special Land Use is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.
12. All owners/operators of property involved in mineral resource extraction operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be submitted annually with the Township Clerk.
13. To insure compliance with the permit, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Planning Commission. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission.

K. Commercial kennels

1. The minimum Lot size shall be two (2) acres for the first ten (10) animals, plus one (1) additional acre for each additional five (5) animals.
2. All Buildings or areas in which the animals are kept or exercised shall be set back a minimum of one hundred (100) feet from any adjoining property.
3. A Screened/landscaped area shall be provided between all Buildings or areas in which the animals are kept or exercised, and any adjacent Residential District or use.
4. Animal waste shall be managed to prevent odors and other Nuisances.
5. A Kennel permit shall be obtained from the Ottawa County Animal Control Department and any other governmental agency with jurisdiction.

L. Commercial mini-storage

1. The use shall be developed on Lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the Lot may be used for Buildings, Parking Lots and access.
2. The Lot shall abut and gain access from a paved Public Street. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
3. A six (6) foot solid Fence of a material acceptable to the Planning Commission shall enclose the area occupied by the use. The Fence shall be set back at least ten (10) feet from the front property line.
4. The front Yard, up to the Fence, shall be landscaped in accordance with Section 15.05.
5. Outdoor storage of boats and Recreation Vehicles is permitted provided the storage area is properly Screened.
6. Required Front, Side and Rear Yards as specified for the Zoning District shall be maintained.
7. There shall be a minimum of thirty-five (35) feet between storage facilities for Driveway, parking, and fire lane purposes. Where no parking is provided within the Building separation areas, the Building separation need only be twenty-five (25) feet.
8. Traffic direction and parking shall be designated by Signs or painting.
9. The Lot Area used for parking shall be provided with a paved surface and shall be drained so as to dispose of all surface water.
10. Where the site abuts a Residential District or use, Screening that complies with Section 15.05(D) shall be provided along that property line.

M. Concrete and asphalt plants

1. All Buildings, Structures and storage areas associated with the use shall be set back a minimum of one thousand three hundred twenty (1,320) feet from any Residential District or use.

2. All outdoor storage of vehicles, equipment, or materials associated with the facility shall be entirely enclosed by a Fence that is no less than six (6) feet in height.
3. Driveways and Parking Lots shall be at least one hundred (100) feet from any adjacent property line.
4. Routes of supply vehicles or material handling vehicles shall be arranged to minimize Nuisances or hazards to existing residential uses or commercial businesses.
5. Ingress and egress to the facility shall be only from an Arterial or Collector Road.
6. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
7. Hours of operation shall be limited to Monday through Saturday, 6:00 a.m. until 9:00 p.m.

N. Contractor's offices and outdoor storage area

1. Outdoor storage shall be Screened from any adjacent Residential District or use with a six (6) foot stockade Fence.
2. Storage shall be limited to materials used by the contractor.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.

O. Drive-Through facility other than a restaurant

1. Sufficient stacking capacity for the Drive-Through portion of the operation shall be provided to ensure that traffic does not extend into the public Right-of-Way nor does it interfere with internal circulation of vehicles. A minimum of five (5) Stacking Spaces for each service station shall be provided.
2. The parking and maneuvering areas of the site shall be Fenced and Screened from the view of any abutting Residential District or use by a decorative Fence or wall, or a landscaped equivalent.

3. Outdoor speakers for the Drive-Through facility shall be located in a way that minimizes sound transmission toward adjacent property.
4. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.

P. Drive-Through restaurants

1. Sufficient stacking capacity for the Drive-Through portion of the operation shall be provided to ensure that traffic does not extend into the public Right-of-Way. A minimum of ten (10) Stacking Spaces for the service ordering station shall be provided.
2. Stacking Spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the Drive-Through portion of the facility.
3. In addition to Parking Space requirements, at least three (3) Parking Spaces shall be provided, in close proximity to the exit of the Drive-Through portion of the operation, to allow for customers waiting for delivery of orders.
4. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
5. The parking and maneuvering areas of the site shall be Fenced and Screened from the view of any abutting Residential District or use by a decorative Fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the Drive-Through facility shall be located in a way that minimizes sound transmission toward an adjacent property.
7. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

Q. Elderly Housing

1. Maximum height of Building shall not exceed three (3) stories, or forty-five (45) feet, whichever is lesser.
2. The maximum allowable number of Dwelling Units shall be twenty (20).

3. One (1) Parking Space per Dwelling Unit shall be required, plus Parking Spaces equaling an additional twenty-five percent (25%) of the required parking shall be provided and designated for non-resident (visitor) parking.
4. All Dwelling Units in the Building shall have a minimum of four hundred fifty (450) square feet per unit.
5. A minimum of two hundred (200) square feet of Open Space is required per Dwelling Unit.
6. Retail and service uses may be permitted on the site if accessory to the Elderly Housing use. These uses shall be within the walls of the main Structure. No Freestanding Signs or other identification on allowed Signs shall be permitted for the uses.
7. Front and rear Setbacks shall be equal to the height of the Building. A side Yard of at least twenty (20) feet is required.

R. Equine boarding stable and training facility

1. All Lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse, not applicable to young equines below weaning age or six (6) months of age, whichever is greater.
2. Animal holding areas shall be a minimum of seventy-five (75) feet from an exterior property line or the ordinary high water mark of surface water.
3. Fencing shall be a minimum of four (4) feet in height and constructed of materials with the appropriate structural strength to restrain the animals.
4. All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and Nuisance effects of dust emission to surrounding properties.
5. The keeping and maintenance of horses, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a Nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations, of the regulations of successor or alternative agencies. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and

rodents, which in any way can be considered a clear and present Nuisance or detriment to the health, safety, comfort and welfare of the general public.

6. Parking shall be provided at a minimum of one (1) Parking Space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas associated with commercial equine establishments shall not exceed ten thousand (10,000) square feet in Gross Floor Area on a minimum ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in Lot Area. No living quarters shall be located in any arena Building or boarding stable.

S. Farm market

1. Minimum Lot size shall be three (3) acres.
2. Farm Market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
3. No activity or Structure shall be located within fifty (50) feet of the Public Street Right-of-Way.
4. All parking shall be out of the public Right-of-Way. A minimum of ten (10) Parking Spaces shall be provided for the market. Facilities providing entertainment functions shall provide a minimum of fifty (50) spaces for off-Street parking.
5. The access drive shall be wide enough to accommodate two (2) vehicles side-by-side. Two (2) access drives may be required by the Township where a facility is large enough to need additional access points.
6. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
7. Suitable containers for rubbish shall be placed on the premises for public use.
8. Storage Structures shall be permitted.

9. Farm Markets shall be located no closer than two hundred (200) feet from any Lot Line that abuts a Residential District or use.
10. Hours of operation shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.

T. Four unit Multiple Family Dwelling (general standard MUV)

1. The general standards of Section 16.03 apply.

U. Fraternal or social Club

1. The site shall have at least one (1) property line abutting an Arterial or Collector Street.
2. All vehicular ingress and egress to the site shall be directly from a Public Street, unless otherwise approved by the Planning Commission.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
4. Where the site abuts a Residential District or use, a Buffer Zone shall be provided along that property line. Grass, plant materials, and sight-obscuring Fences or walls, of a type approved by the Planning Commission, shall be placed within the Buffer Zone in compliance with Section 15.05(D) of the Ordinance.

