

L a k e M i c h i g a n

# SAUGATUCK TOWNSHIP

## ZONING ORDINANCE UPDATE FORMAL DRAFT II

NOVEMBER 12, 2023



**HORIZON**  
Community Planning



This formal draft was prepared for

## **SAUGATUCK TOWNSHIP, MICHIGAN**

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## **Part I. Introduction**

# **Saugatuck Township Zoning Ordinance**

Part I. Introduction

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# Article 1. Introduction

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## Section 1.10 Title

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This document shall be known and may be cited as the “Saugatuck Township Zoning Ordinance” and may be referred to as the “Zoning Ordinance” or “ordinance.”

## Section 1.20 Intent and Purpose

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- A. **Intent.** The provisions of the Zoning Ordinance are intended and determined to be the minimum requirements adopted for promoting public health, safety, welfare, and orderly growth within Saugatuck Township.
- B. **Purpose Statements.** The purpose of this ordinance is to:
1. promote public health, safety, and general welfare;
  2. ensure that uses of land are situated in appropriate locations;
  3. limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
  4. facilitate the adequate and efficient provision of transportation systems, sewage disposal, water, energy, recreation, and other public service and facility needs; and
  5. preserve and protect environmental resources and the natural services they provide.

## Section 1.30 Applicability

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- A. **Building and Structures.** No building or structure may be constructed or altered unless it is demonstrated to comply with the requirements of this ordinance.
- B. **Sites.** No site shall be developed unless it is demonstrated to comply with the requirements of this

ordinance.

- C. **Land Use.** No use of land, building, or structure may be established unless it is demonstrated to comply with the requirements of this ordinance.

## **Section 1.40      Organization**

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A. **Parts.** This ordinance is divided into the following six (6) parts:

1. Part I Introduction. An introduction to set the purpose, applicability, organization, and legal basis for zoning regulation.
2. Part II Zoning District Regulation. Land use, building, and dimensional regulations specific to Zoning Districts.
3. Part III Development Provisions. Regulations related to general property, specific land uses and activities, and the development of land.
4. Part IV Review Processes and Standards. Direction for review of zoning and land development applications.
5. Part V Administration. Administrative and review authorities, regulations concerning enforcement, and restrictions on nonconformities.
6. Part VI Definitions and Checklists. General definitions, land use definitions, and checklists for all application types are included in this ordinance.

## **Section 1.50      Figures and Tables**

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

## **Section 1.60      Rules of Construction**

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A. **Applicability.** The following listed rules of construction shall apply to the text of this ordinance.

1. The specific shall control the general.
2. The headings that title an article, section, or subsection are for convenience only and are not to be considered in any construction or interpretation of this ordinance or as enlarging or restricting the terms and provisions of this ordinance in any respect.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Unless the context clearly indicates to the contrary:
  - a. words used in the present tense shall include the future tense;
  - b. words used in the singular number shall include the plural number; and
  - c. words used in the plural number shall include the singular number.
5. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person.
6. The word "used" or "occupied," as applied to any land, building or structure, shall be construed to

include the words "intended," "arranged," "designed to be used," or "occupied."

7. The word "lot" includes:

- a. lots created through the subdivision platting process;
- b. existing parent tracts established by the Michigan Land Division Act, Act 288 of 1967, as amended;
- c. parcels created by the division of land, a combination of parcels, or adjustment of boundary lines; and
- d. site condominium units unless otherwise specified in this ordinance.

**B. Definitions and Common Understanding.** General terms and land uses are defined in Article 22 for the purpose of their use and interpretation in this ordinance. Any word or term not defined in these articles shall be considered to be defined in accordance with its common or standard definition.

## Section 1.70 Interpretation and Conflict

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**A. Conflict.**

- 1. This ordinance shall not repeal, annul in any way, impair, or interfere with:
  - a. existing provisions of other laws, ordinances, or regulations, except those repealed within this ordinance by specific reference;
  - b. private restrictions placed upon property by covenant, deed, or other private agreement; and
  - c. restrictive covenants running with the land to which the Township is a party.
- 2. Where this ordinance imposes greater restrictions, limitations, or requirements upon the use or development of land than federal, state, local, or private regulations, the provisions of this ordinance shall supersede unless zoning regulations are specifically preempted or precluded by federal or state laws or case law.

**B. Enforcement of Private Agreements.** All applicants and landowners shall be responsible for obligations and restrictions applicable to subject properties by private agreements. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

**C. County, State, and Federal Laws.** The Township shall not enforce county, state, or federal laws through zoning penalties and enforcement. However, Township land use and site development approvals may be conditioned upon securing all applicable outside governmental agency approvals. When federal and state laws preempt local zoning authority, the Township recognizes that those regulations supersede zoning regulations.

## Section 1.80 Legal Basis

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This ordinance is enacted pursuant to P.A. 110 of 2006, the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, which may be referred to in this ordinance as the Michigan Zoning Enabling Act.

## Section 1.90 Validity and Severability

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If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, the ruling shall not affect any other provisions of this ordinance not specifically included in the ruling. If any court of

competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular property, district, use, activity, building, or structure, such ruling shall not affect the application of the provision to any other property, district, use, activity, building, or structure not specifically included in the ruling.

**Section 1.100      Violations and Penalties**

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- A. **Violation.** Any person who violates, disobeys, neglects, or refuses to comply with any provision of this ordinance, any administrative decision made under the ordinance, or any permit or approval issued under the ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same shall be deemed to be responsible for a violation of this ordinance. Any person responsible for a violation of this ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.
- B. **Nuisance Per Se.** Any building or structure which is erected, altered, or converted or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- C. **Municipal Civil Infraction.** A violation of this ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

Table 1.100: Fine Structure		
Offense	Minimum Fine	Maximum Fine
First Offense	\$100.00	\$500.00
Second and Subsequent Offenses	\$200.00	\$500.00

**Section 1.110      Effective Date**

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- A. **Adoption and Effective Date.** This ordinance is a restatement of the Saugatuck Township Zoning Ordinance and was adopted by the Saugatuck Township Board of Trustees, Allegan County, Michigan, at a meeting held on \_\_\_\_\_, and a notice of publication ordered published on \_\_\_\_\_ in the \_\_\_\_\_, a newspaper having general circulation in the Township, and has an effective date of \_\_\_\_\_.
- B. **Repeal and Savings Clause.** The Saugatuck Township Zoning Ordinance, which was adopted on \_\_\_\_, \_\_\_\_, and effective on \_\_\_\_, \_\_\_\_, and its subsequent amendments, are repealed as of the effective date of this ordinance. The repeal of said ordinance shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under said ordinance, or any part thereof, and such ordinance 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.
- C. **Pending Applications.** All applications for approvals, permits, appeals, and variance requests pending before the Zoning Administrator, Planning Commission, Township Board of Trustees, or the Zoning Board of Appeals on the effective date of this ordinance shall be processed under the terms of this ordinance.





## **Part II. Zoning District Regulation**

### **Saugatuck Township Zoning Ordinance**

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## Article 2. Zoning Districts and Interpretations

Section 2.10 Intent and Purpose

Section 2.20 Zoning Map and Districts

Section 2.30 Interpretation of Zoning District Boundaries

Section 2.40 Principal Buildings and Uses

Section 2.50 Similar Land Uses

### Section 2.10 Intent and Purpose

The intent of this article is to establish and justify base zoning districts and overlay zoning districts to ensure compatibility between land uses and to ensure desirable conditions within Saugatuck Township to live, work, conduct business, and visit.

### Section 2.20 Zoning Map and Districts

- A. **Zoning Map.** The location and boundaries of the base zoning districts and overlay zoning districts are established and shown on a map titled "Zoning Map of Saugatuck Township, Allegan County, Michigan," and this map may occasionally be amended. The Zoning Map is declared to be part of the Zoning Ordinance, and the official version shall be kept on public display at the Saugatuck Township Hall.
- A. **Base Zoning Districts.** Saugatuck Township is divided into the following base zoning districts that regulate land use, division of land, construction of buildings and structures, and development of land.

Table 2.20 A: Base Zoning Districts		
District	Abbreviation	Article
Agricultural Residential	A-1	3
Rural Residential	A-2	3
Residential	R-1	3
Riverside Residential	R-2	3
Lakeshore Residential	R-3	3
Lakeshore Transition Residential	R-4	3
Local Commercial	C-1	4
General Commercial	C-2	4
Interchange Commercial	C-3	4
Light Industrial	I-1	4

B. **Overlay Districts.**

1. Intent. Overlay zoning districts are intended to apply additional and stricter regulations to underlying base zoning districts. In some cases, overlay zoning districts allow flexibility relating to the requirements of the underlying base zoning district.
2. Relationship to Base Zoning Districts. Except as provided in Article 5, overlay zoning districts do not otherwise alter or displace the underlying zoning district in which lots within it are zoned.

3. **Conflict.** In the event of a conflict between the requirements of an overlay zoning district and the requirements of a base zoning district, the requirements of the overlay zoning district shall prevail.

Table 2.20 B: Overlay Zoning Districts		
District	Abbreviation	Section
Critical Dune Area Overlay District	CDA	5.20
Interstate Transportation Overlay District	IT	5.30
Natural River Protection Overlay District	NR	5.40
Wellhead Protection Overlay District	WP	5.50
100-Year Flood Plain Overlay District	FP	5.60

- C. **Planned Unit Development.** Planned Unit Development (PUD) allows for a collaborative planning process between a developer and the Township to allow for a reasonable amount of zoning flexibility. This encourages innovative development and design that demonstrates a recognizable benefit to the Township.

## Section 2.30 Interpretation of Zoning District Boundaries

- A. **Rules.** Where uncertainty exists with respect to the boundaries of the zoning districts delineated on the Zoning Map, the following rules shall apply:
  1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
  2. Boundaries indicated as approximately following platted or other recorded lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.
  4. Boundaries indicated as following railroad or designed trail lines shall be construed to be the center line of the right-of-way or easement.
  5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of a change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the center lines.
  6. Boundaries indicated as parallel to or extensions of features indicated in subparagraphs 1 through 5 above shall be so constructed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
  7. Where physical or natural features existing on the ground vary from those shown on the Zoning Map or in other circumstances not covered by subsections 1-6, the Zoning Board of Appeals shall interpret the district boundaries.
  8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns that, for the sake of map clarity, do not cover public right-of-ways, it is intended that the district boundaries extend to the centerline of the public right-of-way.
- B. **Zoning of Vacated Areas.** Wherever any road, street, alley, or other public way is vacated, such road, street, alley, or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

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

## **Section 2.40      Principal Buildings and Uses**

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- A. **Single Use and Building.** All lots shall have no more than one (1) principal building and one (1) principal use. In the case of residential condominium projects, each building site or condominium unit shall be limited to one principal building.
- B. **Dwellings.** Unless otherwise permitted by subsection C, all lots shall have no more than one (1) single-family dwelling, two-family dwelling, townhouse, or multi-family dwelling.
- C. **Collective Principal Use.** Lots may have more than one (1) principal building and more than one (1) principal use when it is determined by the Zoning Administrator that the collective principal use of a lot is permitted. However, in no case shall more than one (1) single-family dwelling be established on a lot.
1. **Considerations.** The following factors shall be considered:
    - a. Individual buildings share common parking areas.
    - b. Access to the buildings/uses is provided via shared access drives or private streets.
    - c. Buildings are under single ownership or association control as a development complex.
    - d. Individual activities support one another.
    - e. The buildings are architecturally consistent and/or compatible.
  2. **Planning Commission Authority.** The Zoning Administrator may, in their sole discretion, submit a proposed collective principal use to the Planning Commission for consideration if the review factors do not lead to a clear conclusion.

## **Section 2.50      Similar Land Uses**

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- A. **Intent.** Since every potential land use cannot be addressed in the Zoning Ordinance, each zoning district may accommodate similar uses, as referenced in this section.
- B. **Determination.** All applications for a use not specifically named in Tables 3.30 or 4.30 or inquiries concerning a use shall be submitted to the Zoning Administrator for review and a determination.
1. **Conditions.** The Zoning Administrator shall determine that all of the following conditions are satisfied:
    - a. The proposed use is not listed as a permitted or special land use in any other zoning district.
    - b. The use is consistent with the district's purpose.
    - c. The use is similar to other allowed uses relative to its character, scale, and overall compatibility.
    - d. The use is not expected to create objectionable impacts on public health, safety, and welfare if it were established in the applicable zoning district.
    - e. The use would not be more appropriate within a different zoning district.
  2. **Planning Commission Authority.** The Zoning Administrator may, in their sole discretion, submit a proposed use to the Planning Commission for a similar use determination if the review factors do not lead to a clear conclusion.

- C. **Compliance.** If a proposed use is determined to be similar to a named permitted use within the district, the similar use shall comply with all the standards or requirements associated with the permitted use. If the named use is a special land use within the applicable zoning district, the similar use shall be reviewed and approved per the applicable requirements for the named use.
- D. **Determination.** The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the land use regulations and is not determined to be a use variance. Once a use has been determined to be similar, it shall be specifically determined to be the named use with which it shares similarities.
- E. **Prohibited Use.** If a use is not specifically listed anywhere in this ordinance and is not determined to be similar to any other specifically listed uses, the use is prohibited.
- F. **Accessory Uses.** Accessory uses are permitted in conjunction with all permitted and special land uses. The Zoning Administrator shall review and determine allowable accessory uses to ensure they are customarily associated with the permitted or special land use and are incidental and subordinate to the principal use.



## Article 3. Residential Zoning Districts

**Section 3.10** Intent and Purpose

**Section 3.20** Zoning District Intent Statements

**Section 3.30** Land Use Regulation

**Section 3.40** Lot, Building, and Siting Requirements

**Section 3.50** Residential Building Requirements

**Section 3.60** Non-Residential Building Requirements

**Section 3.70** Open Space Development Option

**Section 3.80** Other Applicable Development Requirements

**Section 3.90** Review Processes and Procedures

### Section 3.10 Intent and Purpose

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- A. **Introduction.** This article outlines the intent and purpose statements for the residential base zoning districts and contains basic information pertaining to the land use, dimensional, and building requirements for residential properties in Saugatuck Township.
- B. **Zoning Districts.** The Township is divided into six (6) residential zoning districts outlined in Section 3.20. Each zoning district has unique requirements concerning land use and site development.

### Section 3.20 Zoning District Intent Statements

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- A. **Agricultural Residential District (A-1).** The intent of this district is to protect productive and prime farmland, encourage agritourism, maintain low residential densities, cluster residential development to preserve natural resources, allow for alternative sources of energy, and protect rural character. Public water and sewer are generally not anticipated to serve the A-1 district.
- B. **Rural Residential District (A-2).** The intent of this district is to protect natural resources and established forests, allow for low-density rural residential development, support farming, and protect rural character. Public water and sewer are generally not anticipated to serve the A-2 district.
- C. **Residential District (R-1).** The intent of this district is to primarily accommodate a variety of housing types in areas that are served by public water and sewer or are within future service areas.
- D. **Riverside Residential District (R-2).** The intent of this district is to preserve and protect the areas of the Township in close proximity to or bordering the Kalamazoo River. This district also intends to accommodate residential land use with single-family and two-family dwellings and limited river-oriented uses that are developed in a manner to ensure water resource protection and to preserve the character of the riparian corridor.

- E. **Lakeshore Residential District (R-3).** The intent of this district is to control the development of areas adjacent to Lake Michigan to preserve the shoreline as a natural resource, prevent further erosion, and to maintain the aesthetic qualities and character of the area. This district also intends to accommodate residential land use with single-family dwellings that are developed in a manner to ensure shoreline protection.
- F. **Lakeshore Transition Residential District (R-4).** Previously titled R-3B, the intent of this district is to recognize and protect the unique qualities of areas that are naturally linked to the Lake Michigan beach and dune system and areas north of the City of Saugatuck that are directly adjacent to the shoreline. This district intends to accommodate moderate densities of single-family residential growth and encourages greater protection of open space. Development is intended to occur in a manner that ensures the protection of the shoreline and critical dune area, prevents further erosion, and protects natural resources and the character of the area.

## Section 3.30 Land Use Regulation

- A. **Requirements.** Land, buildings, and structures shall only be used in accordance with Table 3.30.
1. Permitted Use (P). This use is authorized by-right, subject to all other applicable provisions of this ordinance.
  2. Special Land Use (S). This use is subject to review and permitting in accordance with Article 16 and subject to all other applicable provisions of this ordinance.
  3. Not Permitted (NP). This use is not permitted.
  4. Planned Unit Development (PD). This use is only permitted through the Planned Unit Development review and approval process.
- B. **Other Requirements.** See the referenced section for additional requirements specific to the land use if noted in the far-right column.
- C. **Land Use Definitions.** See Article 22 for definitions of the land use terms in Table 3.30.

**Table 3.30: Residential Districts- Land Use Regulation**

Use	A-1	A-2	R-1	R-2	R-3	R-4	Other
<b>Accessory Uses</b>							
Accessory building, farm	P	P	NP	NP	NP	NP	8.120
Accessory building	P/S	P/S	P/S	P/S	P/S	P/S	8.20
Accessory dwelling unit	P	P	P	NP	NP	NP	8.30
Accessory structure	P	P	P	P	P	P	8.40
Boathouse	NP	NP	S	S	NP	NP	8.20
Community mental health services program at a residence	P	P	P	P	P	P	
Day care, family day care home	P	P	P	P	P	P	
Day care, group day care home	S	S	S	S	S	S	8.100
Home occupation, major	S	S	NP	NP	NP	NP	8.140
Home occupation, minor	P	P	P	P	P	P	8.140
Home office	P	P	P	P	P	P	
Keeping of animals and bees (non-commercial)	P	P	P	P	P	P	8.150



Table 3.30: Residential Districts- Land Use Regulation							
Use	A-1	A-2	R-1	R-2	R-3	R-4	Other
Solar energy collector, ground-mounted	P	P	P	P	P	P	8.270
Qualified residential treatment program	P	P	P	P	P	P	
<b>Accommodations, Hospitality, and Entertainment Uses</b>							
Bed and breakfast	S	S	S	S	S	S	8.80
Campground or recreational vehicle park	S	S	NP	NP	NP	NP	8.90
Golf Course	S	S	NP	NP	NP	NP	8.130
Marina	NP	NP	NP	S	NP	NP	
Recreation, low-intensity outdoor	S	S	NP	NP	NP	NP	8.230
<b>Agricultural Uses</b>							
Farming	P	P	NP	NP	NP	NP	8.120
Stables, commercial	S	S	NP	NP	NP	NP	8.290
<b>Civic and Institutional Uses</b>							
Cemetery	P	P	NP	P	NP	P	
Government facility	P	P	P	P	P	P	
Public park or preserve	P	P	P	P	P	P	
Place of worship	P	P	P	P	P	P	
<b>Industrial, Infrastructure, and Transportation Uses</b>							
Air strip or helicopter landing area	S	NP	NP	NP	NP	NP	
Commercial solar energy system	S	S	NP	NP	NP	NP	8.270
Essential public services and utilities without buildings	P	P	P	P	P	P	
Essential public services and utilities, with buildings	S	S	S	S	S	S	
Mineral extraction	S	S	S	S	S	S	8.180
Wind energy turbine- SSMWET (15 ft. from roof and less)	P	P	P	P	P	P	8.350
Wind energy turbine- STMWET (65 ft. and less)	P	P	P	P	P	P	8.350
Wind energy turbine- SSMWET (multiple)	S	S	S	S	S	S	8.350
Wind energy turbine- STMWET (65-120 ft.)	S	S	S	S	S	S	8.350
Wind energy turbine- LWET	S	NP	NP	NP	NP	NP	8.350
Wireless telecommunications facility	S	S	NP	NP	NP	NP	8.360
<b>Residential</b>							
Adult foster care group home with public water and sewer	S	S	NP	NP	NP		8.60
Dwelling, multiple-family with public water and sewer	NP	NP	PD	NP	NP	NP	3.50
Dwelling, single-family	P	P	P	P	P	P	3.50
Dwelling, townhome with public water and sewer	NP	NP	S	NP	NP	NP	3.50
Dwelling, two-family	P	P	P	NP	NP	NP	3.50
Manufactured home community	S	NP	NP	NP	NP	NP	8.160
Nursing home with public water and sewer	S	S	S	NP	NP	NP	
Seasonal farm labor housing	S	S	NP	NP	NP		

**Table 3.30: Residential Districts- Land Use Regulation**

Use	A-1	A-2	R-1	R-2	R-3	R-4	Other
State licensed residential facility	P	P	P	P	P	P	
<b>Other Uses</b>							
Similar land use	P/S	P/S	P/S	P/S	P/S	P/S	2.50
Rural business	S	S	NP	NP	NP	NP	8.240
Temporary uses	P	P	P	P	P	P	8.300

## Section 3.40 Lot, Building, and Siting Requirements

- A. **Intent.** This section includes the dimensional requirements for lots and the requirements for the location and size of buildings.
- B. **Applicability.**
1. Lots. All lots shall meet the minimum area and width requirements of Tables 3.40 A-C. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
  2. Principal Buildings. All placement of principal buildings shall conform to the minimum dimensional and sizing requirements listed in Tables 3.40 A-C. Accessory buildings shall comply with the requirements of Section 8.20.

**Table 3.40 A: Lot, Building, and Siting Requirements for Single- and Two-Family Dwellings**

Requirement	A-1	A-2	R-1	R-2	R-3	R-4
Min. Lot Area without Public Water and Sewer (ac. or s.f.)	2.5 ac.	2.5 ac.	30,000 s.f.	65,000 s.f.	30,000 s.f.	65,000 s.f.
Min. Lot Area (ac. or s.f.) with Public Water and Sewer (ac. or s.f.)	2.5 ac.	2.5 ac.	20,000 s.f.	65,000 s.f.	20,000 s.f.	65,000 s.f.
Min. Lot Width without Public Water and Sewer (ft.) <sup>1</sup>	165	150	125	125	125	125
Min. Lot Width (ft.) with Public Water and Sewer (ft.) <sup>1</sup>	165	150	100	100	100	100
Min. Lot Frontage	Equal to or greater than min. lot width <sup>2</sup>					
Max. Width-to-Depth Ratio	1:4 for lots under 10 ac. <sup>3</sup>					
Max. Building or Structure Height (ft.) <sup>4</sup>	35	35	35	35	35	35
Max. Number of Stories	2.5	2.5	2.5	2.5	2.5	2.5
Min. Building Height (ft). Pitched/Flat	14/10	14/10	14/10	14/10	14/10	14/10
Max. Lot Coverage (%)	40	40	40	40	40	40

<sup>1</sup> The minimum lot width may not diminish throughout the remaining depth of the lot.

<sup>2</sup> See Section 7.90 D for lot width reductions for cul-de-sac lots.

<sup>3</sup> See Article 22 for the definitions of "lot depth" and "lot width" to determine ratio. See Section 7.90 C for exceptions.

<sup>4</sup> See Section 7.40 for building height measurement and exceptions.

Table 3.40 A: Lot, Building, and Siting Requirements for Single- and Two-Family Dwellings							
Requirement		A-1	A-2	R-1	R-2	R-3	R-4
Min. Livable Floor Area per Dwelling Unit (s.f.)		600	600	600	750	750	750
Min. Bldg. Width of Any Side (ft.)		24	24	24	24	24	24
Min. Setbacks (ft.) <sup>1</sup>	Front- Major Street Right-of-Way	50	50	50	50	50	50
	Front- Minor Road Right-of-Way	40	40	30	40	40	40
	Street Side-Major Road	50	50	50	50	50	50
	Street Side-Minor Road	40	40	25	40	40	40
	Side	15	15	10	10	10	10
	Rear	50	50	30	30	30	30
Min. OHWM and Wetland Setback (ft.) <sup>2</sup>	Inland Waterways: Kalamazoo River, Silver Lake, Lake Michigan, Kalamazoo Lake, and Goshorn Lake	75	75	75	75	75	75
	All other Inland Lakes and Streams and Wetlands	40	40	40	40	40	40

<sup>1</sup> See Section 7.100 E for the average established setback reduction.

<sup>2</sup> "Ordinary High Water Mark" setback does not apply to docks, piers, bulkheads, seawalls, and similar structures.

<b>Table 3.40 B: Townhome Lot, Building, and Siting Requirements for R-1</b>		
<b>Requirement</b>		<b>Townhouse</b>
Min. Lot Area with Public Water and Sewer (s.f.)		30,000 s.f.
Maximum Number of Units per Building		3
Min. Lot Width (s.f.) <sup>1</sup>		100
Min. Lot Frontage (ft.)		Equal to or greater than min. lot width
Max. Width-to-Depth Ratio <sup>2</sup>		1:4 for lots under 10 ac.
Max. Building Height (ft.) <sup>3</sup>		35
Max. Number of Stories		2.5
Max. Lot Coverage (%)		50
Min. Livable Floor Area per Dwelling Unit (s.f.)		600
Min. Setbacks (ft.)	Front- Major Street Right-of-Way	50
	Front- Minor Street Right-of-Way (front/side-loaded) <sup>4</sup>	25
	Front- Minor Street Right-of-Way (alley-loaded) <sup>5</sup>	15
	Street Side- Minor Street Right-of-Way	20
	Side	20
	Rear	50
Min. OHWM and Wetland Setback (ft.) <sup>6</sup>	Inland Waterways: Kalamazoo River, Silver Lake, Lake Michigan, Kalamazoo Lake, and Goshorn Lake	75
	All other Inland Lakes and Streams and Wetlands	50

<sup>1</sup> The minimum lot width may not diminish throughout the remaining depth of the lot.

<sup>2</sup> See Article 22 for the definitions of “lot depth” and “lot width” to determine ratio. See Section 7.90 C for exceptions.

<sup>3</sup> See Section 7.40 for building height measurement and exceptions.

<sup>4</sup> Front-loaded means the garage is oriented toward the primary street the home faces.

<sup>5</sup> Alley-loaded means the garage is oriented toward the alley.

<sup>6</sup> “Ordinary High Water Mark” setback does not apply to docks, piers, bulkheads, seawalls, and similar structures. See the riparian buffer requirement in Section 11.60.

Table 3.40 C: Lot, Building, and Siting Requirements for Non-Residential Buildings in Residential Zoning Districts		
Requirement		All Residential Districts
Min. Lot Area (ac.)		5 ac. A-1, A-2 1 ac. all other districts
Min. Lot Width (ft.)		150
Min. Lot Frontage (ft.)		150
Max. Width-to-Depth Ratio <sup>1</sup>		1:4 for lots under 10 ac.
Max. Building Height (ft.) <sup>2</sup>		35
Max. Number of Stories		2.5
Max. Lot Coverage (%)		40
Min. Setbacks (ft.)	Front	50
	Street Side	50
	Side	25
	Rear	50
Min. OHWM and Wetland Setback (ft.) <sup>3</sup>	Inland Waterways: Kalamazoo River, Silver Lake, Lake Michigan, Kalamazoo Lake, and Goshorn Lake	75
	All other Inland Lakes and Streams and Wetlands	50

## Section 3.50 Residential Building Requirements

- A. **Intent.** Residential building design requirements are intended to ensure that exterior building materials are of high quality, attractive, and consistent with other buildings within the same zoning district. Further, they are intended to ensure:
1. Context-sensitive and compatible infill development in existing neighborhoods;
  2. Architectural diversity to avoid repetitive styles of buildings;
  3. High-quality and lasting buildings that will add value to the community;
  4. A pedestrian and bicycle-friendly environment; and
  5. Minimization of the visual impact of street-facing garages.
- B. **Primary Siding Material.** Durable materials and quality materials shall be used for siding on all residential buildings, including the following:

<sup>1</sup> See Article 22 for the definitions of “lot depth” and “lot width” to determine ratio. See Section 7.90 C for exceptions.

<sup>2</sup> See Section 7.40 for building height measurement and exceptions.

<sup>3</sup> “Ordinary High Water Mark” setback does not apply to docks, piers, bulkheads, seawalls, and similar structures. See the riparian buffer requirement in Section 11.60.

- 1. Brick;
- 2. Stone;
- 3. Cementitious material;
- 4. Wood siding;
- 5. Vinyl;
- 6. Glass;
- 7. Metal;
- 8. Other materials as approved by the Planning Commission.

C. **Single-Family Dwellings, Two-Family Dwellings, and Townhomes.**

- 1. A single-family dwelling shall have a minimum width across any front, side, or rear elevation of 24 feet, and the minimum width of each unit within a two-family dwelling or townhome building is 24 feet.
- 2. Garages.
  - a. Street-Facing Garages. Street-oriented garages shall not comprise more than 40 percent of the front width of the front façade.
  - b. Alley-Oriented Garages. Where an alley exists, new garages serving new residential development shall be located at the rear of the lot and accessed from the alley.
  - c. All new townhome buildings shall be served by rear alleys or driveways directed to the rear of the property.
- 3. Variety.
  - a. A residential development shall have a variety of house models. The following table indicates the minimum number of different types of house models for developments of various sizes:

Table 3.50: Minimum Number of House Models	
Size of Development	Minimum
2-10 buildings	2
11-20 buildings	4
21-30 buildings	6
31-40 buildings	8
41+ buildings	10

- b. Each house model shall have multiple characteristics that clearly distinguish it from the other house models, such as different exterior materials, rooflines, garage placement, architectural style, number of stories, and/or building face.
    - c. No more than two (2) of the same house models can be located adjacent to one another in developments that are required to have four (4) or more house models.
  - 4. Foundations. All foundations shall be permanent.

**D. Multi-Family Buildings and Nursing Homes.**

1. Orientation. To the maximum extent feasible, the primary entrance and façade of individual buildings within a multi-family development shall be oriented towards:
  - a. Primary, internal, or perimeter streets; or
  - b. Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.
2. Garages. Garage entries shall be internalized in building groupings and located away from street frontages or accessed using an alley.
3. Massing and Form. One or more of the following techniques shall be used when a multi-family building is located on the same block and side of the block as single-family and/or two-family residential dwellings to reduce the overall bulk and mass of individual buildings.
  - a. Breaking up the mass of the multi-family building by stepping back the façade (minimum two feet deep and one foot wide) for every 30 feet of building frontage so that the building appears from the street to be separate homes;
  - b. Organizing units around a central courtyard that maintains the impression of the traditional side yard setback between units along the street frontage; or
  - c. Designing the multi-family building so that the massing, arrangement of architectural elements, and use of exterior materials give the appearance of a large single-family home or townhome building.
4. Four-Sided Design. Although the front facade of a building is expected to be the primary focal point in terms of the level of architectural character and features, all sides of a residential building shall incorporate architectural detailing that complements the front facade and provides visual interest. Blank walls void of architectural detailing are prohibited. Five (5) architectural features listed below shall be incorporated into the overall design on each side of the building:
  - a. Covered porches;
  - b. Balconies;
  - c. Prominent entry features;
  - d. Windows;
  - e. Door openings;
  - f. Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);
  - g. Variations in materials;
  - h. Variations in building height;
  - i. Variation in roof form;
  - j. Dormers;
  - k. Projected or recessed building walls; or
  - l. Another architectural feature as approved by the Planning Commission.

- E. Manufactured Homes.** Compatibility standards for manufactured homes meeting the definition of single-family dwelling are as follows:

1. Manufactured homes qualifying as single-family dwellings shall be compared to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the manufactured home is substantially similar or superior in size, siding material, roof material, foundation, and general aesthetic appearance to:
  - a. Site-built or other forms of housing which may be permitted in the same general area under this ordinance; or
  - b. Existing development; or
  - c. Proposed development in the same zoning district or area.
2. All towing devices, wheels, axles, and hitches must be removed.

### **Section 3.60 Non-Residential Building Requirements**

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See Section 4.50 for building requirements for non-residential buildings located within residential zoning districts.

### **Section 3.70 Open Space Development Option**

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- A. **Purpose.** The Zoning Enabling Act (Act 110 of 2006) requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in their zoning ordinances known as “open space preservation” provisions. Therefore, the provisions of this section are intended to permit land satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings otherwise permitted under existing ordinances, laws, and rules on the entire land area but on a portion of the land, not exceeding 50 percent, while preserving the remaining land, at least 50 percent, as permanent open space.
- B. **General Requirements.**
  1. **Restriction.** The open space preservation option provided shall not have previously been exercised with respect to the same land.
  2. **Permitted uses.** Only those land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this section.
- C. **Review.**
  1. **Procedure.** The open space development option shall be reviewed concurrently with the preliminary plat process and preliminary condominium process. If the land is to be divided by a metes and bounds survey, the Planning Commission shall review the application as a site plan.
  2. **Submittal Requirements.** In addition to the requirements of the applicable approval process, an application for the development of land under the provisions of this section shall also include the following:
    - a. A parallel plan for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option was not exercised. The parallel plan may be conceptual in nature but shall include at least the following information:
      - i. Date, north arrow, and scale, which shall not be more than 1” = 100’, and, in all cases, the scale shall be the same as that utilized for the site plan illustrating the proposed development using the clustering option permitted by this section.



- ii. Location of streets and driveways.
  - iii. Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
  - iv. Location of stormwater retention or detention basins, community sewage treatment systems, and community water supply facilities necessary to serve a development under the parallel plan and which would not be located within any public road right-of-way or private road easement or on buildable lots.
  - v. The parallel plan shall illustrate all unbuildable land, which shall include lakes, streams, detention ponds, and other wetlands, public utility easements, floodplains, slopes of 20 percent or greater, and other similar features that limit or prevent construction of buildings or roads.
- b. A copy of the conservation easement, plat dedication, restrictive covenant, or other legal instrument that would run with the land and that would have the legal effect of preserving in perpetuity the open space required by this section in an undeveloped state. Such legal instrument shall be reviewed by the township attorney prior to recording and shall be subject to the Township Attorney's approval, consistent with the terms of this section. The legal instrument shall:
- c. Indicate the proposed permitted use(s) of the undeveloped open space.
- i. Require that the open space be maintained in perpetuity in an undeveloped condition, 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 are approved by the Planning Commission.
  - ii. Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
  - iii. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
- d. A site plan for a proposed development using the open space preservation option shall include the following information:
- i. Date, north arrow, and a scale that shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the parallel plan.
  - ii. The site plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
  - iii. The site plan shall indicate the total number of acres of land that is proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for clustered development, and the percentage of each, as compared to the total site acreage.
  - iv. The site plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot and the proposed front, side, and rear yard building setbacks. The number of proposed dwelling lots on the site plan shall

not exceed the number of lots on the parallel plan, as approved by the Planning Commission.

- D. **Determination of the Number of Lots.** If the Planning Commission determines the number of dwellings illustrated on the parallel plan exceeds the number that could feasibly be developed on the land under the existing zoning classification without the open space preservation option, the applicant shall submit a revised site plan for the open space preservation option reflecting the permitted number of dwellings, as determined by the Planning Commission.
- E. **Standards for approval.** If a site plan satisfies all other applicable requirements and the requirements of this section, the Planning Commission shall approve the plan.
- F. **Open Space Development Requirements.**
1. **Minimum Open Space.** At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this subsection shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Planning Commission. The following areas shall not constitute open space:
    - a. The area within all public street rights-of-way.
    - b. The area within all private street easements.
    - c. Any easement for overhead utility lines, unless adjacent to open space.
    - d. The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
    - e. Off-street parking and/or loading areas.
    - f. Golf courses, swimming pools, and clubhouses.
    - g. Detention and retention ponds.
    - h. Community drain fields.
    - i. Fifty percent of the area of lakes, streams, detention ponds, wetlands, public utility easements, floodplains, slopes of 20 percent or greater, and other similar features that limit or prevent construction of buildings or roads.
- G. **Standards for Open Space.** The following standards shall apply to the open space required pursuant to this section:
1. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses, such as hiking or picnicking, and may include: a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use, or other use which the Planning Commission determines is substantially similar to these uses.
  2. The open space shall be available for all residents of the development, subject to reasonable rules and regulations, and shall be located to provide reasonable access to all residents. Safe and convenient pedestrian access points from the interior of the development shall be provided. The open space may, but is not required to be, dedicated for public use.
  3. 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.
  4. Open space shall be located to preserve significant natural resources, natural features, scenic or

wooded conditions, bodies of water, wetlands, or agricultural land.

5. As possible, a portion of the open space shall be located along the public street frontage abutting the land to help reduce the view of homes from the adjacent roadway and to preserve the rural character.
6. To the extent feasible, open space shall be linked with adjacent open spaces, public parks, bicycle paths and pedestrian paths.

**H. Development Requirements.**

1. Structures within Open Space. Designated open space areas shall not contain structures except as may be specifically authorized by the Planning Commission upon determining the structure is accessory to the function of the open space. Examples of structures that may be authorized include: park or playground equipment, gazebos, or agricultural structures.
2. Compliance with Zoning District. Development under the open space preservation option shall comply with all requirements of this ordinance and the zoning district in which the land is located, except setback, width, and area requirements, which may be modified to achieve the purpose of preserving open space.
3. Uniform Lot Size. All residential lots in the developed portion of the site shall be as uniform in area as reasonably practicable unless otherwise approved by the Planning Commission.
4. Building envelopes. 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, maximize the available open space, preserve existing natural features, and retain the rural character of the Township to the extent possible.
5. Required frontage. Each lot shall have a minimum of 30 feet of frontage measured at the road right-of-way or easement line.
6. Lot Width. Each lot shall have a minimum width equal to at least one-half the width required for the zoning district in which the land is located unless otherwise approved by the Planning Commission.
7. Non-Dwelling Unit Structures. Lots containing non-dwelling structures, such as a clubhouse and accessory building or related amenities, shall be subject to all requirements of this section applicable to lots containing dwellings and all other requirements of this ordinance and other Township ordinances. However, the Planning Commission may, at its discretion, permit the enlargement of a lot containing a non-dwelling structure to reasonably accommodate it.
8. 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 the shape thereof. Retaining walls may be required.
  - b. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures, or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
  - c. Grading shall be planned and carried out to avoid erosion, pollution, flooding, or other adverse effects upon the land and nearby waterways; and to minimize the overall environmental impact

on the property due to loss of vegetation, slopes, natural features, wildlife habitat, and views.

- I. **Other Laws.** The development of land under this subsection is subject to all other applicable Township ordinances, state and federal laws, rules, and regulations, including, but not limited to, rules relating to the 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.

## Section 3.80 Other Applicable Development Requirements

In addition to the requirements of this article, the following articles may apply to the development of land and certain uses and activities.

Table 3.80: Other Applicable Development Requirements			
Requirement	Article	Included	Applicability
General Provisions	Article 7	General provisions and requirements for certain activities that are not regulated distinctly by zoning districts	Varies
Specific Use Requirements	Article 8	Requirements specific to certain uses	See far right column of Table 3.30.
Lighting	Article 9	General lighting and light fixture requirements, minimum and maximum levels, and lighting plan requirements	Primarily non-residential and multi-family development, residential lots to a lesser degree
Parking, Access, and Mobility	Article 10	General parking requirements, minimum number of parking spaces and loading areas, design of parking and loading areas, and other general requirements	All projects that require off-street parking or loading spaces or that require new driveways and curb cuts
Landscaping and the Environment	Article 11	General landscaping requirements, landscape plan requirements, front yard landscaping, buffering, parking lot trees, and screening	Non-residential and multi-family site development
Signs	Article 12	General sign requirements and requirements for various sign types	Township-wide, varies by zoning district

## Section 3.90      Review Processes and Procedures

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See the following articles and sections for review processes and procedures:

Table 3.90: Review Processes and Procedures	
Requirement	Article
General Processes	Article 13
Site Plan Review	Article 14
Special Land Use	Article 15
Planned Unit Development Review	Article 16
Condominium Review	Article 17
Variance	If variances are required, Article 18 will apply
Rezoning	If rezoning is required, Article 19 will apply.

### Article 3. Residential Zoning Districts

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## Article 4. Commercial and Industrial Zoning Districts

### Section 4.10 Intent and Purpose

### Section 4.20 Zoning District Intent Statements

### Section 4.30 Land Use Regulation

### Section 4.40 Lot, Building, and Siting Requirements

### Section 4.50 Commercial and Industrial Building Requirements

### Section 4.60 Residential Building Requirements

### Section 4.70 Other Applicable Development Requirements

### Section 4.80 Review Processes and Procedures

## Section 4.10 Intent and Purpose

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- A. **Introduction.** This article outlines the intent and purpose statements for the commercial and industrial base zoning districts and contains basic information pertaining to the land use, dimensional, and building requirements for non-residential properties in Saugatuck Township.
- B. **Zoning Districts.** The Township is divided into four (4) commercial and industrial districts outlined in Section 4.20. Each zoning district has unique requirements concerning land use and site development.

## Section 4.20 Zoning District Intent Statements

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- A. **Local Commercial - Mixed Use (C-1).** This district is intended to encourage and accommodate businesses with smaller market areas with storefronts on the ground story, as well as upper story or attached residential units, local market retail, personal services, office and professional services, and residential development. Sites are located along the central Blue Star Highway corridor and other designated commercial nodes along the route. Characteristics of uses in this district may include daytime and early evening operations, smaller-scale business activities, and residential development served by public water and sewer.
- B. **General Commercial (C-2).** This district is intended for a wider range of retail, office, and service uses, serving local and regional markets such as large-scale retailers, restaurants, office buildings, professional services, and other related commercial uses. Sites have convenient access to state roads and interstates. Characteristics of uses in this district may include daytime and early evening operations, larger employers, outdoor sales areas, generous landscaping and greenspace, and larger parking areas for higher volumes of customers.
- C. **Interchange Commercial (C-3).** This district is intended for uses such as accommodations, fast food or quick service restaurants, vehicle service stations, convenience retail stores, and other service uses that primarily cater to individuals traveling or commuting by cars or commercial vehicles on the interstate or Blue Star Highway. Characteristics of the uses in this district include drive-through service, 24-hour or late-night operations, quick turnaround services, and higher-visibility signage or structures.

- D. **Light Industrial (I-1).** This district is intended for warehousing, distribution, light fabrication, assembly, manufacturing, commercial uses, and support services that provide jobs and economic development opportunities and limited residential use. Sites in this district should have ready access to necessary utilities and direct access to major truck transportation routes with increased separation and buffering from residential areas. Characteristics of the uses in this district may include outdoor storage areas, truck traffic, larger buildings, and multiple worker shifts.

## Section 4.30 Land Use Regulation

- A. **Requirements.** Land, buildings, and structures shall only be used in accordance with Table 4.30.
1. Permitted Use (P). This use is authorized by-right, subject to all other applicable provisions of this ordinance.
  2. Special Land Use (S). This use is subject to review and permitting in accordance with Article 16 and subject to all other applicable provisions of this ordinance.
  3. Not Permitted (NP). This use is not permitted.
  4. Planned Unit Development (PD). This use is only permitted through the Planned Unit Development review and approval process.
- B. **Other Requirements.** See the referenced section for additional requirements specific to the land use if noted in the far-right column.
- C. **Land Use Definitions.** See Article 22 for definitions of the land use terms in Table 4.30.

Table 4.30: Commercial and Industrial Districts- Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
<b>Accessory Uses</b>					
Accessory building	P/S	P/S	P/S	P/S	8.20
Accessory dwelling unit	P	P	NP	P	8.30
Community mental health services program at a residence	P	P	NP	P	
Day care, family day care home	P	P	NP	P	
Day care, group day care home	S	S	NP	S	8.100
Drive-through service	NP	NP	S	NP	8.110
Home occupation, major	NP	NP	NP	S	8.140
Home occupation, minor	P	P	NP	P	8.140
Home office	P	P	NP	P	
Keeping of animals and bees (non-commercial)	NP	NP	NP	P	8.150
Outdoor display and sales	P	P	P	NP	8.200
Outdoor storage	NP	NP	NP	P	8.210
Solar energy collector, ground-mounted	P	P	P	P	8.270
Qualified residential treatment program	P	P	NP	P	
<b>Accommodations, Hospitality, and Entertainment Uses</b>					
Banquet or meeting hall	P	P	P	NP	
Bed and breakfast	P	P	P	NP	8.80
Campground or recreational vehicle park	NP	S	S	NP	8.90
Hotel or motel	P	P	P	NP	
Indoor theater	NP	S	S	NP	



Table 4.30: Commercial and Industrial Districts- Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
Micro-brewery, small distillery, or small winery	P	P	P	NP	
Outdoor theater	NP	S	S	NP	
Recreation facility, indoor	S	S	S	P	
Recreation facility, outdoor	S	S	S	P	
Restaurant	P	P	P	NP	
Specialty accommodations	NP	S	S	NP	8.280
Tavern	P	P	P	NP	
<b>Civic and Institutional Uses</b>					
Cultural facility	P	P	P	NP	
Government facility	P	P	P	P	
Public park or preserve	P	P	P	P	
Place of worship	P	P	P	NP	
School- college or university	NP	S	NP	NP	
School- private K-12	S	S	NP	NP	
School- specialized training	P	P	P	P	
School- truck driving	NP	NP	NP	P	
<b>Industrial, Infrastructure, and Transportation Uses</b>					
Commercial solar energy system (ground-mounted)	NP	NP	NP	S	8.270
Commercial solar energy system (over parking spaces)	S	S	S	S	8.270
Crematorium	NP	NP	NP	S	
Essential public services and utilities without buildings	P	P	P	P	
Essential public services and utilities, with buildings	P	P	P	P	
Manufacturing, processing, and packaging- light	NP	NP	NP	P	
Mineral extraction	S	S	S	S	8.180
Propane gas sales	NP	NP	NP	S	
Salvage or impound operation	NP	NP	NP	S	8.250
Sawmill or planing mill	NP	NP	NP	S	
Self-storage	NP	NP	NP	S	8.260
Truck terminal	NP	NP	NP	S	
Warehousing and distribution	NP	NP	NP	S	
Waste management and recycling	NP	NP	NP	S	
Wholesaling and distribution	NP	NP	NP	S	
Wind energy turbine- SSMWET (15 ft. from roof and less)	P	P	P	P	8.350
Wind energy turbine- STMWET (65 ft. and less)	P	P	P	P	8.350
Wind energy turbine- SSMWET (multiple)	S	S	S	S	8.350
Wind energy turbine- STMWET (greater than 65 ft.)	S	S	S	S	8.350
Wind energy turbine- LWET	NP	NP	NP	S	8.350
Wireless telecommunications facility	NP	NP	NP	S	8.360
<b>Marihuana Establishments</b>					
Marihuana grower (medical and adult use)	NP	NP	NP	S	8.170
Marihuana retailer (adult use) or provisioning center (medical)	NP	NP	S	NP	8.170
Marihuana safety compliance facility	P	P	P	P	8.170

Table 4.30: Commercial and Industrial Districts- Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
<b>Office and Service Uses</b>					
Animal and pet services	P	P	P	P	8.70
Animal clinic	P	P	P	P	
Child day care center	P	P	NP	NP	
Contractor facility	NP	NP	NP	P	
Funeral home or mortuary	NP	P	P	NP	
General offices and services	P	P	P	P	
Hospital	NP	S	S	NP	
Truck stop	NP	NP	NP	S	8.310
Vehicle repair	NP	P	P	P	8.320
Vehicle service station	NP	S	S	NP	8.330
Vehicle wash, cars	NP	NP	S	NP	8.340
Vehicle wash, trucks	NP	NP	S	P	8.340
<b>Residential</b>					
Dwelling, multiple-family with public water and sewer	NP	NP	PD	NP	3.50
Dwelling, single-family, east of I-196	P	P	NP	P	3.50
Dwelling, single-family, west of I-196	P	P	NP	NP	3.50
Dwelling, townhome with public water and sewer (up to six units in building, one building per lot)	S	S	NP	NP	3.50
Dwelling, two-family	P	P	NP	NP	3.50
Manufactured home community	NP	NP	NP	NP	8.160
Mixed use residential	P	P	P	P	8.190
Nursing home with public water and sewer	NP	S	S	NP	3.50
State licensed residential facility	P	P	NP	P	
<b>Retail Uses</b>					
Bakery, small scale	P	P	NP	NP	
Construction and landscape supply, outdoor	NP	NP	NP	P	8.200
Equipment sales and rental	NP	NP	NP	S	
Greenhouse and nursery	NP	NP	P	P	
Retail sales, general, up to 5,000 square feet	P	P	P	NP	
Retail sales, general, 5,001-10,000 square feet	NP	NP	P	NP	
Retail sales, general, over 10,000 square feet (with water and sewer)	NP	NP	NP	P	
Vehicle sales and rental	NP	P	P	P	
<b>Other Uses</b>					
Adult entertainment	NP	NP	NP	S	8.50
Similar land use	P/S	P/S	P/S	P/S	2.50
Temporary land use	P	P	P	P	8.300

## Section 4.40 Lot, Building, and Siting Requirements

A. **Intent.** This section includes the dimensional requirements for lots and the requirements for the location and size of buildings.

B. **Applicability.**

1. Lots. All lots shall meet the minimum area and width requirements of Table 4.40 A or Table 4.40 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. Non-Residential Principal and Accessory Buildings. All placement of non-residential principal and accessory buildings shall conform to the minimum dimensional and sizing requirements listed in Table 4.40 A.

Table 4.40 A: Lot, Building, and Siting Requirements					
Requirement		C-1	C-2	C-3	I-1
Min. Lot Area (ac. or s.f.)		1 ac.	1.5 ac.	2.75 ac.	30,000
Min. Lot Width (ft.) <sup>1</sup>		150	200	300	100
Min. Lot Frontage (ft.)		150	200	300	100
Max. Width-to-Depth Ratio <sup>2</sup>		1:4 for lots under 10 ac.			
Max. Building or Structure Height (ft.)		35	35	35	35
Max. Number of Stories		3	3	3	3
Min. Building Height (ft). Pitched/Flat		14/10	14/10	14/10	14/10
Max. Lot Coverage (%)		50	40	40	40
Min. Livable Floor Area per Dwelling Unit (s.f.)		600	600	600	600
Min. Setbacks (ft.)	Front	40	40	40	75
	Street Side	40	40	40	75
	Side abutting commercial and industrial districts	20	20	30	25
	Side abutting residential districts	20	20	30	50
	Rear abutting commercial and industrial districts	20	20	30	25
	Rear abutting residential districts	20	20	50	50
Min. OHWM and Wetland Setback (ft.) <sup>3</sup>	Inland Waterways: Kalamazoo River, Silver Lake, Lake Michigan, Kalamazoo Lake, and Goshorn Lake	75	75	75	75
	All other Inland Lakes and Streams and Wetlands	50	50	50	50

<sup>1</sup> The minimum lot width may not diminish throughout the remaining depth of the lot.

<sup>2</sup> See Article 22 for the definitions of "lot depth" and "lot width" to determine ratio. See Section 7.90 C for exceptions.

<sup>3</sup> "Ordinary High Water Mark" setback does not apply to docks, piers, bulkheads, seawalls, and similar structures. See the surface water feature buffer requirement in Section 11.60.

3. Residential Buildings. Where permitted, all placement of residential principal buildings shall conform to the minimum dimensional and sizing requirements listed in Table 4.40 B.

## **Section 4.50 Commercial and Industrial Building Requirements**

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- A. **Intent.** The intent of this section is to ensure that exterior building materials are of high quality, attractive, and consistent with other buildings within the same zoning district. Buildings should have architectural features and patterns that provide visual interests and reduce massive aesthetic effects.
- B. **Nursing Homes.** See Section 3.50 D.
- C. **C-1, C-2, and C-3 Requirements.**
  1. Exterior Walls. For the purpose of this section, masonry is defined as brick, stone, or any other comparable hard-surface product approved by the Zoning Administrator.
    - a. Street-facing building elevations shall be constructed with a minimum of 80% of the masonry, wood, or cementitious siding. Siding may be horizontal lap, shiplap, or vertical board and batten. This architectural treatment shall also wrap around onto side building elevations for 25 percent of the width of the side elevation.
    - b. The bottom four (4) feet of all building front and side elevations shall be 100% masonry.
  2. Fenestration. Fenestration is regulated as a percentage of the façade between floor levels and is measured as the square footage of glass area, doors, and open area.
    - a. Min./Max. Ground Floor Façade Fenestration- 33 to 80%.
    - b. Min./Max. Upper Story Fenestration- 20 to 70%.
  3. Architectural Articulation. All building facades over 30 feet in width shall have horizontal and vertical architectural articulation along the building façade and wrap around onto side building elevations for 25 percent of the width of the side elevation.
    - a. Building facades shall include a repeating pattern that shall include no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally:
      - i. Color and texture change;
      - ii. Material change;
      - iii. Step backs;
      - iv. Change in building, parapet, or roofline height. If used to comply with this standard, the minimum change in roofline shall be two (2) feet;
      - v. Porches, roof overhangs, awnings, canopies, or marquees extending at least four (4) feet beyond the building face; and
      - vi. Expression of architectural detail through a change of plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib.
    - b. These elements shall be integral parts of the building fabric and not superficially applied trim or graphics.

**D. I-1 Requirements.**

1. Exterior Walls. The metal wall facing any street of any building located within 300 feet of the street shall be externally clad with brick, masonry, wood, or other decorative facing material from the ground level up to a point that is at least 30 percent of the height of such wall.
2. All facades over 30 feet shall have horizontal and vertical architectural articulation. Articulation may include shed roof overhangs, porches, vertical elements, and other approved projections.

**E. Roof-Mounted Equipment.** Roof-mounted equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties using parapet walls or other means of screening. The materials used for screening shall be compatible in architectural design and aesthetics with building materials employed in the construction of the primary building and other improvements to the parcel.

1. When reviewing the type and amount of screening, the Zoning Administrator or Planning Commission, as applicable, shall consider the following:
  - a. The proximity of the development to surrounding residential land uses and the visual impact that roof-mounted equipment may have upon those surrounding residential land uses.
  - b. The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.
2. Roof-mounted equipment shall be neutral earth toned colors that have a matte finish and that are compatible with the primary building façade. In no case shall rooftop mechanical equipment be galvanized, shiny, white, off-white, or other light colors that can be observed from a distance.

**F. Building Materials.** Building siding and exterior components, aside from roofing, shall be constructed of wood, masonry, metal, or cementitious materials. Canvas, nylon, and other synthetic materials may be incorporated for decorative and non-structural porticos, canopies, and other attachments.

**G. Architectural Deviations.** Deviations from the requirements of this section may be authorized by the Planning Commission.

1. In determining if a deviation is warranted, the following shall be considered:
  - a. The proposed architectural design and/or building material is equal or superior to these requirements as it relates to achieving the character desired by this section.
  - b. The proposed architectural design and/or building material better fits the character of the area than when it strictly conforms to the requirements of this section.
  - c. The deviation has no significant visual impact or distinction from the public right-of-way or adjacent properties.
  - d. The applicant shall demonstrate that conformance with the requirements is impractical due to complexity, but these factors shall not by themselves be the reasons for granting a deviation.
  - e. Other conditions which the Planning Commission may deem relevant in order to protect the health, safety, and welfare of the Township and its residents.
2. The Planning Commission may attach conditions necessary to uphold the intent of this section.

## Section 4.60 Residential Building Requirements

See Section 3.50 for building requirements for residential buildings located within commercial and industrial zoning districts.

## Section 4.70 Other Applicable Development Requirements

In addition to the requirements of this article, the following articles may apply to the development of land and certain uses and activities.

Table 4.70: Other Applicable Development Requirements			
Requirement	Article	Included	Applicability
General Provisions	Article 7	General provisions and requirements for certain activities that are not regulated distinctly by zoning districts	Varies
Specific Use Requirements	Article 8	Requirements specific to certain uses	See far right column of Table 4.30.
Lighting	Article 9	General lighting and light fixture requirements, minimum and maximum levels, and lighting plan requirements	Primarily non-residential and multi-family development, residential lots to a lesser degree
Parking, Access, and Mobility	Article 10	General parking requirements, minimum number of parking spaces and loading areas, design of parking and loading areas, and other general requirements	All projects that require off-street parking or loading spaces or that require new driveways and curb cuts
Landscaping and the Environment	Article 11	General landscaping requirements, landscape plan requirements, front yard landscaping, buffering, parking lot trees, and screening	Non-residential and multi-family site development
Signs	Article 12	General sign requirements and requirements for various sign types	Township-wide, varies by zoning district

## Section 4.80 Review Processes and Procedures

See the following articles and sections for review processes and procedures:

Table 4.80: Review Processes and Procedures	
Requirement	Article
General Processes	Article 13
Site Plan Review	Article 14
Special Land Use	Article 15
Planned Unit Development Review	Article 16
Condominium Review	Article 17
Variance	If variances are required, Article 18 will apply
Rezoning	If rezoning is required, Article 19 will apply.



## Article 5. Overlay Districts

**Section 5.10** Intent and Purpose

**Section 5.20** Critical Dune Overlay District

**Section 5.30** Interstate Transportation Overlay District

**Section 5.40** Natural River Overlay District

**Section 5.50** Wellhead Protection Overlay District

**Section 5.60** 100-Year Floodplain Overlay District

### **Section 5.10** Intent and Purpose

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This article outlines overlay zoning district requirements and regulations. Overlay zoning districts add a higher level of review and additional requirements beyond what is required outside of their boundaries.

### **Section 5.20** Critical Dune Overlay District

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- A. **Purpose.** The Critical Dune Area Overlay District is established to minimize the adverse effects of development on existing sand dune areas and vegetation.
- B. **Location.** The Critical Dune Area Overlay District is the area designated by the Department of Environment, Great Lakes, And Energy As Designated Critical Sand Dune Areas Pursuant To The Natural Resources and Environmental Protection Act, Act 451 Of 1994, Part 353 Sand Dunes Protection and Management.
- C. **Uses.** The following special land uses may be authorized in the critical sand dune area. All other uses are prohibited.
  - 1. Single-family dwellings with accessory buildings and structures.
  - 2. Minor home occupations.
  - 3. Parks and preserves.
  - 4. Recreation, outdoor low-intensity, if non-commercial.

**D. Lot, Building, and Siting Requirements.**

1. Requirements. Where stricter than the underlying zoning district, the following shall apply:

Table 5.20: Lot, Building, and Siting Requirements		
Requirement		Critical Dune Area Overlay District
Min. Lot Area (ac.)		2
Min. Lot Width (ft.)		150
Min. Lot Frontage (ft.)		150
Min. Lot Depth		150
Min. Setbacks (ft.)	Front	50
	Street Side	50
	Side	25
	Rear	25

2. Notwithstanding the requirements of Table 5.20, the location of any buildings, structures, roads, streets, and driveways shall be restricted to areas where natural vegetation has stabilized the sand or where the sand can demonstrably be stabilized by the planting and maintenance of natural vegetation.

**E. Access Design.**

1. Roads, streets, and access driveways shall be located in troughs or through natural gaps within the dune area. Roads, streets, and driveways shall be paved.
2. Nonvehicle, pedestrian pathways, and trails shall be designated and shall primarily be sited in the troughs, valleys, and natural gaps of the dunes. Erosion or damage to sand areas, whether vegetated or not, by use of pathways or trails shall require the installation, use, and maintenance of raised boardwalks or stairs.
3. Motorized vehicles, snowmobiles, and bicycles shall be restricted to traveling only on designated roads, Streets, and driveways. No all-terrain vehicles or motorcycles shall be operated within a critical sand dune area. This subsection may be enforced by any police agency of appropriate jurisdiction.

- F. **Beach Grass.** Beach grass (*Ammophila breviligulata*) or other suitable or similar vegetation material shall be planted on areas of open sand for a minimum distance of 50 feet on each side of roads, streets, and driveways.

- G. **State Statute.** Statutes promulgated by the state legislature or rules and regulations statutorily authorized and promulgated by the appropriate state agency from time to time which contain more restrictive or additional terms and conditions as to the use and development of land within the Township's critical sand dune areas, and which the Township is required to follow and enforce, shall be incorporated in this section by reference upon their respective effective dates and shall modify or supplement the terms and conditions of this section. Copies of such mandatory laws, rules, and regulations shall be kept on file at the township office for inspection during regular business hours and shall be currently maintained by the Township Clerk.



## Section 5.30 Interstate Transportation Overlay District

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- A. **Purpose.** The Interstate Transportation Overlay District intended to provide a reasonable location within the Township for transportation facilities such as truck stops and adult entertainment establishments.
- B. **Location.** The Interstate Transportation Overlay District is defined in general terms as the area adjacent to exit 41 of the I-196 expressway and more precisely as the north 825 feet of the northwest  $\frac{1}{4}$  of Section 2 and that part of the north 825 feet of the northeast  $\frac{1}{4}$  of section 3 lying south of the centerline of the Blue Star Highway and east of the centerline of 64th Street. Boundaries are indicated on the Zoning Map.

## Section 5.40 Natural River Overlay District

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- A. **Purpose and Intent.**
  - 1. The purpose of the Natural River Overlay District is to:
    - a. Promote the public health, safety, and general welfare, to prevent economic and ecological damages due to misuse, unwise development patterns, overcrowding, and overuse within the Natural River Overlay District, and to preserve the values of the Natural River Overlay District for the benefit of present and future generations;
    - b. Protect, preserve, and enhance the Natural River Overlay District values for the free-flowing conditions, water conservation, fish, aquatic, and wildlife resources, ecological, water quality, floodplain, scenic and aesthetic qualities, boating, historical, and recreational values and uses of a designated Natural River Overlay District and adjoining land;
    - c. Provide for residential and other permitted development that will complement the natural characteristics of the natural river system; and
    - d. Achieve the goals and objectives of the Lower Kalamazoo River Natural River Plan.
  - 2. Intent. The intent of these requirements is to regulate and restrict lot coverage and use, population distribution and density, and the size and location of all structures by the delineation of permitted uses and development standards to promote the purposes identified in these requirements.
- B. **Location.**
  - 1. That portion of the Kalamazoo River from the east township line downstream to the junction of flood zones A-2 and A-3 (approximately one-half mile downstream from the Hacklander Public Access Site) has been designated as a "wild-scenic river" under the authority of the Natural River Act, Part 305 of Public Act No. 451 of 1994 (MCL 324.30501 et seq.). In addition to the requirements set forth in the particular zoned districts in which the natural river overlay is located, the remainder of this section shall apply.
  - 2. The Kalamazoo Natural River Overlay District includes an area 300 feet wide on each side of and parallel to all channels of the designated mainstream of the Kalamazoo River. This overlay district establishes a definable area within which this chapter shall regulate development and Use. Establishment of this district in no way implies a taking of these lands by the state or the township or the opening of such lands to public Use. Private lands shall remain private and are subject to all rights of private ownership.

C. **Uses.** The following special land uses may be authorized in the Natural River Overlay District. All other uses are prohibited.

1. Single-family dwellings with accessory buildings and structures.
2. Minor home occupations.
3. Parks and preserves.
4. Recreation, outdoor low-intensity, if non-commercial.

D. **Lot, Building, and Siting Requirements.**

1. Requirements. Where stricter than the underlying zoning district, the following shall apply:

Table 5.40: Lot, Building, and Siting Requirements	
Requirement	
Min. Lot Width (ft.)	150
Min. Lot Frontage (ft.)	150
Setbacks	In the designated natural river overlay district, the building setback for new structures and appurtenances along the main stream and tributaries shall be at least 200 feet from the river's edge. However, the setback may be decreased three feet for every foot of vertical bank height above the ordinary high-water mark until a minimum setback of 75 feet from the river's edge is reached. Further, no construction shall take place on land that is subject to flooding. Land that is subject to flooding means that area of land adjoining the designated portions of the river and tributaries which will be inundated by a flood which has a one-percent chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the appropriate state agency.

E. **Docks and Riparian Access.** Riparian owners have the right of reasonable access to the river. Riparian access and construction of docks are therefore permitted uses regulated under the provisions of Section 7.20, and the requirements of the underlying zoning district. Docks must be constructed in accordance with the rules of Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.), as amended or subsequently replaced by other applicable regulations. The use of natural material is encouraged.

F. **On-Site Sanitation Systems.** All habitations within the Natural River Overlay District shall be provided with sanitary waste disposal facilities conforming in type to those required by health specifications of the state and the county health department. The facilities provided may be for either waterborne waste disposal by the septic tank-absorption tile field method or for nonwaterborne disposal by the use of a health-department approved or other state-approved sanitary system. Minimum standards for new septic systems along designated portions of the Kalamazoo River shall be as follows:

1. The setback for septic tanks and absorption fields shall be a minimum of 100 feet from the ordinary high water mark. Further, county health department requirements state that septic systems must be set back a minimum of 25 feet from the edge of a bluff along a river or stream. However, depending on soil type and soil profile, height, slope and condition of the bank at the site, health department officials may increase the setback up to 100 feet from the edge of a bluff. This is done to prevent possible leaching or seepage of contaminants from a waste system from flowing directly down the bank to the stream. To the extent that Allegan County Health Department requirements

differ from the requirements of this section, the more stringent requirements shall apply.

2. The bottom of the absorption field shall be at least four (4) feet above the known high groundwater table.
  3. No absorption field shall be closer than 50 feet from any permanent surface or subsurface drainage system. This will not include basement footing drains.
  4. Variances from these standards may be allowed by the county health department where existing lots cannot conform because of their size.
- G. **Signs.** Only those signs necessary for identification, direction, resource information, regulation of use, and related to the permitted use and such signs as are permitted in the riverfront residential zone may be placed along the designated river and tributaries. In addition, signs upon private lands within the Natural River Overlay District must be in conformance with the following standards:
1. The signs shall be no larger than two (2) square feet in area posted no more than one per 100 feet or one sign posted at the upstream and downstream corner of the lot.
  2. The sign shall not be attached to any tree or shrub.
  3. The sign shall not be illuminated.
- H. **Disposal of Solid Wastes.** No unsightly or offensive material, including but not limited to trash, refuse, junk cars, junk appliances or garbage, shall be dumped or stored within the Natural River Overlay District in accordance with Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.). No dumps or sanitary landfills shall be permitted within 300 feet of the designated portions of the Kalamazoo River or its tributaries.
- I. **Land Alteration.** Land alteration for building such as grading, dredging and filling of the land surface within 300 feet of the river's edge is permitted, unless the high groundwater table is within six (6) feet of the land surface or on lands subject to flooding. This does not apply to septic system drainfields which must be four feet above the known high groundwater table. Dredging or filling for the construction of fish or wildlife ponds outside of the native vegetation strip is permitted. All activities must meet provisions of the Inland Lakes and Streams Act, Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.); the Soil Erosion and Sedimentation Control Act, Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.); and the Wetlands Protection Act, Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.).
- J. **Native Vegetation Strip on Adjacent Shorelines.**
1. Trees, shrubs, and other vegetation native to the area shall be maintained and enhanced on each side of the river and tributaries to retain the river's natural values. Maintenance of the native vegetation strip is required to help in stabilizing the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water runoff, provide screening of manmade elements, protect fisheries and wildlife habitat, and maintain the aesthetic quality of the river. The Zoning Administrator shall notify each applicant for a Building Permit of the purpose of the Native vegetation strip and of this section.
  2. On privately owned land, a minimum 50-foot-deep restricted cutting strip (native vegetation strip) shall be maintained on each side of the main stream and on all designated tributaries. The following shall apply within the Native vegetation strip:
    - a. Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison

sumac and poison oak, and other plants regarded as a common nuisance in section 2 of Public Act No. 359 of 1941 (MCL 247.62) may be removed.

- b. Trees and shrubs may be pruned for a filtered view of the river. The term "filtered view" means the maintenance or establishment of woody vegetation of sufficient density to screen developments from the river, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the river view. It means no clearcutting.
  - c. Trees and shrubs may be selectively removed for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the river upon approval of the Zoning Administrator. The Zoning Administrator, if appropriate, shall direct the property owner to consult with the appropriate state agency, to establish an acceptable selective cutting plan for the area.
- K. **Minerals.** New development, exploration or production of oil, gas, salt brine, and gravel or other minerals except groundwater are not permitted within 300 feet of the designated river or tributaries, as provided in section 30509 of the Natural River Act, Part 305 of Public Act No. 451 of 1994 (MCL 324.30509).
- L. **State and Program Management.** State and program management requirements are as follows:
  - 1. Stream alteration. To protect the natural character of the river and the natural flow of its waters, no damming, dredging, filling or channelization of the stream will be permitted in those portions of the Kalamazoo River or its tributaries designated in the Natural River Act unless approved by the appropriate state agency under authority of the Inland Lakes and Streams Act, Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.).
  - 2. Riverbank stabilization. Natural materials should be used to construct riverbank or streambank stabilization projects to control erosion or to enhance fisheries habitat. These structures should be camouflaged, and the local conservation officer and/or the district fish biologist and/or the soil conservation service representative should be contacted to provide technical advice for such projects. All work done below the ordinary high water mark (579.8 IGLD mark) shall require a permit under the authority of such Inland Lakes and Streams Act, Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.).
  - 3. Removal of fallen trees and logjams. Permission must be obtained from the property owner when removing fallen trees and logjams from the river. If extensive removal of log material from the bottom during these operations is anticipated, advice and permission shall be sought from the district fish biologist.
- M. **Notification of the Appropriate State Agency.** The appropriate state agency shall be notified of all requests for rezonings, variances, and special land uses within the natural river overlay district.

## **Section 5.50      Wellhead Protection Overlay District**

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- A. **Purpose.** The Township of Saugatuck has determined that certain groundwater underlying areas in the Township is, or may be in the future, the source of water supplied by the Kalamazoo Lake Sewer and Water Authority. Groundwater aquifers are integrally connected with the surface water, lakes and streams that constitute significant public health, recreational and economic resources of the Township and surrounding area. Spills and discharges of hazardous substances threaten the quality of the

groundwater supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses. This section is intended to protect existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the sources of water supplied by the Kalamazoo Lake Sewer and Water Authority.

- B. **Boundaries.** The boundaries of the groundwater protection overlay zone are depicted on the zoning map and are generally based on the wellhead protection area (WHPA) designated by EGLE in accordance with the State of Michigan Wellhead Protection Program.
- C. **Prohibited Uses and Activities.** For any parcel of land within the Wellhead Protection Overlay District, notwithstanding the regulations of the underlying zoning district, the following activities are prohibited:
  - 1. Operations of a junkyard or salvage yard.
  - 2. Operations of a State of Michigan Type II or Type III solid waste landfill.
  - 3. Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression.
  - 4. Unplugged abandoned wells.
  - 5. Improper use, storage and disposal of hazardous substances.
  - 6. A new or increased large quantity withdrawal of groundwater requiring registration under Part 327 of the Michigan Natural Resources Protection Act, 1944 PA 451, as amended, if the well from which such withdrawal is to be made is: (1) located less than 1,000 feet from any municipal water source; or (2) a Type I or Type II water supply, as those terms are defined by the Michigan Department of Environment, Great Lakes, and Energy.
  - 7. Drilling for natural gas or petroleum, whether for exploration or production.
- D. **Additional Requirements for Site Plan Applications.** Whenever site plan review is required under the provisions of this section, applications for projects within the groundwater protection overlay district shall include the following in addition to any other required materials and information:
  - 1. Existing and proposed land use deed restrictions, if any.
  - 2. Location and outline of all existing septic tanks and drain fields.
  - 3. Location of any floor drains in proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
  - 4. Location of existing and proposed public and private drinking water wells, monitoring wells, irrigation wells, test wells, wells used for industrial processes or wells that have no identified use.
  - 5. Inventory of hazardous substances to be stored, used or generated on-site, including CAS numbers.
  - 6. Description and drawings showing size and location for any existing or proposed aboveground and underground storage tanks, piping lines and dispensers.
  - 7. Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances.
  - 8. Reported delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.
  - 9. A completed EGLE Environmental Permits Checklist.

E. **Additional Site Plan Review Standards.** In addition to all other applicable standards of approval, the Planning Commission shall review all site plans for projects within the Wellhead Protection Overlay District for conformance with the following standards, subject to the exclusions outlined in this section:

1. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
2. If required by state or federal law, properties using hazardous substances are required to have a Spill Prevention Control and Countermeasure (SPCC) Plan, a Pollution Incident Prevention Plan (PIPP), and/or a Storm Water Pollution Prevention Plan (SWPPP).
3. Sites that at any time use, store or generate hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
4. Hazardous substances stored on the site before, during, or after site construction, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
5. Secondary containment facilities shall be provided for aboveground storage of hazardous substances in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly into a sewer system, or to the waters of the State (including groundwater).
6. Unplugged abandoned wells and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the County Health Department.
7. The applicant shall have satisfactorily completed the EGLE Environmental Permits Checklist.

F. **Exclusions.** The standards in this section pertaining to hazardous substances shall not apply when:

1. The hazardous substances are packaged for personal or family use or present in the same form and concentration as a product packaged for use by the general public.
2. The products containing hazardous substances are held in containers with a volume of less than 40 gallons and packaged for retail use.
3. The total excluded substances containing hazardous substances do not exceed the lesser of 200 gallons or 1,000 pounds at any time.
4. The substances are parked or stopped vehicle in transit, provided that a commercial vehicle is stopped or parked for less than 72 hours.
5. The substance, such as gasoline or oil, is used in operable motor vehicles or boats solely for the operation of the vehicle, but not the tanker portion of a tank truck.
6. The substance is pressurized gases in storage tanks.

G. **Abandoned Operations.** This subsection applies to residences, businesses or other operations. Those who own or control abandoned operations shall do the following:

1. Within seven (7) days of becoming an abandoned operation, take such steps as necessary to secure the site such that natural elements such as water, wind and ice or vandals and all other persons cannot gain access to the hazardous substances.

2. Within 30 days of becoming inactive, provide to the Township Zoning Administrator or their designee, a document that identifies the site, the date of inactivity, the hazardous substances that exist on site, and the name, address, and telephone number of both the owner and the person in control of the site.
3. Within 60 days of becoming inactive, remove all hazardous substances from the site. This does not include those substances used for heating, cooling, and/or electrical lighting.

## **Section 5.60      100-Year Floodplain Overlay District**

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- A. **Purpose.** It is the purpose of this district to protect the general public and all lands in the township subject to periodic inundation of floodwaters by the following:
  1. Restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood flow heights or velocities.
  2. Requiring the uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction.
  3. Protecting individuals from buying lands which are unsuited for intended purposes because of flood hazards.
- B. **Location.** The 100-Year Floodplain Overlay District relies upon the analysis of flood prone lands in the township as defined in the flood hazard boundary maps prepared by the Federal Insurance Administration of the Department of Housing and Urban Development. The limitations of the flood prone areas shall be considered to be the 100-year floodplain as shown on the most current Federal Insurance Administration maps.
- C. **Applicability.** This district shall apply to all lands within the Township located within the boundaries of the 100-year floodplain as shown on the Federal Insurance Administration maps and the township zoning map. The requirements and restrictions of this district shall be considered to apply in addition to and, where applicable, instead of the provisions of underlying zoning districts shown on the official zoning map, sufficient to fulfill the purpose of this article. Uses and regulations otherwise applicable in existing zoning districts shall not be allowed unless also permitted in and developed in accordance with the remainder of this section, which shall take precedence over any conflicting laws, ordinances or codes.
- D. **Allowable Uses.** The following uses have a low flood damage potential because of their open space nature and are allowable to the extent that they are allowed uses in the underlying zoning district. All other uses are prohibited.
  1. Farms.
  2. Uses such as parking areas, airport landing strips, and storage yards for items to be moved, or not subject to flood damage.
  3. Parks and preserves.
  4. Recreation, outdoor low-intensity.
  5. Essential public services.
  6. Other water-related uses such as docks, piers, wharves, bridges, culverts, and river crossings of transmission lines, subject to approval by the appropriate state agency.



E. **Prohibited Activities.** The following activities are prohibited in the 100-Year Floodplain Overlay District:

1. The construction or placement of a permanent building or structure of any type, including a manufactured home, unless the elevation of the lowest structural member of the lowest floor is at least five (5) feet above the flood elevation (100-year flood) as determined by the Federal Insurance Administration (FIA), National Flood Insurance Program (NFIP), as set forth in the flood insurance rate map (FIRM).
  - a. Manufactured homes in any event shall not be placed in a designated floodway, as determined by the appropriate state agency; and
  - b. Manufactured homes which are Located within a floodplain shall have installed an anchoring system in compliance with Mobile Home Rules 605—608 of the appropriate state agency, as existing or as shall be amended.
2. The enlargement of any existing building or structure without the approval of the Planning Commission.
3. The cutting down of live trees or other live vegetation within 100 feet of the river's edge; disposal fields and septic tanks less than four (4) feet above the historical high water table; sewage outfalls; the storage or processing of materials that are likely to become health or safety hazards in time of flood or that are stored within sight of the river's edge; the operation of motorized vehicles off streets or established driveways servicing buildings and structures; commercial advertising; the operation of commercial enterprises with the exception of approved marina-type operations; industrial plants; uses which obstruct or encroach upon the floodway, except permitted docks, piers, etc.; and uses which are not in conformance with the natural character of the river.
4. The storage or processing of materials which in time of flooding become buoyant, flammable, explosive, contaminative or otherwise likely to injure public health.

F. **Approval Standards.** The following standards are applicable in order to ensure proper construction and assist the Planning Commission in evaluating the appropriateness of each use:

1. No building, structure, fill, excavation, or storage shall be permitted which, acting alone or in combination with existing or future uses, significantly and unduly affects the capacity of the floodway and thereby increases the height of the floodwaters.
2. Filling in the floodway may be permitted only after full compliance has been achieved, to the satisfaction of the Planning Commission, with the applicable provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq.) and all other applicable federal, state, and local acts, regulations, codes and ordinances. Such fill shall be protected from erosion by riprap, vegetative cover, bulkheading or other approved means.
3. Material and equipment may be stored if not subject to major flood damage and must be easily removable within the time following the flood warning and preceding the actual flood.
4. Any excavation, fill, extraction, grading, or scraping shall require the approval and consent of the appropriate state agency.

G. **Special Land Use Review Considerations.** The Planning Commission, in reviewing an application for a special land use in the floodplain overlay district, shall consider the following points before rendering a decision:

1. Any possible danger to life and property due to increased flood heights or velocities caused by encroachments on the floodplain.



2. The danger that materials may be swept on to other lands or downstream to the injury or cost to others.
  3. The susceptibility of the prepared development and its contents to flood damage and the effect of such damage on the individual owner and others.
  4. The importance of the services provided by the development of the community.
  5. The requirement of the proposed development for a waterfront location.
  6. The availability of alternative locations for the proposed use which are not subject to flooding.
  7. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  9. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  10. Such other factors which are, in the opinion of the Planning Commission, relevant to the purposes of this district.
  11. Where, in the opinion of the Planning Commission, topographic data, engineering studies, or other studies are needed to determine the effects of flooding on a proposed use and/or the effects of the use on the floodway, the Planning Commission may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.
- H. **Special Conditions.** Upon reviewing all data and materials and before granting approval, the Planning Commission may attach certain conditions, when applicable, to the granting of approval of special land use. Such conditions may be but are not limited to those enumerated in the following:
1. Limitation on periods of use and operation.
  2. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- I. **District Regulation.** Requirements of the underlying zoning district shall apply, as well as special approval requirements.

## Article 5. Overlay Districts

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## Article 6. Planned Unit Development

**Section 6.10 Intent and Purpose**

**Section 6.20 Qualifying Conditions**

**Section 6.30 General Requirements**

**Section 6.40 Residential Density**

**Section 6.50 Open Space**

**Section 6.60 Review Process and Standards of Approval**

### Section 6.10 Intent and Purpose

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- A. **Intent.** The intent of this article is to offer an alternative to conventional development under traditional zoning districts by permitting flexibility in the regulations for development by authorizing the Planned Unit Development (PUD) Overlay District. The standards and requirements in this article are intended to promote and encourage innovative developments that implement the goals and objectives of the Tri-Communities Master Plan. Further, PUDs promote coordinated, flexible, and comprehensive land planning and development for the benefit of property owners and to serve the public interest.
- B. **Purpose.** The purpose of this article is to encourage innovative developments that achieve recognizable and substantial benefits that would not be possible under the existing base zoning classifications. These recognizable benefits include, but are not limited to, the following:
1. Innovation and creativity in land use planning and development to create more desirable living, shopping, and working environments;
  2. Creative and imaginative approaches in the development of residential areas, especially through the complementary mixture of housing types in one development;
  3. Conservation and preservation of natural and cultural resources;
  4. Efficient use of land by facilitating well-designed arrangements of buildings, streets, utilities, and other features;
  5. Energy-efficient buildings, such as following LEED principles;
  6. Dedication of open space as an integral part of the development to ensure connectivity of open space with adjacent greenway corridors and promoting the development of passive and recreational activities; and
  7. Preservation of rural character or small-town appeal.

### Section 6.20 Qualifying Conditions

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- A. **Unified Control.** The PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit.
- B. **Buildings and Site Design.** PUDs shall include a variety of building types, high-quality building materials, and superior architecture and site design.

- C. **Recognizable Benefits.** PUD projects shall achieve at least two (2) recognizable and substantial benefits listed in Section 6.10 B that would not be possible under the existing base zoning classifications.
- D. **Minimum Acreage.** PUD projects shall have the following minimum acreages:
1. Residential projects: Four (4) acres without public water and sewer and three (3) acres with public water and sewer.
  2. Mixed-use projects with a variety of residential and non-residential uses: Three (3) acres.
  3. Non-residential PUDs: Six (6) acres.

## Section 6.30 General Requirements

- A. **Base Zoning District and Overlay.** PUD projects include a dual method of zoning, including a base district and PUD overlay. Approval of a PUD amends the Zoning Map to indicate a PUD overlay over the base zoning district.
- B. **Base Zoning District.**
1. A base zoning district is an underlying zoning district applicable to the subject property or a portion of the property. There may be more than one (1) base district per PUD project.
  2. Should the applicable base zoning district not permit a desired use, a base district rezoning shall be necessary.
  3. Where the Tri-Communities Master Plan recommends a different zoning district than the current zoning, a rezoning of the base zoning district consistent with the plan may be considered concurrently with the PUD.
- C. **Land Use.**
1. PUD projects shall comply with the land use regulation applicable to the base district.
  2. Townhomes and multi-family buildings may be included as part of a Residential or Mixed-use PUD.
- D. **Dimensional Requirements.** All PUD developments shall be compliant with base district dimensional and building requirements and other development requirements unless modifications are approved through the PUD process. However, residential lot, building, and siting requirements for PUD projects within the C-1, C-2, and C-3 zoning districts are the following unless modified:

Table 6.30: Lot, Building, and Siting Requirements for Residential Planned Unit Developments				
Requirement	Single-Family	Two-Family	Townhouse	Multi-Family
Minimum lot size without Public Water and Sewer	30,000 sf.	30,000 sf.	N/A	N/A
Minimum Lot Size with Public Water and Sewer	10,000	10,000	5,000 per unit	5,000 per unit
Minimum lot width	80	80	N/A	N/A
Maximum Number of Units per Building	1	2	6	12
Max. Building Height (ft.) <sup>1</sup>	35	35	35	35

<sup>1</sup> See Section 7.40 for building height measurement and exceptions.

Max. Number of Stories		2.5	2.5	2.5	2.5
Max. Lot Coverage (%)		50	60	75	75
Min. Livable Floor Area per Dwelling Unit (s.f.)		600	600	600	600
Min. Setbacks (ft.)	Front- Major Street Right-of-Way	40	40	40	40
	Front- Minor Street Right-of-Way (front/side-loaded) <sup>2</sup>	25	25	25	30
	Front- Minor Street Right-of-Way (alley-loaded)	15	15	15	30
	Street Side- Minor Street Right-of-Way	15	15	15	30
	Side	5	5	10	20
	Rear	20	20	25	25
Min. OHWM and Wetland Setback (ft.) <sup>3</sup>	Inland Waterways: Kalamazoo River, Silver Lake, Lake Michigan, Kalamazoo Lake, and Goshorn Lake	75	75	75	75
	All other Inland Lakes and Streams and Wetlands	50	50	50	50

- E. **Underground Utilities.** Electrical, telephone, and cable television lines shall be placed underground as feasible and practical.
- F. **Maintenance.** For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to the Planning Commission. Such provision shall include mandatory membership of all property owners in any association designed for maintenance of the common area.
- G. **Modifications.** Base zoning district requirements and development requirements may be modified as part of PUD approval by the Township Board. The applicant for a PUD shall identify, in a table format, all proposed modifications to zoning requirements (listing of the requirements and proposed modification to requirements). Modifications may be approved if they are demonstrated to result in a higher quality of development that will satisfy one (1) or more of the following criteria:
1. Preserves the best natural features of the site and creates, maintains, or improves habitat for wildlife;
  2. Creates, improves, or maintains open space for the residents; or
  3. Results in a higher-quality commercial or residential development consistent with the purposes of PUD expressed in Section 6.10 and the recommendations of the Tri-Communities Master Plan.

<sup>2</sup> Front-loaded means the garage is oriented toward the primary street the home faces. Alley-loaded means the garage is oriented toward the alley.

<sup>3</sup> "Ordinary High Water Mark" setback does not apply to docks, piers, bulkheads, seawalls, and similar structures. See the surface water feature buffer requirement in Section 11.60.

## **Section 6.40      Residential Density**

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- A. **Baseline Density.** The number of units permitted in a PUD development is determined from the parallel plan (Section 16.20 B.2).
- B. **Density Bonus.**
1. Residential density may be increased at the discretion of the Township Board by including one (1) or more of the elements identified in subsection C. Each element listed in subsection C is worth an additional incremental bonus. The bonus for each element shall be up to 10 percent of the units identified on the parallel plan.
  2. The specific amount of the bonus shall be at the discretion of the Township Board, depending on the degree to which the applicant has addressed that element and the impact it has in contributing to the objectives sought to be achieved by the PUD. The maximum density increase any development may receive shall be 25 percent of the units identified on the parallel plan.
  3. The project area must be served by public water and sewer to qualify for a density bonus.
- C. **Elements.** For those PUD developments eligible to receive a density bonus, the proposed development is required to demonstrate one (1) or more of the following considerations:
1. Providing public amenities such as playgrounds, picnic facilities, or community centers.
  2. Including a variety of housing types with a range of styles and price points.
  3. Providing paths, trails, greenways, or other pedestrian and non-motorized transportation facilities accessible to the public and connected to or creating a network of trails throughout the community.
  4. Extending public sewer to priority areas and/or looping the public water system.
  5. Providing open space above what is required for PUDs.
  6. Cleanup of site contamination.
  7. Stormwater management on-site that relies upon manufactured natural systems (such as bio-swales, rain gardens, or installed wetlands) and preserves the quality and integrity of existing natural areas.
  8. Other similar elements as determined by the Planning Commission.

## **Section 6.50      Open Space**

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- A. **Required Open Space.**
1. Minimum Requirement. All PUDs shall preserve at least 25 percent of its area as open space.
  2. Permanent Protection. Open space shall be protected by a permanent mechanism, such as a deed restriction, conservation easement, or similar means approved by the Township.
  3. Township Board Discretion. The Township Board may require that specific, unique natural amenities be included within the open space area for preservation purposes and be maintained in their natural condition.

**B. Objectives.** Open space areas set aside as part of a PUD project shall accomplish one (1) or more of the following objectives:

1. **Recreational Space.** To provide common active and passive recreational space for use by the residents of the PUD.
2. **Environmental Protection.** To protect and preserve environmentally sensitive areas, such as wildlife corridors, floodplains, shorelands, dunes, regulated and non-regulated wetlands, stream corridors, steeply-sloped areas, woodlands, or other sensitive areas that may exist on the development site and enhance the rural character of the area.
3. **Rural Character.** To provide open space along public road corridors so as to maintain a natural character along public roadways in rural portions of the Township.