V. Funeral homes and mortuary establishments

1. Minimum Lot Area shall be two (2) acres and minimum Lot Width shall be one hundred fifty (150) feet.
2. An off-Street vehicle staging area shall be provided to accommodate funeral processions and activities. This area shall be in addition to the required off-Street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any Public Street.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
5. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points

along the same side of the Public Street based on access spacing standards listed in Chapter 13.

W. Golf course or country Club

1. The site plan shall indicate the location of service roads, entrances, Driveways and Parking Lots and shall be designed in relationship to the Public Street to ensure pedestrian and vehicular traffic safety.
2. Development features shall be shown on the site plan, including the Main and Accessory Buildings, Structures and Parking Lots. Parking Lots shall be located to minimize adverse effects upon adjacent property.
3. Buildings and Parking Lots shall be not less than one hundred (100) feet from any property line or abutting Residential District or use. Where topographic conditions are such that Buildings would be Screened from view, the Planning Commission may reduce this requirement.
4. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from an abutting Residential District or use and shall be provided with a protective Fence six (6) feet in height. Entry shall be by means of a controlled gate.
5. The minimum site area for tennis or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from an abutting Residential District or use.
6. Where the site abuts a Residential District or use, Screening shall be provided along that property line. Grass, plant materials, and sight obscuring Fences or walls, of a type approved by the Planning Commission, shall be placed within the Buffer Zone. The Planning Commission shall use Section 15.05(D) when determining Screening is needed.
7. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, Watercourses or Wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
8. The outdoor storage of trash or rubbish shall be Screened in accordance with the Screening requirements of Chapter 15.
9. Accessory Uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.

10. Major Accessory Uses such as a restaurant shall be housed in a single Building with the clubhouse. Minor Accessory Uses strictly related to the operation of the golf course itself, such as maintenance Garage and proshop or golf shop, may be located in separate Structures.
11. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
12. No Building shall be Erected to a height greater than that permitted in the Zoning District in which it is located.
13. The total Lot Area covered with Main and Accessory Buildings shall not exceed fifteen percent (15%).
14. All Parking Lots and access drives shall be paved.
15. No outdoor loudspeaker or call system shall be audible on adjoining property.
16. No Dwelling Units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the Main Building or as an Accessory Use near the entry to the course.
17. A golf driving range accessory to the Principal Use of the golf course is permitted provided the area devoted to this use shall maintain a seventy five (75) foot front Yard and a one hundred (100) foot side and rear Yard Setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
18. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from Lot Lines and painted or finished in an earth tone color. Such facilities shall be approved by the Ottawa County Health Department.
19. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run off.
20. Water quality protective measures are required as follows:
 - a. Erosion control barriers shall be maintained during construction and until all ground cover is established.

- b. To the extent feasible, runoff must be directed to on-site holding/sedimentation ponds with a water quality control Structure installed at the outlet prior to water discharge from the premises.
 - c. Areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
 - d. A chemical storage area must be designated within an Accessory Building.
 - e. The chemical storage area must provide secondary containment to prevent the spread of spills.
 - f. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
 - g. An inventory manifest of stored chemicals must be posted at the entrance of the Building housing them.
 - h. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification Signs must be posted at Lot Lines. The Signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
 - i. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
 - j. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate State and Federal statutes and administrative directives.
21. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.

X. Group Day Care Home and Commercial Day Care Facility

- 1. Facilities shall be located with direct access to a paved Public Street.
- 2. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the Main Building and any play area are separated from any residence by more than three hundred (300) feet.
- 3. Playground equipment shall not be located in front or side Yard.

4. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
5. An off-Street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
6. Activities associated with childcare shall not be permitted in any Accessory Building, Structure, or attached or detached Garage other than the Main Building.
7. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

Y. Home Based Business

1. Examples of Home Based Businesses include: construction contractors, well drilling, independent trucking, small scale heavy equipment operator, landscaping services, portable sawmill, firewood sales, cabinet makers, small engine repair, farm implement repair, welding and the assembly, processing, or packaging of tool, die and machine products. In no case shall it include automotive repair.
2. With the Special Land Use application and associated site plan, the following information shall be included:
 - a. Type of business.
 - b. Hours of operation.
 - c. Number of employees.
 - d. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.
 - e. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
 - f. Anticipated traffic levels (customer, delivery vehicles, etc.).
3. The Lot shall contain a Single-Family Dwelling.

4. No more than three (3) persons who are not residents of the Dwelling may be employed on the premises at which the Home Based Business is conducted.
5. Any need for parking generated by the conduct of such Home Based Business shall be provided off the Street.
6. The Home Based Business may be conducted within Accessory Buildings, not exceeding the maximum square footage that is allowed based on the chart in Section 3.12. All activities shall be conducted within such Buildings and no outdoor storage of materials shall be permitted.
7. Parking of commercial vehicles shall be Screened from public view and neighboring properties. The maximum number of commercial vehicles shall be limited to two (2).
8. The Accessory Building in which the Home Based Business is conducted shall have a Setback of at least 100 feet from all property lines and 250 feet from the property line of a Residential District or use.
9. The Home Based Business shall not result in the alteration of the Dwelling, nor the construction of an Accessory Building, which is not customary to Dwellings and residential Accessory Buildings.
10. One non-illuminated Sign may be permitted for the Home Based Business, not exceeding twelve (12) square feet in area and not higher than five (5) feet above Grade.
11. Only those goods or products that are clearly primary to the Home Based Business shall be sold on the premises. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the Main Building.
12. The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

Z. Hotels and motels

1. Minimum Lot Area shall be four (4) acres and minimum Lot Width shall be two hundred (200) feet.
2. Parking Lots shall have a minimum front Yard Setback of twenty (20) feet and minimum side and rear Yard Setbacks of ten (10) feet.
3. Ingress and egress shall be from an Arterial or Collector Road.

4. Minimum Usable Floor Area of each guest unit shall be two hundred fifty (250) square feet.
5. Maximum Building Height shall not exceed the height limits of the applicable Zoning District.

AA. Libraries, museums, community centers, and similar uses that are owned and operated by a governmental agency or a noncommercial organization

1. The proposed site shall front upon, and all ingress and egress shall be from an Arterial or Collector Road.
2. Unless greater Setbacks are required by the Zoning District in which the use is located, Buildings and Structures shall be set back at least fifty (50) feet from the Front Lot Line and twenty-five (25) feet from the Side and Rear Lot Lines.

BB. Moving Buildings or Structures to a Lot in the Township

1. The type and kind of construction of the existing Building or Structure shall be considered in relation to its strength and whether or not that Building or Structure may be a fire hazard.
2. The type and kind of Buildings and Structures adjoining and in the neighborhood surrounding the Lot to which the Building or Structure is to be moved shall be considered, and whether or not the type and age of the Building or Structure to be moved is in keeping with the type and age of such Buildings and Structures which are adjoining and in the surrounding neighborhood.
3. The type and kind of materials used in the construction of the Building or Structure desired to be moved shall be considered, as such construction materials relate and compare to the type and kind of materials used in the construction of other Buildings and Structures adjoining and in the neighborhood surrounding the Lot to which the Building or Structure is to be moved.

CC. Municipal and public service activities

1. The proposed site shall front upon, and all ingress and egress shall be from an Arterial or Collector Road.
2. Unless greater Setbacks are required by the Zoning District in which the use is located, Buildings and Structures shall be set back at least fifty (50) feet from the Front Lot Line and twenty-five (25) feet from the Side and Rear Lot Lines.