**C. Open Space Requirements.** Land dedicated as common open space is subject to the following requirements:

1. To the extent possible, open space areas shall be continuous and connected throughout the development. Open space shall be large enough and of proper dimensions to contribute significantly to the purpose and objectives of the development. Except when provided along waterways or trails and paths, open space shall not be established as thin strips but as larger land masses to encourage general community use rather than simply private use by adjacent property owners. Wildlife corridors shall be considered when planning continuous and connected open space.
2. The majority of the total open space area within the development (minimum of 50 percent of the open space area) shall be located in one (1) contiguous area and shall be available for active or passive use by the residents of the development. The remaining portion of the open space requirement shall be divided into a minimum number of smaller areas.
3. Access to common open space shall be provided from all areas of the PUD by means of public or private streets or pedestrian access ways. Pedestrian accessways must be located within common open space or within a 20-foot easement. Surface type shall be at the discretion of the Township.
4. The PUD Concept Plan shall indicate the intended function of the open space (i.e. passive use, playground, ball field, picnic area, trail, etc.).
5. As a condition of PUD approval and prior to the occupancy of any structure within the PUD (or within any phase of the PUD), the applicant shall be required to establish a property owners' association (or other similar organization acceptable to the Township) of which all residents or occupants of the PUD shall be required to become members through appropriate restrictions, covenants, and conditions. The property owners' association must be legally capable of assuming and shall assume the obligation to maintain the common open space as required by this section.
6. The Planning Commission and Township Board shall review the open space as a part of the site plan to ensure that it satisfies the intent of this section and shall have the discretion to require changes to the open space plan as a condition of approval.

**D. Areas Not Considered Open Space.**

1. The area within any public street right-of-way or private street easements.
2. Any easement for overhead utility lines, unless adjacent to qualified open space.
3. 50 percent of any flood plain, wetland, water body, or steep slope (25 percent or greater) area and 50 percent of the area of any golf course.

4. The area within a platted lot or site condominium unit, unless the lot or unit has been dedicated to open space via conservation easement or other means of ensuring that the lot or unit is permanent open space.
5. General common element land area around conventional condominium buildings. However, the area outside of a comparable or theoretical lot area surrounding a conventional condominium building may be counted.
6. Parking and loading areas.
7. 50 percent of any stormwater detention or retention areas.

## **Section 6.60      Review Process and Standards of Approval**

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The PUD review process and standards of approval are included in Article 14 Planned Unit Development Review.





## **Part III. Development Provisions**

# **Saugatuck Township Zoning Ordinance**

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## Article 7. General Provisions for All Districts

- Section 7.10 Intent, Purpose, and General Compliance
- Section 7.20 Water Frontage, Anchoring, Water Access, and Docks
- Section 7.30 Antennas
- Section 7.40 Building and Structure Height
- Section 7.50 Fences and Walls
- Section 7.60 Driveways
- Section 7.70 Flagpoles
- Section 7.80 Ground-Mounted Equipment
- Section 7.90 Lots
- Section 7.100 Setbacks and Yards
- Section 7.110 Pools
- Section 7.120 Private Streets
- Section 7.130 Water, Sewer, and Utilities

### Section 7.10 Intent, Purpose, and General Compliance

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- A. **Intent and Purpose.** This article outlines requirements that are applicable for situations that may occur in any location in Saugatuck Township regardless of the zoning district designation unless otherwise specified.
- B. **Compliance with Ordinance.** Except as otherwise provided in this ordinance, no building, structure, or premises shall be used or occupied, and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the provisions of this ordinance.
- C. **Unlawful Buildings and Uses.** Any building, use, or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this ordinance shall continue to be unlawful unless expressly permitted by this ordinance. Such unlawful buildings, uses, or lots shall not be considered to be nonconforming buildings, uses, or lots and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses, or lots.
- D. **Fire Prevention Considerations.** For any use within the Township, consideration shall be given to the service capability of the local fire authority. The Zoning Administrator shall consult with the Fire Official as needed to implement the provisions of this ordinance relating to fire safety, as well as the provisions of the Fire Code.
- E. **Trash, Litter, or Junk.** It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash, litter, or junk on premises in the Township, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed seven (7) days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles and trash shall not be

left unattended in any yard longer than a period of 24 hours unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.

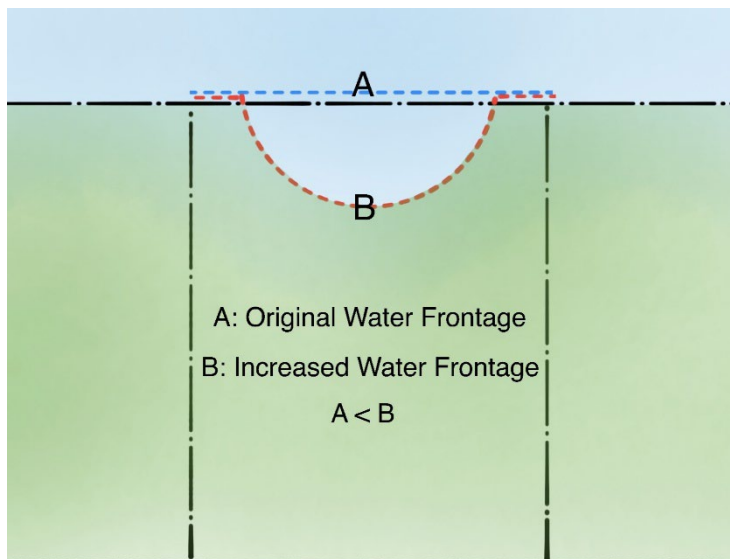
- F. **Restoring Unsafe Buildings.** Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official or required to comply with his lawful order, provided such restoration shall be subject to and completed in accordance with building code and all other applicable ordinances. Nonconforming buildings and uses shall also be subject to the limitations of Section 21.50.
- G. **Voting Place.** The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal, or other public election.

## Section 7.20 Water Frontage, Anchoring, Water Access, and Docks

### A. Purpose and Intent.

1. The Township, after extensive deliberations and discussions, has concluded that the use of water resources situated within the Township must be considered within the framework of the Township's long-term costs and benefits. Further, the Township has concluded that it is desirable to retain and maintain the physical, cultural, and aesthetic characteristics of its inland waterways and its portion of Lake Michigan.
2. Pursuant to its deliberations and discussions, the Township has concluded that a lack of regulation regarding anchoring, the density of docks on and general access to inland waterways and Lake Michigan within or adjacent to the Township has resulted in a Nuisance condition and an impairment of irreplaceable natural resources of the Township. Further, the lack of regulation is resulting in the destruction of property values and constitutes a threat to the public health, safety and welfare of all persons utilizing these inland waterways and Lake Michigan and occupying adjacent properties within the Township. Consequently, the Township desires to adopt reasonable regulations regarding anchoring, dock density, and general water access to protect the public health, safety, and welfare, as well as the irreplaceable natural resources of the Township.
3. The Township has further concluded that regulation of anchoring, water access, and dock density will help reduce conflicts that occur between residential single-family use of the waterfront and shared waterfront use.

- B. **Water Frontage.** The water frontage of Lake Michigan and all inland waterways in Saugatuck Township, as defined by this ordinance, shall not be manipulated in any manner by excavation, physical alteration, or any other action to increase linear footage of the water frontage of a property. This restriction does not prevent cleaning and



**Figure 7-1 Prohibited Water Frontage Increase**

maintenance of inland waterways and inland lakes and streams in accordance with all applicable county, state, and federal laws.

C. **Permit.** A zoning permit shall be obtained prior to the construction or expansion of the following:

1. Seasonal and permanent boat slips installed for more than 30 days.
2. Seasonal and permanent docks.
3. Water frontage access driveway.

D. **Anchoring of Watercraft.** Watercraft may be anchored upon any stream or body of water adjacent to any lot as long as such anchoring does not unreasonably interfere with the navigation of other watercraft upon such body of water. Mooring buoys and the use of temporary or permanent mooring or anchoring devices other than anchors carried on the watercraft to be temporarily secured (that is secured otherwise than at a dock, pier, seawall, bulkhead, or similar structure) are prohibited.

E. **Boat Slip Applicability.**

1. Large Boat Slips. Boat slips with a draft capable of accommodating the following types of vessels are subject to the limitations contained in this section:
  - a. Boat slips for vessels required by the State of Michigan to be registered; or
  - b. Boat slips for vessels of equal or greater size to a vessel required to be registered by the state but which is, for reasons of foreign origin or public ownership, exempted from registration by the state.
2. Small Boat Slips. Boat slips for small and very shallow draft private vessels and unimproved beach and shoreline areas used for the incidental beaching of such private vessels are exempt from the regulations of this section and of this article. Vessels accommodated by this exemption include rowboats and sailboats less than 16 feet in length, rafts, paddleboats, swim floats, canoes, and kayaks, all not required to be registered by the state.

F. **Dock and Boat Slip Density Regulations.**

1. Intent. These regulations are intended to limit the density of docks and the number of boat slips in those zoned districts where docks are permitted, except that boat slip areas for small and very shallow draft private vessels and unimproved beach and shoreline areas used for the incidental beaching of such private vessels are exempt from the regulations of this section. Vessels accommodated by this exemption include rowboats and sailboats less than 16 feet in length, rafts, paddleboats, swim floats, canoes, and kayaks, all are not required to be registered by the state. Docks and boat slips in all zoned districts are subject to the applicable rules of Parts 301 and 303 of Public Act No. 451 of 1994.
2. Density and Number. On any lot with water frontage, the density of docks and the number of boat slips subject to these regulations shall be as shown in Table 7.20 A.

**Table 7.20 A: Density of Docks and Number of Boat Slips**

Body of Water	Length of Water Frontage	Permitted Dock Density and Number of Boat Slips
Lake Michigan and Inland Waterways not Governed by the Natural River Overlay District	Existing lots prior to September 15, 1999 with less than 50 feet of Water Frontage	One (1) dock and two boat slips for a total docking capacity of not more than two (2) boats
	Existing lots prior to September 15, 1999 with at least 50 but less than 100 feet of Water Frontage	Two (2) docks and four (4) boat slips for a total docking capacity of not more than four (4) boats
	Lots with at least 100 feet of Water Frontage	One (1) dock and two (2) boat slips for a total docking capacity of not more than two (2) boats for each 50 feet of water frontage
Inland Waterways governed by the Natural River Overlay District	Each dock must be constructed in accordance with the rules of Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.); reasonable access for the lot owner shall be granted but the number of permitted docks per lot may be limited to no more than one (1).	

**G. Dock Regulations.**

1. No dock may be constructed or installed unless and until it has received all required approvals from all federal, state, and county agencies having jurisdiction.
2. Anchored rafts shall not be used for vessel docking, launching, or mooring purposes.
3. On lots created subsequent to May 29, 2009, each dock shall be set back a minimum of 20 feet from the side lot lines as it intersects with the shoreline and shall otherwise be located entirely within the access envelope. Docks shall be designed, located, and operated to avoid or minimize conflict with any other docks. All docks, boat lifts, pilings, and other dock accessories and extensions shall fall within the riparian rights area, which is:
  - a. The area over the water along a waterfront property when the side lot lines are hypothetically extended perpendicularly out to the thread of the river as defined by the State of Michigan law; or
  - b. Or the actual submerged lot lines if extending into the inland lake or river.

**H. Waterfront Access Property: Limitations and Regulations.** In any zoning district where there is an intent to create or use a lot, easement, private park, or common area for the purpose of providing shared water frontage access, by deed or otherwise, the following standards shall apply:

1. Area Requirements.
  - a. The waterfront access property shall be a separately described easement or lot (or condominium unit treated as a lot) or two or more contiguous lots.
  - b. The waterfront access property shall encompass not less than the minimum lot area and lot width required for platted single-family lots located in the same zoning district as the waterfront access property. In zoning district provisions where a lot width is not specified, the minimum length of water frontage and lot width shall be 100 feet (as measured from at least one point at the edge of the water).
  - c. The waterfront access property shall have at least 33 feet of frontage on a street or private street unless it is adjacent to or connected by easement or other conveyance to land without water frontage in a manner that complies with Section 7.20 H.2 and Section 7.20 H.5.

- d. Waterfront access property may be bisected by a street or private street provided that each portion of the waterfront access property is opposite and contiguous to the other and that each portion has a measurable lot area outside of the street or private street. On at least one (1) side of the street or private street there shall be a lot depth of at least 30 feet to either the water's edge or to the rear lot line.

2. Easements.

- a. There shall be only one designated area on a waterfront access property used to provide waterfront access. The width of the designated access area at the water's edge shall be equal to the width of the waterfront access property at that location. Within the designated access area shall be a designated waterfront activity area within which all permitted waterfront activities shall be contained. The setbacks for the designated waterfront activity area from adjacent lot lines shall be as indicated in Table 7.20 B.
- b. Any easement or other instrument used to convey access over or within the waterfront access property or to provide connecting access to the waterfront access property shall be not less than 15 feet in width and shall meet the contiguity requirements of Section 7.20 H.5. The width of any connecting easement or street frontage shall be at least 33 feet where the access is to accommodate motor vehicles required by law to be licensed and registered by the state. All access easements and connecting easements shall be set back from adjacent property that is not benefitted by the easement. The setbacks shall be equal to or greater than the minimums established in Table 7.20 B.

3. Number of Permitted Accesses and Required Setbacks. For purposes of this section, "accesses" shall mean the lots or dwelling units permitted to share the waterfront access portion of the waterfront access property. The number of such accesses and the required setbacks for the easements and designated areas facilitating the accesses shall be as follows:

<b>Table 7.20 B: Number of Permitted Accesses and Required Setbacks</b>			
<b>Body of Water</b>	<b>Length of Water Frontage Providing Waterfront Access</b>	<b>Maximum Number of Accesses Permitted</b>	<b>Minimum Setback of Access Easements to and Over Waterfront Access Property and of Designated Waterfront Activity Areas from Adjacent Non-benefiting Property</b>
Inland Waterways Governed by the Natural River Overlay District	150 feet	One (1) access for each 150 feet	10 feet
Lake Michigan and Inland Waterways not Governed by the Natural River Overlay District	100 feet	Four (4) accesses	
	More than 100 feet to 200 feet	One access for each 25 feet for a total of not more than eight (8)	20 feet
	More than 200 feet to 300 feet	One (1) access for each 20 feet for a total of not more than 15	
	More than 300 feet to 400 feet	One (1) access for each 15 feet for a total of not more than 26	
	More than 400 feet	One (1) access for each 10 feet	

4. Substandard Waterfront Access.

- a. In any zoning district where there is an existing lot or easement of record with water frontage and width (as measured from at least one point at the water's edge) that is less than but at least 90 percent of the minimum lot width required for lots in that zoning district, the lot may be used as waterfront access property. The waterfront access property will be allowed the same number of accesses allowed for lots that meet the minimum water frontage required in the zoning district, in accordance with the table in the subsection above. If shared waterfront property ownership and use had been conveyed to more than the number permitted herein prior to the effective date of this section, such use may continue as provided by this ordinance.
- b. In any zoning district where there is an existing lot or easement of record with water frontage and width (as measured from at least one point at the water's edge) that is less than 90 percent of the minimum lot width required for lots in that zoning district, and such lot or easement was, prior to the effective date of this section, not used for shared waterfront access, the lot or easement may not be used or conveyed as waterfront access property. If shared waterfront property ownership and use had been conveyed prior to the effective date of this section, it may continue as provided by this ordinance, and the number of conveyed accesses may not be expanded.

5. Contiguity and Proximity of Ownership. Every waterfront access property created must be contiguous to each lot or dwelling unit deeded or otherwise granted a share in its ownership for waterfront access. For the purpose of this article, "contiguous" shall mean any one of the following:

- a. The waterfront access property is within the same platted subdivision, condominium project, or other legally created and described land development in which subdivision, condominium project or other development is contiguous with itself (i.e., is not disconnected or located in two or more distinct areas of the Township).
- b. The waterfront access property is directly adjacent to the platted subdivision, condominium project, or other legally created and described land development containing each of the lot or dwelling units granted shared ownership for waterfront access by virtue of a shared and common property line not less than 15 feet in length.
- c. The waterfront access property is directly adjacent to an aggregate of continuously adjacent lots or condominium units treated as lots, granted shared ownership for waterfront access, by virtue of at least one of the continuously adjacent lots or condominium units, having a shared and common property line of not less than 15 feet in length with the waterfront access property.
- d. The waterfront access property faces but is separated by a street or private street from a platted subdivision, condominium project, other legally created and described land development, or an aggregate of continuously adjacent lots or condominium units treated as lots granted shared ownership for waterfront access.

6. Improvements. In all zoning districts, and unless otherwise more strictly regulated under the provisions of Section 5.40, Natural River Overlay District requirements and Section 5.60, 100-Year Floodplain Overlay District and requirements, site improvements made to waterfront access properties shall be subject to the following standards:

- a. Stairways, Footpaths, Walkways, Driveways and Non-Building Structures. Stairways, paved walkways, boardwalks, footpaths, driveways for vehicles, and other structures which are not buildings but which are allowed and constructed on waterfront access properties shall be



contained within easements and/or designated waterfront activity area in compliance with the setbacks required in Table 7.20 B. Docks shall be located as regulated under this section.

- b. **Parking Areas and Accessory Buildings.** Parking areas and accessory buildings such as gazebos and pavilions may be permitted on waterfront access property by the Planning Commission as a special land use under the provisions of Article 15. For parking areas, the provisions of Article 10 shall also apply. For accessory buildings, the standards of Section 8.20 shall also apply.
  - c. **Lots Supporting a Dwelling.** A waterfront access property on which a dwelling is constructed may not include a parking area or accessory building that is to serve more than four (4) lots. When considering a special approval use application that would exceed the limit of four, the Planning Commission shall require the creation of two distinct lots or condominium units treated as lots. One (1) of the lots or units shall be created solely as an access property meeting the minimum standards contained in this section. The second lot shall be a residential lot encumbered by waterfront access easements, which benefit not more than three (3) other lots. The burdened residential lot shall meet the minimum lot width, lot area, and setback standards applicable to single-family dwelling lots.
- 7. **Use Compliance.** No waterfront access property may be used for any purpose except in accordance with this section and in accordance with the uses allowed by the underlying zoning district.
  - 8. **Planned Unit Developments.** To the extent applicable, this section shall be considered when the Township receives Planned Unit Development applications and modification requests related to this section.

## Section 7.30      **Antennas**

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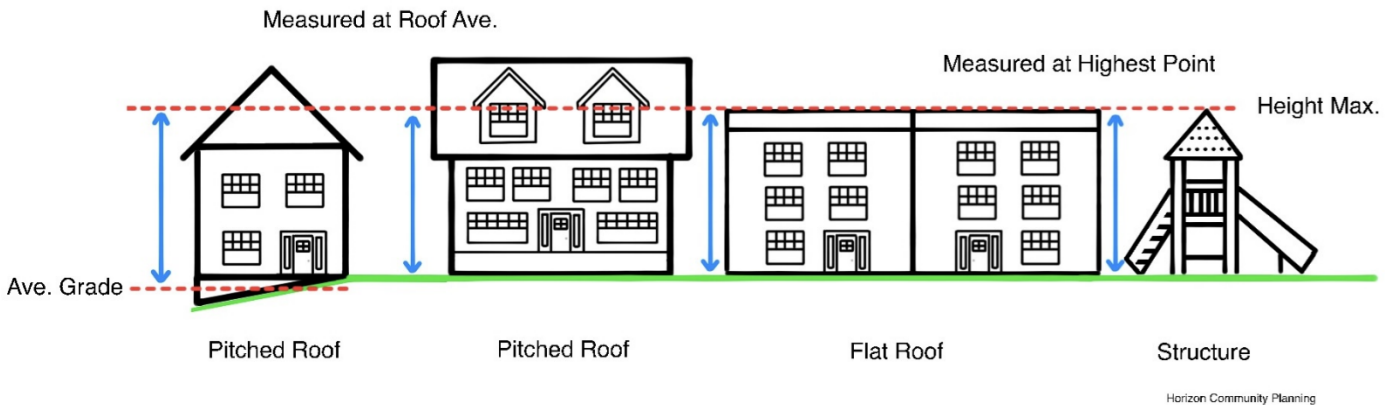
- A. **Permit.** A zoning permit is not required for antennas that comply with subsections A and B. However, the Zoning Administrator may approve modifications to the height restriction related to antennas, at their reasonable discretion, if modifications are necessary to comply with federal law.
- B. **Amateur Radio.** Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas are permitted on all properties, provided the height is no more than the distance from the base of the antenna to the nearest property line.
- C. **Miscellaneous Antennas.** Antennas used for reception of television, multi-channel video programming, and radio, such as over-the-air-reception-devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas are permitted on all properties, provided the height be no more than the distance from the base of the antenna to the nearest property line.

## Section 7.40      **Building and Structure Height**

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- A. **Measurement.** Building and structure height shall be measured in the following manners (Figure 7-2).
  - 1. **Pitched Roof.** Pitched roofs include, but are not limited to, hipped, gable, mansard, shed, and gambrel styles. Height is measured from the average grade to the average height between the lowest eave and highest ridge line of the building.
  - 2. **Flat Roof.** Height is measured from average grade to the highest point of the roof, including a parapet.

3. **Structure.** Height is measured from the average grade to the highest point of the structure.



**Figure 7-2 Building Height Measurement**

- B. **Waterfront Lots- Artificial Grade.** In the case of artificially raising the natural grade of a building site, the average high and low points of the pre-existing natural grade shall be used when calculating building height on waterfront lots.
- C. **Exceptions.** The components and structures in Table 7.40 shall be exempt from height regulations in all zoning districts to the extent noted. Exceptions may be approved through the applicable zoning or building permitting process.

Table 7.40: Height Exceptions	
Building Component or Structure	Maximum Exception
Parapet walls	Shall not exceed four (4) feet in height from the adjoining roof
Chimneys, elevator bulkheads, fire towers, cupolas, domes, spires, and other similar architecture or structural elements and appurtenances	May be 25 percent greater than the maximum height with approval from the Zoning Administrator
Mechanical appurtenances and roof-mounted solar panels	May extend five (5) feet above the maximum height requirement.
Antennas	See Section 7.30 A

## Section 7.50 Fences and Walls

- A. **Permit.** A zoning permit shall be obtained prior to the construction of any fence or wall.
- B. **Measurement.** Fences and walls shall be measured from the natural grade to the uppermost portion of the fence or wall.
- C. **Restrictions.**
1. **Right-of-Way.** Fences and walls are prohibited within the public right-of-way.
  2. **Clear Area.** Fences are subject to clear area requirements included in Section 7.100 C.
- D. **Electric Fences.** Fences that contain electric current or charge of electricity shall only be permitted in the A-1 and A-2 zoning districts for commercial farming purposes, such as confining pasture areas for livestock.

- E. **Barbed Wire.** Fences that contain barbed wire shall only be permitted in the A-1 and A-2 zoning districts for commercial farming purposes, such as confining pasture areas for livestock and outdoor storage areas in the I-1 zoning district.
- F. **Height.** Fence height requirements are subject to the maximum heights in Table 7.50.

Table 7.50: Maximum Fence and Wall Height			
Location on Site		Zoning District	
		Residential	Commercial and Industrial
Front Yard (ft.)		3	6
Secondary Front Yard on Corner Lot at or Behind Building Setback (ft.)		6	6
Side and Rear Yard (ft.)		6	8
Waterfront yard (ft).	Less than 25 ft. from OHWM	Prohibited	Prohibited
	Within the Natural River Overlay District	Prohibited	Prohibited
	25 to 99 ft. from OHWM	3	3
	100 ft. and greater from OHWM	6	8

- G. **Property Line Location.** A fence or wall shall not be placed on a shared property line or encroach onto adjacent property unless the applicant provides the Zoning Administrator evidence of written consent regarding the placement of the fence from the owner(s) of the abutting lot(s). Otherwise, fences shall only be placed on the subject property and up to property lines. It is the applicant's responsibility to confirm the location of property lines by identifying property markers and corner irons or by confirming measurements based on a survey of the subject property prepared by a licensed professional surveyor.
- H. **Construction Material.** Fence material is subject to review and approval by the Zoning Administrator.
- Fences and walls, including gates, shall be constructed of durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, metal, masonry, chain-link, composite, or vinyl.
  - These construction material requirements shall not preclude the use of decorative architectural materials when consistent with the intent of this section and the character of the area in which the fence is to be placed and as approved by the Zoning Administrator.
- I. **Conditions.** Fences shall be maintained to ensure they remain free of deficiencies and are kept upright and firmly fastened to the ground and associated supporting structures.

## Section 7.60 Driveways

### A. General Requirements.

- Lot Frontage.** Driveway frontage cannot be used to satisfy the street frontage requirements for lots.
- Building Setbacks.** There is no minimum building setback from driveways, shared driveways, commercial driveways, and easements. However, buildings shall not encroach into the required easement.

### B. Residential Driveways.

- Permit.** A zoning permit shall be obtained prior to the construction of any driveway.
- Minimum Driveway Width.** All driveways shall be a minimum of 16 feet in width unless a wider minimum requirement is provided in this section or as required by Fire Code.

3. **Setbacks.** The traveled surface of driveways serving single-family, two-family, and multifamily dwelling units shall be setback a minimum of five (5) feet from an abutting property line. This minimum setback shall apply to the entire length of the primary access drive as well as drives serving accessory uses and structures located on the same premises. Improved grades and retaining walls in support of driveways adjacent to property lines may be permitted, provided that no grades or retaining walls, or the maintenance thereof, may encroach upon the adjoining property.
4. **Residential Driveways Longer than 150 Feet.** Any driveway longer than 150 feet must:
  - a. Have an unobstructed vertical clearance of not less than 13.5 feet.
  - b. Be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
  - c. Have an unobstructed area (whether paved or unpaved) at the end of the driveway sufficient to reasonably allow a fire apparatus to turn around, as determined by the Zoning Administrator in consultation with the Fire Official.
  - d. Have a grade of less than 10 percent and angles of approach and departure that can reasonably accommodate fire department vehicles and equipment.
5. **Shared Residential Driveways.** Shared driveways must:
  - a. Be at least 20 feet wide throughout its entire length.
  - b. Be subject to a recorded easement in accordance with Section 7.60 D.
  - c. Comply with access management requirements of Section 10.100.
  - d. Shared driveways shall serve no more than two (2) dwellings.

**C. Commercial Driveways.**

1. **Site Plan Review.** Commercial driveways are subject to site plan review in accordance with Article 14.
2. **Dimensions.**
  - a. Driveways within public right-of-way shall meet the minimum width requirements of the Allegan County Road Commission or Michigan Department of Transportation, as applicable.
  - b. Driveways outside of the public right-of-way shall meet the minimum width requirements of Table 10.40.

**D. Easements.** Shared residential and commercial driveways and commercial cross-access easements are subject to review and shall be recorded.

1. Applications shall include a recordable legal instrument describing and granting the easement and a maintenance agreement.
2. The easement shall be recorded in the Allegan County Register of Deeds Office, and a copy of the recorded easement shall be provided to the Zoning Administrator.
3. **Content.** A copy of a recordable travel surface maintenance agreement, signed by all owners of the lands served by the access easement and other parties in interest, which includes the following:
  - a. Provisions that assure that the travel surface will be maintained, repaired, and kept clear for the full width and length to ensure safe travel and accessibility by emergency vehicles at all times.

- b. Provisions that assure that the costs of maintenance of the travel surface and its easement are paid for in an equitable manner.
  - c. A legal description of the easement and a legal description of the individual lots to be served. All properties served by the easement and travel surface shall be subject to the maintenance agreement.
  - d. Provisions declaring that the maintenance agreement constitutes a restrictive covenant, running with the benefitted lands, and binding on all current and future owners and other parties in interest as to the respective obligations stated therein.
  - e. Provisions to indemnify, save, and hold the Township and its officers, employees, and agents harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, or replace the travel surface.
- E. **State and County Driveway Permits.** All driveways are subject to review and approval by the Allegan County Road Commission or Michigan Department of Transportation, as applicable.
- F. **Fire Department Approval.** All driveways are subject to review and approval by the Fire Department. If stricter, Fire Code requirements shall supersede this section.

## Section 7.70 Flagpoles

- A. **Applicability.** The construction of permanent freestanding flagpoles and the display of flags on these structures are subject to the following requirements.
- B. **Permit.** A zoning permit shall be obtained prior to the construction of a freestanding flagpole.
- C. **Requirements.** Freestanding flagpoles are subject to the following requirements:

Table 7.70: Flagpole Requirements		
Requirement	Principal Use of Lot	
	Residential or Farm	Non-Residential
Maximum number of freestanding flag poles	2	One (1) per 50 feet of street frontage per lot
Maximum height (ft.)	25	25
Minimum setback from property lines (ft.)	25	25

## Section 7.80 Ground-Mounted Equipment

- A. **Permit.** Ground-mounted equipment may be approved through the applicable zoning or building permitting process.
- B. **Ground-Mounted Equipment.** Ground-mounted mechanical and utility equipment located on non-residential properties within view of customer entrances or public rights-of-way shall be:
1. Integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following; or
  2. Screened with:
    - a. A decorative wall, fence, or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or

- b. Landscaping that can effectively soften and screen the equipment, and that is integrated into the overall landscaping plan.

## Section 7.90 Lots

- A. **Required Area or Space.** No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required under this ordinance. If already less than the minimum size required, the area or space shall not be further divided or reduced. At the discretion of the Zoning Administrator, a lot line adjustment between one or more nonconforming lots can be approved so long as the overall degree of the nonconformity is reduced or is not increased.
- B. **Minimum Lot Width.** Minimum lot width, as required by Articles 3-4, is measured at the front setback line from the primary street frontage. The minimum lot width shall be maintained from the setback line to the mid-point of the lot depth at a minimum.
- C. **Width to Depth Ratio.** In cases of exceptional topographic or physical conditions, such as wetlands, waterbodies, steep slopes, and stormwater retention or detention areas, or if a parent parcel is an irregular shape, the Township may approve a greater depth-to-width ratio than one to four (4:1) as long as the resulting lots remain compatible with surrounding lands. The Zoning Administrator may approve greater ratios for lots created through land divisions, and the Township Board may approve greater ratios for lots as part of a tentative preliminary plat review.
- D. **Minimum Lot Frontage.**
  1. All lots shall have frontage on and be accessible from a public or a conforming private street, meeting all zoning and Fire Code requirements. The required minimum frontage shall be equal to the minimum lot width.
  2. Frontage for cul-de-sac lots for single-family and two-family dwellings may be reduced to 40 feet, and minimum lot width shall be measured at the required front setback line. (Figure 7-3).
- E. **Lot Width on Lakes, Rivers, and Streams.** The width of a lot abutting or containing an inland lake, river, or stream shall meet the minimum width requirement for the applicable zoning district measured at the ordinary high-water mark between side lot lines.

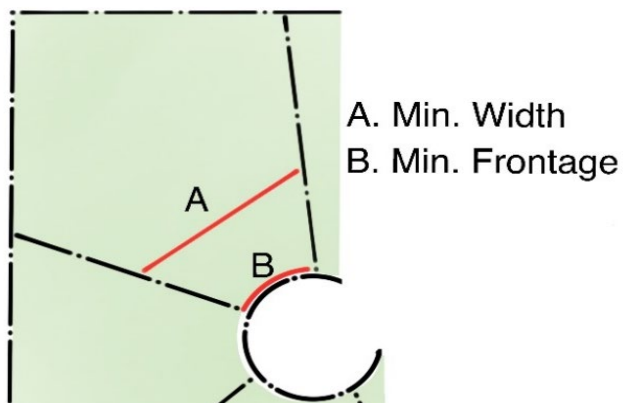


Figure 7-3 Cul-de-Sac Lot Frontage

## Section 7.100 Setbacks and Yards

- A. **Setback Requirements.**
  1. Applicability. Buildings and structures shall not be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the setback requirements of the district in which it is located.

2. Setback Measurement for Platted or Divided Lots.

- a. Setbacks are measured from:
  - i. The fronting public street right-of-way or private street easement for front setbacks and street side setbacks; and
  - ii. Side and rear property lines for side and rear setbacks, respectively.
- b. Setbacks are measured to:
  - i. The exterior edge of the foundation of buildings and structures and any portion of the building or structure supported by a foundation; and
  - ii. The exterior and outermost edge of any structure over 30 inches without a foundation.
- c. Extension.
  - i. Front and rear setbacks extend across the full width of the lot.
  - ii. Street side and side setbacks extend the full depth of the lot from the primary front property line to the rear property line.
- d. Where public right-of-way cannot be indicated on a survey, it shall be determined and measured from the centerline of the street based on right-of-way width information provided by the Allegan County Road Commission or Michigan Department of Transportation.
- e. Townhouse units sharing common walls along platted lot lines shall not be required to comply with side setback requirements except for the outside walls of the end units.

3. Setback Measurement for Conventional Condominium Developments. For conventional condominium developments with no interior lot lines and site condominium unit lines, internal setback compliance between buildings and buildings and streets shall be determined in the following manner.

- a. Setbacks are measured from:
  - i. The outside edge of the street or outside edge of a sidewalk, if present or planned, for front setbacks and street side and rear setbacks, if applicable.
  - ii. The distance between side exterior walls of adjacent buildings, which shall be at least twice the length of the required side setback for the applicable zoning district.
  - iii. The distance between rear exterior walls of buildings with opposing rear exterior walls, which shall be at least twice the length of the required rear setback for the applicable zoning district.
- b. Setbacks are measured to:
  - i. The exterior edge of the foundation of buildings and structures and any portion of the building or structure supported by a foundation; and
  - ii. The exterior and outermost edge of any structure over 30 inches without a foundation.
- c. Townhouse units shall not be required to comply with side setback requirements between connected units.



## 4. Allowable Projections into Setbacks.

**Table 7.100: Allowable Projections into Setbacks**

Building Component or Structure	Maximum Exception
Accessible ramps	May project into a setback area to the degree necessary to accommodate the structural improvement. Ramps shall be removed within three (3) months after the need for the ramps ceases.
Cornices, bay windows, window wells, eaves, and other cantilevered elements determined by the Zoning Administrator to be similar	Three (3) feet into a setback area, provided that the projection is at least five (5) feet from any lot line.
Stairs	No maximum provided that the projection is at least five (5) feet from any lot line.
Patios and decks	No maximum within side or rear yards provided that the projection is at least five (5) feet from any side or rear lot line.

B. **Encroachment into Right-of-Way.** No buildings, structures, service areas, or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public right-of-way or private street easements.

C. **Clear Vision Corner.** Signs, fences, walls, structures, benches, shrubbery, or other potential obstructions to vision shall not be permitted to exceed a height of three (3) feet within a triangular area formed by the intersection of two (2) street right-of-way lines or a street and railroad right-of-way line and a line connecting two (2) points located on those intersecting right-of-way lines 25 feet from the point where the right-of-way lines intersect; provided, utility poles, street lights, and street signs shall be exempt from this requirement (Figure 7-4).

**Figure 7-4 Clear Vision Corner**

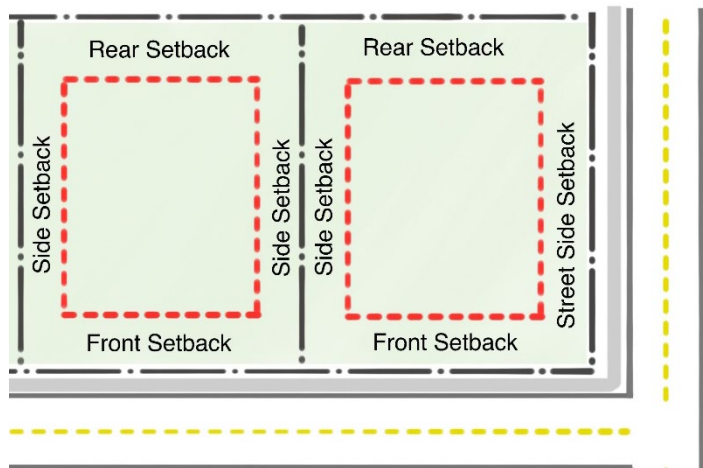
D. **Setbacks and Yards by Lot Type.**

1. **Interior Lots.** On interior lots, the minimum front, side, and rear building setbacks shall be met (Figure 7-5). Each interior lot shall be comprised of a front yard, two (2) side yards, and a rear yard.
2. **Corner Lots.** On corner lots, the minimum front, side street, side, and rear building setbacks shall be met (Figure 7-5). Each corner lot shall be comprised of a front yard, a secondary front yard, a side yard, and a rear yard.
3. **Through Lots.** On through lots, the minimum front building setback shall be met on the primary street frontage, which is the direction the building faces, and side setbacks shall be met. The minimum rear setback shall be the greater of the front and rear setback applicable to the zoning district (Figure 7-6). Each through lot shall be comprised of a front yard, two (2) side yards, and a



rear yard.

4. **Multi-Frontage.** On multi-frontage lots, the minimum front building setback shall be met on the primary street frontage, which is the direction the building faces, a street side setback shall be met, and a side setback shall be met. The minimum rear setback, along the opposite frontage of the front setback, shall be the greater of the front and rear setback applicable to the zoning district (Figure 7-6). Each multi-frontage lot shall be comprised of a front yard, a secondary front yard, a side yard, and a rear yard.



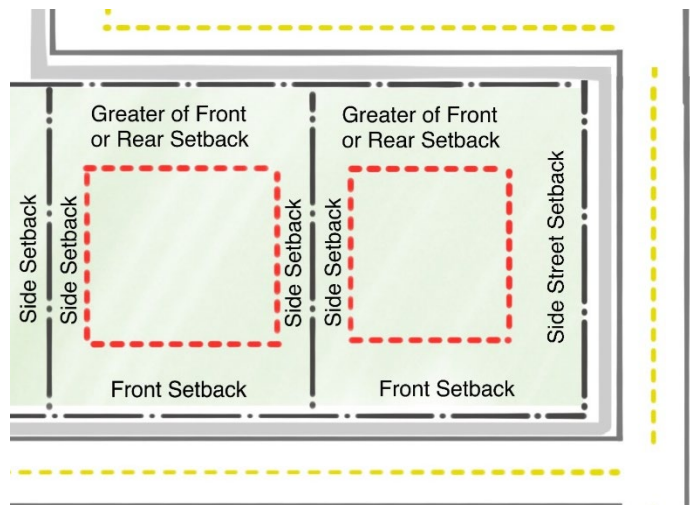
**Figure 7-5 Setbacks for Interior (L) and Corner Lots (R)**

**E. Average Established Setback for the A-1, A-2, R-1, R-2, R-3, and R-4 Zoning Districts.**

1. When nearby buildings along the same block are set back less than the required minimum setback for the applicable zoning district, the required minimum setback for a new principal building may be reduced to the average established setback.

- a. **Interior and Through Lots.** The minimum setback may be reduced to the average established setback of the two (2) closest existing lots on each side of the subject lot.

- b. **Corner and Multi-Frontage Lot.** The minimum setback may be reduced to the average established setback of the three (3) closest existing lots on the block the proposed building will face.



**Figure 7-6 Setbacks for Through (L) and Multi-Frontage Lots (R)**

2. If any lot included in the average established setback calculation has no building on the front half of the lot, or the lot is vacant, the lot must be disregarded for the purpose of calculating the average established setback.
3. If the Zoning Administrator determines the established setback range cannot be adequately calculated, the setback range specified for the zoning district must be met.

## Section 7.110 Pools

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- A. **Permit.** A zoning permit shall be obtained prior to the construction of any pool.
- B. **Location.** No pool shall be located in a front yard unless 100 feet from abutting street right-of-way or street easement.
- C. **Setbacks.**
  - 1. Side and rear. 10 feet minimum.
  - 2. Waterfront. 100 feet minimum from the Ordinary High Water Mark (OHWM).
- D. **Building Code.** Pools and pool fencing, barriers, and covers shall be installed per the Michigan Building Code.

## Section 7.120 Private Streets

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- A. **Purpose.** The purpose of this section is to ensure that the construction and maintenance of private streets protects public health, safety, and welfare for users and residents served by the streets.
- B. **Process.**
  - 1. Review. Private streets shall be reviewed per Article 14, Site Plan Review, and plan requirements are included in Section 23.40. Private streets serving four (4) units or less may be approved administratively and private streets serving five (5) units or more must be approved by the Planning Commission.
  - 2. Final inspection. Upon completion of a private street, the Zoning Administrator shall inspect the road for compliance with the requirements of this section and with all documentation submitted by the applicant pursuant to this section. The applicant shall pay any inspection fees charged by the Township, as may be established from time to time by the Township Board.
- C. **Speed Limit.** All private streets shall be posted with a maximum speed of no more than 25 miles per hour and will be located at each entrance to the private street. Additional speed limit signs shall be located as recommended by the Sheriff's Department, the Township Board, and/or the Allegan County Road Commission.
- D. **Public Road Connection.** All new private streets, or private street networks planned as part of a development, shall connect to a public street. A private street shall not connect to another private street that is not subject to the same maintenance agreement. Private street construction shall not commence until the applicant secures a private street connection permit from the Allegan County Road Commission.
- E. **Design Requirements.** Private streets shall comply with the following standards:
  - 1. Location within Recorded Easement Area. The owner of the property over which the private street is to be constructed must record an easement dedicated for ingress and egress purposes directly to and from a street for the benefit of the owners and users of the lots or building sites served by the private street, as well as for the construction, maintenance, repair, and reconstruction of utilities. The easement shall benefit each of the lots or building sites fronting the private street, as well as each utility company or municipality providing utility or emergency services for those lots or building sites.

2. Minimum Width.

- a. A private street serving four (4) or fewer lots or building sites shall have a minimum surface width of 20 feet and shall be located within an easement no less than 33 feet in width.
- b. A private street serving five (5) or more lots or building sites shall have a minimum surface width of 20 feet and shall be located within an easement no less than 66 feet in width.

3. Vertical clearance. All portions of a private street shall have a minimum vertical clearance of not less than 13.5 feet.

4. Grade and Angles of Approach. The grade of a private street shall not exceed six (6) percent for gravel streets and 10 percent for paved streets. The Zoning Administrator or Planning Commission may impose permit conditions regarding the Private street's angles of approach and departure to ensure that the road can accommodate fire department vehicles and equipment.

5. Paving of Private streets. Except as otherwise specifically provided in this section, private streets that serve five (5) or more lots or building sites must be paved. They will be constructed according to county road commission surface material requirements and specifications for Streets, plus the requirements for cul-de-sacs if applicable. Private streets that serve 10 or fewer lots or building sites need not be paved, but they must at least have six (6) inches of MDOT 22A specification aggregate upon a compacted base. The width that is either paved or covered with MDOT 22A specification aggregate shall be 20 feet for its entire length unless otherwise authorized by the Zoning Administrator or the Planning Commission.

6. Fire Apparatus Turnaround. When a private street ends in a dead-end instead of connecting with another private street or street, a fire apparatus turnaround shall be provided in accordance with the requirements in Appendix D of the Township Fire Code.

7. Signage. Each private street shall have a name and a street sign consistent with county road commission standards. Each private street shall have a stop sign that requires all traffic to stop before exiting the private street and entering any street on which the private street fronts.

8. Bridges. When a private street includes a bridge, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both bridge entrances. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained.

**F. Emergency Access and Additional Means of Primary Access.**

1. Secondary Emergency Access. A private street or interconnected private street system shall not serve more than 30 dwelling units unless a second means of emergency access is provided and regularly maintained for those dwelling units in conformance with the International Fire Code as adopted and as amended from time to time.
2. Secondary Primary Access. If a private street or interconnected private street system serves more than 50 Dwelling Units, the Planning Commission may, in addition to or instead of emergency access, require two (2) or more primary means of access. All primary means of access shall meet the minimum standards in this section for private streets in order to ensure adequate emergency access as well as to allow for more efficient and even distribution of traffic within a site condominium project, platted subdivision, Planned Unit Development, or other land development.

3. Considerations. In considering whether to require two (2) or more primary means of access meeting the minimum private street standards of this section, the Planning Commission shall consider the following:
  - a. The number of lots, building sites, and dwelling units within the proposed development;
  - b. The likelihood that the site condominium project, platted subdivision, Planned Unit Development, or other land development proposal will have a private street connection to a future development, which may provide for another access point;
  - c. The length of the proposed private street or private street system within the development and another adjacent development;
  - d. The design and layout of the proposed private street or private street system; and
  - e. Anticipated traffic volumes at the proposed private street intersections. Intersections where Motor Vehicle trips are expected to exceed 600 per day will be discouraged. Calming elements such as berming and tree plantings may be required to reduce noise impacts.

**G. Easement and Maintenance Agreement.**

1. Review and Recording.
  - a. Applications for private streets shall include a recordable legal instrument describing and granting the easement and a maintenance agreement.
  - b. The easement shall be recorded in the Allegan County Register of Deeds Office, and a copy of the recorded easement shall be provided to the Zoning Administrator.
2. Content. A copy of a recordable travel surface maintenance agreement, signed by all owners of the lands served by the access easement and other parties in interest, which includes the following:
  - a. Provisions that assure that the travel surface will be maintained, repaired, and kept clear for the full width and length to ensure safe travel and accessibility by emergency vehicles at all times.
  - b. Provisions assuring that the costs of maintenance of the travel surface and its easement are paid for in an equitable manner.
  - c. A legal description of the easement and a legal description of the individual lots to be served. All properties served by the easement and travel surface shall be subject to the maintenance agreement.
  - d. Provisions declaring that the maintenance agreement constitutes a restrictive covenant, running with the benefitted lands, and binding on all current and future owners and other parties in interest as to the respective obligations stated therein.
  - e. Provisions to indemnify, save, and hold the Township and its officers, employees, and agents harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, or replace the travel surface.
  - f. Township Authority. Notwithstanding the following, the Township shall have no obligation for private street or maintenance or upkeep. However, the following shall be included:
    - i. Provisions authorizing the Township, in its sole discretion, to perform reasonably necessary maintenance of the private street, subject to reimbursement by the owners of the properties served by the private street.

- ii. Provisions authorizing the Township, in its sole discretion, to enforce the terms of the private street maintenance agreement by any lawful means, in addition to such enforcement by any of the owners of the lands served by the private street or by another interested party.

#### H. Land Divisions and Building Permits.

1. No land division which results in lots fronting a private street shall be approved and no building permit for a lot that is to be served by a private street shall be issued until the easement is approved by the Zoning Administrator and recorded, the private street is approved, and the private street is built and certified by the Township as compliant.
2. Sealed as-built drawings and an engineer's certification of construction compliance is required to be submitted prior to the approval of completion by the Township.

#### I. Additional Lots.

1. Street Upgrades. No lot of land shall access an existing private street, and no existing lot with frontage on a private street shall be divided unless the street is compliant with this section. If additional lots are added to a private street or if a lot fronting a private street is divided, then the entire length of the private street (that is, the total distance from the point where the private street intersects the public street to the very end of the private street) shall be upgraded or improved to comply with this section.
2. Maintenance Agreement. No additional lot of land may access a private street unless the maintenance agreement is amended to include the owner and future owners of the additional lot.

### Section 7.130 Water, Sewer, and Utilities

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- A. **Purpose.** The purpose of this section is to protect public health and the natural environment by requiring proper permitting for water and sanitary disposal systems and authorizing essential public services.
- B. **Water and Sewer.** Zoning and building permits shall not be issued for any structure required to have water and sanitary facilities unless well and septic permits are issued by the Allegan County Health Department or are proposed to be connected to public or community water and sewer systems. No building meant for human occupancy may be used without connection to an approved water source and sanitary disposal system.
- C. **Essential Public Services.**
  1. The construction, alteration, or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this ordinance; provided, buildings, parking areas, and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of Saugatuck Township to require that specific services be installed underground.
  2. The following additional requirements shall apply:
    - a. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct the passage of persons or materials.
    - b. Public utility or governmental unit facilities shall be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform to the

general character of the architecture of the surrounding neighborhood.



## **Article 8. Specific Use Requirements**

- Section 8.10 Intent and Purpose**
- Section 8.20 Accessory Buildings**
- Section 8.30 Accessory Dwelling Unit**
- Section 8.40 Accessory Structures**
- Section 8.50 Adult Entertainment Establishments**
- Section 8.60 Adult Foster Care Group Home**
- Section 8.70 Animal and Pet Services**
- Section 8.80 Bed and Breakfast**
- Section 8.90 Campground or Recreational Vehicle Park**
- Section 8.100 Day Care, Group Day Care Home**
- Section 8.110 Drive-Through Service**
- Section 8.120 Farming**
- Section 8.130 Golf Course**
- Section 8.140 Home Occupations**
- Section 8.150 Keeping of Animals and Bees (Non-Commercial)**
- Section 8.160 Manufactured Home Community**
- Section 8.170 Marihuana Businesses**
- Section 8.180 Mineral Extraction**
- Section 8.190 Mixed Use Residential**
- Section 8.200 Outdoor Display and Sales**
- Section 8.210 Outdoor Storage**
- Section 8.220 Outdoor Theater**
- Section 8.230 Recreation, Low-Intensity Outdoor**
- Section 8.240 Rural Business**
- Section 8.250 Salvage or Impound Operation**
- Section 8.260 Self-Storage**
- Section 8.270 Solar Energy**
- Section 8.280 Specialty Accommodations**
- Section 8.290 Stables, Commercial**
- Section 8.300 Temporary Land Uses**

- Section 8.310**     **Truck Stop**
- Section 8.320**     **Vehicle Repair**
- Section 8.330**     **Vehicle Service Station**
- Section 8.340**     **Vehicle Wash**
- Section 8.350**     **Wind Energy Turbines**
- Section 8.360**     **Wireless Communications Facilities**

## **Section 8.10**            **Intent and Purpose**

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This article outlines conditions applicable to specific land uses based on the unique operational characteristics that warrant additional regulations to protect public health, safety, and welfare. These requirements apply in addition to all the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.

## **Section 8.20**            **Accessory Buildings**

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### **A. Residential Requirements.**

1. An accessory building may be built on a lot if there is a principal building located on the lot or if a building permit has been issued for the construction of both an accessory building and a principal building on the same lot and the use of the accessory building is incidental to the construction of the principal building.
2. No portion of an accessory building shall be utilized as a dwelling or for sleeping quarters except where otherwise permitted in this ordinance.
3. Accessory buildings shall comply with the following minimum setback requirements.
  - a. Front and Street Side: 200 feet if located in a front or secondary front yard.
  - b. Side: 10 feet.
  - c. Rear: 10 feet
  - d. Waterfront: 200 feet from Ordinary High-Water Mark (OHWM) if located in a rear yard.
4. Accessory buildings may not be located closer than 10 feet to any other accessory building or to any principal building.
5. Pumphouses on lands bordering the Kalamazoo River shall not be more than 36 square feet in Floor Area and not more than four feet in height above ground level and must be screened from view from the abutting body of water by natural vegetation cover adequate for the purpose through 12 months of the year.
6. Accessory buildings shall not exceed one and a half (1.5) stories and 25 feet in height.
7. The total square footage of accessory buildings on a lot shall not exceed 10 percent of the total square footage of the lot on which they are situated.
8. There is no limit on the number of accessory buildings so long as the requirements of this section are met.
9. Shipping containers may be used as accessory buildings as long as all applicable building code



requirements are met.

10. Boathouses are exempt from the waterfront setbacks of this ordinance. Boathouses shall not exceed 1,000 square feet and one (1) story in height.

**B. Non-Residential Requirements.**

1. Accessory buildings for authorized non-residential uses in residential zoning districts and non-residential uses in non-residential zoning districts shall be subject to requirements for principal buildings.
2. The total square footage of accessory buildings on a lot shall not exceed the square footage of the principal building on the lot on which they are situated.

**C. Farm Buildings.** See Section 8.130.

## **Section 8.30      Accessory Dwelling Unit**

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**A. General Requirements.**

1. Single-Family. Accessory dwelling units are limited to single-family lots.
2. Number. Only one (1) ADU shall be permitted per principal dwelling and per lot.
3. Occupancy. The principal dwelling or the accessory dwelling unit shall be owner-occupied. Only one rental permit shall be issued for a lot with one (1) principal building and one (1) ADU.
4. Setbacks. Attached accessory dwelling units shall comply with all setback requirements applicable to the principal dwelling. Detached accessory dwelling units shall comply with all setback requirements applicable to accessory buildings.
5. Appearance. Attached and detached accessory dwellings shall retain a residential appearance consistent with the architectural design and building materials of the principal dwelling, including but not limited to roof material, roof type, siding material, and window type and placement.
6. Area. Accessory dwelling square footage shall not exceed 50 percent of the principal dwelling square footage, or 600 square feet, whichever is less. The square footage shall also not exceed the maximum accessory building square footage per Section 8.20 A.7. The minimum area is subject to Building Code compliance.
7. Metering and Mailing Address. The accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service, or a separate mailing address.

**B. Specific Requirements for Detached Accessory Dwelling Units.**

1. A lot shall not be divided in a manner that separates a detached accessory dwelling unit and principal dwelling unit onto separate lots if the division results in a nonconformity.
2. A new detached accessory dwelling unit to be constructed shall not be located closer to a front lot line than the principal dwelling.
3. In the case of a detached ADU over garage space, such as a carriage house, the first-floor garage space shall not count against the maximum square footage applicable to the accessory dwelling unit.
4. The minimum square footage shall be the minimum necessary to comply with applicable building codes.

5. A detached ADU shall not exceed one and a half (1.5) stories. The overall height of a detached ADU shall not exceed the height of the principal dwelling. However, the height of a detached accessory dwelling unit over garage space, such as a carriage house, may exceed the height of a single-story principal dwelling by 14 feet and may be two (2) stories.

## **Section 8.40      Accessory Structures**

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- A. **Permit.** Unless a special land use or site plan review is required, a permit shall be issued prior to the construction of any accessory structure.
- B. **Requirements.** Unless otherwise specified in this ordinance, accessory structures shall comply with the height and setback requirements for principal buildings in the applicable zoning district.

## **Section 8.50      Adult Entertainment Establishments**

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- A. **Applicability and Intent.** These standards are intended to regulate adult entertainment establishments businesses, promote the health, safety, morals, and general welfare of the citizens of the Township, and establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township, thereby helping to reduce and eliminate the adverse secondary effects from such sexually oriented businesses. These standards have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these standards to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the U.S. Constitution or Michigan statute or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of these standards to condone or legitimize the distribution of obscene material.
- B. **Location Requirements.**
  1. Adult entertainment establishments are restricted to the Interstate Transportation Overlay District.
  2. No adult entertainment use shall be located within 250 feet of the exterior boundary of any residential zoning district or 500 feet from any dwelling.
  3. No adult entertainment use shall be located within 1,000 feet of the exterior boundary of any place of worship, K-12 school, library, day care center, public community center, park, fairground, recreation center, and publicly owned or maintained building opened for use by the general public.
  4. No adult entertainment use shall be located within 750 feet of any other adult entertainment use, whether such adult entertainment use is within or outside the Township boundaries.
- C. **Retail Display.** No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- D. **Site Lighting.** In addition to the requirements of Article 9, all off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.

## **Section 8.60      Adult Foster Care Group Home**

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- A. **Location.** An adult foster care group home shall be at least 1,000 feet from an adult foster care family home and another adult foster care group home.
- B. **State Requirements.** The facility shall comply with all State of Michigan requirements, as applicable.

## Section 8.70 Animal and Pet Services

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### A. General Requirements.

1. Outdoor activity areas shall be screened in accordance with Section 11.70. An outdoor activity area is a location for walking leashed and unleashed dogs, pet relief, leashed and unleashed dog training, dog exercise, and play areas, and outdoor dog runs.
2. All kennels shall be operated in conformance with any applicable County and State regulations.
3. Buildings used as commercial kennels or pet services shall be insulated in such a manner that excessive noise from barking is minimized.
4. Habitual barking, which results in a nuisance to neighboring landowners or residents, is prohibited.

### B. Outdoor Exercise and Play Area Requirements.

1. Outdoor exercise and play areas are locations outside of enclosed structures that are intended and used for unleashed dog exercise, training, and play.
2. The outer limits of outdoor exercise and play areas shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. Outdoor exercise and play areas shall be fenced.

### C. Outdoor Run Requirements for Boarding and Day Care.

1. Outdoor runs are individually fenced areas connected to buildings that accommodate outdoor access for associated indoor pens or suites.
2. Outdoor runs shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. Outdoor runs shall be located in the rear or side yards.
4. Outdoor runs shall be equipped with impervious surfaces suitable for cleaning with high-pressure water. Outdoor runs shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, offensive odor, or dust generation.

## Section 8.80 Bed and Breakfast

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- A. **Principal Residence.** A bed and breakfast use shall only be established as part of a detached single-family dwelling, which shall also be the principal residence of the owner or manager.
- B. **Appearance.** The building shall maintain an exterior appearance that is in character with surrounding residential uses.
- C. **Guest Rooms.** The total number of guest rooms in the establishment shall not exceed six (6).
- D. **Term.** The length of stay for a guest or guests shall not exceed 14 consecutive days.
- E. **Cooking.** No separate cooking facilities shall be provided.
- F. **Food Service.** Meals shall only be served to the operator's family, employees, and overnight guests.

## **Section 8.90      Campground or Recreational Vehicle Park**

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- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned properties.
- C. **General Requirements.**
1. The operation shall have a valid campground permit from the State of Michigan and shall remain in compliance with all State requirements and conditions of approval.
  2. All recreational vehicle (RV) sites shall include water and sewer services unless separate restroom facilities are available.
  3. Accessory sheds and buildings are not permitted on individual RV sites.
  4. A park attendant must be on duty at the park or available at all times to address the needs of campers, emergencies, and maintenance issues.
  5. Common areas and individual sites shall be kept free of litter and debris at all times.
  6. Service buildings shall be maintained in a sanitary condition at all times.
  7. The operator shall ensure continued maintenance of landscaping and buildings. Common areas shall be mowed and kept free of fallen branches, tall grass, and weeds.
  8. RV lots shall be provided with a concrete, paved, or gravel off-street car parking area of a minimum size to accommodate two vehicles without vehicle encroachment onto internal driveways.
  9. Driveways shall be clear for emergency vehicle access at all times. Guest parking shall not obstruct driveways.
  10. Dumpsters or trash bins shall be required in a common area and shall be emptied frequently to avoid the accumulation of waste and debris, subject to the screening requirements of Section 11.70.
  11. No part of any campground shall be used for any other purpose than for temporary occupancy of individual recreational vehicle units or tent camping except for such uses that are required for the direct servicing and well-being of campground guests and for the management and maintenance of the campground.
  12. The open discharge of gray water within the park shall be prohibited.

## **Section 8.100      Day Care, Group Day Care Home**

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- A. **Zoning Enabling Act.** A group day care home for children must be approved if the application complies with Section 206 (4) of the Michigan Zoning Enabling Act.
- B. **State Approvals and Regulations.**
1. All licensing and permitting shall be obtained from the State of Michigan.
  2. All rules and regulations from the State of Michigan shall be followed.

## Section 8.110 Drive-Through Service

- A. **Access and Circulation.** Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.
- B. **Number.** Only one drive-through shall be permitted per building or lot.
- C. **Stacking Spaces.**
  - 1. Stacking spaces shall be provided in accordance with Table 8.110.
  - 2. The Planning Commission may require additional stacking spaces beyond those required by this table based on the characteristics of the use and anticipated traffic volumes.
  - 3. In the case of multiple ordering areas for one drive-through, stacking requirements shall be cumulative.
  - 4. Bypass lanes may be required by the Planning Commission for safety and access.
  - 5. Stacking spaces shall be no less than 10 feet wide by 22 feet deep.

**Table 8.110: Minimum Stacking Spaces**

Land Use	Minimum Number
Fast food restaurant, coffee shop, or similar use	10 spaces
Pharmacy, bank, or similar use	3 spaces
Vehicle wash	16 spaces per automatic bay door

- D. **Sound.** Loudspeakers shall be modulated so that any generated sound is not audible beyond property boundaries.

## Section 8.120 Farming

- A. **Applicability.** Farms and farm operations are regulated by the State of Michigan Department of Agriculture. Farms that are compliant with the State of Michigan Generally Accepted Agricultural and Management Practices (GAAMPs) are not subject to this section unless farms are prohibited by where they are located and that prohibition is not superseded by GAAMPs. However, farm buildings are subject to setbacks required by applicable zoning district and parking lot requirements.
- B. **Building Setbacks.** See Table 3.40 C.
- C. **Parking.** See Section 10.40 B for parking space and drive aisle dimensional requirements and Table 10.50 for the minimum number of parking spaces for farm markets (retail sales).
- D. **Driveways.** Driveways shall meet Allegan County Road Commission, Michigan Department of Transportation, and Sections 7.60 C and 10.110.

**Section 8.130      Golf Course**

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**A. Minimum Lot Area.**

Table 8.130: Golf Course Minimum Area	
Size of Course	Minimum Acreage
Nine holes or less	15 acres
More than nine holes	30 acres

- B. Setbacks.** Buildings shall be at least 100 feet from residential-zoned property.
- C. Parking Setback.** Parking lots shall be at least 100 feet from residential-zoned property.
- D. Layout.** Fairways, driving ranges, and practice areas shall be so designed and located as to reasonably prevent driven golf balls from flying, bouncing or running upon public streets, private roads, or driveways or upon adjacent properties.

**Section 8.140      Home Occupations**

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**A. General Requirements.**

1. Home occupations shall only be owned and operated by a full-time resident of the dwelling.
2. Visibility. There shall be no physical evidence of the home occupation from other properties or the public right-of-way aside from parking and customer visitation.
3. Location. Home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings. However, home occupations shall not be conducted within accessory dwelling units.
4. Occupant Employment. Any occupant of the principal dwelling may be employed by the home occupation.
5. Visitation. Visitation of the site by clients, customers, or students shall be by appointment only.
6. Parking. Employees and visitors may park in the driveway of there is sufficient space to accommodate extra vehicles without a formal parking lot.

**B. Minor Home Occupation.**

1. Area. A maximum of 25 percent of the gross floor area of a dwelling and accessory buildings may be devoted to minor home occupation business operations. Up to 25 percent of the floor area of the principal dwelling may be devoted to a minor home occupation.
2. Non-Resident Employees. A maximum of one (1) person who is not a resident of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day.

**C. Major Home Occupation.**

1. Minimum Lot Area. A minimum of two and a half (2.5) acres is required to establish the use.
2. Area. A maximum of 50 percent of the gross floor area of a dwelling and accessory buildings may be devoted to major home occupation business operations. Up to 50 percent of the floor area of the principal dwelling may be devoted to a major home occupation.
3. Indoor Storage. All equipment and commercial vehicles shall be stored indoors.
4. Retail Sales. Accessory retail sales shall only be allowed if incidental to authorized uses and shall be

subject to the parking and visitation requirements of this section. Only items produced on the subject lot shall be sold.

5. Non-Resident Employees. A maximum of four (4) persons who are not residents of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day.
6. Visitation. No more than two (2) individual appointments shall be scheduled at any one (1) time unless group activities or classes are approved.

## **Section 8.150 Keeping of Animals and Bees (Non-Commercial)**

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### **A. General Requirements.**

1. Setbacks. Accessory buildings and shelters are subject to the requirements for accessory buildings in Table 8.20.
2. Fencing. Fences or enclosures are required to keep animals and chickens from leaving a property. Fences are subject to Section 7.50.
3. Manure and Waste. Manure and waste storage areas shall be at least 100 feet from a dwelling, wellhead, pond, creek, or other water feature and 25 feet from a property line.

### **B. Horses and Livestock**

1. Zoning Districts. Keeping horses and livestock is permitted in the A-1, A-2, R-2, and R-4 zoning districts.
2. Minimum Acreage: Five (5) acres.
3. Number. No more than one (1) horse or livestock animal per whole acre.

### **C. Chickens and Fowl.**

1. Zoning Districts. Keeping chickens and fowl is permitted in the A-1, A-2, R-1, R-2, R-3, R-4, and I-1 zoning districts.
2. Minimum Acreage. None.
3. Number and Type.
  - a. In the A-1 and A-2 zoning districts, there is no limit on the number of chickens that can be kept on a lot.
  - b. In the R-1, R-2, R-3, R-4, and I-1 zoning districts, no more than six (6) chickens per lot plus six (6) for each whole acre over the first one (1) acre of land.
  - c. Roosters and guinea fowl are not permitted on lots less than two and a half (2.5) acres.
4. Confinement. Chickens on lots less than three (3) acres shall be confined in a fenced area. Fences are subject to Section 7.50.

### **D. Beekeeping.**

1. Zoning Districts. Beekeeping is permitted in all zoning districts.
2. Minimum Size. The minimum lot size to keep bees is one-half (1/2) acre.
3. Setbacks. Colonies must be set back 15 feet from all property lines.
4. Water Source. An adequate and constant source of water, as temperatures permit, shall be placed

within 10 feet of bee colonies and placed before the establishment of the hive.

- E. **Wild Animals.** The keeping of wild animals outside of a State and Township approved facility is prohibited.

## **Section 8.160      Manufactured Home Community**

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The community shall comply with all State of Michigan requirements, as applicable.

## **Section 8.170      Marihuana Businesses**

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- A. **Definitions.** All terms defined in Section 5-1 of the Township Code have the same meaning when used in this section.
- B. **Uses.** Certain marihuana businesses may be established in the zoning districts indicated in Article 4, subject to the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, the Michigan Regulation And Taxation of Marihuana Act, Initiated Law 1 of 2018, and any applicable rules promulgated under either statute.
- C. **Authorization.** No marihuana business may operate without first obtaining final authorization from the Township Clerk pursuant to Section 5.2 of the Township Code and obtaining site plan approval and/or a special land use permit, as applicable.
- D. **Setbacks, Buffering, and Screening.** Buildings shall be sufficiently setback from property lines or screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- E. **Storage and Disposal.**
1. Applicants must provide a plan for the storage and disposal of marihuana, so as to minimize the risk of theft.
  2. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin.
- F. **Signage.** Signage for marihuana businesses is subject to approval pursuant to the generally applicable procedures and standards provided in this ordinance, with the additional restriction that business signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- G. **Co-Location, Stacking, and Excess Grower Licenses.** Co-located marihuana businesses, stacked grower licenses, and excess grower licenses may be permitted, subject to the regulations in this section and any applicable rules promulgated by the Michigan Department of Licensing and Regulatory Affairs (LARA).
- H. **Odor Control.** Marihuana businesses must control and eliminate odor as follows:
1. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
  2. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  3. The air scrubbing and filtration system must be maintained in working order and must be in use at



all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.

4. Negative air pressure must be maintained inside the building.
5. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
6. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.

**I. Provisioning Centers and Retailers.**

1. Provisioning centers and retailers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
2. Provisioning centers and retailers may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
3. The interior of the building must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the building.

**J. Growers (Including Excess Growers):**

1. Buildings used in connection with grower operations must be connected to public water and sanitary sewer systems and must comply with applicable state regulations regarding sewage discharge.
2. Any lot in connection with a grower operation must be located at least 500 feet from any lot or unit on which a residential dwelling exists (i.e., has a valid certificate of occupancy) as of March 1, 2019. This 500-foot buffer shall be calculated by measuring a straight line from the closest point on the property line of each of the two (2) lots.
3. All marihuana cultivation, growing, harvesting, and storage of marihuana must occur inside a building. Outdoor cultivation, growing, harvesting, or storage of marihuana is prohibited.

- K. Violations and Penalties.** In addition to the provisions of Section 1.100 Violations and Penalties and Section 15.50 C Revocation, if at any time an authorized business violates this section, any condition imposed through a site plan approval, or any other applicable township ordinance, the Township Board may request that LARA revoke or refrain from renewing the business's state operating license.

## **Section 8.180 Mineral Extraction**

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**A. Applicability.** The provisions of this section shall not apply to the following:

1. Where the removal or extraction of natural resources is more than 500 feet from any street or property line, occupies not more than five (5) acres in area, does not constitute a weekly average intensity of use of more than 15 yards of material per day, and creates no area which fills with water other than a watering pond for farms.
2. The incidental excavation of sand and gravel for only on-site use is excluded from the regulations of this section except for the setback and yard requirements.
3. General landscaping activities or the cultivation of land for farming purposes.

B. **Plan Checklist.** The application shall include a plan and materials in accordance with this section and Section 23.50.

C. **Setbacks, Buffers, and Separation.**

1. No excavation shall occur within 100 feet of a road right-of-way; within 200 feet of an off-site residence, housing development, or residential district, and within 100 feet of a property line other than the above limits.
2. The special land use permit may allow mineral extraction within the required setback area set forth above if a property owner or owners, abutting that portion of the site affected by the minimum setbacks provide written consent prior to the Planning Commission's recommendation of the site plan. However, in no case shall an excavation occur within 200 feet of an off-site residence or 100 feet of a property owned by a non-consenting party.
3. Areas within the setback are considered buffer zones that shall remain in a natural state, farmland, woodland, or planted with vegetation. The Township may require berms and/or other screening to reduce sound or vibration impact on neighboring properties when existing vegetation or topography is determined to be insufficient to mitigate impacts.
4. Planted vegetative buffers, when required, shall be continuously maintained, and noticeable gaps shall be replanted. Management or thinning is permitted to enhance overall growth if conducted under the guidance of a certified forester or other qualified professional.
5. Visible posts or markers shall be staked at the excavation limit setback lines every 50 feet during extraction in the active area to warn excavator operators of the limits of site disturbance.
6. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Department of Environment, Great Lakes, and Energy.

D. **Processing Plants and Stockpile.**

1. Permanent and temporary processing plants and accessory structures shall not be closer than 200 feet from any property line, including the road right-of-way.
2. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain to reduce the visual and noise impact of the plant structure.

E. **Operational Plan.** With the application for a special land use permit, an operational plan must be submitted for review by the Planning Commission and Township Board. At a minimum, the operation plan shall include the following information:

1. The areas to be mined and proposed phases.
2. The location of permanent structures.
3. Locations for storage piles.
4. The points of access upon public streets.
5. Screening and reclamation plans.
6. Hours of operation.
7. Estimated type and quantity of mineral materials to be removed.
8. Description of extraction and processing methods.

9. Equipment to be placed on the site.
10. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this section.

**F. Security and Safety.**

1. Upon commencement of mining operations, the active mining area shall be enclosed by a fence that is no less than four (4) feet in height, and “No Trespassing” signs shall be placed along the fence at least every 100 feet. Fences shall be maintained in an upright position and in good repair.
2. A gate at the active mining area shall be locked when the mine is not in active operation.

**G. Nuisance and Impact Mitigation.**

1. Noise and vibration shall not be made at a frequency or intensity so as to constitute a nuisance to the general health, safety, and welfare of the residents in the Township and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, screen plantings, and fences.
2. Air pollution in the form of dust and dirt shall be kept at a minimum. Regular dust control practices shall be implemented for general excavation, moving soils, screening, and crushing, and records of activities shall be kept on site. Upon a complaint-based inspection or regularly scheduled inspection, a Township code enforcement official shall inspect the site for unacceptable dust levels. Whether higher dust levels are due to environmental factors (dry season, wind, etc.) or management practices, upon notice, the operator shall proceed with an appropriate and effective dust control action, including but not limited to:
  - a. As-needed watering to unpaved travel surfaces.
  - b. As-needed sweeping of internal roads.
  - c. Paving additional segments of the internal roadway or applying millings.
  - d. As-needed watering during the crushing operations.
  - e. A temporary pause of operations should excessive winds result in the ineffectiveness of all other dust control measures.
3. All equipment used for the mining operation shall be operated in such a manner as to minimize, to the maximum extent practicable, dust, noise, and vibration conditions that are injurious or substantially annoying to persons living in the vicinity.

**H. Interior Roads.**

1. Interior road surfaces may be gravel, crushed stone, concrete, or asphalt millings. When paving is required, it shall be completed prior to the commencement of operations.
2. Internal roads shall be maintained to reduce potholes and ruts as reasonable.
3. Internal road signs shall be established, as required by the Township. Required signs may include, but are not limited to: No Engine Brake, Speed Limit, Slow, and Stop.
4. Operations shall incorporate internal circulation routes that minimize the need for truck reverse movements.

- I. **Hours and Days of Operation.** The operation of mineral extraction and processing shall be restricted to the Township approved hours and days of the week. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day

weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons, or months may be further restricted by the Planning Commission to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads. Under emergency, unanticipated, or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed 14 days upon receipt of approval of the Zoning Administrator.

**J. Financial Guarantee.**

1. The operator shall post a financial guarantee for restoration and stabilization determined by the Planning Commission. The Township may adjust the guarantee amount at the time of special land use permitting and on an annual basis.
2. The guarantee shall be provided in one (1) of the following forms:
  - a. Cash.
  - b. Certified check.
  - c. Irrevocable bank letter of credit.
  - d. Surety bond acceptable to the Township Board.
3. Upon Township approval of the reclamation of mined acreage and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.

**K. Very Serious Consequences.**

1. In the event the Planning Commission determines that the application for a special land use permit for mineral extraction does not satisfy the standards in this section or those in Section 14.50, 14.60, and 15.40, the Planning Commission shall conduct an additional inquiry to determine whether a special land use permit must nevertheless be granted in order to comply with Section 205 of the zoning enabling act, MCL 125.3205. In conducting this inquiry, the burden is on the applicant to show that there are valuable natural resources located on the subject property, that there is a need for the natural resources by the applicant or in the market served by the applicant, and that no very serious consequences would result from the extraction, by mining, of the natural resources. To determine whether very serious consequences would result from the proposed mining activity, the Planning Commission shall consider:
  - a. The relationship of extraction and associated activities with existing land uses.
  - b. The impact on existing land uses in the vicinity of the property.
  - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property based on credible evidence.
  - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - f. The overall public interest in the extraction of the specific natural resources on the property.
2. If the Planning Commission determines that the applicant has satisfied its burden with respect to these issues, it shall grant the requested special land use permit on reasonable conditions, notwithstanding any other provision of this ordinance.

### Section 8.190 Mixed Use Residential

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- A. **Attachment.** Units must be attached to the principal non-residential use.
- B. **Area.** Each unit must be at least 600 feet in gross floor area.
- A. **Rooftops.** Usable rooftop space may also be permissible if approved by the Planning Commission. Rooftop storage is prohibited, excluding tables and chairs.

### Section 8.200 Outdoor Display and Sales

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- A. **Setbacks.** Outdoor display and sales areas shall comply with setbacks applicable to principal buildings.
- B. **Maximum Area.** Accessory outdoor display and sales areas as part of a general retail establishment are limited to five (5) percent of the principal building's square footage. For businesses where the primary sales area is outdoors, such as landscaping supply, construction supply, nurseries, and similar uses, there is no maximum sales area as long as all other zoning requirements are met.
- C. **Maximum Area.** Outdoor sales areas count against maximum retail square footage requirements.
- D. **Surface.** See Outdoor Storage, Section 8.210 B.

### Section 8.210 Outdoor Storage

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- A. **Setbacks.** Outdoor storage areas shall be subject to the setbacks for principal buildings.
- B. **Surface.** Outdoor storage areas shall be asphalt, concrete, gravel, or crushed stone. Gravel and crushed stone surfaces are subject to the following requirements:
  - 1. Shall be properly drained in accordance with Township stormwater requirements.
  - 2. Dust generation shall be minimized.
  - 3. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.
- C. **Screening.** Outdoor storage areas shall be screened from all sides. See Section 11.70 for screening requirements.
- D. **Hazardous Materials.** No flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored outdoors.

### Section 8.220 Outdoor Theater

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- A. **Access.** Outdoor theaters shall have direct access to a state road.
- B. **Setbacks.** Buildings and screens shall be at least 100 feet from residential-zoned property.
- C. **Circulation.** There shall be sufficient stacking and queuing space for vehicle ingress and egress to ensure that there will be no resulting obstructions within the public right-of-way.
- D. **Design.** The site shall be designed to prevent the movie screens from being viewed from residential areas or adjacent major thoroughfares.

### **Section 8.230 Recreation, Low-Intensity Outdoor**

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- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned properties.
- C. **Parking.** Parking lots shall be at least 100 feet from abutting residential-zoned property lines.
- D. **Noise.** Outdoor electrified sound amplification is prohibited.
- E. **Lighting.** Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).
- F. **Hours of Operation.** Hours of operation are limited to dawn to dusk.

### **Section 8.240 Rural Business**

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- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Buildings.**
  - 1. New buildings shall not exceed 15,000 square feet.
  - 2. New Building Setbacks. Buildings shall be at least 100 feet from residential-zoned properties.
  - 3. Existing Building Setbacks. The conversion of existing buildings that do not conform to the required setback may be approved if it is determined that the proposed use will have no harmful effects on adjacent residential uses. However, as a condition of approval, the Township may also require increased setbacks if it determines that greater separation would better protect adjacent residents and landowners.
  - 4. Placement. In consideration of the site plan associated with the special land use, the Township shall consider the placement of buildings and activities as they relate to the potential impact on adjacent properties.
  - 5. Building and Fire Code Compliance. All buildings or structures accessible to the public shall have permits obtained and inspections completed to ensure building and fire code compliance for the use group specified.
  - 6. Design and Building Requirements for New Buildings.
    - a. Buildings shall be clad with vertical (board and batten, boards, or v-groove) or horizontal (clapboard) wood or cementitious siding.
    - b. Roofs shall be metal (corrugated, ribbed, or standing seam), architectural single, or slate. Cupolas, ventilators, and dormers are encouraged. Roof style shall be gable, gambrel, gothic, ogee, round, monitor, half-monitor, or hip design. Accessory buildings may have shed roofs.
    - c. Gooseneck lighting or another comparable style, is required.
- C. **Parking.** Parking lots shall be at least 100 feet from abutting residential-zoned property lines.
- D. **Hours of Operation.** Hours of operation are limited to dawn to dusk unless otherwise expanded and set by the Planning Commission.
- E. **Annual and Seasonal Events.** The allowable number of annual and seasonal events and activities may be set by the Planning Commission during the review and approval of the special land use application. Limitations may be imposed by the Township to preserve existing residential and rural character.
- F. **Dwelling.** A single-family dwelling may exist or be established on a lot in connection with a rural

business.

### **Section 8.250 Salvage or Impound Operation**

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- A. **Location.** The area upon which junk (salvage) materials are stored, including the main and accessory buildings, shall be located not closer than 500 feet to any public building, church, hospital, nursing home, day care, or school and not closer than 100 feet to any residentially zoned district.
- B. **Surface.** See Outdoor Storage, Section 8.210 B.
- C. **Screening.** Outdoor storage areas for damaged or disabled vehicles shall be screened from all sides. See Section 11.70 for screening requirements.
- D. **Parking.** Parking of operable vehicles shall comply with the requirements of Article 10.
- E. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

### **Section 8.260 Self-Storage**

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- A. **Building Separation.** Storage buildings shall be separated by drive aisles no less than 24 feet in width.
- B. **Outdoor Storage.**
  - 1. Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan.
  - 2. Outdoor storage shall not be located within any required setback area.
- C. **Surface.** See Outdoor Storage, Section 8.210 B.
- D. **Screening.** Outdoor storage areas shall be screened from all sides. See Section 11.70 for screening requirements.
- E. **Use Restriction.** Use of any storage unit for the conduct of manufacturing, repair, service, sales, fabrication, assembly, or any other business purpose other than the storage of goods or merchandise is prohibited.
- F. **Ownership.** The entire facility shall be owned by one (1) entity and shall not be divided or converted to condominium ownership.
- G. **Caretaker's Dwelling.** A dwelling unit is permitted as an on-site residence for the facility caretaker.

### **Section 8.270 Solar Energy**

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- A. **Applicability.** This section does not apply to rooftop solar panels or smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than six (6) feet above the ground.
- B. **Solar Energy, Accessory Ground-Mounted.**
  - 1. Applications and Review. Accessory ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.
  - 2. Requirements.
    - a. Glare and Reflection. The exterior surfaces of solar energy collectors shall be substantially non-

reflective of light. A system shall not be installed or located in a manner that directs glare onto neighboring dwellings or adjacent streets.

- b. Location. Systems shall be placed in rear yards unless existing vegetation and other site constraints make rear yard placement unfeasible. The Zoning Administrator shall refer side and front yard placement requests to the Planning Commission in cases where there is a higher likelihood of visual impact to nearby residents.
- c. Installation. Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township before installation.
- d. Wires. All wires shall be buried underground. Overhead wires are prohibited.
- e. Setbacks. Accessory ground-mounted solar energy systems shall be subject to the setbacks required for principal buildings. Measurement shall be taken from the outermost edge of the support structure or solar panel, whichever is closer to the property line, to the applicable property line.
- f. Maximum Number. One (1) accessory non-commercial ground-mounted solar energy system and its associated support structure are permitted per lot. However, in the case of a uniquely shaped lot or extraordinary conditions of the land, a single system with multiple structures and panels may be approved as long as the structures are clustered in close proximity.
- g. Maximum Size. Systems shall be designed and sized to produce no more than 125 percent of the annual kWh usage or 1,500 square feet, whichever is less. Proposed system power generation specifications and historical annual usage data shall be provided by the applicant for review.
- h. Maximum Height. The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
- i. Abandonment. Systems that cease to produce energy continuously for 12 months will be considered abandoned unless the landowner provides a plan to reinstate the operation of the system within six (6) months. If the system remains non-functional after six (6) months, it shall be determined as abandoned.
- j. Removal. The landowner shall remove the support structure, panels, and all equipment and restore the site to its condition prior to installation of the system within one (1) year of abandonment.

**C. Commercial Solar Energy Systems.**

**1. General Requirements.**

- a. Applications and Review. In addition to all other required application contents, equipment, and unit renderings or plans shall be submitted for review. Multiple participating commercial solar energy lots operating as one commercial solar energy system may be requested under a single special land use permit application. However, each participating commercial solar energy lot
- b. Principal or Accessory Use. Commercial solar energy systems may be established as principal or accessory uses.
- c. Glare and Reflection. The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs



considerable glare onto neighboring dwellings or adjacent streets. The applicant shall provide a glare analysis to demonstrate compliance with this standard.

- d. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
  - e. **Screening.** Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of fences, screening walls, landscaping, or preservation of existing vegetation that will blend the facility into the natural setting and existing environment.
2. **Requirements for Commercial Solar Energy Systems Over Parking Lots.**
- a. Solar energy arrays may be situated throughout commercial parking lots so as to serve as carports or shelter parking.
  - b. Clear height under arrays and support systems shall be at least 10 feet.
  - c. Solar arrays and their associated support structures shall not impede on drive aisles and driveways.
  - d. Parking lot canopy trees required by Section 11.60 B are waived for the spaces covered by arrays.
  - e. Setbacks for solar energy systems and equipment shall be the same as required for principal buildings within the applicable zoning district.
3. **Requirements for Commercial Solar Energy Systems Not Over Parking Lots.**
- a. **Location.** Commercial Solar Energy Systems are only permitted in Township Sections 25, 26, 34, 35, and 36.
  - b. **Lot Coverage.** Solar energy collectors and panels shall count against the maximum lot coverage required by the Zoning Ordinance.
  - c. **Minimum Setbacks.** Commercial solar energy systems and all equipment, aside from wires, shall be set back a minimum of 200 feet from non-participating property lines and public right-of-way. Commercial solar energy systems shall not be subject to property line setbacks between participating commercial solar energy lots.
  - d. **Minimum Acreage.** The minimum acreage for a commercial solar energy system on a single lot is 40 acres. For commercial solar energy systems spanning multiple contiguous participating commercial solar energy lots, the minimum combined acreage is 40 acres.
  - e. **Waiver.** Setbacks may be reduced to 100 feet from non-participating lots and maximum lot coverage requirements are waived for lots remaining in agricultural production throughout and within the solar collectors.
4. **Abandonment, Removal, and Decommissioning.**
- a. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the responsible party provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for reinstatement may be granted by the Township Board.
  - b. **Removal.** The responsible party shall remove all equipment and structures and restore the site

- to its condition prior to the installation of the system within one (1) year of abandonment.
- c. Decommissioning. A decommissioning plan signed by the responsible party and the property owner (if different) addressing the following shall be submitted prior to approval:
    - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.).
    - ii. Removal of all non-utility-owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
    - iii. Restoration of property to its original condition or a condition that is stabilized and graded to be consistent with the character of the area.
    - iv. The timeframe for completion of decommissioning activities.
    - v. Description of any agreement (e.g. lease) with the property owner regarding decommissioning, if applicable.
    - vi. The entity or individual responsible for decommissioning.
    - vii. The financial plan for decommissioning activities and site restoration.
    - viii. Protocol for updating the decommissioning plan.
  - d. A performance guarantee shall be required to be posted in the form of a bond, letter of credit, cash, or another form acceptable to the Township to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for the full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.
  - e. The property owner and responsible party shall record the decommissioning plan with Allegan County Register of Deeds.

## **Section 8.280 Specialty Accommodations**

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- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Setbacks.** Buildings and any other structures used for guest accommodations shall be at least 50 feet from residential-zoned properties.
- C. **State Permitting and Compliance.** Specialty accommodations shall be subject to state permitting requirements for campgrounds, as well as state requirements for density, separation, and campfire pits.
- D. **General Requirements.**
  - 1. The site shall be served by public water and sewer.
  - 2. Restroom facilities for guests are required.
  - 3. A manager or caretaker must be on duty at all times to address the needs of campers, emergencies, and maintenance issues.

4. Common areas and individual sites shall be kept free of litter and debris at all times.
5. Service buildings shall be maintained in a sanitary condition at all times.
6. The operator shall ensure continued maintenance of landscaping and buildings. Common areas shall be mowed and kept free of fallen branches, tall grass, and weeds.
7. Driveways shall be clear for emergency vehicle access at all times. Guest parking shall not obstruct driveways.
8. Dumpsters or trash bins shall be required in a common area and shall be emptied frequently to avoid the accumulation of waste and debris.
9. The open discharge of gray water shall be prohibited.

### **Section 8.290      Stables, Commercial**

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- A. **Minimum Lot Area.** A minimum of 10 acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned property.
- C. **Parking.** Parking lots shall be at least 100 feet from abutting residential-zoned property lines.
- D. **Lighting.** Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).

### **Section 8.300      Temporary Land Uses**

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- A. **Permitting.** A zoning permit is required prior to establishing any temporary land use. However, garage and yard sales are exempt from zoning permits.
- B. **Anemometer.** See 8.350 E.
- C. **Garage and Yard Sales.** Yard and garage sales are permitted for durations of four (4) days, no more than four (4) times a calendar year.
- D. **Mobile Food Units.**
  1. Location. Mobile food units may be permitted in the C-1, C-2, C-3, and I-1 zoning districts or in A-1 and A-2 as part of a rural business.
  2. Location. Mobile food units shall be located on a privately-owned property where an existing permanent business operates in a building with a certificate of occupancy. A maximum of one (1) mobile food unit shall be allowed on a lot at any time. The maximum number of mobile food units may be waived for special events permitted by the Township.
  3. Visibility. Mobile food units shall not obscure traffic sight visibility or operate in driveways or fire lanes.
  4. Parking. Mobile food units may operate in parking spaces if the required parking for the property remains in compliance with the parking requirements of this ordinance.
  5. Drive-Through. Mobile food units shall not provide a drive-through service of any kind.
  6. Setbacks. Mobile food unit parking shall be set back at least 20 feet from public right-of-way and 50 feet from all other lot lines.
  7. Licensing. Licenses shall be secured from the Allegan County Health Department.