DD. Nursing or convalescent home

1. Minimum Lot size shall be three (3) acres with at least two hundred (200) feet of Frontage.
2. The Lot location shall be such that at least one (1) property line abuts an Arterial or Collector Street. The ingress and egress for off-Street Parking Lots for guests and patients shall be directly from that Street.
3. Main and Accessory Buildings shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of two hundred (200) square feet of Open Space for every bed used or intended to be used. This Open Space shall include landscaping and may include off-Street parking, Driveways, required Yard Setbacks and Accessory Uses.
5. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.

EE. Open air businesses

1. Minimum Lot Area shall be two (2) acres with a minimum Lot Frontage of two hundred (200) feet.
2. The proposed site shall front upon, and all ingress and egress shall be from an Arterial or Collector Road.
3. A six (6) foot Fence, wall, or appropriate greenbelt shall be constructed along the rear and sides of the Lot, capable of keeping trash, paper, and other debris from blowing off the premises.
4. The Lot Area used for parking, display, or storage shall be provided with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
5. Any display materials or equipment stored or displayed outside of an enclosed Building shall not extend into any required Yard or occupy any required parking or maneuvering areas for vehicles.
6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

7. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.

FF. Outdoor recreation development

1. The minimum Lot size shall be twenty (20) acres.
2. The Lot shall be located so at least one (1) side abuts an Arterial or Collector Road and all access shall be from that Street.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
4. Entry drives and Parking Lots shall be a minimum of one hundred (100) feet from adjacent property lines.
5. All Main and Accessory Buildings shall maintain a separation of at least two hundred (200) feet from any Dwelling located on adjacent property.
6. Maximum Building coverage shall be twenty-five percent (25%).
7. Any outdoor recreation development located within five hundred (500) feet of any adjacent Dwelling shall not be open later than 10:00 p.m.
8. The Planning Commission may require the entire premises to be surrounded by a six (6) foot Fence at or near the property lines.
9. A landscaped area of at least twenty-five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Chapter 15 shall be provided adjacent to a Residential District or use.

GG. Place of Religious Worship/Church

1. Places of Religious worship shall be located on a minimum Lot size of two (2) acres, plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
2. The Lot shall be located so at least one (1) side abuts an Arterial or Collector Road and all access shall be from that Street.

3. The Main and Accessory Buildings and Structures shall not be located within fifty (50) feet of the property line of any Residential District or use.

HH. Raising of fur-bearing animals or game birds

1. Minimum Lot size shall be five (5) acres.
2. Minimum Setback of one hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing the animals or birds.
3. Fencing will be required commensurate with that required to obtain a "Permit to Hold Wildlife in Captivity" permit from the Michigan Department of Natural Resources or any successor agency.
4. Hunting of animals or birds for sport or profit may be permitted in designated areas subject to State laws pertaining to separation distances required between hunting areas and Dwellings.
5. Animal waste shall be disposed of in safe manner, as recommended or required by the County Health Department or any other governmental agency with jurisdiction. Such disposal shall not constitute a hazard to adjacent property owners.

II. Retail sales of goods associated with manufacturing where such sale is clearly incidental and accessory to the primary use not exceeding 5,000 square feet in customer sales area (general standard I-1)

1. The general standards of Section 16.03 apply.

JJ. Schools, elementary, middle and high school (public, private and parochial)

1. Such uses shall require a minimum Lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum Lot requirement of the Zoning District in which they are located.
2. The Main and Accessory Buildings and Structures shall not be located within fifty (50) feet of any Residential District or use.
3. All stadium and all other exterior sports arena luminaries used for the purpose of illumination of the playing area must be extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day, whichever is later. The remainder of the facility lighting, except for reasons of security, must be extinguished at 10:00 p.m. or within one (1) hour after the last event of the day, whichever is later, and remain

extinguished until one (1) hour prior to the commencement of the first event the following day.

KK. Sexually Oriented Businesses

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them is located in proximity to a Residential District, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one (1) area, or preventing deterioration or blighting of a nearby Residential District or use. These controls do not legitimize activities prohibited in other Sections of the Ordinance.
2. Any Sexually Oriented Business use is permitted if:
 - a. The proposed use is not an Accessory Use and it is located within a Zoning District where the use may be permitted as a Special Land Use.
 - b. The use is not located within a one thousand (1,000) foot radius of a Residential District or use, Place of Religious Worship, public or private nursery school, preschool, kindergarten, elementary or secondary school, public park, Day Care Facility, or entertainment business that is oriented primarily toward children or Family entertainment.
 - c. The use shall not be within a five hundred (500) foot radius of another such use. Separation distances between Sexually Oriented Businesses may be waived by the Planning Commission if the following findings are made:
 - (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - (2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

- (3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - (4) That all applicable State laws and local ordinances will be observed.
 - (5) Prior to the granting of any waiver as herein provided, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may be, in its judgment, necessary for the protection of the public interest. Evidence and guarantees may be required such that the conditions stipulated in connection with the use will be fulfilled.
- d. For purposes of this subsection, the separation between a Sexually Oriented Business and a use listed in this subsection shall be measured from the Lot Line of the Sexually Oriented Business to the Lot Line of the other use. The separation distance between a Sexually Oriented Business and another Sexually Oriented Business shall be measured from the Lot Line of the Sexually Oriented Business to the Lot Line of the other Sexually Oriented Business.
 - e. If any portion of the Building or Structure in which the Sexually Oriented Business is located fails to meet the separation distance requirements of this subsection, then the entire Building or Structure shall be ineligible for a Sexually Oriented Business use.
 - f. The presence or existence of a city, Township, County or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
 - g. A Sexually Oriented Business lawfully operating is not rendered a Non-Conforming Use by the location, subsequent to the location or grant or renewal of the Sexually Oriented Business, of a Place of Religious Worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, a public park, a licensed child care center, any entertainment business that is oriented primarily toward children or Family entertainment, or another Sexually Oriented Business.

3. Parking Spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by fire, health, or Building Codes.
4. Parking shall be provided in front of the Building.
5. No Sexually Oriented Business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.
6. No alcohol shall be served at any Sexually Oriented Business.
7. No Sexually Oriented Business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.
8. All Parking Lots and the Building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
9. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

LL. Shooting, rifle and handgun ranges

1. Minimum Lot Area shall be forty (40) acres.
2. A minimum Setback of two hundred fifty (250) feet from all Lot Lines shall be maintained. No shooting activities shall take place in this Setback.
3. Hours of operation shall not begin before 9:00 a.m. nor end later than 9:00 p.m. for outdoor ranges.
4. The use shall not be located any closer than one quarter (1/4) mile from any Residential District or use, Church or school.
5. Rifle and pistol ranges shall have a sufficient backstop to prevent further range of a bullet or an errant shot.

MM. State Licensed Residential Facilities

1. Non-residential parking Setback and Screening provisions shall apply.
2. The facility shall be at least one thousand five hundred (1,500) feet from any other State Licensed Residential Facility.