- E. **Temporary Construction Office.** A temporary office building or yard for construction materials and/or equipment is permitted in any zone without a permit for such period of time as it is both incidental and necessary to construction at the site.
- F. **Temporary Dwelling.** A permit may be secured from the Zoning Administrator to use a recreational vehicle as a temporary dwelling during the construction, renovation, or repair of a single-family home on the same lot, provided:
  - 1. A permit shall be valid for no longer than one (1) year or 30 days after a certificate of occupancy is issued for the single-family dwelling on the subject lot.
  - 2. The recreational vehicle shall be connected to water and sewage facilities approved by the Allegan County Health Department.
- G. **Temporary Sales.**
  - 1. Permitting. Temporary outdoor parking lot sales are subject to review and approval by the Zoning Administrator in accordance with this section in the C-1, C-2, C-3, and I-1 zoning districts.
  - 2. Application Requirements. Applications shall include a site plan illustrating structures, tents, off-street parking, and lighting.
  - 3. Sales and events shall be permitted no more than twice during a calendar year for a maximum of 30 days total per lot.
  - 4. The sales area shall not extend into the clear vision area at any street intersection.
  - 5. No more than 20 percent of the available parking spaces may be utilized for temporary use.
  - 6. All temporary structures shall be erected in a safe manner in accordance with any applicable Building Codes, ordinances, and standards.
- H. **Temporary Sales Office.** A temporary office is permitted in any zone without a permit for such period of time as it is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

## **Section 8.310      Truck Stop**

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- A. **Location.** Truck stops are restricted to the Interstate Transportation Overlay District.
- B. **Minimum Lot Size.** Five (5) acres.
- C. **Minimum Lot Frontage.** 1,000 feet.
- D. **Public Sewer and Water.** Public sewer and water must serve the site.
- E. **Minimum Setbacks.**
  - 1. Front. 100 feet.
  - 2. Side and Rear. Increased to 250 feet when abutting a residential property or residentially zoned property.
  - 3. Fuel Dispenser Islands. 115 feet from the right-of-way.
  - 4. Canopies. 100 feet from the right-of-way.
- F. **Buffer.** The buffer required by Section 11.50 shall be at least 100 feet wide, and plantings shall be increased by 25 percent.

- G. **Access and Circulation.** All fueling pumps shall be arranged to prevent queued or parked vehicles waiting to be serviced from encroaching upon a sidewalk, street, intersection, or public right-of-way. On-site circulation for commercial vehicles and passenger vehicles must be adequately separated to minimize vehicle and pedestrian conflicts and to maximize safety.
- H. **Vehicle Repair.** Repair work shall be limited to minor vehicle repair unless major vehicle repair is approved for the site.
- I. **Surface.** All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this ordinance, alternative surfaces are not permitted.
- J. **Canopy.** A permanent canopy that is open on all sides shall be located over all fuel pump islands.
- K. **Commercial Vehicle Parking.** Areas devoted to the parking of commercial vehicles shall be located behind the front line of the principal building. Parking spaces shall be marked, and the parking area shall be provided with adequate trash containers and shall be kept free of litter and debris.
- L. **Loudspeakers.** The use of loudspeakers within the commercial vehicle parking areas is prohibited.
- M. **Idling or Revving.** Unless required to maintain the temperature or pressure of perishable or volatile cargo, the extended running in excess of five (5) minutes, idling or revving of the commercial vehicle engines or auxiliary engines and compressors in the commercial vehicle parking area is prohibited.
- N. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact of any spilled materials.
- O. **Nearby Water Systems.** All developed and undeveloped property within 1,000 feet of any underground or aboveground storage tank, fuel dispenser or fuel dispensing area located on the site must be either served by an existing public or certified private community water system or be immediately adjacent to such a system. For properties where the water lines are immediately adjacent but which are not served, the water system must physically and through assessment or other agreement of record between the landowner and the water authority be capable of being immediately extended to serve the property if required to be connected by the township or health department.
- P. **Vehicle Service Station Requirements.** All requirements of Section 8.330 shall also be satisfied.

## Section 8.320 Vehicle Repair

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- A. **Overhead Doors.** Overhead doors shall not face residential-zoned property. The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features, and landscaping.
- B. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.
- C. **Indoor and Outdoor Work.** All maintenance and repair work shall be conducted completely within an enclosed building unless the work can be completed in three (3) business days for no more than three (3) vehicles at any time.
- D. **Outdoor Storage.** There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment unless allowable within the applicable zoning district and in accordance with Section 8.210.

- E. **Parking.** Parking of operable vehicles awaiting service or pickup shall comply with the requirements of Article 10.
- F. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned properties.

### **Section 8.330      Vehicle Service Station**

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- A. **Lot Area and Frontage.** The minimum lot area shall be 120,000 square feet, and a minimum of 300 feet of lot frontage is required.
- B. **Sewer and Water.** Public sewer and water must be connected to the facility if they are available at the time of initial construction. If one or both utilities become available at a later date, connection to the utility shall, at that time, be required in fulfillment of the initial requirement.
- C. **Setbacks**
  - 1. The minimum front setback for the principal building shall be 100 feet. A setback of not less than 30 feet is required from any side lot line and 40 feet from any rear lot line. Side and rear setbacks shall be increased to 50 feet when the property abuts a residentially zoned or used property.
  - 2. The minimum front setback for fuel dispenser islands shall be 100 feet.
- D. **Access and Circulation.** All fueling pumps shall be arranged to prevent queued or parked vehicles waiting to be serviced from encroaching upon a sidewalk, street, intersection, or public right-of-way.
- E. **Surface.** All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this ordinance, alternative surfaces are not permitted.
- F. **Canopy.** A permanent canopy that is open on all sides shall be located over all fuel pump islands. Canopies shall meet setback requirements for principal buildings.
- G. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

### **Section 8.340      Vehicle Wash**

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- A. **Indoor Washing.** All washing activities must occur inside a building.
- B. **Access and Circulation.** Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way. Direct access to the wash building shall not be from an adjoining street but from within the property.
- C. **Stacking Spaces.** The Planning Commission may require additional stacking spaces beyond those required by Table 10.40 based on the characteristics of the use and anticipated traffic volumes.
- D. **Bypass Lane.** For automated drive-through wash facilities, a bypass lane is required that allows bypassing waiting vehicles.
- E. **Overhead Doors.** Overhead doors shall not face residential-zoned property. The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and that the visual impact will be diminished through the use of building materials, architectural features, and landscaping.

- F. **Setbacks.** A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from residential-zoned property.

## **Section 8.350 Wind Energy Turbines**

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A. **Findings.**

1. The Township anticipates it may, in the future, receive requests to site Wind Energy Turbines (WETs) within its boundaries.
2. The Township finds that it is in the public interest to permit the siting of WETs within its boundaries as a means to reduce the consumption of fossil fuels in the production of electricity.

B. **Purpose and Intent.** The purpose of this section is to establish standards for siting WETs. It is the Township's intent to permit the siting of WETs within its boundaries and to:

1. Promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in the production of electricity;
2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET; and
3. Establish standards and procedures by which the siting, designing, engineering, installing, operating, and maintaining of a WET shall be governed.

C. **List of Abbreviations.**

1. SSMWET: Small Structure-Mounted Wind Energy Turbine
2. STMWET Small Tower-Mounted Wind Energy Turbine
3. MWET: Medium Wind Energy Turbine
4. LWET: Large Wind Energy Turbine

D. **Applicability.**

1. This section applies to all WETs proposed to be constructed after the effective date of this ordinance.
2. All WETs constructed prior to the effective date of the ordinance shall not be required to meet the requirements of this section; however, any physical modification to an existing WET that materially alters its size, type, equipment, or location shall require a permit under this section.

E. **Temporary Uses- Anemometer.** Anemometers are permitted in all zoned districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

1. The construction, installation or modification of an anemometer shall require a building permit and shall conform to all applicable local, state, and federal safety, construction, environmental, electrical and communications requirements.
2. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the lot.
3. An anemometer shall be permitted for no more than 13 months for a SSMWET or STMWET and no more than three (3) years for all other WETs.



**F. Permitted Uses.**

1. In General. Subject to the height limitations and other standards contained in this section, a SSMWET and a STMWET shall be considered permitted Uses in all zoned districts. They shall not be erected, constructed, installed, or modified as provided in this section unless a building permit has been issued to the owner(s) or operator(s). In order to be classified as permitted uses, all SSMWETs and STMWETs are subject to the following minimum requirements.
2. General Siting and Design Requirements applicable to SSMWETs and STMWETs.
  - a. Upwind turbines shall be required.
  - b. Visual appearance.
    - i. A SSMWET or STMWET, including Accessory buildings and related structures, shall be a nonreflective, nonobtrusive color (e.g. white, gray, black). The appearance of the WET, tower and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
    - ii. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority, or otherwise necessary for reasonable safety and security.
    - iii. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the WET manufacturer.
  - c. Ground Clearance. The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least 15 feet above the ground (at the highest point of the natural grade within 30 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
  - d. Noise. Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any Lot Line of a residential or agricultural Use Lot on which the WET is located, or from the Lot Line of a park, school, hospital or church where the WET is located. Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient sound level plus five dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any lot line of a nonresidential or nonagricultural use lot on which the WET is located.
  - e. Vibration. Vibrations shall not be produced which are perceptible by human observation (unassisted by equipment) beyond the Lot on which a SSMWET or STMWET is located.
  - f. Shadow Flicker. A SSMWET or STMWET shall be sited in a manner that does not result in significant shadow flicker impact. The applicant has the burden of ensuring no significant Shadow Flicker impact. Significant shadow flicker impact is considered as more than 30 hours per year on an occupied building. Potential shadow flicker will be addressed either through siting or mitigation measures.
  - g. Monopole Towers required. Only monopole towers are permitted for STMWETs.
  - h. Guy Wires. Guy wires shall not be permitted as part of the SSMWET or STMWET.
3. Design and Siting Requirements (SSMWET).
  - a. In General. SSMWETs shall be permitted by right in any zoned district on a government or



institutional building and on any permitted principal or accessory commercial or industrial Building located in the C-1, C-2, C-3, and I-1 Zoned Districts. In any A-1, A-2, R-1, R-2, R-3, and R-3B Zoned Districts or residential or mixed-use Planned Unit Developments or any other Lots supporting single-, two-family or multifamily dwellings, SSMWETs shall only be permitted on accessory buildings not used for dwelling purposes.

- b. Height. The Total Height of a SSMWET shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
  - c. Setback.
    - i. In any commercial or industrial zoned districts the setback of a SSMWET shall be a minimum of 15 feet from the lot line, private road or street right-of-way, public access or utility easement or overhead utility lines if mounted directly on a roof or other elevated surface of a Structure.
    - ii. Within any agricultural or residential zoned district or PUD, the minimum setback of a SSMWET mounted directly on a roof or other elevated surface of a structure shall be 50 feet from the lot line, private road, or street right-of-way and a minimum of 15 feet from any public access or utility easement or overhead utility lines. The setback shall be measured from the furthest outward extension of all moving parts.
    - iii. Setback exceptions. Setback requirements shall not apply to lot lines separating adjacent lots when both lots are under the same ownership or when both lots or applicable portions thereof are encumbered by one or more easements established to support the same WET.
  - d. Location. The SSMWET shall not be affixed to the wall on the side of a structure facing a street or private road.
  - e. Quantity. Unless authorized as a special land use in accordance with Section 8.360 F, no more than one (1) SSMWET shall be installed on any Lot.
  - f. Separation. If more than one SSMWET is installed on a lot, a distance equal to the total height of the highest SSMWET must be maintained between the base of each SSMWET.
4. Design and Siting Requirements (STMWET).
- a. In General. STMWETs shall be permitted by right in any commercial, industrial, agricultural, or residential zoned district subject to the general siting and design requirements listed above and subject to this section.
  - b. Minimum Lot/WET Area Size. The Lot must contain at least 3.2 acres of lot area and include an uninterrupted core area diameter of at least 420 feet. A cooperative WET site must have 420 feet diameter of WET easement area over two or more adjacent Lots.
  - c. Height. The total height of a STMWET shall not exceed 65 feet.
  - d. Location. The STMWET shall only be located in a rear yard of a lot that has an occupied building.
  - e. Occupied Building Setback. The setback from all occupied buildings on the lot shall be a minimum of 20 feet measured from the base of the tower.
  - f. Setbacks. The setback shall be a minimum of 210 feet as measured from the base of the tower to any applicable lot or property line, cooperative WET site easement line, street or private road right-of-way, public easement, or overhead public utility lines.

- g. Quantity. No more than one STMWET shall be installed on any lot.
  - h. Electrical System. All electrical controls, control wiring, grounding wires, power lines and system components shall be placed underground within the boundary of each Lot at a depth designed to accommodate the existing land Use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
5. Permit Application Requirements. All of the following information shall be included in an application for a SSMWET or STMWET:
- a. Name of lot owner(s), address, and parcel number shall be included.
  - b. A site plan in accordance with Article 14 shall be provided, which shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET or STMWET, lot lines, physical dimensions of the lot, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, nonmotorized pathways, streets, private roads, and contours. The site plan must also include adjoining lots as well as the location and use of all structures.
  - c. The proposed type and height of the SSMWET or STMWET to be constructed shall be included, including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
  - d. Documented compliance with the noise requirements set forth in this section shall be included.
  - e. Documented compliance with applicable local, state, and national regulations shall be provided, including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - f. Proof of applicant's liability insurance shall be included.
  - g. Evidence that the utility company has been informed of the applicant's intent to install an interconnected, customer-owned generator and that such connection has been approved shall be provided. On-site-use WETs shall be exempt from this requirement.
  - h. Other relevant information as may be reasonably requested shall be included.
  - i. A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance shall be included.
  - j. Signature of the applicant shall be included.
6. Safety Requirements.
- a. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations, meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
  - b. The SSMWET or STMWET shall be equipped with an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and other wind energy components unless the manufacturer

certifies that a braking system is not necessary.

- c. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
  - d. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrotechnical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22, "Wind Turbine Certification," and IEC 61400-23, "Blade Structural Testing," or any similar successor standards.
7. Signal interference. The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
8. Decommissioning.
- a. The SSMWET or STMWET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or operator(s), and for a good cause, the Planning Commission may grant a reasonable extension of time. The SSMWET or STMWET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
  - b. If the SSMWET or STMWET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the Township Board may designate a contractor to complete Decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the Lot. If the SSMWET or STMWET is not owned by the lot owner(s), a bond must be provided to the township for the cost of decommissioning each SSMWET or STMWET.
  - c. Additional Decommissioning Requirements for STMWETs. STMWETs shall be subject to the following additional requirements:
    - i. Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade or to the level of the bedrock if less than 60 inches below finished grade.
    - ii. The Lot and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) or operator(s). If the lot is not to be used for agricultural practices following removal, the lot shall be seeded to prevent soil erosion unless the lot owner(s) requests in writing that the land surface areas not be restored.
9. Public Inquiries and Complaints. Should an aggrieved lot owner allege that the SSMWET or STMWET is not in compliance with the noise or shadow flicker requirements of this section, the procedure shall be as follows:
- a. Notify the Township in writing regarding concerns about noise level or shadow flicker.
  - b. Noise Complaint. If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the lot owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this section.
    - i. If the test indicates that the noise level is within noise requirements, the Township will use the deposit to pay for the test.

- ii. If the SSMWET or STMWET is in violation of the noise requirements, the owner(s) and operator(s) shall reimburse the Township for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance, which may include ceasing operation of the WET until violations are corrected. The Township shall refund the deposit to the aggrieved Lot owner.
- c. Shadow Flicker Complaint. If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the owner(s) and operator(s) to provide a shadow flicker analysis of the WET as constructed to determine compliance with the requirements of this section.
  - i. If the SSMWET or STMWET is in violation of the shadow flicker requirements, the owner(s) and operator(s) shall take immediate action to bring the WET into compliance.
  - ii. Compliance action required may include ceasing the operation of the WET until violations are corrected.

**G. WETs Approved as Special Land Uses.**

1. STMWETs exceeding 65 Feet in Total Height. STMWETs exceeding 65 feet in total height may be approved as a special land use in any zoned district subject to the provisions of Article 15 and subject to the following additional provisions:
  - a. The maximum total height that may be authorized as a special land use shall be 120 feet.
  - b. The minimum Setback to the base of the tower shall be one and one-half (1.5) times the total height of the WET.
  - c. All other applicable provisions of Section 8.350 F shall be met.
2. Multiple SSMWETs. More than one (1) SSMWET located on a Principal or Accessory Building may be considered and authorized as a Special land use subject to Article VI and the following additional provisions:
  - a. Multiple SSMWETs may be approved in any zoned district when located on a permitted institutional or government Building.
  - b. Multiple SSMWETs may be approved on a permitted commercial or industrial Building or structure when located within a commercial or industrial-zoned district.
  - c. All other applicable standards of Section 8.350 F relating to SSMWETS in the agricultural, residential, commercial, or industrial-zoned districts shall apply.
3. Large WETs (MWETs and LWETs). See Table 3.30 and Table 4.30.
4. Siting and Design Requirements for all LWETs.
  - a. Upwind turbines shall be required.
  - b. The design of a WET shall conform to all applicable building code requirements.
  - c. Total height shall not exceed 500 feet.
  - d. Visual Appearance.
    - i. Each WET, including accessory buildings and other related structures, shall be mounted on a tubular tower and a nonreflective, nonobtrusive color (e.g. white, gray, black). The

appearance of WETs, towers and buildings shall be maintained throughout the life of the WET.

- ii. Each WET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for reasonable safety and security.
  - iii. Each WET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the WET manufacturer or operators).
- e. Vibration. Each WET shall not produce vibrations humanly perceptible beyond the lot on which it is located.
- f. Shadow Flicker. The WET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the WET. The analysis shall identify the locations of shadow flicker that may be caused by the WET and the expected durations of the shadow flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed 30 hours per year.
- g. Monopole Tower Construction. Only monopole tower construction shall be utilized.
- h. Guy Wires. Guy wires shall not be permitted as part of the WET.
- i. Electrical System. All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the WET shall be placed underground within the boundary of each Lot at a depth designed to accommodate the existing land Use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
- j. Ground Clearance. The lowest extension of any blade or other exposed moving component of an LWET shall be at least 50 feet above the ground (at the highest point of the grade level within 150 feet of the base of the Tower).
- k. Noise.
  - i. Within the A-1 zoning district, noise emanating from the operation of an LWET shall not exceed 55 dBA between the hours of 9:00 p.m. and 9:00 a.m. as measured at any lot line of the lot on which the LWET is located, except as outlined in subsection ii below. If the L 90 Ambient Sound Level exceeds 55 dBA, the standard shall be the ambient sound level plus five (5) dBA.
  - ii. Notwithstanding the above subsection a., noise between the hours of 9:00 p.m. and 9:00 a.m. shall not exceed 45 dB(A) within 50 feet of any occupied residential structure, park, school, hospital, or church in existence at the time of permitting. If the L 90 ambient sound level exceeds 45 dBA, the standard shall be the ambient sound level plus five (5) dBA. This provision shall not apply to occupied residential structures located on the lot on which the LWET is located.
  - iii. Within the I-1 industrial zoned district, noise emanating from the operation of an LWET shall not exceed 55 dBA at any lot line of the lot on which the LWET is located. If the L 90

ambient sound level exceeds 55 dBA, the standard shall be the ambient sound level plus five (5) dba.

- iv. The noise levels in subsections i, ii, and ii above may be exceeded during short-term events such as severe wind storms and periods of maintenance.
  - v. Noise requirements shall not apply to lot lines separating adjacent lots if they are owned by the same person or if each lot or applicable portion thereof is encompassed by one (1) or more easements established to support the same WET.
- l. Quantity. The number of WETs shall be determined based on setbacks and separation.
- m. Setback and Separation.
- i. Occupied Building Setback. Each WET shall have a setback from the nearest occupied building that is not located on the same lot as the LWET a minimum of two times its total height, or 1,000 feet, whichever is greater, as measured from the base of the Tower. The setback from any occupied building located on the same lot shall be not less than 1.25 times the Total Height of the WET.
  - ii. Lot Line Setbacks. With the exception of the locations of streets, private roads, drain rights-of-way, above-ground public communications and electrical lines (see below), and lots with occupied buildings (see above), the internal lot line setbacks shall be a minimum of 1.25 times the total height, as measured from the base of the tower.
  - iii. Setbacks from Streets, Drain Rights-of-Way and Above Ground Public Communications and Electrical Utility Lines. Each WET shall be set back from the nearest street or private road, drain right-of-way, or above-ground public communications and electrical utility line no less than 400 feet or 1.25 times its total height, whichever is greater. The distance shall be determined as measured from the base of the tower to the boundary of the underlying right-of-way for the street, private road, or drain and to the overhead communication or electrical line.
  - iv. Setback Exceptions. Setback requirements shall not apply to lot lines separating adjacent Lots if they are owned by the same person or if each Lot or applicable portion thereof is encompassed by one or more easements established to support the same WET.
  - v. Setback Waiver. Alternative setbacks to the minimum of 1.25 times the total height of the wet may be approved provided that written consent from the affected property owner(s) has been obtained stating awareness of the WET and its potential physical and noise-related hazards and stating that the setback requirements imposed by this subsection may be reduced. The waiver shall be made to apply to succeeding owners of the affected property, and a permanent setback and noise impact easement must be recorded with the Allegan County Register of Deeds, describing the benefitted and burdened properties and giving notice to all subsequent owners of the burdened property that reduced setbacks and increased physical hazards and noise levels in excess of those otherwise deemed acceptable by this section may exist on or at the burdened property.
- n. Access Driveway. Each WET shall be provided with an improved private access road for maintenance and emergency vehicles to readily access the site. The access road shall be constructed to the Township's private road standards for serving four (4) fewer lots. However, the Planning Commission may, with the concurrence of the Fire Code Official, approve a paved or covered surface width of not less than 16 feet if it is demonstrated that the equipment

expected to utilize the access road in times of emergency will be safely and efficiently accommodated. If the Planning Commission allows a reduced width of not less than 16 feet, the Planning Commission may require intermittent passing nodes of greater than 16 feet in width to maintain limited passing and two-way traffic capability.

5. Safety Requirements.

- a. If the WET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities. The connection shall be inspected by the appropriate public utility.
- b. The WET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- c. Security measures must be in place to prevent unauthorized trespass and access. Each WET shall not be climbable up to 15 feet above ground surfaces. All access doors to LWETs and electrical equipment shall be locked and/or fenced as appropriate to prevent entry by nonauthorized person(s).
- d. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
- e. Each WET shall have one sign, not to exceed two square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
  - i. Warning high voltage;
  - ii. Manufacturer's and owner's/operator's names; and
  - iii. Emergency contact numbers (list more than one number).
- f. The structural integrity of the WET shall conform to the design standards of the International Electrotechnical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22, "Wind Turbine Certification," and IEC 61400-23, "Blade Structural Testing," or any similar successor standards.

6. Signal Interference. The WET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

7. Decommissioning.

- a. The WET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or operator(s) and for a good cause, the Planning Commission may grant a reasonable extension of time. Each WET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
- b. Decommissioning shall include the removal of each WET, buildings, electrical components, and roads to a depth of 60 inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade or to the level of the bedrock if less than 60 inches below grade. Following removal, the location of any remaining WET foundation shall be identified on a map as such and recorded with the deed to the lot with the County Register of Deeds.



- c. All access roads to the WET shall be removed, cleared, and graded by the WET owner(s) unless the lot owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.
  - d. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the wet. If the lot is not to be used for agricultural practices following removal, the lot shall be seeded to prevent soil erosion unless the lot owner(s) requests in writing that the land surface areas not be restored.
  - e. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("decommissioning costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). When determining this amount, the township may also require an annual escalator or increase based on the federal consumer price index (or equivalent or its successor). The estimates shall be submitted to the zoning administrator after the first year of operation and every fifth year thereafter.
  - f. The wet owner(s) or operator(s) shall post and maintain decommissioning funds in an amount equal to net decommissioning costs. Decommissioning funds shall not be less than 100 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or state-chartered lending institution chosen by the owner(s) or operator(s) and participating lot owner(s) posting the financial security. The bonding company or lending institution must be authorized to conduct such business and subject to approval by the township.
  - g. Decommissioning funds shall be in the form of a performance bond made out to the Township.
  - h. A condition of the bond shall be notification by the bond company to the Zoning Administrator at least 30 days before the bond's expiration or termination.
  - i. Failure to keep the bond in effect while a WET is in place will be a violation of the special land use permit. If a lapse in the bond occurs, the Township may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
  - j. The escrow agent shall release the decommissioning funds when the owner(s) has demonstrated, and the Township concurs that decommissioning has been satisfactorily completed.
  - k. If decommissioning is not completed within the required period, then the Township may take such measures as necessary to complete decommissioning. The special land use application shall constitute agreement and consent by the owner(s), operator(s), and lot owner(s), including their respective heirs, successors, and assigns, that the Township may take such action as necessary to implement the decommissioning plan.
8. Site Plan Requirements.
- a. Site Plan Drawing(s). All applications for a WET special land use permit shall be accompanied by detailed site plans drawn to scale and dimensioned in compliance with Section 23.50. The required site plans shall display the following information:
    - i. Existing Lot features shall be shown, including the following: lot lines, physical dimensions of the lot, land use, zoned district, contours, setback lines, rights-of-way, public and utility easements, streets, private roads, access roads (including width), sidewalks, nonmotorized



pathways, large trees, and all buildings. The site plan must also illustrate the adjoining Lots and the location and use of all structures and utilities within 300 feet of the lot. In addition, a scaled area map shall be included that identifies the location and address of all occupied structures, parks, schools, and churches within 5,000 feet of the base of the WET.

- ii. Location and total height of all proposed WETs shall be shown, including all buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground Structures and utilities associated with any proposed WET.
  - iii. A site grading, erosion control, and stormwater drainage plan shall be shown.
  - iv. A description of the routes to be used by construction and delivery vehicles shall be shown, with any street or private road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond that guarantees the repair of any damage caused by construction of the WET.
  - v. A statement indicating what hazardous materials will be used and stored on the lot shall be included.
  - vi. A study assessing any potential impacts on the natural environment shall be included (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.
  - vii. Additional details and information as required by the special land use approval or as requested by the Planning Commission shall be included.
- b. Site Plan Documentation. The following documentation shall be included with the site plan:
- i. The contact information for the owner(s) and operator(s) of the WET, as well as contact information for all Lot owners on which the WET is located, shall be included.
  - ii. A copy of the signed lease, lease agreement, or other recorded document, if the applicant does not own the lot for the proposed WET, shall be submitted. A statement shall be required from the lot owner(s) agreeing to abide by all applicable terms and conditions of the special land use permit.
  - iii. Identification and location of the lot on which the proposed WET will be located shall be included.
  - iv. The proposed number, types, and total height of all WETs to be constructed shall be submitted. The WET manufacturer's model and product specifications, including maximum noise output (measured in decibels), total rated capacities, rotor diameters, and a description of ancillary facilities, shall be included.
  - v. Documents shall be submitted by the manufacturer, confirming specifications for WET Tower separation.
  - vi. Documented compliance with the noise and shadow flicker requirements in this section shall be submitted.
  - vii. Engineering data concerning the construction of the WET and its base or foundation shall be submitted. The data may include, but not be limited to, soil boring data.

- viii. Certification of a registered engineer attesting that the WET meets or exceeds the manufacturer's construction and installation standards shall be submitted.
  - ix. The anticipated construction schedule shall be submitted.
  - x. A copy of the maintenance and operation plan shall be submitted, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the WET to conduct maintenance, if applicable, shall be provided.
  - xi. Documented compliance with applicable local, state, and national regulations shall be provided, including, but not limited to, all applicable safety, construction, environmental, electrical, and communications standards. The WET shall comply with FAA requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, any applicable airport overlay zone regulations, and all other required laws, ordinances, and regulations.
  - xii. Proof of the applicant's liability insurance shall be included.
  - xiii. Evidence shall be submitted that the applicable utility company has been informed of any intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
  - xiv. Other relevant information as may be requested by the Township shall be provided to ensure compliance with the requirements of this section.
  - xv. A written description of the anticipated life of each WET shall be included, along with the estimated cost of decommissioning, the method of ensuring that funds will be available for decommissioning and site restoration, and removal and restoration procedures and schedules that will be employed if any WET becomes inoperative or nonfunctional.
  - xvi. The applicant shall submit a decommissioning plan that will be carried out at the end of the WET's useful life and shall describe any agreement with the Lot owner(s) regarding equipment removal upon termination of any lease.
  - xvii. The Township reserves the right to review all maintenance plans and bonds under this section to ensure that all conditions of the special land use permit are followed.
  - xviii. Signature of the applicant shall be included.
9. Certification and Compliance. Following the completion of construction, the applicant shall certify that all construction is completed and that operations will be conducted pursuant to the special land use permit and in compliance with the standards of this section.
- a. The Township must be notified of a change in ownership of a WET or a change in ownership of the Lot on which the WET is located.
  - b. The Township reserves the right to inspect any WET in order to ensure compliance with this chapter. Any cost associated with the inspections shall be paid by the owner/operator of the WET. The owner/operator shall be required to place in escrow with the Township the amount of \$1,000.00 to cover the cost of routine enforcement and administrative costs associated with compliance. This amount shall be drawn upon to reimburse the Township for routine inspections and administrative expenses that result from complaints made against the WET.
  - c. A sound pressure level analysis shall be conducted from an optimal number of sample locations at the perimeter of the Lot containing any WETs and off-site to demonstrate compliance with the requirements of this section. Proof of compliance with the noise standards is required

within 90 days of the date the WET becomes operational. Sound shall be measured by a qualified professional using a standardized acoustic noise measurement protocol established specifically for wind turbine generator systems, such as the standards of IEC 61400-11 2002+A1:2006(E). The protocol shall be reviewed and approved in advance by the Planning Commission and shall incorporate the following baseline considerations:

- i. Representative locations shall include those most likely to be affected by the sound from the routine operation of the WET for periods of time sufficient to adequately characterize the sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the WET will operate. If the proposed facility will operate on Saturdays, Sundays, or both, measurements shall also be made during all hours that the facility will operate.
  - ii. Sound level measurements shall be taken four to six feet above the ground surface at the exterior (within 50 to 100 feet) of potentially affected existing dwellings, schools, hospitals, churches, and public libraries.
  - iii. Measurement locations shall take into account the potential effects of sound shadows and sound ricochet.
  - iv. The variables of topography, time of day, temperature, and surface wind shall be documented in the measurements.
  - v. Infrequent measurement periods with particularly high ambient sounds, such as during nighttime harvesting of crops, significant insect activity, or surface winds above 12 miles per hour, should be avoided if possible but noted when taken.
- d. Owner(s) or operator(s) shall provide the Zoning Administrator with a copy of the yearly maintenance inspection schedule and reports.
  - e. A joint WET compliance fund shall be created with funds contributed by owners/operators of WETs. The fund will be administered by the Township to fund noise and Shadow Flicker testing and analysis performed in response to noise and shadow flicker complaints received after WET certification.
    - i. An Owner/Operator shall, at the time of certification for each WET site location, pay \$5,000.00 in cash to the Township, which shall deposit the cash in the WET compliance fund. Funds will be used to conduct independent sound and shadow flicker analysis as deemed necessary to respond to complaints brought against the owner/operator by an allegedly aggrieved Lot owner during the 24-month period following the certification.
    - ii. If no violations of noise or Shadow Flicker levels have been documented within a 24-month period following certification of a WET, the owner/operator will no longer be required to maintain \$5,000.00 in the fund for that WET, and the cash shall be reimbursed to the owner/operator. Any documented violation occurring during the initial 24-month period of mandatory participation in the fund, or any required extensions thereto, will require the owner/operator to maintain the \$5,000.00 in the fund for an additional 12 months or as otherwise provided in subsection below.

10. Public Inquiries and Complaints. Should an aggrieved Lot owner allege that the WET is not in compliance with the noise and shadow flicker requirements of this section, the procedure shall be as follows:

a. Noise Complaint.

- i. Notify the Township in writing regarding concerns about noise level.
- ii. If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the allegedly aggrieved Lot owner deposit \$250.00 into the WET compliance fund described in subsection (i)(5) above to help pay for a sound level test to be conducted by a certified acoustic technician to determine compliance with the requirements of this section. This amount shall be deposited for each WET for which a complaint is received and at which the test is to be conducted.
- iii. If the test indicates the noise level is within the noise level standards of this chapter and the WET is not in violation, the Township will use the \$250.00 deposit from the complaining lot owner to defray a portion of the cost associated with the test.
- iv. If the WET is in violation of the noise level standards of this chapter, the funds deposited in the WET compliance fund shall be used to defray the entire cost of the noise level test. The owner/operator shall take immediate action to bring the WET into compliance, which may include ceasing operation of the WET until violations are corrected. In the case of such violation, the Owner/Operator of the WET in violation shall, in order to maintain certification, reimburse the WET compliance fund in full for the cost of the test, and mandatory participation in the fund shall be extended 24 months from the date of the re-determination of compliance. The Township will refund the \$250.00 deposit to the aggrieved lot owner.

b. Shadow Flicker Complaint.

- i. Notify the Township in writing regarding concerns about shadow flicker.
- ii. If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the allegedly aggrieved lot owner deposit \$250.00 into the WET compliance fund described in Section 8.350 G.10.a.iv to help pay for a shadow flicker test to be conducted to determine compliance with the requirements of this section. This amount shall be deposited for each WET about which a complaint is received and at which the test is to be conducted.
- iii. If the test indicates the shadow flicker is within shadow flicker standards of this section and the WET is not in violation, the Township will use the \$250.00 deposit from the complaining lot owner to defray a portion of the cost associated with the test.
- iv. If the WET is in violation of the shadow flicker standards of this section, the funds deposited in the WET compliance fund shall be used to defray the entire cost of the shadow flicker test. The owner/operator shall take immediate action to bring the WET into compliance, which may include ceasing operation of the WET until violations are corrected. In the case of such violation, the owner/operator of the WET in violation shall, in order to maintain certification, reimburse the WET compliance fund in full for the cost of the test, and mandatory participation in the fund shall be extended 24 months from the date of the re-determination of compliance. The Township will refund the \$250.00 deposit to the aggrieved Lot owner.

- c. Complaints made about noise level or shadow flicker subsequent to mandatory participation in the WET compliance fund.
  - i. If a complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the allegedly aggrieved Lot owner to deposit funds in an amount sufficient to pay the entire cost for the sound level or shadow flicker test, as appropriate, at each WET location for which a complaint is received and a test is to be conducted.
  - ii. If the test indicates the sound level or shadow flicker standards are not exceeded, the Township will use the deposit to pay for the test.
  - iii. If the WET is in violation, the owner/operator shall in order to maintain certification, reimburse the Township for the test and take immediate action to bring the WET into compliance, which may include ceasing operation of the WET until violations are corrected. The Township will refund the deposit to the aggrieved lot owner.

## **Section 8.360      Wireless Communications Facilities**

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### **A. Findings and Intent.**

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

### **B. Purpose and Goals.**

1. The purpose of this section is to establish general guidelines for siting wireless communications towers and antennas. The goals of this section are to:
  - a. Protect residential and agricultural areas and land uses from potential adverse impacts of towers and antennas;
  - b. Encourage the location of towers and antennas in nonresidential and nonagricultural areas;
  - c. Minimize the total number of towers and antennas throughout the Township;
  - d. Promote the joint use of existing tower sites rather than the construction of additional towers;
  - e. Promote the location of towers and antennas in areas where the adverse impact on the township is minimal;
  - f. Promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - g. Promote telecommunications services to the township which are quick, effective, and efficient;
  - h. Protect the public health and safety of the township and its residents; and
  - i. Avoid potential damage to adjacent properties from tower failure through engineering and

careful siting of tower structures.

2. To further the goals in subparagraph B.1, the Township shall consider its comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**C. Applicability.**

1. New Towers and Antennas. All new towers and new antennas in the township shall be subject to this section, except as otherwise provided in this section.
2. Amateur radio station operators/receive-only antennas; television antennas. This section shall not govern any tower or the installation of any antenna that is under 70 feet in height and is owned and operated by a Federally Licensed Amateur Radio Station or is used exclusively for receive-only antennas or is used for television reception.
3. Preexisting towers and antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section other than the requirements of Section 3.360 D.8-9 and the general requirements of this section concerning preexisting structures.
4. Wireless communications facilities are a permitted use of property and are not subject to special land use approval or any other approval if all of the following requirements are met:
  - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - b. The existing wireless communications support structure or existing equipment compound is in compliance with this ordinance or was approved by the Township.
  - c. The proposed collocation will not do any of the following:
    - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.
    - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.

**D. General Requirements.**

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot.
2. Lot Size. Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot coverage requirements, and other such requirements.
3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas that are either within the jurisdiction of the township or within one (1) mile of the township border, including specific information about the location, height, and design of each

tower or antenna.

4. **Tower Finish.** Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
5. **Tower Site.** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
6. **Antenna Color.** An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
7. **Lighting.** Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
8. **State or Federal Requirements.** All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the township to seek a court order authorizing the township or its designee to remove the tower or antenna at the owner's expense.
9. **Building Codes and Safety Standards.** The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the electronic components industry association or any similar successor organization, as amended from time to time. If the Township suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, the Township may proceed under applicable state law (i.e., Public Act no. 144 of 1992 (mcl 125.539 et seq.) or common law to bring the tower or antenna into compliance, or to remove the tower or antenna at the owner's expense.
10. **Measurement.** Tower setbacks and separation distances shall be measured and applied to facilities located in the township without regard to municipal and county jurisdictional boundaries.
11. **Nonessential Services.** Towers and antennas shall be regulated and permitted pursuant to this section. They shall not be regulated or permitted as essential services, public utilities, or private utilities.
12. **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.
13. **Signs.** No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign designating a person to contact in an emergency, together with the person's telephone number and address.
14. **Metal Towers.** Metal towers shall be constructed with a corrosion-resistant material.



15. Interference. Towers shall not interfere with television or radio reception on surrounding properties.

E. **Permitted Uses.** Permitted uses are the following:

1. Antennas or towers located on property owned, leased, or otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This subsection shall not be interpreted to require the Township to approve a license or lease.
2. Antennas that are themselves not more than 30 feet in height and located upon legally existing lattice electric transmission towers are permitted uses.

F. **Special Land Uses.**

1. Generally. The following shall govern the issuance of special land use permits for towers or antennas by the Planning Commission:
  - a. If the tower or antenna is not a permitted use under subsection E, a special land use permit shall be required for the construction of a tower or the placement of an antenna in any allowed zoning district.
  - b. Applications for special land use permits under this section shall be subject to the general procedures and requirements of this section for special land uses.
  - c. In granting a special land use permit, the Planning Commission may impose such conditions that the Planning Commission concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
  - d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.
2. Processing applications. Procedures for processing special land use applications are as follows:
  - a. Information required. Applicants for a special land use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this section:
    - i. A scaled site plan showing the following:
      - (a) The location, type, and height of the proposed tower or antenna;
      - (b) On-site land uses and zoning;
      - (c) Adjacent land uses and zoning, even if adjacent to another municipality;
      - (d) According to the future land use plan in the Township's Master Plan, the classification of the site and all properties within the applicable separation distances set forth in Table 8.360 A;
      - (e) Adjacent roadways;
      - (f) Proposed means of access;
      - (g) Setbacks from property lines;
      - (h) Elevation drawings of the proposed tower or antenna and any other structures;



- (i) Topography;
  - (j) Parking; and
  - (k) Other information deemed necessary by the Zoning Administrator or Planning Commission to assess compliance with this section.
- ii. Legal description of the lot and the leased portion of the lot, if applicable, together with a copy of the deed or lease pertaining to that lot.
- iii. The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties.
- iv. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to this section, the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.
- v. A landscape plan showing specific landscape materials.
- vi. Method of fencing, finished color, and, if applicable, the method of camouflage and illumination.
- vii. A description of compliance with the requirements of this section and of all applicable federal, state, county, or township laws, rules, regulations, and ordinances.
- viii. A notarized statement by the applicant for a tower indicating if the tower will accommodate the collocation of additional antennas for future users.
- ix. A description of the services to be provided by the proposed new tower or antenna and any alternative ways to provide those services without the proposed new tower or antenna.
- x. A description of the feasible locations of future towers or antennas within the township based upon existing physical, engineering, technological, or geographical limitations if the proposed tower or antenna is erected.
- b. Factors considered in granting special land use permits for towers or antennas. In addition to any other standards specified in this chapter for considering special land use permit applications, specifically including without limit the procedures and requirements set forth in article vi of this chapter, the Planning Commission shall consider the following factors in determining whether to issue a special land use permit under this section:
  - i. Height of the proposed tower or antenna;
  - ii. Proximity of the proposed tower or antenna to residential structures and residential district boundaries;
  - iii. Nature of uses on adjacent and nearby properties;
  - iv. Surrounding topography;
  - v. Surrounding tree coverage and foliage;
  - vi. Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - vii. Proposed ingress and egress to the proposed tower or antenna;

- viii. Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed in subsection (b)(4) of this section;
  - ix. The effect of the proposed tower or antenna on the conforming properties and the surrounding neighborhood; and
  - x. Whether the proposed tower or antenna is located in zoning districts or on structures where the township intends at least most towers and antennas in the township to be located, as subsequently described in this section.
- c. Township intentions concerning the location of most, if not all, towers and antennas. The Township intends that most, if not all towers and antennas will be located as follows:
- i. The Township encourages the location of antennas on existing structures or towers consistent with the terms of the following:
    - (a) The Township encourages antennas on existing structures that are not towers, such as an accessory use to any commercial, industrial, professional, or institutional structure, provided the antenna does not extend more than 30 feet above the highest point of the structure.
    - (b) The Township encourages antennas on existing towers, provided that:
      - (i) A tower that is modified or reconstructed to accommodate the collocation of one or more additional antennas shall be of the same tower type as the existing tower or a monopole;
      - (ii) A tower that is modified or reconstructed to accommodate the collocation of an additional antenna may be modified or rebuilt to a taller height, not more than once per tower, and not to exceed 30 feet over the tower's existing height. This additional height shall not require an additional distance separation per Table 8.360 B of this section; rather, the tower's premodification height shall be used to calculate such distance separations; and
      - (iii) A tower that is modified or reconstructed to accommodate the collocation of an additional antenna may be moved on-site within 50 feet of its existing location, provided that only one tower remains on the lot. A relocated tower shall continue to be measured from its original location for purposes of calculating separation distances between towers pursuant to Table 8.360 B of this section.
- d. Availability of suitable existing towers, antennas, alternative tower structures, other structures, or alternative technology. No new tower or antenna shall be permitted unless the applicant demonstrates to the Planning Commission that no existing tower, antenna, alternative tower structure, or alternative technology can provide the services sought by the applicant without the erection of the applicant's requested new tower or antenna. Evidence that no existing tower, antenna, alternative tower structure, structure, or alternative technology can provide the services sought by the applicant may consist of evidence that the applicant could demonstrate that:
- i. No existing towers, antennas, alternative tower structures, alternative technology, or other structures are available within the geographical area that meet the applicant's engineering requirements.

- ii. Existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicant's engineering requirements, and their height cannot be increased to meet such requirements.
- iii. Existing towers, alternative tower structures, or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support.
- iv. The proposed antenna would cause electromagnetic interference with existing towers or antennas, or existing towers or antennas would cause interference with the applicant's proposed antenna.
- v. The costs to collocate an antenna exceed the costs of erecting a new tower or antenna.
- vi. There are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable.
- vii. An alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.
- e. Setbacks. The following setback requirements shall apply to all towers for which a special land use permit is required:
  - i. Towers must be set back at a distance equal to at least 100 percent of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.
  - ii. Guy wires and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district or 40 feet, whichever is greater.
- f. Separation. The following separation requirements shall apply to all towers for which a special land use permit is required:
  - i. Separation of towers from off-site uses/designated areas. Separation of towers from off-site uses and designated areas shall be as follows:
    - (a) Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site building or uses and/or designated areas as specified in Table 8.360 A, except as otherwise provided in Table 8.360 A. The separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the off-site uses or designated areas, pursuant to a site plan of the proposed tower.
    - (b) Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in Table 8.360 A.

<b>Table 8.360 A: Tower Separation Requirements</b>	
<b>Off-Site Use/Designated Area</b>	<b>Separation Distance <sup>1</sup></b>
Single-family or two-family dwelling units	200 feet or three times the height of the tower, whichever is greater
Unimproved R-1 , R-2, R-3, and R-4 land which is platted, has preliminary subdivision plan approval which is not expired, or has PUD approval that is not expired	200 feet or three times the height of the tower, whichever is greater
Other unimproved residentially or agriculturally zoned lands	200 feet or three times the height of the tower, whichever is greater
Existing multifamily dwelling units	200 feet or three times the height of the tower, whichever is greater
Non-residentially or non-agriculturally zoned lands or nonresidential uses, if not covered by any of the above categories	None; only setbacks established by this section apply

- ii. Separation distances between towers. Separation distances between towers shall be as follows:
- (a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.
  - (b) Separation distances between towers shall comply with the minimum distances (listed in linear feet) established in the following table:

<b>Table 8.360 B: Minimum Separation Between Towers (ft.)</b>				
<b>Proposed Tower</b>	<b>Existing Towers</b>			
	<b>Lattice</b>	<b>Guyed</b>	<b>Monopole 75 Feet in Height or Greater</b>	<b>Monopole Less than 75 Feet in Height</b>
Lattice	10,000	10,000	3,000	1,500
Guyed	10,000	10,000	3,000	1,500
Monopole 75 feet in Height or greater	3,000	3,000	3,000	1,500
Monopole less than 75 feet in Height	1,500	1,500	1,500	1,500

- g. Security Fencing. Towers and support structures, including guy wires, for which a special land use permit is required, shall be enclosed by security fencing not less than six (6) feet in height. The towers shall also be equipped with appropriate anti-climbing devices.
- h. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required; the required landscaping shall be maintained for the duration of the special land use permit:

<sup>1</sup> Separation measured from the base of the tower to the applicable building or lot.

- i. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property then used for dwellings, single-family, two-family, or multifamily, or included in a residential zoning district. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
  - ii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.
- G. **Accessory Utility Buildings.** All utility buildings and structures accessory to a tower or an antenna shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district where the tower or antenna is located. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- H. **Removal of Abandoned Antennas and Towers.** Notwithstanding anything to the contrary elsewhere in this chapter, any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the antenna or tower within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within 90 days shall be grounds for the township to proceed under applicable state law to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, this section shall not become effective until all users cease using the tower.
- I. **Expansion Of Nonconforming Use.** Notwithstanding any other section of this chapter to the contrary, towers that are constructed and antennas that are installed in accordance with this section shall not be deemed to be the expansion of a nonconforming use or structure.

## Article 8. Specific Use Requirements

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## Article 9. Lighting

### Section 9.10 Intent and Purpose

### Section 9.20 General Requirements

### Section 9.30 Light Fixture Requirements

### Section 9.40 Parking Lot and Site Lighting Plans

### Section 9.50 Site Lighting Levels

### Section 9.60 Lighting Modifications

## Section 9.10 Intent and Purpose

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A. **Intent and Purpose.** The intent and purpose of this article are to:

1. Implement Dark Sky International principles;
2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site;
3. Prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists; and
4. Provide security for people, buildings, and land.

## Section 9.20 General Requirements

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A. **Applicability.** This section applies to all properties in the Township.

B. **Limitations.** Light shall be confined on-site by the direction of the fixture, shielding, or adjustment of the level of brightness.

C. **Glare.** Lighting shall not be directed in any manner that causes excessive glare onto neighboring residential property or distraction to drivers.

D. **Direction.** All outdoor lighting shall be directed down or directly onto the object being illuminated. Lighting or glare shall not be directed toward streets, adjacent properties, or the night sky.

E. **Prohibited Light Sources.** The following light sources are prohibited:

1. **Laser Source.** The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment is prohibited.
2. **Searchlights.** The operation of searchlights for advertising purposes is prohibited.
3. **Flashing Lights.** Except for motion-activated security lighting and temporary holiday lighting, permanent lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
4. **Public Safety.** Lighting that is similar to that used for traffic control devices or emergency vehicles is prohibited.

F. **Required Lighting.**

- 1. All non-residential and multi-family residential parking lots shall be illuminated for customer and resident safety.
- 2. Lighting shall be provided throughout any parking lot.
- 3. Lights to illuminate parking lots shall not be attached to any building except for illuminating parking spaces that are within 10 feet of building walls.
- 4. For commercial and industrial properties, light levels shall be reduced 50 percent after the close of business.

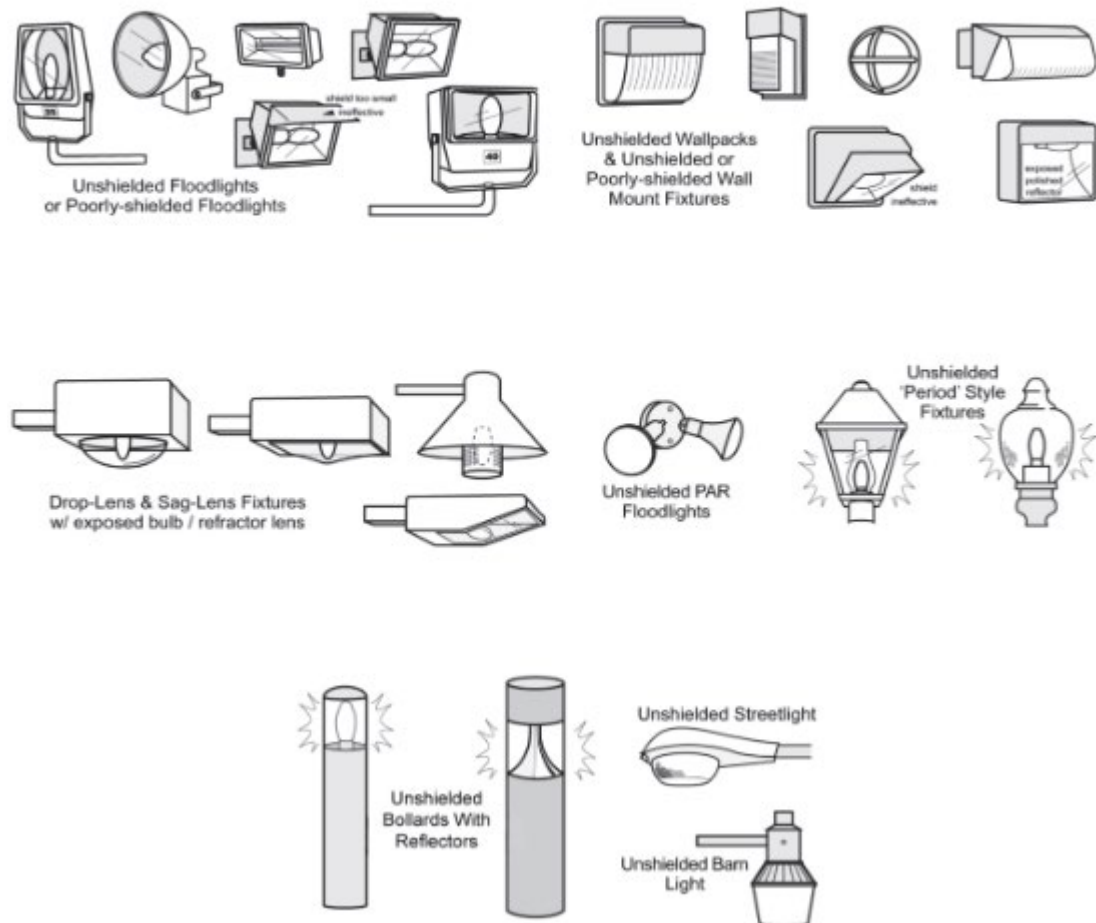
**Section 9.30      Light Fixture Requirements**

- A. **Color Temperature.** The lighting color temperature of new and replacement light fixtures shall not exceed 2,700 Kelvins.
- B. **Fixture Type.** Lighting fixtures for non-residential and multi-family residential uses shall be a down-lighted type and fully cut off, and the light shall not be allowed to be emitted above the fixture. For LED lighting, up-light shall be zero for “B.U.G.” ratings. Fixtures shall comply with the following requirements:
- 1. A full cut off fixture shall have no direct up-light and shall reduce glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.
  - 2. If the applicant cannot provide manufacturer confirmation of full cut off characteristics of light fixtures, the fixture shall be fully shielded, which will be determined by visual inspection of the fixture or a specification sheet. Fully shielded light fixtures are constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal.
  - 3. Under-canopy lighting shall be mounted flush with the canopy surface.
  - 4. Examples of compliant and noncompliant light fixtures are shown in Figures 9-1 and 9-2.
- C. **Mounting Height.** Light fixture mounting heights shall not exceed the following:

Table 9.30: Light Fixture Mounting Height		
Zoning District		Maximum Height (ft).
Residential		15
Commercial and Industrial	Less than 100 feet from a residential zoned lot	20
	100 feet or more from residential zoned lot	25



**Noncompliant:** Fixtures that produce light trespass and glare



**Figure 9-1 Noncompliant Light Fixtures**

**Compliant:** Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

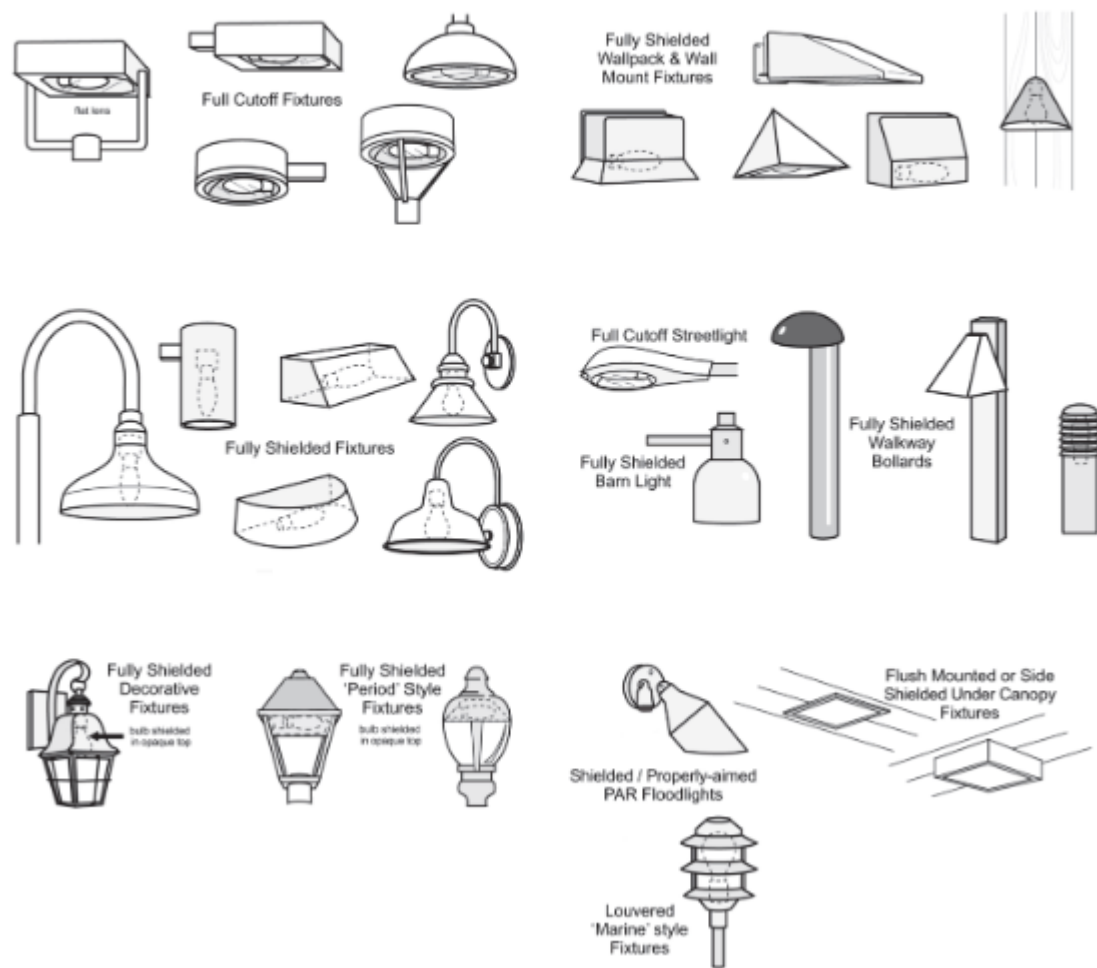


Figure 9-2 Compliant Light Fixtures

## Section 9.40      Parking Lot and Site Lighting Plans

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- A. **Lighting Plan Submittal.** An overall lighting plan is required for all non-residential and multi-family parking lots. The Zoning Administrator or Planning Commission shall require a photometric plan for other areas illuminated on a site to ensure that the intent and requirements of this section are met.
- B. **Submittal Requirements.** Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of the required site plan:
1. Lighting plan (as part of the site plan package) showing light fixture locations and type designations.
  2. Fixture mounting height(s).
  3. Type and number of lighting fixtures.
  4. Lamp source type (bulb type, i.e. high-pressure sodium, LED, etc.), lumen output, color temperature, and wattage.
  5. Lighting manufacturer-supplied specifications (cut sheets) that include photographs or illustrations of the fixture(s), indicating the certified full cut off characteristics or B.U.G. rating of the fixture or demonstration that the fixture is fully shielded.
  6. Photometric Plan. A photometric plan shall include the following:
    - a. Maximum illuminance levels should be expressed in ground-level footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square.
    - b. The grid shall include light contributions from all sources (i.e. pole-mounted, wall-mounted, sign, and street lights).
    - c. Footcandle measurements shall be shown five feet beyond the property lines.
    - d. A calculation summary indicating footcandle levels on the lighting plan, noting the maximum, average, and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels. Average and uniformity ratios shall only be calculated within the parking spaces and drive aisles and shall exclude other illuminated areas of the site.

## Section 9.50 Site Lighting Levels

A. **Illumination Levels.** Light levels shall meet the requirements in Table 9.50.

Table 9.50: Required Site Illumination				
Location on Site	Min. fc	Max. fc	Ave. fc	Uniformity Ratio Max. to Min./ Ave. to Min.
Parking Lots	.5 fc	10 fc	1 fc	10:1 / 4:1
Under Canopies Such as Gas Stations, Drive-Thru Bank Porte-Cochere	3 fc	20 fc	-	-
Along Front Lot Line Adjacent to the Street Frontage	0 fc	1 fc	-	-
Along a Lot line Adjoining a Non- Residential Use or District	0 fc	1 fc <sup>1</sup>	-	-
Along a Lot line Adjoining a Residential Use or District	0 fc	0 fc	-	-
Non-Residential Outdoor Storage	0 fc	10 fc	-	-

## Section 9.60 Lighting Modifications

- A. **Authority.** The Planning Commission may modify the illumination requirements in Table 9.50 and other lighting requirements based on a review of the applicant's proposal against industry standards and advanced lighting technology, so long as lighting plans ensure safe conditions and minimize impact on adjacent properties.
- B. **Unique Land Uses.** As part of site plan review by the Planning Commission, lighting systems not complying with the technical requirements of this article but consistent with its intent may be installed for the following land uses:
1. Sports fields and stadiums.
  2. Specialized lighting for outdoor recreational uses.
  3. Other unanticipated uses.
- C. **Considerations.** The Planning Commission shall consider the following during the review of lighting modification requests:
1. The amount of space on the site available for lighting.
  2. Existing lighting on the site and on adjacent properties.
  3. The type of land use on the site and the size of the development.
  4. The potential impact on existing and proposed adjacent land uses.
  5. The effect that the required lighting would have on the operation of the existing or proposed land use.

<sup>1</sup> The light level along a non-residential lot line may be increased to the maximum footcandle level where there is shared access/vehicular connections or the adjacent use is a similar use.



## Article 10. Mobility, Parking, and Access

- Section 10.10 Intent and Purpose
- Section 10.20 Bicycle and Pedestrian Accommodation
- Section 10.30 General Parking Requirements
- Section 10.40 Parking Lot Design
- Section 10.50 Required Off-Street Parking
- Section 10.60 Reduced, Shared, and Deferred Parking
- Section 10.70 Electric Vehicle Charging Stations
- Section 10.80 Loading Zones
- Section 10.90 Vehicle and RV Parking, Storage, and Repair
- Section 10.100 Access Management
- Section 10.110 Traffic Impact Analysis

### Section 10.10 Intent and Purpose

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- A. **Intent and Purpose.** The intent and purpose of this article is to:
1. Provide sufficient space for parking, loading, and access in a safe and convenient manner;
  2. Prescribe regulations for off-street parking of personal and commercial vehicles;
  3. Alleviate and prevent congestion and unsafe traffic conditions on public streets;
  4. Ensure properly planned and safe facilities for pedestrians and cyclists; and
  5. Afford reasonable protection to adjacent land uses from light, noise, air/water pollution, and other effects of parking lot proximity.

### Section 10.20 Bicycle and Pedestrian Accommodation

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- A. **Bicycle Accommodation.**
1. All new development, except individual lot development of a single-family detached or two-family dwelling, shall be served by an internal bicycle circulation system (including shared roadway lanes, widened outside roadway lanes, bike lanes, shoulders, and/or separate bike paths) that permits safe, convenient, efficient, and orderly movement of bicyclists among the following origin and destination points within the development:
    - a. Bicycle parking facilities or areas near the primary entrance(s) of principal buildings (or the buildable area of lots for subdivisions), as well as any adjacent transit station areas, transit stops and shelters, public parks, greenways, schools, community centers, and shopping areas;
    - b. Any designated or planned bus stops and shelters, which may also be placed within setbacks; and

- c. Recreation facilities and other common-use areas and amenities.
2. The development's internal bicycle circulation system shall also permit safe, convenient, efficient, and orderly movement of vehicles between the development's internal origin and destination points and adjacent parts of an existing or planned external, community-wide bicycle circulation system, as well as any adjacent transit stations, bus stops and shelters, public parks, trails, greenways, schools, community centers, and shopping areas.
3. Sidewalks shall not be used to satisfy the bicycle circulation requirement.

**B. On-Site Pedestrian Connections.**

1. All commercial, industrial, and multi-family development shall provide a network of safe, reasonably direct, and convenient on-site pedestrian walkways with a minimum width of five (5) feet to and between the following areas:
  - a. Entrances to each commercial and multi-family building on the site, parking areas, and open spaces;
  - b. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
  - c. Adjacent public transit station areas, transit stops and shelters, public parks, greenways, schools, community centers, and shopping areas.
2. Crosswalks in parking areas shall be distinguished from concrete and asphalt driving surfaces through the use of durable, low maintenance, striping or surface materials such as pavers, bricks, or scored, stamped, or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.
3. Amenities. For the comfort and convenience of pedestrians and customers, when designing walkways internal to the development, the Township encourages the inclusion of landscaping treatments such as benches, trash receptacles, shade trees and/or other vegetative cover.

**C. Along Roadways within Right-of-Way.**

1. In recognition of the fact that a pedestrian system along arterial streets would enhance pedestrian safety and conserve energy through nonmotorized transportation opportunities, walkways/bikeways may be required as determined by the Planning Commission during the site plan review process.
  - a. If required and possible, the walkway/bikeway shall be in the outside eight (8) feet of the road right-of-way and constructed in accordance with the adopted standards of the Township (Allegan County Road Commission Standards).
  - b. If not possible within the right-of-way, a public access easement shall be provided if on private property.
2. In determining whether to require a walkway/bikeway, the following criteria shall be considered by the Planning Commission:
  - a. The amount of current and future pedestrian and nonmotorized traffic passing by the site.
  - b. Whether the pedestrian facility would enhance the safety of pedestrians currently crossing the site as well as the safety of future pedestrians.
  - c. The existing and future volume of traffic on the street abutting the site.

- d. The existence or probability of such a facility being constructed on adjacent properties in order to create or complete a usable walkway/bikeway system.
- e. The location of the proposed use.
- f. The location of pedestrian attractions such as schools, churches, public buildings, and shopping opportunities.

### **Section 10.30      General Parking Requirements**

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- A. **Applicability of Parking Requirements.** For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this article. In addition, the following shall also apply:
  - 1. Whenever the use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this article for the proposed use. Parking shall be provided prior to the building occupancy related to the new use.
  - 2. If the intensity of use of any building or lot is increased through the addition of floor area, increase in seating capacity, increase of outdoor area dedicated to the land use, or other means, additional off-street parking shall be provided, as required by this article.
  - 3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this article, nor shall nonconforming parking facilities that exist as of the effective date of this ordinance be further reduced or made more nonconforming.
  - 4. An area designated as required off-street parking shall not be changed to another use unless equal facilities are provided on the same site in accordance with the provisions of this article.
- B. **Restriping and Resurfacing.** Restriping and resurfacing of existing lots shall conform to the dimensional requirements for spaces and drive aisles.
- C. **Determination.** The Zoning Administrator shall provide a final determination regarding the total parking required for all single and multi-use development sites in all cases, except for development applications approved by the Planning Commission or Township Board.
- E. **Limitations on Use of Required Parking Lots.**
  - 1. Off-street parking areas are intended only for temporary vehicle parking. The use of required off-street parking areas is not permitted for storing or parking wrecked or junked vehicles.
  - 2. Required parking and loading spaces shall be considered separate and distinct requirements and provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
  - 3. Required parking lots and loading areas shall not be used for the long-term storage of trucks, trailers, boats/watercraft, recreational vehicles, equipment, materials, or containers except where such outdoor storage is specifically permitted in the zoning district and has been approved in accordance with this ordinance.
  - 4. Overnight parking or storage of commercial vehicles in required parking spaces shall be prohibited except for uses and locations approved for vehicles. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses within locations designated on the associated site plan.

D. **Vehicle Sales Areas.** It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale except in an approved vehicle sales dealership.

**Section 10.40      Parking Lot Design**

A. **Setbacks.**

- 1. Minimum. Off-street parking lots shall be sufficiently set back from public right-of-way, private street easements, side lot lines, and rear lot lines to allow compliance with the Tree Protection Zone (TPZ), front yard landscaping, and buffering requirements of Article 11.
- 2. Measurement. Front parking setbacks shall be measured from the outside edge of an abutting public road right-of-way or private street easement. Where the right-of-way cannot be indicated on a survey, the outside edge shall be determined and measured from the centerline based on right-of-way width information provided by the Allegan County Road Commission, Michigan Department of Transportation, or land records.
- 3. Waivers. Side and rear parking setbacks can be waived by the Planning Commission when parking lots on adjacent non-residential properties are designed and intended for cross-access and driveway connectivity.

B. **Dimensions and Layout.**

- 1. Dimensions.
  - a. Parking spaces and aisles shall meet the width and length requirements of Table 10.30 B. Drive aisle width is also subject to review and approval of the Fire Department.

Table 10.40: Minimum Dimensional Requirements (Feet)				
Parking Pattern	Parking Space		Drive Aisle Width	
	Width	Stall Length <sup>1</sup>	One-Way	Two-Way
0° (parallel)	8	22	12	22
30° to 53°	9	18	14	22
54° to 74°	9	18	18	24
75° to 90°	9	18	24	24

- b. Length for 90-degree spaces may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. If a sidewalk abuts the parking space, it shall have a minimum width of seven (7) feet to maintain a clear walking area of five (5) feet.
  - 2. There shall be a minimum distance of seven (7) feet between the parking lot curb or wheel stop and any building.
  - 3. Clear Passage. All aisles or driveways shall remain unobstructed at all times and allow for the passage of emergency vehicles.

<sup>1</sup> Stall length is the length of a rectangular footprint between parking lot stripes for angled and 90 degree parking. The distance between a curb and drive aisle may vary from the minimum stall length for angled parking spaces.



4. **Stacking.** Stacking spaces for drive-through lanes shall be at least 10 feet in width by 24 feet in length. Stacking spaces shall be designed to minimize conflicts with pedestrians, cyclists, and parking area traffic. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles, an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.
- C. **Fire Lanes.** Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
- D. **Front Yard Parking Limitation.** No more than 20 percent of parking spaces on a lot may be located between the front facade of the principal building(s) and the adjacent street right-of-way or easement.
- E. **Parking Lot Surface and Maintenance.**
1. **Surface.** Driveways, drive aisles, and spaces shall be surfaced with asphalt, concrete, gravel, or alternative pervious surfaces, such as grids, pavers, and pervious concrete approved by the Planning Commission. However, driveways between the edge of the street and the right-of-way shall be hard-surfaced. The applicant shall demonstrate that the proposed surface materials are durable and maintain an appropriate appearance.
  2. **Maintenance.** Driveways, drive aisles, and parking spaces shall be maintained and free of potholes, debris, or major structural deficiencies.
- F. **Wheel Stops and Curbs.**
1. All parking spaces along the outside perimeter of a parking lot and all gravel parking lots shall include wheel stops except where spaces are abutting a curb.
  2. All landscaped areas within and abutting parking lots shall be protected by curbing. However, curb openings are allowed for stormwater drainage, or curbing may be waived in cases where proposed stormwater management uses swales or other depressions.
- G. **Drainage and Runoff.** Parking areas shall be designed to prevent direct and increased runoff onto adjacent properties, and the design shall comply with all Allegan County Drain Commission rules and any applicable Township stormwater ordinances.
- H. **Parking Space Indicators.**
1. Parking spaces shall be indicated by:
    - a. Asphalt and concrete: Permanently maintained striping.
    - b. Gravel or impervious surface: wheel stops.
  2. **Exemption.** Sales lots and storage areas are not subject to this subsection.
- I. **Snow Storage Areas.** Snow storage shall be provided in areas abutting or in close proximity to all parking lots and shall be indicated on all site plans.
1. Snow may be stored in landscape areas and parking areas provided that accumulated snow does not restrict access and circulation and is not stored in a manner to obscure sight lines at driveways, sidewalks, or other access points to public or private rights-of-way or fire lanes.
  2. No minimum amount of additional snow storage area is required.
  3. Unless stored on lawn areas, up to 10 percent of the required off-street parking spaces and 100 percent of those parking spaces in excess of those required under this article may be used as snow storage.

4. Public rights-of-way shall not be used for snow storage.
5. Snowmelt runoff shall be addressed in accordance with all applicable stormwater ordinances.

**J. Landscape Breaks.**

1. Breaks. Parking area interior landscaping shall be distributed to physically break up blocks of parking spaces through the use of one or a combination of landscape islands, bioswales, continuous landscape strips, or alternative methods.
2. Islands and Peninsulas. Landscape islands or peninsulas shall be installed to ensure that parking rows do not exceed 10 consecutive spaces (see Section 11.50 C). This requirement may be waived if there is at least 10 feet of green space between parking rows. The landscape breaks may also contribute to the control of stormwater runoff and will be encouraged to serve as preservation areas for protected or landmark trees.

**K. Connectivity.** The design of parking lots within Commercial and Industrial Districts shall be designed to preserve the possibility of future connectivity and cross-access movements of vehicles and pedestrians between adjacent lots. See Section 10.100 C.

**L. Accessible Parking.** Pursuant to the Michigan Barrier Free Act, as amended, accessible parking shall be provided for all new and expanded parking lots per the minimum requirements of the Act and other requirements that may be adopted by federal or state law. Accessible spaces shall be located as close as possible to building entrances.

**M. Location.** Required parking shall be provided on the same lot as the building or use it is required to serve unless shared parking is approved by the Planning Commission per Section 10.60 B.

**N. Special Event Parking.** It is recognized that there may be special community events or situations that occur infrequently that require temporary or overflow parking arrangements.

1. Minimum Requirements. Parking shall be provided for expected patrons utilizing either existing on-site parking or temporary parking as approved by the Zoning Administrator. Parking will generally be based on one (1) space for every three (3) people on-site at any one time.
2. Requirements. Temporary and overflow parking areas are subject to the following requirements:
  - a. Parking areas shall be located and designed to ensure safe and efficient circulation for both pedestrians and vehicles, including designated maneuvering lanes, ingress, and egress.
  - b. Aisles and parking rows shall meet the minimum widths required in this section. Lanes and parking rows shall be designated by temporary markings, such as paint, cones, flags, or ribbons.
  - c. Grassed lots shall be maintained, mowed, and seeded to ensure a passable and stable surface.
  - d. Parking lots shall be graded and/or properly drained to dispose of all surface and stormwater and to prevent drainage onto abutting properties.
  - e. Barrier-free spaces shall be provided, pursuant to the Michigan Barrier Free Act.

## **Section 10.50 Required Off-Street Parking**

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**A. Intent.** The minimum required parking per lot shall be provided in accordance with Table 10.50. The purpose of a minimum number of parking spaces is to encourage safety and efficiency within parking lots of businesses and institutions and to reduce the instances of illegally or inappropriately parked vehicles within the Township. Flexibility in parking count requirements is included in recognition that

overly large parking lots are a drain on economic vitality, present safety hazards to pedestrians and motorists, and create environmental hazards such as heat islands, stormwater runoff, loss of habitat, and flood hazards.

**B. Calculating Minimum Required Spaces.** The following instructions shall apply:

1. **Floor Area.** Off-street parking requirements shall be calculated based on the usable total floor area served by the parking lot or as otherwise provided in Table 10.50.
2. **Fractions.** If the calculation of required parking spaces results in a fraction, the number shall be rounded down to a whole number.
3. **Public Assembly Seating.** Each 24-inch segment of bench, pew, or similar seating type shall be counted as one (1) seat for the purpose of determining parking requirements.
4. **Unlisted Uses.** For uses not specified in Table 10.50, the required parking spaces shall be determined by the Zoning Administrator and the Planning Commission based on requirements for similar uses.
5. **Multiple Uses.** For projects with multiple land uses on the same site or within the same building, the number of parking spaces for each use shall be provided, and the space for one (1) use shall not be considered as providing required spaces for any other use except as permitted by Section 10.60.

<b>Table 10.50: Minimum Parking Requirements</b>	
<b>Use or Similar Use</b>	<b>Minimum Parking Spaces Required</b>
Dwellings	Single-Family Residential: two (2) Two-Family Residential: one (1) per unit Townhome: one (1) per unit Multi-Family: one (1) per unit Mixed-Use: one (1) per unit
Places of assembly, such as theaters, auditoriums, stadiums, places of worship, community center, etc.	One (1) for every four (4) seats
Hospitals	Two (2) for each patient bed
Nursing homes	One (1) for every two beds
Homes for senior citizens	One (1) for every three beds
Hotels and motels	One (1) for each guestroom plus parking for offices and other permitted uses
Bowling alleys	Six (6) for each lane
Private elementary and junior high schools	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds plus four (4) for each classroom
Private senior high schools and institutions of higher learning	Two (2) for every three (3) employees normally engaged in or about the buildings and grounds, and one additional for every four students enrolled (by average) in the most senior three (3) grades of the institution
Libraries, museums, and post offices	One (1) for every 100 square feet of Floor Area
Professional offices	One (1) for every 200 square feet of Floor Area

Restaurant, grill, dining room, dairy bar, soda fountain, including outdoor service areas	One (1) for every two (2) spaces of seating capacity
Medical, dental, chiropractic and other offices related to private health services	Five (5) for each doctor plus one for each employee
Banks	One (1) for each employee and one for every 150 square feet of Floor Area
Taverns and bars, including outdoor service areas	Two (2) for every three (3) spaces of seating capacity
Marinas	One and one-half for each slip and mooring
Retail stores, supermarkets, department stores, personal service shops (general business)	One (1) for each employee plus one (1) for every 100 square feet of floor area on the first floor used for retail sales, one (1) for every 400 square feet of floor area on the second floor used for retail sales
Business offices, research laboratories and similar Uses not normally visited by clients, customers, or other members of the public	Three (3) plus one for each employee on the maximum shift or peak employment period
Manufacturing, processing and/or fabricating Uses	One (1) for every three (3) employees on the maximum shift or peak employment period
Mobile Home Parks	As determined by rules and regulations of the appropriate state agency
Other Uses	As determined by the Planning Commission

- C. **Maximum Allowed Parking.** In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of stormwater runoff, and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 10 percent unless approved by the Planning Commission during site plan review. In approving additional parking spaces, the Planning Commission shall determine that parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, all additional parking spaces exceeding 10 percent over the minimum requirement shall be located on permeable surfaces.

## Section 10.60 Reduced, Shared, and Deferred Parking

- A. **Permitted Reductions.** Parking minimums may be reduced when the applicant demonstrates to the approving authority that parking demand is expected to be lower than the requirements of Table 10.50, and the following considerations are taken into account. The Planning Commission may choose to accept or alter the proposal. The purpose of this flexibility is to acknowledge that proposed land uses may vary significantly in terms of their size, scope, and operation and, therefore, vary in their parking need. Parking may be reduced after considering the following:
1. The applicant has provided a parking study or industry standards demonstrating that the proposed number of spaces would be more appropriate based on the actual number of employees, the expected level of customer traffic, or actual counts at a similar establishment.
  2. There will be a high proportion of multipurpose visits; or
  3. Uses within the building, buildings, or complex have peak parking demands during differing times of the day or days of the week.

**B. Shared Parking.**

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

**C. Deferred Parking.** When the appropriateness of a reduction in the number of required parking spaces is demonstrated at the time of application, but future conditions could warrant increased parking, some of the required parking may be deferred by the Township.

1. **Requirements.** Deferred parking plans shall be in accordance with the following:
  - a. **Site Plan.** A site plan shall show all required parking but identify those spaces that will not be constructed until warranted. All deferred parking spaces and aisles shall meet the design and dimensional requirements of this article.
  - b. **Landscaping.** Any area designated for deferred parking shall be landscaped and not used for any other purpose, such as outdoor storage or accessory buildings. Required parking lot landscaping shall be installed during deferred parking area construction.
2. **Timeframe.** Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the Township. The deferred parking shall meet all requirements of the ordinance in effect at the time of construction.

**D. Agreement.** A written agreement in form satisfactory to the Township requiring the provision of additional parking spaces if a greater number of employees or visitors use the lot at a future time shall be executed by the Township and the owner and/or occupant of the property.**E. Performance Guarantee.** A performance guarantee may be required by the Township in accordance

with Section 13.70.

- F. **Validity.** The site plan approval of lesser parking requirements shall be valid only for the stated use.

## **Section 10.70 Electric Vehicle Charging Stations**

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- A. **Intent.** To plan for the increase of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, this section authorizes required or excess parking spaces to be used as electric vehicle charging stations.
- B. **Accessory Use and Accessory Structures.** Electric vehicle charging station spaces are classified as accessory uses, and electric vehicle charging stations are classified as accessory structures. Electric vehicle charging station spaces and electric vehicle charging stations and equipment are permitted in all public and private parking lots.
- C. **Review.** The conversion of standard parking spaces to electric vehicle charging station spaces and the installation of electric vehicle charging station equipment shall be reviewed and approved by the Zoning Administrator in accordance with this section. For new and expanded parking lots subject to site development plan review, the Planning Commission shall review and approve electric vehicle charging station spaces and the installation of electric vehicle charging station equipment. All EV charging station equipment requires an electrical permit.
- D. **Encouragement of New Electric Vehicle Charging Stations.**
1. All new and expanded public and private parking lots are encouraged to include electric vehicle charging stations or be EV-capable or EV-ready.
  2. All new dwellings are encouraged to be constructed with a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.
- E. **Requirements for Electric Vehicle Charging Stations.**
1. An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces in accordance with Table 10.50. There is no limit on the number of electric vehicle charging stations. However, the applicant shall demonstrate by the historical use of the parking area for internal combustion engine vehicles and the anticipated demand for electric vehicle charging stations that there is sufficient parking for both drivers of electric vehicles and internal combustion engine vehicles. At a minimum, the applicant shall provide the number of existing parking spaces and the average number of available parking spaces at peak business hours for one week. The Zoning Administrator or Planning Commission, as applicable, shall make all final determinations regarding the minimum number of parking spaces for internal combustion engine vehicles to ensure compliance with Section 10.50.
  2. Electric vehicle charging station spaces shall comply with the dimensional requirements of Table 10.40 B.
  3. Electric vehicle charging station equipment may be located on any part of a property but shall be no less than 10 feet from property lines and public or private right-of-way and shall not be located within clear vision corners per Section 7.100 C. Electric vehicle charging station equipment approved for on-street parking within the right-of-way is exempt from the setback requirement.
  4. Electric vehicle charging station equipment shall be protected with bollards or a comparable method. If curbing is used, the equipment shall be located at least two (2) feet behind the face of

the curb.

5. At least five (5) feet of clear area shall be maintained if installed on or adjacent to an internal sidewalk, walkway, or another area accessible to pedestrians, cyclists, or wheelchair users abutting a parking lot. Electric vehicle charging station equipment shall not obstruct these passageways.
6. Any parking space located in a public or private parking lot that is designated as an electric vehicle charging station or electric vehicle parking space shall have a sign posted that includes the maximum charging time allowed by the property owner and a notice that the parking of non-electric vehicles is prohibited. This does not apply to single-family and two-family dwellings.
7. Commercial electric vehicle charging stations are prohibited on residential properties.

### Section 10.80 Loading Zones

- A. **Applicability.** For every use involving receipt or distribution of materials or merchandise in trucks, loading zones must be provided.
- B. **Requirements.** Loading zones and maneuvering lanes are subject to the following requirements:
1. **Maneuverability.** Sufficient space for truck maneuvering shall be provided and demonstrated on a site plan based on anticipated truck types. Maneuvering space for trucks using the loading spaces shall be provided on the lot and shall not necessitate the use of public right-of-way.
  2. **Location.** Loading docks shall not be located on the primary street side of principal buildings unless determined by the Planning Commission that no other options are feasible or practical.
  3. **Number and Dimensional Requirements.** The number and dimensional requirements of off-street loading spaces are subject to Table 10.80.

Table 10.80: Minimum Off-Street Loading Requirements	
Number of Spaces Required	
Less than 20,000 square feet of floor area.	1 space
20,000 to 50,000 square feet of floor area.	2 spaces
Each additional 50,000 square feet of floor area	1 additional space
Dimensional Requirements	
Min. Width (ft.)	12
Min. Length (ft.)	40
Min. Vertical Clear Space (ft.)	14
Min. Setback from any Abutting Residential Zoned Property (ft.)	50

- C. **Modification.** The approval authority may modify the required size of loading spaces for uses such as offices or smaller retail businesses that will involve smaller delivery trucks.

### Section 10.90 Vehicle and RV Parking, Storage, and Repair

- A. **Vehicle Parking, Storage, and Repair.**
1. It shall be unlawful for the owner, tenant, or lessee of any building or land within the Township to permit the open storage or parking of any inoperable motor vehicle, machinery, or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle, for purposes of this section, shall include motor vehicles which, by reason of dismantling, disrepair, or other cause, are incapable of being propelled under their



own power or are unsafe for operation on the streets and highways.

2. The repair, restoration, and maintenance of vehicles in any residential district or on property containing a dwelling unit, except as otherwise allowed, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 48 hours.
3. It shall be unlawful for the owner, tenant, or lessee of any residentially zoned lot or residential lot to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery unless parked for purposes of construction being conducted on that lot.

B. **Parking of Recreational Vehicles.** On residentially zoned or used lots, recreational vehicles may only be located outside an enclosed building if the following requirements are met:

1. Recreational vehicles shall not be parked in front yards or secondary front yards.
2. No more than one (1) recreational vehicle shall be parked on a lot.
3. Recreational vehicles may be stored for extended periods outside of principal building setbacks in side or rear yards, provided the vehicle is on a hard-surfaced, stone, or gravel area suitable for that purpose and is screened from view of adjoining properties in accordance with the requirements of Section 11.70.
4. Recreational vehicles may be used for temporary occupancy for periods not to exceed 10 days no more than twice per calendar year, provided the recreational vehicle:
  - a. contains sleeping accommodations;
  - b. is solely for the use of the owner of the lot or guests of the owner; and
  - c. is parked on a driveway outside the required front and side street setbacks.

## **Section 10.100 Access Management**

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A. **Intent.** The intent of this article is to provide standards to facilitate traffic operations and improve public safety along the Blue Star Highway and M-89. The standards in this article are intended to:

1. Protect the public investment in its main roadways; and
2. Minimize congestion and accident potential while still providing property owners with reasonable but not necessarily direct access to abutting roadways.

B. **Applicability.**

1. The requirements of this article shall apply to lots fronting Blue Star Highway and M-89.
2. Street and driveway placement and design shall be subject to review and approval by the Allegan County Road Commission or the Michigan Department of Transportation, as applicable. If there is a conflicting standard, the most stringent shall apply.

C. **General Access Requirements.**

1. Authority. The Planning Commission shall have the authority to require a front or rear service drive for contiguous lots along the Blue Star Highway or on other arterial streets. The Planning Commission shall also have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, that opposite driveways be directly aligned, and that specific turning movements be restricted or



prohibited. In determining whether to impose such access control measures, the following criteria may be considered:

- a. The type and location of uses on the site and adjacent to the site.
  - b. The location, size, and design of existing and proposed parking areas.
  - c. The existing and projected traffic volume on the roadway and adjacent roadways.
  - d. Compatibility between adjacent land uses and the likelihood of change or expansion.
  - e. Number of lots involved, location of lot lines, and amount of road frontage.
  - f. Topography and site distance along adjacent roadways and on the site.
  - g. Distance from intersections.
  - h. Location of driveways opposite the site.
  - i. Width of roadway and number of lanes.
  - j. Environmental limitations (steep slopes, water, or vegetation).
  - k. The results of a traffic impact assessment or study, if conducted.
2. Number of Driveways. The number of driveways shall be as follows:
- a. Unless otherwise warranted under Section 10.100 E, access to an arterial street for an individual lot or contiguous lots under the same ownership shall be limited to either a single two-way driveway or a paired driveway system wherein one driveway is designed and appropriately marked to accommodate ingress traffic and the other to accommodate egress traffic.
  - b. For developments having less than 300 feet of frontage that can demonstrate that their combined driveway approach volumes (entering and exiting) will exceed 3,000 vehicles during an average day or will be used by at least 300 vehicles during the peak hour of traffic, a second driveway may be allowed along the arterial street, provided that the parcel lacks access to secondary streets and the additional driveway can meet the spacing standards of this article.
  - c. For lots with street frontage of at least 300 feet, an additional driveway may be allowed, with another driveway allowed for every 300 feet of frontage thereafter, provided that these driveways meet the spacing standards of this section.
  - d. Where lots have dual frontage on both a side (cross) street and arterial street, access shall be provided off the secondary street. If the parcel has a minimum of 300 feet of arterial street frontage, additional access may be allowed along the arterial street, provided that the access meets the spacing standards of this section.
3. Temporary and Shared Driveways, Rear Service Drives, Parking Lot Connections, and Front Service Drives. Standards for temporary and shared driveways, rear service drives, parking lot connections, and front service drives are as follows:
- a. Temporary Access. When a lot should not be allowed to have permanent direct driveway access onto the arterial street due to a previously planned or a required shared drive, parking lot connection, frontage road, or rear service drive, a temporary direct access may be granted if the adjoining lots are undeveloped. Approval of a temporary driveway permit by the Planning Commission shall specify the future means and location of the permanent access, as well as when such access will be provided. The property owner shall record with the Township and the

Allegan County Register of Deeds a temporary access agreement noting these items as well as a statement that the temporary driveway will be closed at no cost to The Township at such time as access becomes available through the development of adjoining properties.