NN. Truck and freight terminals

1. Minimum Lot size shall be ten (10) acres with a minimum Frontage of four hundred (400) feet.
2. No Buildings, Structures, Parking Lots, or facilities shall be located within forty (40) feet of the Front Lot Line. The front Setback shall be landscaped in accordance with Section 15.05(D).
3. No portion of any Buildings, Structure, facility, access drive or Parking Lot shall be located within one hundred (100) feet of any Residential District or use.
4. Except for the Required Front Yard Setback, a minimum six (6) foot chain link Fence shall enclose all developed areas of the site. A Screen that complies with the landscaping requirements of Section 15.05(D) shall obscure all sides abutting a Residential District or use.
5. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or Streets.
6. All truck terminal access drives shall be located on an Arterial or Collector Road.
7. The Planning Commission may require deceleration lanes after Ottawa County Road Commission review and recommendation.
8. The applicant shall establish that automotive or truck traffic will be no more hazardous nor the volume of traffic any greater than is normal for the Street involved. The Planning Commission shall take into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.
9. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
10. Disabled or inoperable trucks and on-site trailer storage shall not be parked outside of an enclosed Building more than five (5) consecutive days.
11. No trailers shall be stored on-site for use as storage containers.

OO. Two Story Two Family Dwelling Units (general standard MUV)

1. The general standards of Section 16.03 apply.

PP. Vehicle Repair shops

1. No Building or Structure shall be located within one hundred (100) feet of any Residential District or use.
2. Minimum Lot Area shall be one (1) acre and minimum Lot Width shall be one hundred fifty (150) feet.
3. All equipment and activities associated with Vehicle Repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed Building.
4. No more than three (3) inoperable vehicles shall be permitted on-site except in compliance with this paragraph. Inoperative vehicles left on the site shall be stored in an enclosed Building within forty-eight (48) hours or in an area Screened by an opaque Fence not less than six (6) feet in height. Such Fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a Building is prohibited unless appropriately Screened.
6. Where adjoining a Residential District or use, a Buffer Zone that complies with the requirements of Section 15.05(D) shall be Erected along every common Lot Line.

QQ. Vehicle Service Stations

1. Minimum Lot Area shall be one (1) acre and minimum Lot Width shall be one hundred fifty (150) feet.
2. Pump islands shall be a minimum of forty (40) feet from any public Right-of-Way or Lot Line.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
4. If retail sales of convenience goods are conducted on the premises, parking for that use shall be computed and provided separately without impeding pump traffic.

5. Canopy roofs shall be permitted to encroach into any required Yard, provided that a minimum Setback of twenty (20) feet from adjacent property lines is maintained, and further provided that the fascia of such Canopy is a minimum of fifteen (15) feet above the average Grade.
6. Where adjoining a Residential District or use, a Buffer Zone that complies with the requirements of Section 15.05(D) shall be Erected along every common Lot Line.
7. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

RR. Vehicle Wash Establishments, either self-serve or automatic

1. Sufficient stacking capacity for the Drive-Through portion of the Vehicle Wash Establishment shall be provided to ensure that traffic does not extend into the public Right-of-Way. A minimum of ten (10) Stacking Spaces for an automatic Vehicle Wash Establishment shall be provided. For self-service establishments, each stall shall have at least two (2) Stacking Spaces at its entrance and one (1) Stacking Space at its exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any Residential District or use.
3. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District or use.
4. The Lot Area used for parking shall be provided with a paved surface and shall be drained so as to dispose of all surface water into a public sewer system.
5. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the Public Street based on access spacing standards listed in Chapter 13.
6. Where adjoining a Residential District or use, a Buffer Zone that complies with the requirements of Section 15.05(D) shall be Erected along every common Lot Line.
7. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

SS. Veterinary Clinics and hospitals

Buildings which house animals, runs or exercise areas shall not be located within at least one hundred (100) feet of a property line and shall be Screened in accordance with Section 15.05(D).

TT. Waste disposal for solid waste, including sanitary landfills

All such uses shall conform to the requirements of the Ottawa County Solid Waste Plan.

UU. Water supply and treatment facilities

1. The proposed site shall front upon a paved Street.
2. Where the use abuts an agricultural or Residential District or use, a Buffer Zone of no less than thirty (30) feet shall be provided which complies with Section 15.05(D) of this Ordinance.
3. Outdoor storage must be Fenced and Screened. Barbed or razor wire is prohibited unless otherwise required by law.

VV. Wind Energy Conversion Systems (WECS)

1. Such facilities may be permitted as a Principal Use or an Accessory Use on a Lot.
2. Minimum Lot size for a Commercial WECS shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property. Minimum Lot size for a non-Commercial WECS shall be five (5) acres.
3. In addition to the requirements for site plan review in Section 14.03(C), the following information shall be include with any application of a Special Land Use for a WECS:
 - a. Location of overhead electrical transmission or distribution lines.
 - b. Location and height of all Buildings, Structures, towers, guy wires, guy wire anchors, security fencing, and other aboveground Structures associated with the WECS.
 - c. Locations and height of all adjacent Buildings, Structures, and Aboveground Utility Equipment located within three hundred (300) feet of the exterior boundaries of the site housing the WECS and/or

- Testing Facility. The boundaries shall include the outermost locations upon which towers, Structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site Buildings, Structures, and utilities shall be provided.
- d. A Buffer Zone or greenbelt to Screen the use from any adjacent Residential District or use and the public road as outlined in Section 15.05(D).
 - e. Existing and proposed Setbacks of all Buildings and Structures located on the property in question.
 - f. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all Buildings and Structures within three hundred (300) feet. For Wind Farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established Buildings or Structures within three hundred (300) feet.
 - g. Access roads to the WECS and Testing Facility with detail on dimensions, composition, and maintenance.
 - h. Planned security measures to prevent unauthorized trespass and access.
 - i. WECS and Testing Facility maintenance programs shall be provided that describes the maintenance program used to maintain the WECS and Testing Facility, including removal when determined to be obsolete.
4. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the Wind Energy Conversion System and support Structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code; drawings and engineering calculations shall be certified by a professional engineer licensed in the State of Michigan.
 5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code. Additionally, WECS and Testing Facility electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township.

6. A minimum of a six (6) foot tall Fence shall be provided around the perimeter of the WECS, or in the case of several WECSs, around the perimeter of the site.
7. No part of a WECS or Testing Facility shall be located within or above any Required Front, Side or Rear Yard Setback of the Zoning District in which it is located.
8. WECS towers shall be Setback from the closest property line two (2) feet for every one (1) foot of system height.
9. WECS and Testing Facilities shall not be located within thirty (30) feet of an aboveground utility line.
10. The WECS Tower Height, or that of a Testing Facility, shall be determined according to Horizontal Axis Wind Turbine Rotors or Vertical Axis Wind Turbine. Maximum height for a Commercial WECS shall be two hundred (200) feet and maximum height for a non-Commercial WECS shall be one hundred and thirty (130) feet.
11. WECS shall be of monopole design and shall not have guy wires.
12. Colors and surface treatment of the WECS and supporting Structures shall minimize disruption of the natural characteristics of the site. No part of the Structure shall be used for Signs or advertising.
13. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any Building, Structure, land or tree within a two hundred (200) foot radius of the tower.
14. To prevent unauthorized climbing, WECS and Testing Facility towers must comply with one (1) of the following provisions:
 - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - b. A locked anti-climb device shall be installed on the tower.
 - c. A locked, protective Fence at least six (6) feet high shall enclose a tower capable of being climbed.
15. Each WECS and Testing Facility shall have one (1) Sign, not to exceed two (2) square feet in area posted at the base of the tower. The Sign shall contain the following information:
 - a. Warning high voltage.