- b. Shared Driveways. Sharing or joint use of a driveway by two or more properties may be required. When access is restricted by the driveway spacing requirements of this section, a shared driveway may be the only access allowed. The shared driveway shall be constructed, as near as practical, to straddle the common property line. A written easement and maintenance agreement shall be provided and legally recorded with the Allegan County Register of Deeds, which allows traffic to travel across one parcel to access another and to access the public street.
  - c. Rear Service Drives and Parking Lot Connections.
    - i. Where a proposed parking lot is adjacent to an existing parking lot of similar use, there shall be a vehicular connection between the two parking lots where possible, as determined by the Planning Commission according to the criteria of this section. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection.
    - ii. Lots may be required to construct a rear service drive, especially for locations where connection to a side street is available. Connecting the parking area to parking areas on adjacent parcels may also be required. Direct driveway connections to the arterial street may also be allowed if the driveways meet the spacing requirements of this article.
    - iii. If a parcel with an established commercial use is divided to allow for an additional commercial use, an additional driveway for that use will only be permitted if the driveway spacing requirements of this article are met. Both the original and the additional commercial use shall be required to construct an adjoining connected parking lot and may be required to construct a connecting rear service drive.
    - iv. If two or more existing contiguous parcels with noncommercial uses together comprise less than 300 feet of road frontage, and if any of those parcels converts to a commercial use or any other use for which site plan review is required, the construction of a rear or front service drive or connected parking lots shall be required. As additional contiguous parcels convert to commercial uses, they shall be required to construct additional segments of the service drive. These parcels shall eventually be served by common driveway access, the placement of which shall be determined by driveway spacing standards contained in this article.
  - d. Easements. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Allegan County Register of Deeds before issuance of any certificate of occupancy for the subject lot.
4. Front service drives. Front service drives may be required for locations where the construction of rear service driveways is not practical. When a front service drive exists or is proposed on an approved site plan for an adjoining lot, access shall be provided via such service road rather than by direct connection to the arterial street, except as may be temporarily permitted by Section 10.100 C.3.a of this section.

**D. Design and Construction.** Requirements for design and construction are as follows:

1. Rear and front service drives required under this article shall be constructed to the following standards:
  - a. The drives shall have a minimum width of 26 feet, measured edge to edge or face to face of curb, with an approach width of 39 feet at intersections with driveways.
  - b. The geometrics of rear or front service drive intersections with the public street shall be approved by the Allegan County Road Commission.
  - c. Front service drives shall have a minimum setback of 30 feet from the right-of-way to the edge of pavement or curb, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge. At driveways where it is found that traffic volumes will exceed 1,000 vehicles per day, a minimum of 80 feet of stacking space shall be required.
  - d. A front or rear service drive intersection with a side street shall be at least 250 feet from the centerline of the nearest intersecting arterial street.
  - e. Parking shall be prohibited along service drives. One-way or two-way drives designed with additional width for parallel parking may be allowed if it is demonstrated through traffic studies that the parking will not significantly affect the safety or operation of the rear or front service drive. Perpendicular or angle parking along either side of a designated front or rear service drive shall be prohibited.
2. Curb radii shall be as follows:
  - a. Driveways shall be designed with a minimum 25-foot radii where primarily passenger vehicle traffic is expected.
  - b. For sites where truck traffic is expected, the driveways shall be designed with a minimum 35-foot radii.

**E. Waivers.** During site plan review, the Planning Commission shall, on its own initiative or upon the request of an applicant, have the authority to waive or otherwise modify the standards of this article. A waiver or partial waiver may be granted following an analysis of suitable alternatives that substantially achieve the intent of this article. The proposed alternative location and/or design must be approved by the Allegan County Road Commission or the Michigan Department of Transportation, as applicable. The Planning Commission must also ensure that one or more of the following conditions exist:

1. A particular existing lot lacks sufficient street frontage to maintain the required spacing, and the location of the access drive or access via a shared driveway or front or rear service drive is not possible or is impractical due to a documented inability to achieve agreement with adjacent land owners, the presence of existing Buildings, sensitive or highly desirable environmental attributes, or other topographic conditions;
2. Street improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion or occupancy of the building; or
3. Use involves the redesign of an existing development or a new use, which will generate less traffic than the previous use.

## Section 10.110 Traffic Impact Analysis

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### A. Applicability.

1. TIA. A Traffic Impact Analysis (TIA) may be required by the Planning Commission for any development abutting Blue Star Highway or which is anticipated to generate more than 50 peak hour trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).
2. Redevelopment. In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use unless the previous use has been discontinued for more than 12 months.
3. Projects with Cumulative Impacts. A TIA shall be required for development projects that do not otherwise meet the thresholds of a required TIA if the application is for a project that:
  - a. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future development can reasonably be anticipated and
  - b. The cumulative impact of the overall development can be expected to exceed the threshold for preparation of a TIA.
4. Other Circumstances. The Planning Commission may waive the requirement to complete a TIA or may require a TIA to be submitted for developments not meeting the above requirements based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing streets.

B. **Exemptions.** Previously approved developments for which a TIA was submitted in conjunction with a preliminary plat for subdivision, site condominium, site development plan, or Planned Unit Development shall be exempt from the requirements of this section, provided the TIA is less than two (2) years old.

C. **Procedure.** The TIA shall be submitted along with a development application for review by the Planning Commission. The TIA shall be prepared by a professional transportation engineer licensed in the State of Michigan and shall, at a minimum:

1. Identify existing conditions, including abutting street cross-section, current (background) traffic volumes, peak hour directional volumes, signalization, and intersection level of service (LOS).
2. Project the traffic to be generated by the proposed development and proposed developments in the immediate vicinity based on the most recent edition of the ITE Trip Generation Manual. The Township, Allegan County Road Commission, or Michigan Department of Transportation may also specify annual growth factors to be used in the TIA;
3. Evaluate site access, directional movements, and internal circulation;
4. Evaluate, based on LOS during peak hours, the ability of the surrounding road network to support the proposed development and the cumulative traffic of current and other projected uses;
5. Consider planned roadways or improvements; and
6. Identify specific improvements to the surrounding road network that are necessary to support the traffic to be generated at an acceptable level of service.



# Article 11. Landscaping and the Environment

Section 11.10	Intent and Purpose
Section 11.20	General Requirements and Applicability
Section 11.30	Landscaping Plans
Section 11.40	Front Yard Trees
Section 11.50	Buffering
Section 11.60	Riparian Buffer
Section 11.70	Screening
Section 11.80	Parking Lot Landscaping
Section 11.90	Tree Protection Zones
Section 11.100	General Tree Preservation
Section 11.110	Man-Made Waterbodies, Grading, and Excavation
Section 11.120	Water and Wind Erosion Control
Section 11.130	Landscaping Modifications

## Section 11.10 Intent and Purpose

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- A. **Intent.** The Township finds that rapid growth, the spread of development, and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees and other forms of vegetation and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the Township. Specifically, the Township finds that:
1. Woodland growth protects public health through the absorption of air pollutants and contamination; through buffering in the reduction of excessive noise, wind, and storms; through visual screening; and through a cooling effect in the summer months.
  2. Woodlands provide for public safety through the prevention of erosion, silting, and flooding.
  3. Trees and woodland growth are an essential component of the general welfare of the Township by maintaining natural beauty, rural character, tourism, recreation, and an irreplaceable heritage for existing and future township residents.
  4. Development that does not protect woodlands and does not include landscaping detracts from aesthetics, contributes to high rates of stormwater runoff, and generates reflective heat islands.
  5. The protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the Constitution of 1963, and the Environmental Protection Act of 1970, Public Act No. 127 of 1970 (MCL 691.1201 et seq., as amended).

**B. Purpose.** This article is designed to:

1. Provide for the protection, preservation, replacement, proper maintenance, and use of trees and woodlands located in the Township in order to minimize disturbance to them and to prevent damage from erosion and silting, a loss of wildlife and vegetation, and/or the destruction of the natural habitat;
2. Place priority on the preservation of woodlands, trees, similar woody vegetation, and related natural resources;
3. Preserve the woodlands, including trees and other forms of vegetation, of the Township for their value in support of local property values when allowed to remain growing and un-harvested for their natural beauty and ability to support wildlife and for their climatological or historical significance;
4. Provide for the paramount public concern for these natural resources in the interest of health, safety, and general welfare of the residents of the Township.
5. Encourage the creation and preservation of wildlife habitat and green space;
6. Recognize and preserve the aesthetic and ecological value of natural areas such as woodlands, wetlands, and floodplains within and adjacent to a development site;
7. Add value to development sites and preserve the value of neighboring property;
8. Allow for shade and to break up heat islands;
9. Minimize obtrusive views and headlights from impacting views from the right-of-way and adjacent property;
10. Provide visual relief between residential and non-residential properties; and
11. Ensure that stormwater runoff impact on off-site properties and waterways is minimized.

## **Section 11.20      General Requirements and Applicability**

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**A. Applicability.**

1. **Site Plan Approval.** Landscaping requirements apply to all new buildings and parking lots and the area affected, or the area adjacent to, expansions to existing buildings and parking lots requiring site plan approval.
2. **Compliance.** Landscaping requirements shall apply to all expansions, renovations, or alterations that increase the size of an existing structure or building cumulatively by at least 20 percent of its gross floor area as of July 1, 1998.
3. **Installation.** Required landscaping shall be installed before occupancy or establishment of the use unless the Township authorizes occupancy or establishment of the use prior to complete landscape installation based on unforeseen weather conditions or the timing of construction as it relates to the planting season. In cases where deferment is approved, a performance guarantee may be required per Section 13.70, or the certificate of occupancy may be issued on a temporary basis until complete or expired, whichever comes first.
4. **Use and Zoning Districts.** Landscaping requirements apply to all non-residential and multiple-family development in all zoning districts.
5. **Separate Requirements.** All landscape plans shall meet each required calculation individually, and in

no case shall any required plantings and planting areas be counted towards other landscape requirements.

**B. Materials, Type, and Installation.**

1. Type. All plant material shall be hardy to Allegan County.
2. Substitution. No substitution of plant species or sizes shall be allowed unless approved by the Zoning Administrator.
3. Variety. No one (1) tree species can exceed 50 percent of the total proposed.
4. Minimum Installation Size. Plantings required by this article shall be installed at sizes no less than outlined in Table 10.20 A. Tree widths are measured at the diameter at breast height (d.b.h.), which is four and a half (4.5) feet above the ground.

Table 11.20 A: Minimum Installation Sizes	
Type	Size
Deciduous Canopy Tree	2.5 inches d.b.h.
Ornamental Understory Tree	1.75 inches d.b.h.
Evergreen Tree	5 ft. in height
Shrub	24-inch spread or height

5. Preservation of Existing Trees. The preservation of existing non-invasive and non-prohibited trees is encouraged and can be credited for satisfying the requirements of this article. Canopy trees over six (6) inches (d.b.h.) count as two (2) required trees. All other existing trees count as one (1) tree as long as they meet or exceed the minimum installation size required by this section.
6. Rounding. Landscaping calculations that result in a fraction shall be rounded up over .25 (25 hundredths).
7. Planting Separations. Trees shall be planted no less than four (4) feet from a curb, paved area, fence, or property line unless additional space is necessary for healthy growth. Trees shall be spaced in a manner so as not to overlap crown spread at maturity. Grouping trees of different heights can overlap as long as each tree does not interfere with the growth potential of a nearby required tree. Shrubs shall be planted no less than two (2) feet from curbs, paved areas, or fencing.
8. Utilities. All plant material shall be installed in a manner that will not cause damage to utility lines (above and below ground) and public streets. Landscape plans shall consider utility easements, overhead power lines, and underground utilities.
9. Drainage. All plant material shall be installed in a manner that does not alter drainage patterns on-site or adjacent properties.
10. Lighting. Landscaping plans shall ensure that the required site illumination is not blocked by the proposed tree installation.
11. Maintenance. All landscaping shall be regularly watered, pruned, and maintained after installation. The owner or controlling party shall be responsible for maintenance. Diseased or dead plants that were required as part of this article shall be replaced within one growing season. Irrigation is required for all landscaped areas unless it is demonstrated by a landscape professional that it is not required.
12. Landscaping shall be installed within 180 days of completion of site development or a building.



C. **Berms.** If incorporated into a site plan, berms shall be:

1. Constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio;
2. Covered with grass or living ground cover maintained in a healthy growing condition unless planted with trees or shrubs; and
3. Constructed in such a manner so as not to alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.

D. **Prohibited Trees.**

1. Problematic Trees. These trees are prohibited as they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers, and they are unusually susceptible to disease or insect pests.
2. Invasive Trees. Invasive trees are not native and also have the potential to harm human health or harm natural, agricultural, or silvicultural resources.
3. The following trees are prohibited in Saugatuck Township and shall not be planted:

Table 11.20 B: Prohibited Trees		
Common Name	Botanical Name	Reason
Alder (Black)	<i>Alnus glutinosa</i>	Invasive
Box elder	<i>Acer negundo</i>	Problematic
Buckthorn	<i>Rhamnus utilis</i>	Invasive
Buckthorn (Common European)	<i>Rhamnus cathartica</i>	Invasive
Buckthorn (Glossy, Tallhedge)	<i>Rhamnus frangula</i>	Invasive
Elm (American)	<i>Ulmus americana</i>	Problematic
Elm (Chinese)	<i>Ulmus parvifolia</i>	Problematic
Elm (Slippery, Red)	<i>Ulmus rubra</i>	Problematic
Elm (Siberian)	<i>Ulmus pumila</i>	Invasive & Problematic
Ginkgo	<i>Ginkgo biloba (female only)</i>	Problematic
Horse Chestnut	<i>Aesculus hippocastanum</i>	Invasive
Locust (Black)	<i>Robinia pseudoacacia</i>	Invasive & Problematic
Locust (Bristly)	<i>Robinia hispida</i>	Invasive
Locust (Clammy)	<i>Robinia viscosa</i>	Invasive
Locust (Honey)	<i>Gleditsia triacanthos (with thorns)</i>	Problematic
Maple (Amur)	<i>Acer ginnala</i>	Invasive
Maple (Norway)	<i>Acer platanoides</i>	Invasive
Mulberry	<i>Morus species</i>	Invasive & Problematic
Olive (Autumn)	<i>Elaeagnus umbellata</i>	Invasive
Olive (Russian)	<i>Elaeagnus angustifolia</i>	Invasive
Poplars	<i>Populus species</i>	Invasive & Problematic
Spindle Tree	<i>Euonymus europea</i>	Invasive
Tree of Heaven	<i>Ailanthus altissima</i>	Invasive
Willow	<i>Salix species</i>	Invasive & Problematic



## Section 11.30 Landscaping Plans

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### A. Landscape Plan.

1. Plan. A landscape plan illustrating compliance with the requirements of this article relative to required landscaping and tree protection shall be provided for any application for site plan review.
2. Sheets. Unless it can be clearly shown on a plat or site plan sheet, a separate landscape plan sheet shall be drawn at the same scale as the required plat or site plan. The plans shall indicate all existing or proposed utilities and easements to ensure that landscaping is not affected by, or interferes with utilities.

### B. Requirements. The landscape plan, prepared and sealed by a landscape architect licensed in the State of Michigan, shall include:

1. The location, botanical name, common name, quantity, and size of all proposed plantings.
2. Existing and proposed contours at intervals not to exceed two (2) vertical feet.
3. All landscaped areas and plants listed in a table by common and scientific name, including quantities and size at installation.
4. Individual calculations describing how the plan complies with the regulations of this article. Required trees or materials cannot be double-counted.
5. Anticipated mature height shall be indicated, and the crown spread shall be shown on the plan with circles indicating anticipated plant size at maturity. Plans shall illustrate the location, spacing, species, and size of the proposed plant material.
6. Existing natural and man-made landscape features and proposed buildings and structures, as required for the overall site plan, shall be clearly indicated.
7. A tree/woodland survey in accordance with Section 11.100 J.
8. Limits of grading shall be indicated, and measures to protect existing trees to be saved shall be noted on the plans, including but not limited to protective fencing. When protective fencing is proposed, plans shall include the following statement: "Protective fencing shall be installed prior to site disturbance." Tree preservation fencing shall be established at the drip line of the tree, and a detail of the fence shall be provided.
9. Provide planting details to ensure proper installation and establishment of proposed plant material.
10. Identify grass areas and other methods of ground cover.
11. Include a description of irrigation methods for landscaped areas.
12. Identification of snow storage areas if proposed on lawn.

## Section 11.40 Front Yard Trees

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- A. **Required Trees.** For every 100 feet of frontage along a public road or private street, three (3) canopy trees in addition to two (2) ornamental or evergreen trees, are required. Preservation of qualifying trees within the Tree Protection Zone may satisfy this requirement.
- B. **Location.** Trees planted to comply with this section shall be placed within 40 feet of the public street right-of-way or private street easement.

## **Section 11.50      Buffering**

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### **A. Requirement.**

1. A 25-foot wide buffer is required for any non-residential or multiple-family development when adjacent to a residential zoning district.
2. Three (3) evergreen trees, plus one (1) canopy or ornamental tree, are required for every 50 linear feet of buffer area. Preservation of qualifying trees within the buffer area may satisfy this requirement.
3. Buffer yards shall be landscaped and maintained in accordance with the standards and guidelines contained in this article.
4. Buffer yards shall be required to run the entire length of the property line or street frontage, except in driveways or joint parking areas.

### **B. Uses and Activities within Buffer Areas.**

1. Walkway or Bicycle Pathway. A required buffer yard may contain a walkway or bicycle pathway, provided that its location within the public right-of-way is shown to be not feasible and the required amount of plant material is provided.
2. Stormwater Retention/Detention Facilities. Stormwater retention/detention facilities may extend into buffer yards where it can be demonstrated that all planting requirements are met, the desired effects provided by the buffer yard will be fully achieved, and ponding will not jeopardize the survival of the plant materials.

## **Section 11.60      Riparian Buffer**

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- A. Requirement.** A 25-foot natural riparian buffer vegetated with herbaceous and woody native plants or left in a natural state shall be maintained and preserved along all island lakes and streams, and wetlands.

### **B. Point of Measurement.**

1. Inland Lakes and Streams. Measured horizontally from the water's edge or the ordinary high water mark, whichever is greater.
2. Wetlands. Measured horizontally from the boundary or edge, as delineated on a professionally prepared survey completed by a certified professional submitted to the Township and reviewed by Township staff, Michigan DEQ, and/or other professionals, as required.

### **C. Prohibited Uses.**

1. Clear-cutting of trees and/or other vegetation.
2. Drainage by ditching, underdrains, or other systems.
3. Deposit of materials.
4. Removal of soils and minerals.
5. Housing, grazing, or other maintenance of livestock.
6. Roads or driveways.
7. Parking lots.

8. Expansion of existing structures.
9. Buildings and other impervious structures.

**D. Exemptions.**

1. Boathouses and pumphouses.
2. Limited clearing of the vegetation is permitted when required for construction, provided the land cleared is returned to a vegetative state that is the same quality and extent as that which existed prior to clearing.

**E. Landscaping and Vegetation.**

1. Riparian buffers shall be left in a natural vegetative state, except for the clearing of dead or invasive plants and trees.
2. Planting of native species in the required riparian buffer is encouraged, especially where exposed soils and steep slopes exist.
3. Maintenance of native plants and trees is permitted, subject to best practices published by an authority acceptable to the Zoning Administrator.
4. A maximum of 15 percent but no greater than 25 feet of the length of the buffer adjacent to the inland lake or stream, or wetland, may be selectively pruned to allow for the placement of walkways, viewing areas, decks, or patios, with approval by the Zoning Administrator or Planning Commission. Walkways, decks, or patios must be porous and allow for natural infiltration of water. The angle of walkways shall be perpendicular to the inland lake or stream, or wetland, to minimize necessary clearing.

## **Section 11.70 Screening**

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**A. Applicability.** Screening of certain uses and activities is required by Article 8. Additionally, all dumpsters, commercial trash receptacles, and rolling trash carts shall be screened.

**B. Treatments.** Acceptable screening treatments include the following:

1. Solid wall or privacy fence of six (6) feet in height in accordance with Section 7.50. Chain link fences with slats or other comparable screening only qualify when not abutting residential zoned property.
2. Berm with landscape treatment, providing screening up to six (6) feet in height, fully obscuring activity, structure, or use intended to be screened.
3. Evergreen landscaping, providing screening up to six (6) feet in height, fully obscuring activity, structure, or use intended to be screened.

**C. Dumpster and Trash Receptacles.**

1. In addition to the screening requirements, enclosures shall be constructed of masonry, concrete, metal, treated wood, or similar materials and must be durable, weather-resistant, rustproof, and easily maintained.
2. The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
3. Enclosures shall include an access gate, which shall be closed at all times between drop-offs and pickups.

4. The minimum enclosure height for rolling carts or garbage cans shall be no less than four (4) feet.

**Section 11.80      Parking Lot Landscaping**

- A. **Applicability.** This section applies to all parking lots with 12 or more spaces.
- B. **Parking Lot Canopy Trees.** For every 12 parking spaces, one (1) canopy tree shall be installed. At least half of the required trees shall be installed within an island, peninsula, or corner-lot bump-out. The remaining required trees shall be placed within 10 feet of the parking area.
- C. **Islands and Peninsulas.** Islands and peninsulas in parking rows required by Section 10.30 J and required for parking lot canopy trees shall be at least nine (9) feet wide and 16 feet deep for a single parking row and nine (9) feet wide and 32 feet deep for a double row of parking.
- D. **Screening.** Parking rows within yards that abut public right-of-way shall be lightly screened. Screening may consist of one of the following treatments or other alternatives determined to be suitable by the Planning Commission:
1. Shrub row at a rate of two (2) shrubs per parking space fronting the right-of-way; or
  2. Decorative fencing, such as split rail, picket, or wrought iron style, no less than two and one-half (2.5) feet in height.

**Section 11.90      Tree Protection Zones**

- A. **Intent and Purpose.** The wooded areas along streets require protection from tree removal for the reasons provided in Section 11.10.
- B. **Protected Tree.** For the purposes of this section, all living trees six (6) inches in diameter at breast height (DBH) four and one-half feet from ground level are protected trees.
- C. **Tree Removal Restriction.** No more than 10 percent of trees located within the TPZ area on a lot shall be removed without a tree removal permit or approval of a site plan. However, removal of protected trees under one (1) or more of the exceptions listed in Section 11.90 E and tree trimming are not prohibited by this article and do not require a permit or site plan approval.
- D. **Locations of Tree Protection Zones.** The following described areas are designated as Tree Protection Zones (TPZ) and are therefore regulated by this article.
1. Streets. TPZs are designated along the following streets:

Table 11.90: Tree Protection Zones from Streets	
Street	Distance from Right-of-Way (each side)
I-196	40 feet
Blue Star Highway	40 feet
Old Allegan Road	30 feet
Riverside Drive	30 feet
Lakeshore Drive	30 feet
62 <sup>nd</sup> from Old Allegan to 134 <sup>th</sup>	30 feet
134 <sup>th</sup> from 62 <sup>nd</sup> to the end of Indian Point	30 feet
Wiley	30 feet

2. Critical Sand Dune Area. All property within the critical sand dune area along and or near Lake

Michigan shall be designated within the TPZ.

- E. **Exceptions.** The following tree removal activities shall be allowed without a tree removal permit or site plan approval unless otherwise prohibited by statute or township ordinance:
1. Necessary clearing to proceed with construction in accordance with an approved building permit or an approved site plan issued prior to the effective date of this section.
  2. Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm.
  3. Tree removal or transplanting for conservation of soil, vegetation, water, fish, wildlife, and other natural resources.
  4. Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestations or disease, or other disaster, in order to prevent injury to persons or damage to property or to restore order.
  5. Repair or maintenance work performed by public utilities, the Allegan County Road Commission, and the Michigan Department of Transportation necessitating the removal of trees within an easement or right-of-way.
  6. Removal of dead, diseased, or damaged trees, where the damage resulted from an accident or nonhuman cause.
  7. Tree removal or transplanting for outdoor recreation, such as the utilization of field trails through woodland on publicly owned property for nature study, horseback riding, trapping, and hunting as otherwise legally permitted and regulated.
  8. Tree removal from a swath not to exceed 20 feet in width to provide drive access to a lot.
  9. Removal of any tree within 25 feet of a dwelling.
- F. **Replacement of Removed Protected Trees.** Any protected tree beyond removed or damaged so as to threaten its continued viability in non-compliance with this section beyond the 10 percent cutting allowance must be replaced on a caliper-by-caliper basis. If a protected tree is too large to be replaced directly, then the largest available caliper tree in multiple groups would be required. For example, if a 24-inch caliper maple tree is removed, four (4) six-inch caliper maple trees would need to be planted.

## **Section 11.100 General Tree Preservation**

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- A. **Introduction and Purpose.** Trees and woodlands provide for a number of public benefits, including environmental, social, and aesthetic benefits. Uncontrolled development or tree removal could result in the unnecessary removal of trees, woodlands, and related natural resources. Therefore, it is the intent of this section to:
1. Encourage the preservation of trees and related natural resources of the woodland ecosystem on undeveloped land and in connection with the development of land;
  2. Prohibit clear-cutting of woodland areas prior to or in anticipation of development without prior approval from the Planning Commission;
  3. Prohibit removal of protected trees or woodlands without a permit when required by this section;
  4. Provide for the protection, preservation, proper maintenance, and use of trees and woodlands to minimize damage from erosion and siltation, loss of wildlife and vegetation, and/or from the

destruction of the natural habitat; and

5. Provide for the paramount public concern for these natural resources in the interest of the health, safety, and general welfare of the residents of the Township, in keeping with Article IV, section 52 of the Michigan Constitution of 1963 and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

B. **Applicability.** This section shall apply to all land located in the Township, unless exempt pursuant to this section.

C. **Prohibitions.**

1. Clear-cutting of woodlands, including grubbing, on parcels covered by this section is prohibited without first obtaining a tree/woodland removal permit. Clear-cutting as a long-term forestry management practice for long-term regrowth of the woodland and not prior to or in anticipation of the development of land is allowed without a tree/woodland removal permit if consistent with a woodland stewardship plan described in Section 11.100 M that has been reviewed, approved and is on file with the Township prior to the start of any forestry management practices or operations.
2. Removal of protected trees or woodlands or taking any action to deliberately cause the death of a tree without a permit when required by Section 11.100 G is prohibited.

D. **Exemptions.** Tree and woodland removal associated with the following shall be exempt from the requirements of this section:

1. Parcels that are not subject to site plan, site condominium, or subdivision plat review, and:
  - a. Are three (3) acres or less.
  - b. Are greater than three (3) acres, but where no more than 100 dbh inches of protected trees are removed within 12 months.
2. Farming operations, as defined by the Right to Farm Act, are lawfully existing and operating in accordance with Generally Accepted Agricultural Management Practices (GAAMPS) as adopted by the Michigan Department of Agriculture.
3. Forestry operations conducted in compliance with a woodland stewardship plan that has been filed with the Township Zoning Administrator and has been reviewed and approved by the Township Environmental Consultant prior to the start of any forestry management practices or operations.
4. Installation, repair, or maintenance of public utilities lawfully operating in the Township in accordance with an operating permit or right-of-way permit issued by the Township but only to the extent that such tree or woodland removal is necessary for the protection of utility lines and the public health, safety, and welfare.
5. Work within an existing public road right-of-way or an existing private road easement but only to the extent necessary for safe access along such right-of-way or private road easement and to protect the public health, safety, and welfare in accordance with an operating permit or right-of-way permit issued by the Township.
6. Any trees that are demonstrated by the property owner to the satisfaction of the Township Zoning Administrator, in consultation with the Township Environmental Consultant, to have a health and condition standard factor of less than 50 percent based upon the standards established by the International Society of Arboriculture.
7. Any tree that poses a safety hazard, whose removal will prevent injury or damage to persons or

property, provided that removal is accomplished through the use of accepted standard forestry practices.

- E. **Authorization.** Under certain conditions defined in this section, a tree/woodland removal permit may be authorized by the Planning Commission to allow limited removal of tree/woodland resources or construction, activity, use, or operations within a woodland area if preservation techniques described in this section have been applied to the greatest extent practical, and tree and/or woodland removal is found by the Planning Commission to be unavoidable.
- F. **Application and Fees; Amendment.**
  - 1. Application for proposed tree/woodland removal permit shall be made by filing an application form and required fee with the Township Clerk. The fees shall be set by resolution of the Township Board. In addition, when this section requires or permits review, approval, and filing of a woodland stewardship plan, the plan shall be filed with the Township Clerk on an application form provided by the Township and the required fee. The fee for review of the woodland stewardship plan shall be set by resolution of the Township Board.
  - 2. Any request for an amendment to a tree/woodland removal permit shall be made by filing an application form with the Township and the required fee. The fee for an amendment to a tree/woodland removal permit shall be set by the Township Board. Any amendment to a tree/woodland removal permit shall be processed in the same manner as the initial permit, and the amendment request and the amended plan submittals shall highlight the proposed changes, including any additional tree/woodland removal proposed, the reasons for such changes, and any additional mitigation proposed unless otherwise required by the Township Environmental Consultant in consultation with the Planning Commission due to the nature of the proposed amendment.
- G. **Procedure for Tree/Woodland Removal Permit.** The provisions of this section shall apply to all parcels in the Township that (1) require site plan review, site condominium, or subdivision plat review, or are greater than three acres in area (unless exempted by Section 11.100 D). The procedure for review and approval of a tree/woodland removal permit is as follows:
  - 1. When site plan, site condominium, or subdivision plat review is required. If protected trees or woodlands are proposed for removal as part of a development proposal, the following are required:
    - a. A tree/woodland survey.
    - b. A tree replacement plan (see tree replacement options Section 11.100 N).

The Planning Commission shall review the tree/woodland survey, any tree replacement plan, and all information required by this section and the site plan or plat review sections, as applicable. The Planning Commission shall approve, approve with conditions, or deny the tree/woodland removal permit in accordance with the standards set forth in this section and the site plan or plat review sections, as applicable.
  - 2. When site plan review, site condominium, or subdivision plat review is not required. If protected trees or woodlands are proposed for removal and are not part of a development proposal, the Planning Commission shall conduct a review of permit applications in the following situations:
    - a. The Zoning Administrator may approve the removal of up to 500 inches of trees. Beyond 500 inches, or at the discretion of the Zoning Administrator, for requests less than 500 inches, the Planning Commission shall review and take action.

- b. For parcels that are greater than three acres in area, when more than 100 d.b.h. inches of protected trees are to be removed within 12 months (unless exempted by Section 11.100).
- c. The Planning Commission may require a tree/woodland survey in circumstances where the Commission determines that it would be helpful in understanding the number and/or sizes of trees proposed for removal. At a minimum, a plot plan, as defined in Section 11.100 L, shall be submitted that provides the location, size, and type of all protected trees and/or woodlands to be removed as well as a tree replacement plan and tree protection method where necessary.
3. The Planning Commission, in consultation with any appropriate consultants, if needed, shall approve or deny the tree/woodland removal permit in accordance with the standards set forth in this section.

H. **Review Criteria.** In determining whether the proposed disturbance or removal of trees and/or woodlands is limited to the minimum necessary to allow reasonable use of the land, the Planning Commission shall apply the following criteria:

1. The importance and overall value of the trees/woodlands on the site. In general, the importance of trees/woodlands increases with rarity, size, and age.
2. The existence of overlapping natural features such as wetlands, 100-year flood plains, woodlands, landmark trees, steep slopes, or endangered species in one area. Overlapping natural features increases the importance and overall value of preservation of the area.
3. The impact of the proposed disturbance on the integrity of ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between natural features should be preserved.
4. The amount of disturbance in relation to the scale of the proposed development.
5. The adequacy of the tree replacement plan or other mitigation plan.
6. The justification for forestry management practices, the benefits of the proposed disturbance, and proposed coordination with the recommendations in the woodland stewardship plan.

I. **Landmark Trees.**

1. Trees listed as invasive in Table 11.20 B shall not be considered protected landmark trees under this section and are prohibited.
2. The following species that meet the minimum size requirement are considered landmark trees so long as they are considered to be healthy.

Table 11.100 A: Landmark Trees		
Common Name	Botanical Name	Landmark Tree Size (d.b.h.)
Any healthy tree with a DBH 24" or greater (except invasive species)		
Ash	<i>Fraxinus</i>	18"
Basswood	<i>Tilia</i>	18"
Beech, American	<i>Fagus grandifolia</i>	18"
Black Cherry	<i>Prunus serotina</i>	18"
Black Walnut	<i>Juglans nigra</i>	18"
Buckeye, Ohio	<i>Aesculus glabra</i>	18"



**Table 11.100 A: Landmark Trees**

<b>Common Name</b>	<b>Botanical Name</b>	<b>Landmark Tree Size (d.b.h.)</b>
Douglas Fir	<i>Pseudotsuga menziesii</i>	18"
Elm	<i>Ulmus</i>	18"
Fir	<i>Abies</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
London Planetree/American Sycamore	<i>Platanus</i>	18"
Maple (Silver)	<i>Acer saccharinum</i>	18"
Pine (All species)	<i>Pinus</i>	18"
Spruce	<i>Picea</i>	18"
Tulip Poplar	<i>Liriodendron tulipifera</i>	18"
Hickory	<i>Carya</i>	16"
Honey Locust	<i>Gleditsia tricanthos</i>	16"
Maple (Red)	<i>Acer rubrum</i>	16"
Maple (Sugar)	<i>Acer saccharum</i>	16"
Oak (All species)	<i>Quercus</i>	16"
Arborvitae	<i>Thuja</i>	12"
Bald Cypress	<i>Taxodium distichum</i>	12"
Birch	<i>Betula</i>	12"
Black Tupelo	<i>Nyssa sylvatica</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Crabapple/Hawthorne	<i>Malus/crataegus</i>	12"
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	12"
Ginkgo	<i>Ginkgo</i>	12"
Hackberry	<i>Celtis occidentalis</i>	12"
Hawthorn	<i>Crataegus</i>	12"
Hemlock	<i>Tsuga</i>	12"
Larch/Tamarack	<i>Larix</i>	12"
Magnolia	<i>Magnolia</i>	12"
Pear	<i>Pyrus spp.</i>	12"
Persimmon	<i>Diospyros virginiana</i>	12"
Poplar	<i>Populus except for p. deltoides, alba</i>	12"
Sassafras	<i>Sassafras albidum</i>	12"
Sweetgum	<i>Liquidamber styraciflua</i>	12"
Yellow Wood	<i>Cladrastis lutea</i>	12"
Blue-Beech/Hornbeam	<i>Carpinus caroliniana</i>	8"
Butternut	<i>Juglans cinera</i>	8"
Cedar of Lebanon	<i>Cedrus spp.</i>	8"
Chestnut	<i>Castanea</i>	8"
Dogwood, Flowering	<i>Cornus florida</i>	8"
Eastern Red Cedar	<i>Juniperus virginiana</i>	8"

Table 11.100 A: Landmark Trees		
Common Name	Botanical Name	Landmark Tree Size (d.b.h.)
Hop-Hornbeam/Ironwood	<i>Ostrya virginiana</i>	8"
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	8"
Paw Paw	<i>Asimina triloba</i>	8"
Redbud	<i>Cercis canadensis</i>	8"
Serviceberry	<i>Amelanchier</i>	8"

J. **Tree/Woodland Survey.** A tree/woodland survey shall meet the following requirements:

1. Plan Requirements. If a tree/woodland survey is required as part of the site plan or subdivision plat review process, then the scale of the survey shall be the same as the site plan or the subdivision plat. In any other case, a tree/woodland survey shall be a scaled drawing that shall not exceed 100 feet to the inch.
2. Plan Contents. In all cases, a tree/woodland survey shall show all protected trees and woodlands to be removed and to remain. (Note that the phrase "protected trees" includes "landmark trees.") The survey shall contain the following:
  - a. Location of all protected trees and woodlands accurately plotted.
  - b. Common and botanical names of all protected trees, their size in inches at their DBH, and a description of each tree's health.
  - c. Ecological Characterization Report, prepared by a professional or professionals qualified in the areas of ecology, botany, wildlife biology or other relevant discipline that includes, at a minimum, the following information. If the proposed activity or proposed woodland impacts are minimal as determined by the Planning Commission and as assisted by the Zoning Administrator, Township Environmental Consultant, or others, the Planning Commission may, at its discretion, waive the requirement for an ecological characterization report.
    - i. The plant species, plant communities/associations (paying particular attention to Michigan endangered, threatened, and special concern species) that the woodland contains;
    - ii. The wildlife use and habitat (paying particular attention to Michigan endangered, threatened, and special concern species) showing the species using the woodland, wildlife movement corridors, the times or seasons that the woodland is used by those species, and the "functions" (meaning feeding, watering, cover, nesting, roosting, and/or perching) that the woodland provides for such wildlife species;
    - iii. The boundary of wetlands that are located within, either partially or wholly, the woodland and a description of the vegetation and ecological functions provided by those wetlands;
    - iv. The pattern, species, and location of native trees, native tree stands, and other native site vegetation, including their relationship to adjacent areas;
    - v. The top of the bank or shoreline of any inland lake or stream located, either partially or wholly, within the woodland; and
    - vi. The general ecological functions provided by the woodland and its features.

- vii. Other information necessary or advisable for a proper evaluation of the site and proposed tree removal.
- 3. **Tree Tags.** All protected trees shall be numbered, and non-corrosive tags bearing that number shall be attached to each respective tree.
- 4. **Professional Qualifications.** The tree/woodland survey must be sealed by a forester registered in the State of Michigan, an International Society of Arboriculture certified arborist, or a forester certified by the Society of American Forestry. The ecological characterization report that is part of the Tree/Woodland Survey must be signed by the ecologist, botanist, wildlife biologist, or other, stating their qualifications to prepare such report.
- 5. **Extent of Survey.** In the case of large or heavily wooded parcels, plotting of protected trees that are more than 25 feet outside of the edge of the area to be disturbed and areas within the Tree Protection Zones may be waived by the Planning Commission at the request of the applicant and upon a recommendation by the Township environmental consultant.
- K. **Plot Plan.** When this section requires a plot plan, the plan shall include the following information:
  - 1. Scale, date, and north directional arrow.
  - 2. Location map showing major intersections and dimensioned diagram of the parcel.
  - 3. Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.
  - 4. Location, species, size, and condition of protected trees and woodlands to be removed.
  - 5. Additional information as required by the Planning Commission for the purposes of determining compliance with the provisions of this chapter.
- L. **Woodland Stewardship Plan.** When a woodland stewardship plan is being proposed, it must be reviewed and approved by the Township environmental consultant prior to the start of any forestry management practices or operations. The plan shall meet the following requirements:
  - 1. **Plan contents.** The contents of a woodland stewardship plan must comply with the requirements established by the State of Michigan's Forest Stewardship Program (FSP) including:
    - a. Property identification and overview: Landowner and plan writer's names, addresses, phone numbers, and signatures; acreage under the stewardship plan; date; landowners goals; location of site and directions to property; cover page with FSP logo, date, etc.; completed landowner assessment form; interaction with surrounding landscape.
    - b. Property maps and location information: General property description; forest type map; activity map; soils map, legend, and soils description.
    - c. Resource descriptions: Narrative description of management unit; stands described by cover type and acreage; major species; stand size class, density soil type, site quality; stand quality, including age, health, growth rate, volume, timber quality, threatened and endangered species database checked, habitat class information, cultural heritage data, stand history, wildlife habitat quality and uses, timber production potential, recreational opportunities, wetlands and water quality issues, and aesthetics.
    - d. Prescriptions/recommendations: Schedule of prescribed activities for the next 10 years; stand/management unit specific goals statement; how prescriptions use the appropriate best management practices to minimize damage to the resources in each management unit; long-

range silvicultural objectives for each stand or cover type clearly stated and related to landowners' goals.

- Professional Qualifications. All woodland stewardship plans must be prepared by a certified forester. Certified foresters are foresters registered with the State of Michigan or a conservation district forester.
- Purpose. The purpose of the woodland stewardship plan shall be for long-term forest management and regrowth of the woodland and not prior to or in anticipation of development of the land.
- Review and approval by State of Michigan Forest Stewardship Program (FSP). Prior to filing the woodland stewardship plan with the Township, the applicant shall obtain and provide evidence of approval of the plan pursuant to the State of Michigan Forest Stewardship Program or its successor.
- Compliance with Generally Accepted Forest Management Practices (GAFMP). The woodland stewardship plan shall comply with GAFMP adopted by the Michigan Department of Natural Resources or its successor.

M. **Tree Replacement Options and Requirements.** The tree replacement requirements herein can be met in part or in whole by the landscape requirements set forth in this article.

- Protected Tree Replacement. For every one-inch d.b.h. of protected trees removed, one-half inch d.b.h. of replacement trees shall be planted on the parcel, each of which replacement trees shall have a 2.0-inch minimum caliper for deciduous trees or six (6) feet in height for coniferous trees. Replacement trees using caliper measurements must be provided at 70 percent of the DBH removed to compensate for the disparity between d.b.h.and caliper inch measurements. Replacement trees shall be species native to Michigan and non-sterile varieties. If more than 20 replacement trees are required, a mixture of three (3) or more species must be used.

Table 11.80 B: Tree Replacement Options Example	
Replacement Trees Using d.b.h.	Replacement Trees Using Caliper Inches
Trees to be removed in woodland area greater than three (3) acres = 200 d.b.h. inches	Trees to be removed in woodland area greater than three (3) acres = 200 d.b.h. inches
200 DBH x 0.5 = 100 d.b.h. inches of replacement trees 100 / 2 = 50 replacement trees at: <ul style="list-style-type: none"> <li>2.0 d.b.h. inches for deciduous</li> <li>6 feet in height for coniferous</li> </ul>	200 d.b.h. x 0.7 = 140 caliper inches of replacement trees 140 / 2 = 70 replacement trees: <ul style="list-style-type: none"> <li>2.0 caliper inches for deciduous</li> <li>6 feet in height for coniferous</li> </ul>

- Tree Replacement and Woodland Stewardship Plans. If removal of protected trees is conducted in compliance with a woodland stewardship plan, then replacement trees are not required.
- Tree Replacement Plan Contents.
  - Plan Requirements. If a tree replacement plan is required as part of the site plan review or subdivision plat review process as set forth in 1), then the scale of the tree replacement plan shall be the same as either the site survey, the site plan, and/or the subdivision plat. If a tree replacement plan is required for other woodland or protected tree removal as set forth in Section 11.100 G.2, the tree replacement plan, if required, shall be a scaled drawing, and the scale shall not exceed 100 feet to the inch.
  - Plan Contents. In all cases, a tree replacement plan shall contain the following:

- i. Property boundaries, existing and proposed buildings and structures, pavement, overhead and underground utilities, and other permanent features of the property.
  - ii. Existing natural features such as edges of woodlands, protected trees to remain, wetlands, water courses, and water features (ponds, lakes, etc.).
  - iii. Location, size, species (common and botanical names), and number of all proposed trees.
4. Tree Removal without Permission. If protected trees are removed without the required review and approval or without filing any required woodland stewardship plan, then, in addition to sanctions for violation of this chapter, each one (1) inch DBH removed must be replaced with two DBH inches in replacement trees. Replacement trees shall meet the same minimum size, species, and diversity requirements as noted in (1) and (2) above. Plans showing the location, size, species, and other relevant information regarding tree mitigation and replacement as required by this subsection shall be submitted to the Zoning Administrator for review and approval in consultation with the Township Environmental Consultant if needed.
5. Transplanting trees. Where native woodland species are being displaced by development, smaller-sized native trees transplanted from the disturbed area of the site may be used to fulfill tree replacement requirements. Transplanted trees shall be native species, no less than 1.0-inch caliper for deciduous trees, or three (3) feet tall for evergreen trees, and the total number of plants used adds up to the size requirements for a single species. For example, two rescued 1.0-inch caliper oaks can be used instead of one (1) 2.0-inch caliper oak. Native species transplanted from the site shall not be removed from undisturbed areas of the site or areas designated as preservation or conservation areas. Federal and state laws protecting native plant species designated as endangered, threatened, or of special concern must be adhered to, and under no circumstances shall these plants be damaged, destroyed, or removed from the site.
6. Woodland Restoration. If deemed appropriate by the Planning Commission, woodland areas disturbed by development activities may be mitigated by the creation of an area planted with a native plant community appropriate to the area. The proposed plant community shall be illustrated on a tree replacement plan, including information about all proposed plant materials. In reviewing such a proposal, the Planning Commission shall apply the following standards:
  - a. The use of existing woodland soils from the site to establish necessary soil conditions for woodland plants to establish themselves.
  - b. The native species diversity proposed for tree, understory, and groundlayer plants.
  - c. The age diversity of the proposed tree canopy. Native trees and shrubs of various ages and sizes are appropriate for this type of planting. Therefore, the minimum tree size requirements do not apply here.
  - d. The use of plants with local genotypes, including rescued plants from the disturbed portion of the site, seed, and propagates from the local plant populations.
  - e. The habitat values created by the proposed mitigation, including plant species proposed adjacent to other site features, such as contiguous woodlands, tree rows, wetlands, streams, or other features.
7. Security. After issuance of a permit under this section, the applicant shall deposit with the Township security in the form of cash or letter of credit, in an amount recommended by the Township environmental consultant and approved by the Planning Commission, and in a form approved by the Township Zoning Administrator and Township Attorney to ensure proper

installation and survival of replacement trees, transplanted trees, and/or woodland plants for a period of three years after the later of (i) planting, (ii) issuance of a certificate of occupancy for the project, or (iii) final approval of the tree/woodland removal permit or any amendment. The tree replacement plan shall include a description of the proposed amount and type of security to be posted. The applicant and the Township shall enter into an escrow agreement pertaining to the conditions for the release of the security in a form approved by the Township Attorney and building official at the time the security is posted.