- b. Manufacturer's name.
 - c. Emergency phone number.
 - d. Emergency shutdown procedures.
16. WECS and Testing Facilities shall not have affixed or attached lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
 17. WECS and Testing Facilities shall be designed and constructed so as not to cause radio and television interference.
 18. Noise emanating from the operation of WECS and Testing Facilities shall not exceed forty-five (45) decibels, as measured on the dBA scale, measured at the nearest property line. The applicant shall provide estimates of noise levels at property lines for normal operating conditions.
 19. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.
 20. The on-site electrical transmission lines connecting the WECS to the Public Utility electricity distribution system shall be located underground.
 21. The WECS shall be located and designed such that shadow flicker will not fall on, or in, any Dwelling.
 22. Any WECS or Testing Facility which is not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The County may require a performance guarantee in accordance with the provisions of Section 16.05 to ensure enforcement of this requirement.

WW. Wireless communications towers over 75 feet

1. The applicant shall provide evidence that there is no reasonable or suitable alternative for Collocation of Antennas on an existing Wireless Communication Tower or Building within the service area of the proposed tower.
2. The applicant shall provide an inventory of its existing Wireless Communication Towers, Antennas, or sites approved for Wireless Communication Towers or Antennas that are either within the Township or within one (1) mile of the border thereof, including specific information about the location, height and design of each Wireless Communication

Tower. The Planning Commission may share such information with other applicants applying for approval under this Ordinance or other organizations seeking to locate Antennas within the Township, provided, however that the Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

3. All Wireless Communication Towers and Antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a Wireless Communication Tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
4. No new Wireless Communication Tower or Antenna shall be located within a three (3) mile radius of an existing Wireless Communication Tower or Antenna. This requirement may be waived by the Planning Commission if one of the following conditions is met:
 - a. The proposed Antenna is located on an existing Wireless Communication Tower.
 - b. The Wireless Communication Tower is to serve solely a governmental or educational institution.
5. No Wireless Communication Tower or Antenna shall be located closer than five hundred (500) feet from the boundary of an existing Residential District or use. This requirement may be waived by the Planning Commission if one (1) of the following conditions is met:
 - a. The proposed Antenna is located on an existing Wireless Communication Tower.
 - b. The Wireless Communication Tower is to serve solely a governmental or educational institution.
6. No Wireless Communication Tower and Antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that a proposed Wireless Communication Tower in excess of two hundred (200) feet will reduce the total number of potential Wireless Communication Towers in the area.
7. The applicant shall provide verification with a certified sealed print that the Antenna and the Wireless Communication Tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.

8. The applicant shall provide the legal description of the parent parcel and any leased portion thereof.
9. A security Fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the Wireless Communication Tower and any other related apparatuses (i.e. ground Antennas, Satellite Dishes, accessory Structures).
10. The Planning Commission may require a Buffer Zone in compliance with Section 15.05(D) of the Ordinance.
11. All Wireless Communication Towers shall be equipped with an anti-climbing device to prevent unauthorized access.
12. No Signs shall be permitted on-site, except for warning, or other cautionary Signs, which shall not exceed two (2) square feet in area.
13. All new Wireless Communication Towers and Antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
14. The Collocation of an Antenna on an existing Wireless Communication Tower shall not require an additional Special Land Use permit and may be approved by staff review.
15. The applicant shall submit details of Wireless Communication Tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on-site security.
16. All Wireless Communication Tower permits issued by the Township shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics, the enforcement agency for the Tall Structures Act, and any other applicable State or Federal agency enforcing any applicable State or Federal law or regulation.
17. The applicant shall submit a report or letter from the Federal Aviation Administration that the proposed Wireless Communication Tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of the Township.

18. Wireless Communication Towers and Antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as Essential Services, public utilities, or private utilities.
19. Any Wireless Communication Tower that is abandoned or its use discontinued for a period of twelve (12) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, Buildings, or grounds that have fallen into disrepair; or the removal of all Antennas or support Structures.
20. The application shall include a description of security to be posed at the time of receiving a Building permit for the Wireless Communication Tower to ensure removal of the Wireless Communication Tower when it has been abandoned or is no longer needed.

CHAPTER 17 NON-CONFORMITIES

SECTION 17.01 NON-CONFORMING USES, STRUCTURES, AND LOTS

A. General Provisions

1. Any Lot, use of land, Building or Structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the violation was established, and any Lot, use of land, Building or Structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing Lot, use of land, Building or Structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Chapter.
3. A lawful use of land or Building or Structure which is under construction at the time of adoption of this Ordinance or an amendment to this Ordinance may continue the construction and shall be permitted to continue as a non-conformity, subject to the provisions of this Section.

B. Non-Conforming Uses

1. No part of any Non-Conforming Use shall be moved unless the movement eliminates the non-conformity.
2. If a Non-Conforming Use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A Non-Conforming Use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the Non-Conforming Use:
 - a. Utilities, such as water, gas and electricity to the property have been disconnected.
 - b. The property, Buildings, and grounds, have fallen into disrepair.

- c. Signs or other indications of the existence of the Non-Conforming Use have been removed.
 - d. Equipment or fixtures necessary for the operation of the Non-Conforming Use have been removed.
 - e. Other actions have occurred which in the opinion of the Zoning Administrator constitute an intention on the part of the property owner or lessee to abandon the Non-Conforming Use.
 3. A Non-Conforming Use shall not be changed in use to another use that is also non-conforming unless it is more conforming than the previous use. Once a conforming use or a more conforming use is established the prior Non-Conforming Use may not be reestablished.
 4. No Non-Conforming Use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:
 - a. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or Lots;
 - b. Complies with all parking, Sign, or other regulations applicable to Accessory Uses for the area affected by the proposed enlargement, increase, or greater area;
 - c. Complies with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community; and
 - d. Is not larger than twenty-five percent (25%) of the original non-conforming area.
- C. Non-Conforming Buildings and Structures
 1. The expansion of a Non-Conforming Building or Structure shall be permitted provided that the addition complies with this Ordinance and does not increase the non-conformity.
 2. In the event any Non-Conforming Building or Structure shall be damaged by fire, wind or an act of God or public enemy, it may be rebuilt or restored

provided the cost of restoration does not exceed sixty percent (60%) of the replacement value as determined by the Building Inspector.

3. A Non-Conforming Building or Structure shall not be moved in whole or in part except when the moving results in full compliance with the provisions of this Ordinance.

D. Non-Conforming Lots of Record

1. A Non-Conforming Lot may be used for the purposes for which it is zoned, provided that:
 - a. If already less than the minimum requirements of this Ordinance, a required Lot Area or Lot Width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
 - b. Any Main Building on the Lot shall be located so that at least sixty-six percent (66%) of the Setback requirements of the Zoning District in which the Lot is located are met.
2. Combination of Non-Conforming Lots
 - a. For any two (2) or more Non-Conforming Lots or combination of Non-Conforming Lots and portions of Non-Conforming Lots, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 - (1) Are in common ownership.
 - (2) Are adjacent to each other or have continuous Frontage.
 - (3) Individually do not meet the Lot Width or Lot Area requirements of this Ordinance.
 - b. Parcels meeting the provisions of subsection 2.a, above, shall be combined into a Lot or Lots complying as nearly as possible with the Lot Width and Lot Area requirements of this Ordinance. No portion of the Lot shall be used or divided in a manner that diminishes compliance with Lot Width and Lot Area requirements of this Ordinance.

CHAPTER 18 ZONING BOARD OF APPEALS

SECTION 18.01 MEMBERSHIP AND PROCEDURES

- A. The Zoning Board of Appeals (ZBA) shall consist of seven (7) members appointed in compliance with the Zoning Act.
- B. A member of the Planning Commission shall be a member of the ZBA, while a member of the Township Board may be a member of the ZBA. A Township Board member may not be chairperson of the ZBA.
- C. Meetings shall be held at the call of the Chairperson or the Zoning Administrator, and at other times as the ZBA in its rules of procedure may specify. The Chairperson, or the acting Chairperson in the Chairperson's absence, may administer oaths and compel the attendance of witnesses.
- D. All meetings of the ZBA shall be open to the public. The ZBA shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk, and shall be a public record.
- E. Alternates
 - 1. The Township Board may appoint up to two (2) alternate members for the same term as regular members of the ZBA.
 - 2. An alternate member may be called to sit as a regular member of the ZBA to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
 - 3. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings.
 - 4. The alternate member having been called shall serve on the ZBA until a final decision is made on the application for which the member was called.
 - 5. When serving as a member, an alternate member shall have the same voting rights as a regular member of the ZBA.

SECTION 18.02 INTERPRETATIONS

The ZBA shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other questions on which the ZBA is authorized to pass. In exercising all of its powers, the ZBA shall apply the standards of this Section.

- A. Text Interpretations: The ZBA may hear and decide upon requests for the interpretation of the provisions of this Ordinance. In deciding text interpretations, the ZBA shall be governed by the following rules.
1. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
 2. Interpretations shall give weight to practical interpretations by the Zoning Administrator if applied consistently over a long period of time.
 3. Records shall be kept of all interpretations.
 4. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.
 5. Nothing contained in this Section shall be construed to give or grant to the ZBA the power or authority to alter or change the language of this Ordinance.
- B. Map Interpretations: When there is any question as to the location of any boundary line between Zoning Districts, upon a request for an interpretation of the Official Zoning Map, the ZBA shall establish the boundary based upon the Official Zoning Map and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Ordinance and the Master Plan.

SECTION 18.03 APPEALS

- A. Upon application, the ZBA shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other official or body charged with the administration of this Ordinance. Any person aggrieved, or any officer, department or board of the Township may make an appeal to the ZBA. The grounds of every appeal shall be stated in writing as part of the application.

- B. An application for appeal shall be filed within fourteen (14) days after the date of the decision that is the basis of the appeal. The appellant must file a notice of appeal and a fee with the Zoning Administrator. The notice shall specify the nature and grounds of the appeal and the application fee shall be submitted in an amount as established by the Township Board from time to time.
- C. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action being appealed was taken.
- D. An appeal stays all proceedings from furthering the action being appealed unless the Zoning Administrator certifies to the ZBA that a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court.
- E. The ZBA shall fix a reasonable time for the hearing of the appeal, and give due notice of the hearing pursuant to the Zoning Act. Any party may appear in person or by agent.
- F. Following the public hearing, the ZBA shall decide the matter within a reasonable time. The ZBA may reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

SECTION 18.04 VARIANCES

- A. Non-Use (Dimensional) Variances: The ZBA may authorize upon written application in specific cases variances from the non-use (dimensional) terms of this Ordinance where, owing to special conditions related to the applicant's property, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty to the applicant. A variance from the terms of this Ordinance shall not be granted by the ZBA unless and until a written application for a variance is submitted and the ZBA finds:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District. Exceptional or extraordinary circumstances or conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - b. Exceptional topographic conditions or other extraordinary situation on the land, Building or Structure; or

- c. The use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - d. Any other physical situation on the land, Building or Structure deemed by the ZBA to be extraordinary.
 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 3. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 5. The variance will not impair the intent and purpose of this Ordinance.
 6. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
 7. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance necessary.
- B. Use Variances: A use variance may be allowed by the ZBA only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing. A use variance shall not be granted by the ZBA unless and until a written application for a use variance is submitted and at least two-thirds (2/3) of the members of the ZBA find:
 1. That the Building, Structure, or land cannot be reasonably used for a use allowed in the Zoning District in which it is located;
 2. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the Zoning District. Unique conditions or situations may include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - b. Exceptional topographic conditions or other extraordinary situation on the land, Building or Structure; or
 - c. The use or development of the property immediately adjoining the property in question; or
 - d. Any other physical situation on the land, Building or Structure deemed by the ZBA to be extraordinary.
3. That the proposed use will not alter the essential character of the neighborhood or the intent of the Master Plan.
 4. That the immediate unnecessary hardship causing the need for the variance request was not created by any affirmative action of the applicant.
 5. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance, which will make possible reasonable use of the land, Building, or Structure.
- C. Prior to the ZBA decision on a request for a use variance, the ZBA may request that the Planning Commission also review the request and advise the ZBA.
- D. Variances from the provisions of Chapter 11, Floodplain Overlay District, shall only be granted by the ZBA upon a determination of compliance with the general standards for variances contained in this Ordinance and each of the following specific standards.
1. A variance shall not be granted within a regulatory floodplain where the result would be any increase in Flood levels during a base Flood discharge.
 2. A variance shall be granted only upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, Nuisances, cause fraud on or

victimization of the public, or conflict with existing laws or ordinances.

- d. A determination that the variance granted is the minimum necessary, considering the Flood hazard, to afford relief to the applicant.
3. Variances may be granted for the reconstruction, rehabilitation or restoration of Structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other State register of historic places without regard to the requirements of this Section governing variances in the Flood Hazard Area.

SECTION 18.05 APPLICATIONS AND HEARINGS

- A. Applications for variances shall be submitted to the Zoning Administrator who will review the application for completeness and validity, then transmit it to the ZBA. Applications not meeting the requirements shall be returned to the applicant for completion.
- B. A valid application for a variance to the ZBA shall consist of the following:
 1. Eight (8) copies of a site plan drawn to scale, which is sufficient to describe the nature of the request.
 2. A completed application form as provided by the Township.
 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 4. A legal description and/or parcel number of the entire property that is the subject of the request.
 5. A statement with regard to compliance with the standards of Section 18.04, as applicable.
 6. Other materials as may be required by the ZBA.

SECTION 18.06 DECISIONS OF THE ZBA

- A. Except for the greater requirements applicable to use variances and described in Section 18.04.B, the concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any

matter. The ZBA shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon.

- B. The ZBA may require a performance guarantee and/or impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that the ZBA is required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- C. All decisions of the ZBA shall become final five (5) days after the date of entry of an order, unless the ZBA shall find, and so certify on the record, that it is necessary to cause the order to have immediate effect, in order to preserve property or personal rights.
- D. For each decision of the ZBA a record shall be prepared including at a minimum, the following items:
 - 1. Description of the applicant's request.
 - 2. The ZBA's motion and vote.
 - 3. A summary or transcription of all competent and material evidence presented at the hearing; and,
 - 4. Any conditions attached to an affirmative decision.
- E. The decision of the ZBA shall be final. However, a person having an interest affected by the decision of the ZBA may appeal to the Circuit Court.
- F. Period of Validity

No variance granted by the ZBA shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of the variance from the ZBA. The ZBA may grant an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

SECTION 18.07 RE-SUBMISSION

No variance request which has been decided by the ZBA shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the ZBA finds that at least one (1) of the following conditions exist:

- A. That the conditions involving all of the reasons for the original decision have been significantly altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

CHAPTER 19 ADMINISTRATION AND ENFORCEMENT

SECTION 19.01 ADMINISTRATION AND ENFORCEMENT

- A. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of other persons as the Township Board may direct.
- B. If the Zoning Administrator shall find any of the provisions of this Ordinance are being violated, the Zoning Administrator shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, Buildings or Structures; removal of illegal Buildings or Structures or of illegal additions, Alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 19.02 ZONING ADMINISTRATOR DUTIES

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
 - 1. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any Building, or to extend any use on any Lot on which there is a Non-Conforming Use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issued a zoning compliance permit.
 - 2. It shall be unlawful to commence Excavation for, or construction of, any Building or Structure, including an Accessory Building, or to commence the moving, alteration or repair of any Building or Structure, including an Accessory Building exceeding one hundred (100) square feet in floor area, until the Zoning Administrator has given documented approval that the plans, specifications and intended use of the Building or Structure conforms in all respects to the provisions of this Ordinance.
 - 3. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any Excavation or construction or

use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.

4. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
 5. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts with parties other than the Township, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
 6. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
 7. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- B. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to any person making application to excavate, construct, move, alter or use either Buildings, Structures or land.
- C. The Zoning Administrator shall have the authority to make inspections of Structures, Buildings or premises necessary to carry out all necessary duties in the enforcement of the Ordinance.
- D. The Zoning Administrator may not make changes to this Ordinance or vary the terms of this Ordinance in carrying out duties under this Ordinance.
- E. If a proposed Excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this Ordinance and in conformance with the provisions of the Building Code, the Zoning Administrator shall issue a permit, provided all other requirements for the permit are satisfied. If the Zoning Administrator does not approve an application for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.
- F. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval, neither of which shall be binding.

SECTION 19.03 SCHEDULE OF FEES, CHARGES AND EXPENSES ESTABLISHED BY TOWNSHIP BOARD

- A. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, Certificates of Occupancy, appeals, Special Land Uses, variances, site plan reviews, rezoning applications and other matters pertaining to this Ordinance. The schedule of fees shall be available in the office of the Zoning Administrator and may be amended only by the Township Board.
- B. An appropriate fee established by the Township Board shall accompany any application. Additionally, a separate deposit may be collected from the applicant, as determined by the Township Board, and used to reimburse another party retained by the Township to provide expert consultation and advice including but not limited to legal, planning and engineering professionals regarding the application. The amount of the deposit shall be based on a reasonable estimate to provide such services. Any unused portions of this fee shall be returned to the applicant after the Township has paid all costs for consultant services.

SECTION 19.04 PERFORMANCE GUARANTEE

- A. As a condition of approval of a site plan review, Special Land Use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
- B. The features or components, hereafter referred to as "Improvements," may include, but shall not be limited to, survey monuments and irons, Streets, curbing, landscaping, fencing, walls, Screening, lighting, drainage facilities, sidewalks, paving, Driveways, utilities, and similar items.
- C. Performance guarantees shall be processed in the following manner:
 - 1. Prior to the issuance of a permit under this Ordinance, the applicant or the applicant's agent shall submit an itemized cost estimate of the required Improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
 - 2. The amount of the performance guarantee shall be not more than one hundred percent (100%) of the cost of purchasing of materials and installation of the required Improvements, including the cost of necessary

- engineering and inspection costs and a reasonable amount for contingencies.
3. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
 4. Upon receipt of the required performance guarantee, the Zoning Administrator shall authorize the issuing of a permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable requirements of the Township and all other governmental units with jurisdiction.
 5. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the Improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable Improvements.
 6. When all of the required Improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the Improvements. Thereupon, the Zoning Administrator shall inspect all of the Improvements and approve, partially approve, or reject the Improvements with a statement of the reasons for any rejections.
 7. If partial approval is granted, the cost of the Improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the Improvements not yet approved.
 8. The Zoning Administrator shall maintain a record of required performance guarantees.

SECTION 19.05 ZONING ORDINANCE AMENDMENTS

- A. Amendment to this Ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefore with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this Ordinance through the Zoning Administrator and also recommend Ordinance amendments to the Township Board for adoption.

- B. The following guidelines shall be used by the Planning Commission, and may be used by the Township Board in consideration of amendments to the Zoning Ordinance:
1. Text Amendment:
 - a. The proposed text amendment may clarify the intent of the Ordinance.
 - b. The proposed text amendment may correct an error in the Ordinance.
 - c. The proposed text amendment may address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
 - d. The proposed text amendment may promote compliance with changes in other County, State or Federal regulations.
 - e. In the event the amendment will add a use to a Zoning District, that use shall be generally consistent with the character of the range of uses provided for within the Zoning District.
 - f. The amendment shall not create incompatible land uses within a Zoning District, or between adjacent districts.
 - g. The proposed text amendment should generally be supported by the findings of reports, studies, or other documentation on functional requirements, contemporary construction practices, environmental requirements and similar technical items.
 - h. As applicable, the proposed change should generally be consistent with the Township's ability to provide adequate public facilities and services.
 - i. The proposed change should generally be consistent with the Township's desire to protect the public health, safety, and welfare of the community.
 2. Map Amendment (Rezoning): In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:
 - a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Master Plan; or, if conditions have changed significantly since the Master Plan was

adopted, whether the proposed rezoning is consistent with recent development trends in the area.

- b. Whether the proposed Zoning District and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed Zoning District shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, Density, potential influence on property values and traffic impacts.
 - c. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
 - d. Other factors deemed appropriate by the Planning Commission.
3. Consideration of Amendment by Township Board: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Township Board may modify the proposed amendment or adopt it as presented by the Planning Commission.

C. Amendment Procedure

1. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed with 12 copies provided to the Zoning Administrator, who will forward them to the Planning Commission.
2. All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
 - a. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 - b. The nature and effect of the proposed amendment.
 - c. If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the Township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting districts, and all public and private rights-of-way and Easements bounding and intersecting the land under consideration.

- d. Any changed or changing conditions in the area or in the Township which make the proposed amendment reasonable and necessary for the promotion of the public health, safety and general welfare.
 - e. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
3. The Zoning Administrator, after examining the submitted materials and approving the application as to form and content, shall refer the request to the Planning Commission for study and report to the Township Board.
4. Before submitting its recommendations of the petition to amend, the Planning Commission shall hold at least one (1) public hearing, notice of which shall be given in accordance with the requirements of the Zoning Act.
5. Following the public hearing, the Planning Commission shall submit the proposed amendment with its recommendation and public hearing summary to the County Planning Commission for advisory review and recommendation. The County Planning Commission has up to thirty (30) days to respond unless the County Board of Commissioners has passed a resolution waiving County right of review.
6. The Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefore along with any response by the County Planning Commission on the proposed amendment.
7. Upon enactment, the Zoning Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published accordance with the requirements of the Zoning Act.
8. Within seven (7) days after publication, the amendment to the Ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the Official Zoning Map, the change shall be made on the map in accordance with provisions of Chapter 4 within ten (10) days after enactment of the amendment.

SECTION 19.06 ZONING AGREEMENTS

- A. The Township Board recognizes that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement for parcels of land of under five (5) acres, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act.
- B. In addition to the requirements of Section 19.05 above, an applicant requesting a change in zoning boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.
- C. The following definitions shall apply to this Section:
1. Rezoning Offer - shall mean conditions voluntarily proposed by the applicant and approved by the Township as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development and/or use of the property subject to a Zoning Agreement.
 2. Zoning Agreement shall mean a written agreement voluntarily offered by the applicant and approved and executed by the applicant and the Township and recorded with the Ottawa County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 14 or other approvals that may be required by this Ordinance.
- D. Eligibility
1. An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning. This election shall be made at the time the rezoning is filed, or may be made at a later time during the rezoning process. Election to file a rezoning with a Zoning Agreement shall be pursuant to the Zoning Act and this Section.
 2. In order to be eligible for the proposal and review of a rezoning with a Zoning Agreement, an applicant must propose a rezoning of property and

voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed new Zoning District.

E. Zoning Agreement

1. The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the conditional rezoning. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:
 - a. The applicant proposed the Zoning Agreement and the Rezoning Offer voluntarily, and that the Township relied upon the offer and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
 - b. The Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal laws and constitutions, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
 - c. The property shall not be developed or used in a manner that is not consistent with the Zoning Agreement.
 - d. The approval and the Zoning Agreement shall be binding upon the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
2. If a rezoning with a Zoning Agreement becomes void in accordance with Section 19.06, K, and/or in accordance with the Zoning Act, no development shall take place and no permits shall be issued unless and until a new Zoning District classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
3. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other conditions created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed Zoning District classification and the specific use(s), activities, or conditions authorized.

4. No part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

F. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or Density, and/or which are not permitted in the new Zoning District; nor may any variances from height, area, Setback or similar dimensional requirements in this Ordinance be allowed unless a variance has been previously granted by the Zoning Board of Appeals pursuant to the requirements of Chapter 18.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit and/or Site Plan Review must obtain such approval as required prior to establishment of or commencement of development of the use.
3. The Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
4. The Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower Density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of Buildings, Structures, Improvements, Setbacks, landscaping, buffers, design, architecture and other features.
5. The Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site-specific Improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the applicant.
6. A Rezoning Offer that includes provisions for preservation of Natural Features and/or Open Space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or Improvements by entities other than the Township, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and

finance of maintenance by or on behalf of the Township, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.

G. Procedure for Application, Review and Approval

1. An application for rezoning shall be the same as outlined in Section 19.05. In addition to the required materials listed in Section 19.05, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of consideration, provided that the applicant voluntarily enters any amended or additional Rezoning Offers.
3. The Township attorney shall review the Zoning Agreement prior to the required Planning Commission public hearing. The Township attorney shall determine that the Zoning Agreement conforms to the requirements of this Section and the Zoning Act, as amended, and shall confirm if the Zoning Agreement is in a form acceptable for recording with the Ottawa County Register of Deeds.

H. Standards of Review

1. Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon the Review Considerations of Section 19.05, B. In addition, the Planning Commission shall consider whether the proposed Zoning Agreement and the Rezoning Offer:
 - a. Are consistent with the intent of this Section.
 - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - c. Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties.
 - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Rezoning Offer.
 - e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the

property were left to develop under the existing zoning classification.

- f. Are clearly in the public interest, as compared to the existing zoning and considering the site-specific land use proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments.
- g. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the rezoning and Zoning Agreement; provided however, that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.
- h. Upon receipt of the Planning Commission's recommendations, the Township Board shall deliberate upon the rezoning and Zoning Agreement. The Township Board shall approve or deny the Zoning Agreement, provided that any conditions that add to or amend the Zoning Agreement are acceptable to the applicant.

I. Revisions by the Township Board

- 1. Should a Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the Township Board shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
- 2. Alternatively, should the Township Board determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the Township Board shall have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the Township Board.
- 3. If an applicant proposes a Zoning Agreement after the Planning Commission has held a public hearing on a rezoning request, the Township Board shall first remand the application to the Planning Commission, who shall hold a new public hearing on the rezoning and proposed alternative Zoning Agreement and submit a report and recommendation to the Township Board.

J. Approval

1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the Zoning District to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new Zoning District, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement (i.e., "R-3a"). The Township Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Zoning Agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new Zoning District; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The applicant shall record the approved Zoning Agreement with the Ottawa County Register of Deeds, with proof of recording provided to the Township.
4. Prior to development, a site plan shall be approved in accordance with Chapter 14, if otherwise required.

K. Expiration

1. Unless extended by the Township Board for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to all required permits issued by the Township commences within the two (2) year period and proceeds diligently to completion.
2. In the event that approved development has not commenced within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
3. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the Zoning Agreement, the Township may withhold or, following notice to the owner and a public hearing, revoke permits and certificates (in addition to or in lieu of any other lawful action to achieve compliance).
4. If the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the

Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.

5. If the rezoning and Zoning Agreement become void as outlined above, then the land shall revert back to its original zoning classification as set forth in the Zoning Act. The reversion shall be initiated by the Township with notice and hearing as required for rezonings by the Zoning Act and this Ordinance.
6. Nothing in the Zoning Agreement, nor any statement or other provision, shall prohibit the Township from rezoning all or any portion of the property that is covered by the Zoning Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

L. Continuation

1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the Zoning Agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.
2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of the Zoning Agreement, and further use of the property may be subject to legal remedies available to the Township.

M. Amendment

1. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer or the Zoning Agreement.
2. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

SECTION 19.07 REVOCATION OF ZONING APPROVALS AND ZONING AGREEMENTS

- A. Any zoning approval or site plan approval may be revoked after determination that one (1) or more of the following circumstances exist:

1. A material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency.
 2. There has been a material departure from the commitments made and the requirements of an approved plan.
 3. Material and substantial pollution, impairment or destruction of the environment, or compromise of another legally protected public interest, would occur if the project were to be constructed as previously approved.
 4. Failure to perform, unless due to actions or circumstances beyond the applicant's control.
- B. Proper notice shall be given prior to revocation of the approval. If the Planning Commission approved a site plan, it shall vote on the revocation. The Zoning Administrator may revoke zoning compliance permits.

SECTION 19.08 ENFORCEMENT

- A. Any Building or Structure which is Erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a Nuisance, per se.
- B. A violation of this Ordinance constitutes a civil infraction. Any person, who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- C. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- D. The Township Board, or its duly authorized representative(s), is hereby charged with the duty of enforcing the Ordinance and is hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Ottawa County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the non-compliance or violation. And it is further provided that any person aggrieved or

adversely affected by this noncompliance or violation may institute suit and/or join the Township in the suit to abate the same.

- E. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 19.09 STOP WORK ORDER

- A. Upon notice from the Zoning Administrator that any use is being conducted or that any work on any Building or Structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.
- B. Any person who shall continue to work in or about the Structure, land or Building or use it after having been served with a Stop Work Order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

SECTION 19.10 SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 19.11 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the prior Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 19.12 EFFECTIVE DATE

This restatement of the Zeeland Charter Township Zoning Ordinance was approved and adopted by the Township Board of Zeeland Charter Township, Ottawa County, Michigan on _____, 2007, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on _____, 2007, and after posting and publication following such first reading

as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on _____, 2007, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Holland Sentinel*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Bradley J. Slagh, Supervisor
Zeeland Charter Township

Marilyn Evink, Clerk
Zeeland Charter Township

RB080889

CERTIFICATE

I, MARILYN EVINK, the Clerk for the Charter Township of Zeeland, Ottawa County, Michigan, certify that the foregoing Zeeland Charter Township _____ was adopted at a regular meeting of the Township Board held on _____, 2007. The following members of the Township Board were present at that meeting: _____

The following members of the Township Board were absent: _____

The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor and members of the Board _____

_____ voting in opposition. Notice of Adoption and Posting of the Ordinance was published in the *Holland Sentinel* on _____, 2007. An attested copy of the Ordinance was sent to the Ottawa County Clerk by first-class mail, postage prepaid, on _____, 2007 (i.e. within one week of the publication date).

Marilyn Evink, Clerk
Zeeland Charter Township

RB080889