8. Alternative Mitigation Measures. The Planning Commission shall be authorized to waive a portion of the tree replacement requirements of this section when site factors, tree condition, or development requirements make conformity to the tree replacement requirements of this section difficult or undesirable.

N. **Preservation of Existing Trees and Woodlands.** Protected trees, landmark trees, and woodlands shall be preserved to the greatest extent practicable through the use of site development techniques, including but not limited to the following:

1. In general, landmark trees should not be removed for development. Site design should consider any landmark tree on a site as an important design element. Removal of landmark trees should occur rarely and should be considered only after alternatives are studied and found to be not feasible.
2. Locate development in areas of the site that are already disturbed or cleared of trees and woody vegetation.
3. Minimize clearing and grading of the site by working with the site's existing topography. Grading, roads, walkways, utility lines, and all other aspects of soil disturbance shall be minimized to the extent possible, considering standards of sound design and public safety. Clearing for buildings should be limited to the smallest area needed for safe and effective building work. Excavated soil and materials from basements and grading shall not be spread in the Woodland area. Careful handling of trees and the use of adequate tree protection measures should be undertaken, especially for trees near the building envelope.
4. Use retaining walls and other techniques to minimize grade changes near trees.
5. Provide tree and understory/groundlayer protection during all construction phases of the project. Woodland areas excluded from development should be protected from all intrusions during development by well-maintained barrier fencing (see Section 11.100 P) tree protection during construction below for minimum requirements. If construction or grading is to occur within a portion of woodlands, those woodland areas excluded from development should be clearly marked and/or fenced off during development. Unpermitted intrusions include any activity that could adversely affect the plants (trees, shrubs, and herbaceous/groundlayer plants) within the fenced-off woodland, including, but not limited to, the following: driving vehicles and/or heavy equipment; stockpiling, storage, or parking of any soils, materials, equipment or vehicles; spreading excess fill/soil; dumping of construction or landscaping wastes; and clearing/removal of the understory or groundlayer of vegetation within the woodland.
6. Minimize the building/construction footprint on individual lots to preserve trees within lot boundaries.
7. Maintain grades and moisture conditions within the Critical Root Zone (CRZ) of trees. Many of the native hardwood trees: oaks, hickories, maples, and beeches, for example, and most old trees do not adapt to environmental changes brought about by construction. Grading changes should not

occur within the CRZ of a tree. In addition, grading on a site should neither increase nor decrease moisture conditions within a tree's CRZ. The area of concern around an important tree may be significantly larger than the CRZ. The drip line of the tree shall be used for comparison, and if larger than the CRZ, the dripline should be used to determine how best to protect an important tree.

8. Locate utility lines away from trees to be retained. If this is not possible, install utility lines through bored tunnels instead of trenches.
9. Conduct any necessary excavation around trees by hand.

**O. Tree Protection During Construction.**

1. Critical Root Zone (CRZ). No disturbance or construction activities may occur within the CRZ of any protected or landmark tree designated to remain as shown on the Tree/Woodland survey, site plan, or subdivision plat.
2. Protected Barrier. The applicant and the applicant's agents and successors shall erect and maintain suitable barriers as approved by the Township to protect trees designated to remain as shown on the approved site plan or subdivision plat. Protected barriers shall be placed at the outer limits of the critical root zone, or drip line if larger and if required by the Planning Commission to provide greater protection for an important tree, and shall remain in place until the Township authorizes removal based on tree protection factors or issues a final certificate of zoning compliance, whichever occurs first.
3. Inspections. The Township shall have the right to periodically inspect the site during site plan or subdivision plat review, land clearing, and/or construction to ensure compliance with this section.
4. Construction Damage. Any woodland, protected tree, or landmark tree that is determined to be dead, dying, or severely damaged due to construction activity within three years after the later of issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan, subdivision plat, or tree/woodland removal permit shall be replaced by the applicant in the amount specified in the requirements for mitigation of woodlands. Plans showing the location, size, species, and other relevant information regarding tree mitigation shall be submitted to the Zoning Administrator for review and approval in consultation with the Township's environmental consultant.

## **Section 11.110 Man-Made Waterbodies, Grading, and Excavation**

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**A. Stormwater Management.**

1. Applicability. All commercial and non-commercial site development plans, platted subdivisions, and condominium projects shall meet the stormwater design requirements of the Allegan County Drain Commission.
2. Approval. Applicants shall secure approval from the Allegan County Drain Commission prior to site development activities.

**B. Permitting.**

1. Creating Waterbodies Over One Quarter of an Acre. In recognition of the potentially harmful impacts of waterbody creation, a man-made waterbody with a surface area over a quarter acre in size, as measured from ground level, shall be permitted in the Township only in the following circumstances:
  - a. When the waterbody is developed in conjunction with a Planned Unit Development (PUD)



approved by the Planning Commission;

- b. When the waterbody is developed in conjunction with a golf course special approval use granted by the Planning Commission;
  - c. When the waterbody is developed as part of the reclamation plan for a mineral extraction special approval use granted by the Planning Commission;
  - d. When the applicant establishes, to the satisfaction of the Zoning Administrator, that the waterbody is being developed to serve as an approved water source for firefighting, as required by the Township's fire code, and that it is not oversized for the achievement of that purpose;
  - e. When the applicant establishes, to the satisfaction of the Zoning Administrator, that the waterbody is being developed as an irrigation pond, which shall mean, for purposes of this section, an impounded water source created by constructing an embankment or excavating a pit that is necessary to provide water for the irrigation of crops or livestock operations as part of farming activity conducted in accordance with Generally Accepted Agricultural and Management Practices (GAAMPs) promulgated by state authorities, and that it is not oversized for that purpose.
2. Creating Waterbodies One Quarter (1/4) Acre or Less in Size. All man-made waterbodies one-quarter (1/4) acre or less in size shall require a permit issued by the Zoning Administrator prior to construction.
  3. For purposes of this section, a dry detention basin or other stormwater management facility that is only intended to hold water intermittently shall not be considered a man-made waterbody. Stormwater management facilities that retain or detain water on a permanent basis shall be considered man-made waterbodies and are subject to the requirements of this section.

**C. Requirements for Man-Made Waterbodies.**

1. The Zoning Administrator or Planning Commission may require a detailed drainage plan prepared by a professional registered civil engineer, where the Zoning Administrator determines such a plan is necessary to ensure that the proposed waterbody and associated placement of spoils on-site will not negatively impact drainage patterns both on and off the site.
2. The property owner shall submit an application to the Zoning Administrator on a standard form promulgated by the Township. Each application shall be accompanied by a process plan, which shall depict or describe how spoils will be managed on-site or hauled off-site during the excavation project, and a site plan, which shall depict the proposed waterbody and surrounding topographical conditions at the conclusion of the project. The application shall also be accompanied by an applicable permit fee in an amount set by resolution of the Township Board.
3. There shall be a side and rear yard setback of at least 50 feet from the edge of the excavation to the property lines. There shall be no excavation within the required front yard setback.
4. A minimum setback of 50 feet shall be maintained from the edge of excavation to the nearest point of any dwelling or accessory building and 25 feet from any driveway.
5. There shall be a minimum setback from any well, any septic tank, and tile disposal field of at least 100 feet.
6. The waterbody may occupy no more than 20 percent of the lot upon which it is placed.
7. At least one side of all man-made waterbodies shall be constructed with a maximum slope of five (5) feet horizontal to one (1) foot vertical. In no case shall any other slope exceed three (3) feet



horizontal to one (1) foot vertical.

8. Discharge of water from a man-made waterbody shall be controlled through the engineering of an outlet to an appropriate natural waterway or County Drain.
9. No man-made waterbody shall be located directly beneath an overhead electrical line, wire or conductor, nor within ten feet horizontally of any overhead electrical line.
10. The Zoning Administration or Planning Commission reserves the right to request the review and comment of any professional engineer, environmental consultant or others at the expense of the applicant.
11. The Zoning Administrator or Planning Commission may impose reasonable conditions on the management of spoils on-site during the course of the excavation project, which may include restricting spoils to designated portions of the site, imposing limitations on the height of spoil piles, or requiring the use of brine or other solutions to prevent the blowing of sediment. When excavated materials are to be hauled off the site, the Zoning Administrator may impose reasonable conditions on the proposed hauling operation, which may include conditions regarding the hours of operation, hauling route, etc.
12. On-site dispersal of excavated material that remains on the site at the conclusion of construction shall be in accordance with the following requirements:
  - a. Excavated materials shall be contoured or used to create berms with a maximum slope of three (3) feet horizontal to one (1) foot vertical.
  - b. The berm shall not exceed 36 inches in height and shall be located a minimum of 12 feet from the edge of the waterbody. The outer edge of any such berm shall be set back at least 15 feet from property lines.
  - c. Where excavated materials are bermed or otherwise will result in an increase in grade, the materials shall be contoured to avoid interruption of the horizon by the top layer of the redistributed materials.
  - d. All excavated material shall be suitably graded and seeded or otherwise covered with grass or other living ground cover so as to prevent erosion and to visually incorporate redistributed excavated materials into the surrounding landscape.
13. The Zoning Administrator or Planning Commission may require a performance bond to be posted by the applicant prior to the issuance of a permit to ensure the completion of all required improvements. The amount of such performance bond shall be in the Zoning Administrator's reasonable discretion.
14. All man-made waterbodies shall be completed according to the approved plan within six months of issuance of the permit. The Zoning Administrator or Planning Commission may grant one six-month extension of the permit where the applicant shows that substantial progress is being made.
15. Within two months of completion of any waterbody more than a quarter acre in size, an as-built topographic survey of the waterbody at the top of the slope and water level with distances to the nearest property lines, prepared by a professional surveyor registered in the State of Michigan, shall be provided to the Township. Cross sections of the man-made waterbody may be required to verify the depth of water.
16. Applicants shall obtain any other permits that may be required for the creation of the waterbody, which may include soil erosion permits from county authorities or mining or inland lake permits

from state environmental regulators.

17. The perimeter of waterbodies shall be seeded as follows:

- a. Seed mix shall be the type recommended by MDOT as a native blend. The Township Engineer shall be present to verify top soil depth prior to seeding.
- b. The seed mix order shall be provided for verification to the Township Engineer prior to placement.
- c. Topsoil shall be a minimum of four (4) inches in depth, and the topsoil shall be a friable loam consisting of dark, organic, natural surface soil. After spreading, all large lumps and clods are to be broken down by some effective means. Stones over two (2) inches in diameter, roots, and other debris shall be removed from the surface.
- d. Prior to seeding, the topsoiled surface shall be lightly disked or harrowed. The Township Engineer shall inspect the topsoil prior to seeding, fertilization, and mulching.
- e. Application rates for seed shall be per MDOT standards for site restoration.
- f. Seeding shall be fertilized and watered.
- g. Seeding shall occur as often as necessary to result in a close stand of grass covering the disturbed areas.
- h. A long-term maintenance plan shall be reviewed and approved by the Zoning Administrator and, if determined, recorded as a deed restriction.

18. Man-made water bodies shall be continuously maintained, free from invasive species, and also free from conditions that are hospitable to mosquito breeding.

19. Escrow accounts shall be established for the review of man-made waterbody applications.

**D. Drainage.**

1. Slope. Elevations for any site with a building located on it or a site proposed for a building shall have a grade sloping away from the walls of the building to prevent the ponding of surface water along foundations.
2. Runoff. No site shall be filled or graded in a way that will discharge surface runoff onto adjacent properties in a manner that increases the amount of runoff more than predevelopment conditions.

E. **Excavation.** The construction, maintenance, or existence of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits, or wells, which, in the opinion of the Zoning Administrator, constitute or are likely to constitute a danger to the public health, safety or welfare is prohibited; provided, this section shall not apply to any excavation for which a building permit or a temporary permit has been issued by the Township and which is adequately protected and warning signs posted.

## **Section 11.120 Water and Wind Erosion Control**

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- A. Access roads and driveways shall have beach grass (*Ammophila breviligulata*) or other suitable material planted on areas of open sand 50 feet on each side of the road or driveway.
- B. Buildings, structures, and roads or driveways shall be placed so as to minimize the disturbance of natural vegetation and the risk of erosion.

## Section 11.130 Landscaping Modifications

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- A. **Authority.** The Planning Commission may modify the landscaping and screening requirements within this article under certain circumstances.
- B. **Considerations.** The Planning Commission shall consider the following during the review of landscaping modification requests:
  - 1. Will existing vegetation or topographic features make compliance with requirements unnecessary or difficult to achieve?
  - 2. Will the application of requirements result in a significant loss of existing vegetation or natural or cultural features?
  - 3. Will the modification of requirements clearly result in a superior design that could not be otherwise achieved?
  - 4. Can existing vegetation be preserved to meet the intent of the screening and buffering requirements of this article?
  - 5. Is the distance between a building, parking area, or use more than 200 feet from a side or rear lot line?
  - 6. Will the site be overplanted, resulting in the loss of required plantings?

## Article 11. Landscaping and the Environment

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## Article 12. Signs

Section 12.10	Intent and Purpose
Section 12.20	Applicability and Permitting
Section 12.30	General Requirements
Section 12.40	Prohibited Signs
Section 12.50	Signs Exempt from Permitting
Section 12.60	Temporary Signs- Permits Required
Section 12.70	Permanent Signs- Permits Required

### Section 12.10 Intent and Purpose

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- A. **Intent and Purpose.** The intent and purpose of this article is to ensure the following:
1. Protection of free speech.
  2. Minimization and elimination of visual clutter.
  3. Reduction of the number and types of distractions experienced by drivers.
  4. Direction of commercial and customer traffic to commercial areas of the Township.
  5. Preservation of rural character.
- B. **Findings.** Regarding content neutrality and constitutionally protected free expression, Saugatuck Township finds that:
1. Content neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section and the constitutionally protected right to free expression.
  2. The regulations set out in this section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
  3. Notwithstanding the above, certain classifications of speech are not constitutionally protected due to the harm they cause to individuals or the community.
  4. Sign restrictions are based on compelling public interests and regulation of the location, number, materials, height, and size. The duration of the display of temporary signs is essential to preventing visual clutter and ensuring safe conditions in the Township.
  5. Temporary signs are not constructed to withstand long-term exposure to severe weather conditions or other physically damaging events and can result in safety and aesthetic concerns if not replaced or removed.

## Section 12.20      **Applicability and Permitting**

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- A. **Applicability.** All signs in Saugatuck Township shall be constructed, placed, replaced, attached, structurally altered, or added in accordance with this article.
- B. **Permitting.**
1. **Permits Required.** No sign shall be constructed, placed, replaced, attached, structurally altered, or added without first obtaining a permit unless specifically exempted by this article. Sign permits are reviewed administratively as zoning permits, per Section 13.30 C.1.b.
  2. **Exempt from Permitting.** Permits are not required for the following:
    - a. **Maintenance.** Painting, repainting, cleaning, maintenance, repair, and change of a sign face, message, or graphics shall not be considered an activity that requires the issuance of a sign permit, provided that no structural alterations or additions to the display area are made.
    - b. **Re-lettering and Rewording Changeable Copy.** Changing copy or message of signs that are specifically designed for a changeable copy shall not require a permit.
    - c. **Exempt Sign Types.** See Section 12.50.
    - d. **Murals and art.**
- C. **Plans.** Sign plans shall include the checklist requirements included in Section 23.20.

## Section 12.30      **General Requirements**

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- A. **Sign Placement and Construction.**
1. Signs shall not interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; constitute a nuisance; or cause a hazard to vehicle or pedestrian traffic.
  2. Signs shall be constructed to withstand all wind and vibration forces that can normally be expected to occur.
  3. Signs and sign structures shall remain structurally safe and shall not constitute a hazard to safety or health.
  4. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or because of the effects of the weather.
  5. Signs shall not be placed in, upon, or over any public right-of-way, alley, or other public place except as may be otherwise permitted by the Allegan County Road Commission or Michigan Department of Transportation.
  6. Signs shall not obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.
- B. **Changeable Copy.** All permanent signs may have manual changeable copy.
- C. **Setbacks.**
1. **Measurement.** Sign setbacks shall be measured in the same manner as required for buildings.
  2. **Lot Line Adjustment.** Adjustment of lot lines that will cause a sign to become nonconforming is not permitted.
  3. **Clear Vision Area.** Sign placement shall conform to Section 7.100 C.

**D. Measurement of Sign Area.****1. Freestanding Signs.**

- a. **Single-Face Sign.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure that encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color-forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- b. **Double-Faced Sign.** The area of a pole and ground signs that have two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are no more than two (2) feet apart at any point, the area of only one (1) face shall be counted toward the maximum size requirement. In this case, if the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as one (1) face.

**2. Wall Signs.**

- a. **Individual Sign Measurement.** For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
- b. **Multi-Tenant Building Sign Area.** For buildings with multiple tenants, the sign area for wall, projecting, canopy, or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall.
- c. Wall signs shall not extend past the edge of the wall to which it is affixed.

**E. Sign Height.**

- 1. **Freestanding Signs.** The height of freestanding signs shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, including the sign base and support standard. Artificially constructed earthen berms raising the overall height shall count against the maximum height.
- 2. **Wall Signs.** Wall signs shall not extend above the eave of a building with a pitched roof or above the top of a flat roof building.

**F. External Illumination.**

- 1. Sign illumination shall only be through external illumination. This requirement is also applicable to billboards.
- 2. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.
- 3. The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.

**G. Nonconforming Signs.** See Section 21.60.

## Section 12.40 Prohibited Signs

- A. **Permissive Regulation.** Any sign which is not expressly permitted as an exempt or permanent sign is prohibited by this ordinance.
- B. **Prohibited Sign Characteristics.**
1. Signs with moving parts, inflatable signs, feather signs, banners, and balloons.
  2. Signs which use digital display technology such as liquid crystal displays ("LCDs"), plasma, or light emitting diodes ("LEDs").
  3. Signs with internal illumination.
  4. Signs with flashing, animation, moving, oscillating, blinking, intermittent illumination, or variable intensity light.
  5. Signs that are held by or supported by a person for commercial advertising purposes.
  6. Signs mounted on roofs.
  7. Signs mounted on vehicles parked in a location for the primary purpose of advertising.
  8. Signs shall not be attached to a utility pole, street sign, traffic control device, or other similar object.
  9. Signs that are attached to any natural growth, such as trees, shrubs, or other natural foliage.
  10. Signs in dangerous conditions or disrepair.
- C. **Threatening, Sexually Explicit, or Profane Messaging.** No sign shall be prohibited based on the content or message it displays, except that threatening, sexually explicit, or profane signs are prohibited. The Zoning Administrator shall also consider the following criteria when providing a determination:
1. An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest, threatens the safety of a person or group of people, is offensive or profane, or the material depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and
  2. The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

## Section 12.50 Signs Exempt from Permitting

The following signs are exempt from permitting requirements but must comply with the requirements of Table 12.50 and this article.

Table 12.50: Signs Exempt from Permitting		
Type	Requirements	
Address Signs	Text height shall be no greater than six (6) inches for residences and 18 inches for businesses and other nonresidential uses.	
Directional Sign	Maximum Number	No specific requirement
	Maximum Size	4 s.f.
	Maximum Height	4 ft.
	Illumination	Permitted in C-1, C-2, C-3, I-1
	Other	Shall be black with white lettering



Table 12.50: Signs Exempt from Permitting		
Device Sign	Maximum Size	2 s.f.
Government and Regulatory Signs	No specific requirement	
Flags (see Section 7.50 D)	In Residential Zoning Districts, commercial messages are not permitted.	
Nameplates	Maximum Size	2 s.f.
Menu Boards	Maximum Size	16 s.f.
Murals	Shall not contain any words, logos, product, or service representations, otherwise it is considered a wall sign.	
Religious Symbols	No specific requirement	
Sandwich Board Signs in C-1, C-2, C-3, and I-1	Maximum Number	1
	Maximum Size	6 s.f.
	Maximum Height	4 ft.
	Illumination	Not permitted.
	Other	The sign shall not interfere with or obstruct pedestrian or vehicular traffic; provided, at least 5 feet of passage shall be maintained on the sidewalk between the street and the sign. Windblown devices, including balloons, shall not be attached or otherwise made part of the sign. Signs shall be removed at the end of the business day and only be displayed during regular business hours. Sandwich boards must be weighted down or removed if winds gust to 20 m.p.h.
Sign Less than Two Square Feet	Maximum Number	No specific requirement
	Maximum Size	2 s.f.
	Maximum Height	3 ft. if freestanding
	Illumination	Not permitted
Temporary Yard Sign	Maximum Number	2
	Maximum Size	16 s.f. of total sign area
	Maximum Height	4 ft.
	Minimum Setback	10 ft. from all property lines
	Illumination	Not permitted
Window Signs in C-1, C-2, C-3, and I-1	Maximum Number	No specific requirement
	Maximum Size	The total area of all signs within one foot of the window shall not obscure more than 25 percent of the window area
	Illumination	Neon or internal, no more than 4 SF per individual sign, no more than 1 per window.

## Section 12.60 Temporary Signs- Permits Required

The following temporary signs may be permitted for limited timeframes but must comply with all applicable requirements of Table 12.60 and this article.

Table 12.60: Temporary Signs	
Seasonal and Temporary Sign for Nonresidential Use	
Maximum Number	1
Maximum Size	16 s.f.
Minimum Setback	15 ft. from all property lines
Maximum Height	6 ft.
Illumination	Not permitted
Other	Limited to 120 days per calendar year
Property Development Sign	
Maximum Number	1
Maximum Size	32 s.f.
Minimum Setback	15 ft. from all property lines
Maximum Height	6 ft.
Illumination	Not permitted
Other	Property development signs shall be removed when 80 percent of the lots or space(s) available have been sold or leased

## Section 12.70 Permanent Signs- Permits Required

All permanent signs shall comply with the requirements of Table 12.70 A & B and this article. Billboards shall comply with the requirements of Table 12.70 C.

Table 10.70 A: Residential Zoning Districts	
Wall Sign- Major Home Occupation and Bed and Breakfast	
Maximum Number	1
Maximum Size	3 s.f.
Location	Flat on the wall surface, no more than 3 inches deep.
Illumination	Not permitted
Wall Sign for Nonresidential Use	
Maximum Number	1
Maximum Size	16 s.f.
Location	Flat on the wall surface, no more than 12 inches deep.
Illumination	External
Freestanding Ground Sign for Nonresidential Use, Subdivision, Condominium Development, or Farm	
Maximum Number	1 per nonresidential use, 1 per entry for residential use
Minimum Setback	15 ft. from all property lines
Maximum Size	32 s.f.

Maximum Height	5 ft.
Minimum Setback	10 ft. front setback and 50 ft. from all other property lines
Illumination	External

**Table 12.70 B: Commercial and Industrial Zoning Districts**

<b>Access Point Sign</b>	
Maximum Number	1 per driveway access
Maximum Size	4 s.f.
Maximum Height	3 ft.
Setback	5 ft. from street right-of-way or easement and 2 ft. from edge of driveways.
Illumination	External
<b>Interior Site Signs</b>	
Maximum Number	No limit
Maximum Size	8 s.f.
Maximum Height	5 ft. if freestanding
Setback	25 feet from all property lines
Illumination	External
<b>Wall Sign</b>	
Maximum Number	1 per street frontage per tenant (see Section 12.30 D.2)
Maximum Size	.75 square foot per linear foot of building frontage not exceeding 32 square feet.
Location	Flat on the wall surface, no more than 12 inches deep. Signs must face the public right-of-way or a parking area.
Illumination	External
<b>Freestanding Sign</b>	
Maximum Number	1 per street frontage, no more than 2
Minimum Setback	15 ft. from all property lines
Maximum Size	32 s.f.
Maximum Height	8 ft.
Illumination	External

<b>Table 12.70 C: Billboards</b>	
Maximum Number	1 per lot
Maximum Size	300 s.f. If the billboard has two faces, and only one face is visible when viewed from any direction, then the total area calculation shall be based on the area of just one face and not the total of both faces.
Location	On properties fronting I-196 in A-1, A-2, C-1, C-2, C-3, and I-1.
Maximum Setbacks	100 feet
Minimum Separation	<p>No more than 3 billboards may be located per linear mile of I-196. No billboard shall be located within 1,000 feet of another billboard. Separations include billboards on both sides of the interstate and in other jurisdictions.</p> <p>No billboard shall be located within 200 feet of a residentially-zoned lot and/or existing dwelling. If the billboard is illuminated, this required distance shall instead be 300 feet.</p>
Maximum Height	25 ft.
Other	Stacked billboards and billboard extensions are not permitted.
Illumination	External



## **Part IV. Review Processes and Standards**

### **Saugatuck Township Zoning Ordinance**

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## Article 13. General Processes

- Section 13.10 Intent and Purpose
- Section 13.20 Application, Contents, Fees, and Completeness
- Section 13.30 Review Authorities and Application Types
- Section 13.40 Notices for Public Hearings
- Section 13.50 Applicability and Permitting
- Section 13.60 Conditions of Approval
- Section 13.70 Performance Guarantees

### Section 13.10 Intent and Purpose

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- A. **Intent and Purpose.** The intent and purpose of this article is to establish a uniform set of submittal, processing, and review requirements for land development proposals and new structure requests to determine compliance with the requirements and standards of this ordinance.
- B. **Withholding of Approval.** The Township Board, Planning Commission, Board of Zoning Appeals, Zoning Administrator, or other authorized board, commission, or administrative staff may, in their sole discretion, withhold considering approval of any plan, use, or permit request until receipt of all required permits or approvals from other local, state, or federal departments or agencies.

### Section 13.20 Application, Contents, Fees, and Completeness

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- A. **Application.**
  - 1. **Application.** Requests for review and approval of uses, activities, construction, and development required by the Zoning Ordinance shall be provided on official Township application forms. An application shall be submitted to the Township Hall during normal office hours.
  - 2. **Authority to File Applications.** Applications shall only be submitted by an owner of the property subject to the request, a purchaser under a sale or option to purchase the subject property, or an agent authorized in writing by the owner.
  - 3. **Deadline.** For all requests that require Planning Commission or Zoning Board of Appeals review, complete applications shall be submitted by the deadlines established by the Planning Commission and Zoning Board of Appeals for the meeting in which the applicant desires the request to be considered.
  - 4. **Contact Person and Meeting Representation.** The application shall indicate one (1) person as the primary contact. The Zoning Administrator official will communicate with the contact person concerning the application and review procedures. The applicant shall notify the Township in writing if there is a change in the contact person. The contact person shall be present at all scheduled review meetings, or consideration of the application may be postponed due to lack of representation.

**B. Fees.**

1. **Administrative Fee.** Required administrative fees shall be paid to the Township at the time of application submittal. Administrative fees are non-refundable unless the project is withdrawn prior to administrative time and effort spent on review and processing. The fee schedule is approved by the Township Board resolution, is available at the Township Hall, and may change from time to time.
2. **Professional Review Fees.** For specific applications, an applicant shall also submit a professional review escrow deposit determined by the Township Board through a resolution to cover the review fees of outside consultants working on behalf of the Township to ensure code compliance. This deposit is held, and actual hours worked are billed to this account. The Township Board shall set the amount by resolution and may change from time to time. Any unused balance will be reimbursed in accordance with policies adopted by the Township Board. In the case that review fees exceed the deposited amount, funds will be required to be submitted by the applicant to cover the balance before building permitting and authorization to commence site development.

**C. Content.**

1. **Submittal Checklists.** Applicants shall refer to the submittal checklists and shall provide the items required that are specific to the request.
2. **Waiver Requests.** The applicant may request waivers for items required on submittal checklists.

**D. Completeness Review.**

1. **Requirement.** An application submitted for review in accordance with this article shall be submitted in complete form, including the application, required checklist items, and applicable fees.
2. **Waivers.** On a case-by-case basis, the Zoning Administrator may waive checklist items if determined to be unnecessary or not applicable to the review process based on the scope of the development proposal. However, the final decision-making authority may subsequently require the submittal of waived items if determined to be necessary to act on an application.
3. **Completeness Determination.** If deemed to be complete by the Zoning Administrator, an application will be formally processed and reviewed. If the Zoning Administrator waives required checklist items, the application may be deemed complete if all other items are received.
4. **Incomplete Application.** If deemed incomplete by the Zoning Administrator, the applicant will be informed, and the application will not be formally processed and reviewed until it is determined to be in complete form.

## **Section 13.30      Review Authorities and Application Types**

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A. Processes and Procedures. The following processes are outlined in Articles 14 to 19.

<b>Table 13.30 A: Review Processes and Procedures</b>	
<b>Requirement</b>	<b>Article</b>
Site Plan Review	Article 14
Special Land Use	Article 15
Planned Unit Development Review	Article 16
Condominium Review	Article 17
Variance	If variances are required, Article 18 will apply
Rezoning	If rezoning is required, Article 19 will apply.



- B. **Review Authorities.** Table 13.30 summarizes application types and review authorities under the Zoning Ordinance.

<b>Table 13.30 B: Review Authorities and Application Types</b>				
<b>Application Type</b>	<b>Zoning Admin.</b>	<b>Planning Commission</b>	<b>Township Board</b>	<b>Zoning Board of Appeals</b>
Zoning Text Amendment	R	R (PH)	D	--
Zoning Map Amendments	R	R (PH)	D	--
PUD Concept Plan and Rezoning	R	R (PH)	D (PH)	--
Site Condominium	R	R	A	A(PH)*
Special Land Use	R	D(PH)	--	--
Final Site Plan and Major Amendment	R	D	--	A (PH)
Final PUD Plan	R	D	--	--
Private Street	R	D	--	A(PH)
Tree Permitting	D	--	--	A (PH)
Zoning Permit	D	--	--	A (PH)
Administrator Site Plan Review and Minor Amendments	D	--	--	A (PH)
Variance	R	--	--	D (PH)
R= review and recommendation authority; D= decision-making authority; A= appeal authority; (PH)= A public hearing is required				
*- if not a PUD				

C. **Zoning Administrator Reviews.**

1. Zoning Permits.
  - a. Zoning Permit- Use Compliance. A change from one permitted use to another permitted use, or establishment of a new permitted use, is subject to a use compliance review. Zoning permits are valid for one (1) year and expire if the use does not commence within this timeframe.
  - b. Zoning Permit- Structure Compliance. Buildings and structures that do not require site plan review per Article 14 are reviewed administratively. Zoning permits are valid for one (1) year and expire if the structure or building construction does not commence within this timeframe. Zoning permits are required for the following:
    - i. Accessory buildings and structures.
    - ii. Accessory dwellings, single-family dwellings, and two-family dwellings
    - iii. Amateur radio and antennas
    - iv. Farm buildings
    - v. Fences and walls
    - vi. Keeping of animals and bees
    - vii. Minor home occupations
    - viii. Pools

- ix. Residential driveways
  - x. Signs
  - xi. Temporary offices and land uses
  - xii. Wireless communication facilities exceptions
  - c. Zoning Permit- Certification of Site Compliance. Once all site work associated with a site plan is complete and compliant, the Zoning Administrator shall issue a zoning permit.
  - d. Zoning Permit- Minor Site Plan Amendment. For a minor amendment to a site plan in accordance with Section 14.20 B, which meets zoning requirements, the Zoning Administrator shall issue a zoning permit.
2. Building Permits and Certificates of Occupancy. Building permits and certificates of occupancy are processed in accordance with the building code. However, as the process relates to the Zoning Ordinance, the following applies:
- a. Building permits shall not be issued for building construction until all applicable zoning and site plan approvals are secured, as applicable, and after all conditions of approval are satisfied (Zoning Permit- Certification of Conditions). However, at the discretion of the Zoning Administrator and Building Official, building permits may be issued conditionally so long as site plan requirements are satisfied prior to the issuance of a certificate of occupancy.
  - b. Certificates of Occupancy shall not be issued until all applicable site improvements are installed and certified as complete by the Zoning Administrator (Zoning Permit- Certification of Site Compliance). However, at the discretion of the Zoning Administrator and Building Official, temporary certificates of occupancy may be issued conditionally so long as required site improvements are completed within a specified timeframe. Performance guarantees may be required per Section 13.70.

## **Section 13.40 Notices for Public Hearings**

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All applications that require a public hearing shall be noticed, at minimum, in accordance with Section 103 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. At its discretion, the Township may also adopt and implement noticing procedures above and beyond those required by Section 103 of the Zoning Enabling Act.

## **Section 13.50 Applicability and Permitting**

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- A. **Recommendations.** A recommending authority shall review an application against applicable zoning requirements and standards and shall provide a recommendation to the decision-making authority.
- B. **Decisions.** The decision-making authority provides final decisions on all applications.
- C. **Appeals.** Final decisions may be appealed to an appeal authority.
- D. **Actions.** Recommendations and final decisions are limited to the following:
  - 1. Approval.
  - 2. Approval with conditions (see Section 13.60).
  - 3. Denial.
  - 4. Postpone action (not available for administrative approvals).

5. Table action (not available for administrative approvals).
- E. **Records and Findings.** Action taken regarding an application, along with the findings in support of that action, shall be recorded in the meeting minutes and by resolution or ordinance, if applicable. Actions of the Zoning Administrator shall be documented in writing. Copies of all officially approved plans shall be filed at the Township Offices.

## Section 13.60 Conditions of Approval

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- A. **Applicability.** Reasonable conditions of approval may be recommended by the Planning Commission and approved by the Township Board for site plans, special land uses, Planned Unit Developments, and condominiums. Conditions may also be applied to variance approvals by the Zoning Board of Appeals.
- B. **Criteria.** Conditions shall be designed to ensure compliance with the intent of the Zoning Ordinance and shall be based on the following criteria. Conditions shall:
  1. Ensure that there will be no adverse impact on public services and facilities.
  2. Ensure that the use is compatible with adjacent land uses and activities.
  3. Protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
  4. Ensure compatibility between the proposed use or activity and the rights of the Township to perform its governmental functions.
  5. Meet the intent and purpose of the Zoning Ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
  6. Ensure compliance with the intent of other Township ordinances that are applicable to the site plan.
  7. Ensure compatibility with other uses of land in the vicinity.
- C. **Performance Guarantee.** A performance guarantee in accordance with Section 13.70 may be incorporated as a condition of approval.

## Section 13.70 Performance Guarantees

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

## Article 13. General Processes

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## Article 14. Site Plan Review

**Section 14.10 Intent and Purpose**

**Section 14.20 Applicability**

**Section 14.30 Review Process**

**Section 14.40 Amendments**

**Section 14.50 Site Plan Approval Standards**

**Section 14.60 Low-Impact Development**

**Section 14.70 Term, Validity, and Compliance**

### Section 14.10 Intent and Purpose

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- A. **Intent and Purpose.** The intent and purpose of this article is to outline the site plan approval and amendment process and standards for approval to ensure that site development and land use comply with zoning requirements.

### Section 14.20 Applicability

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A. **Site Plans Review Applicability.**

1. All new non-residential uses, buildings, structures, and associated site development.
2. Special land uses.
3. Multi-family buildings.
4. Final Planned Unit Development (PUD) plans.
5. Any other type of development required by the Zoning Ordinance to receive site plan approval.
6. Any amendment not considered to be minor under Section 14.20 B.

- B. **Minor Site Plan Amendment Applicability.** Amendments to site plans may be approved administratively if specified in this subsection and if the changes do not alter the basic design of the site or any specified conditions imposed as part of the original approval. Where the changes cannot be approved administratively, the site plan amendment shall be processed as a major amendment. At the discretion of the Zoning Administrator, any site plan amendment may be referred to the Planning Commission for minor site plan amendment approval.

1. Reduction of building size or additions to principal buildings up to 10 percent.
2. Reduction in parking lot size or parking lot expansions up to 10 spaces.
3. Movement of the proposed location of buildings or structures by no more than 25 feet.
4. Replacement of plant material specified in the landscape plan with comparable materials.
5. Changes in building materials to a comparable or higher quality.
6. Addition of non-residential accessory structures or expansion.

7. Other minor changes determined by the Zoning Administrator not to be material or significant in relation to the entire plan and the use or uses covered by the plan.

### **Section 14.30 Review Process**

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- A. **Application Requirements.** See Article 13 for the general processes for submitting site plan applications and Section 23.50 for submittal checklists.
- B. **Site Plans and Major Amendment Process.** The Township review authorities shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of approval standards (Sections 14.50 and 14.60). The following process shall be followed:
  1. Application submittal (Section 13.20) by the published deadline.
  2. Zoning Administrator review and recommendation.
  3. Planning Commission review and decision.
- C. **Decisions.**
  1. Action. Unless action is tabled or postponed, the Planning Commission shall decide upon site plan requests as follows:
    - a. Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
    - b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
  2. Resolution. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
- D. **Appeals.** The Zoning Board of Appeals shall hear appeals to decisions regarding site plans in accordance with Section 20.40 L unless the site plan relates to a PUD or special land use.

### **Section 14.40 Amendments**

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- A. **Minor Site Plan Amendment Process.** If site plan changes are determined to be minor per Section 14.20 B, the Zoning Administrator shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 14.40). The following process shall be followed:
  1. Application submittal (Section 13.20).
  2. Administrative review and decision. Decisions of the Zoning Administrator shall be documented in writing.
- B. **Major Amendments.** See 14.30.

### **Section 14.50 Site Plan Approval Standards**

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- A. **Zoning Compliance and Compatibility.** Site plan proposals shall conform to all dimensional and building requirements (Articles 3 or 4), overlay district requirements (Article 5) general requirements (Article 7), and any applicable specific use requirements (Article 8). If necessary, variances shall be secured prior to the Planning Commission's recommendation (Article 18). Site planning shall consider both zoning

compliance and compatibility with adjacent properties and land uses.

- B. **Lighting.** Lighting plans shall demonstrate compliance with all requirements and shall be designed to ensure safe conditions and minimal impact on neighboring properties and the night sky (Article 9).
- C. **Parking, Stacking, and Loading.** Parking lot design shall demonstrate compliance with all dimensional and circulation requirements and shall be arranged to provide safe and convenient access to buildings and land uses (Article 10). If applicable, stacking and loading spaces shall be designed to minimize the impact on internal circulation routes and off-site traffic patterns.
- D. **Access Management, Circulation, and Emergency Access.** Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and circulation within the site. Compliance with access management requirements of Section 10.90 shall be demonstrated if applicable. All sites and buildings shall be accessible to emergency service vehicles and personnel to respond to emergencies and calls for service.
- E. **Landscaping, Screening, and Environmental Protection.** All applicable landscaping, buffering, screening, and environmental requirements shall be satisfied (Article 11), and sites shall not be significantly disturbed in ways beyond what is appropriate for the reasonable development of a site. Site plans shall demonstrate that the impact of exterior uses and activities is minimized by required landscaping and screening.
- F. **Stormwater and Water Quality.** Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from the negative impacts of increased stormwater run-off and flooding. Systems shall be designed to function with public stormwater drainage systems under the authority of the Allegan County Drain Commission, Allegan County Road Commission, or the Michigan Department of Transportation (MDOT).
- G. **Signs.** Proposed signs shall meet dimensional and location requirements and shall be placed in locations that limit driver distraction and prevent visual clutter (Article 12).
- H. **Outside Agencies.** Applicants shall secure all applicable outside agency approvals, including but not limited to the Allegan County Health Department, Allegan County Road Commission, Allegan County Drain Commission, Fire Department, and State of Michigan regulatory agencies.

## Section 14.60 Low-Impact Development

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In addition to all other applicable development requirements and site plan review standards, all multiple-family and non-residential development shall be subject to the following low-impact development approval standards:

- A. **Preservation of Natural Areas.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling, and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
- B. **Protective Measures.** Prior to any development or site clearing, barrier fencing, flags, or other indicators shall be installed at the limits of soil disturbance adjacent to priority protection areas. Protective measures shall remain in place and in good condition until the Township authorizes removal. No filling, excavating, or storage of materials, debris, or equipment shall take place within the protected area except where permitted by the Planning Commission.
- C. **Connections.** If the development site contains high-quality natural areas that connect to other off-site areas of a similar nature, the development plan shall preserve such connections. Such connections shall

be maintained to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife. Breaks or gaps in wildlife movement corridors should be minimized and, when possible, re-established using appropriate native vegetation.

- D. **Inland Lakes and Streams and Wetlands.** If the development site contains inland lakes or streams or wetlands, the development plan shall include such enhancements and restoration as are necessary to provide wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave or stream-bank erosion. The development plan shall also include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding a lake, reservoir, pond, or stream with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts.
- E. **Site Disturbance.** Site disturbance shall be minimized and shall be demonstrated by the applicant in the following manner:
1. Identify minimal disturbance areas and no disturbance areas on site plan and construction drawings. Minimal and no disturbance areas must be protected by having the limits delineated, flagged, and fenced in the field. Notes to this effect must be included on construction drawings. Areas to prioritize include significant stands of mature trees, notable wildlife habitat, sensitive or protected plant life or natural features, significant viewsheds, and other resources deemed by the Township, County, State, or Federal government as unique, significant, and/or protected.
  2. No disturbance areas must not be subject to grading or movement of existing soils. Existing vegetation must be present in a healthy condition. Invasive vegetation may be removed.
  3. Minimal disturbance areas must not be subject to excessive equipment movement. Vehicle traffic and storage of equipment and/or materials are not permitted.
  4. Pruning or other required maintenance of vegetation is permitted. Additional planting with site-appropriate plants, including turf grass, is permitted.
  5. No work shall occur until protective fencing is set up and until a pre-clearing inspection and/or written Township approval is provided.
- F. **Natural Flow Pathways.** Natural flow pathways shall be avoided to the maximum extent practical. The applicant shall demonstrate the following:
1. Identify all existing natural flow pathways on the site plan. Site plans must include existing topography and natural features so that these areas can be identified.
  2. Natural flow pathways to be protected must have the limits delineated/flagged/ fenced in the field. Notes to this effect must be included on construction drawings.

## **Section 14.70      Term, Validity, and Compliance**

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- A. **Timeframe.** Building construction and site improvements shall be commenced within one (1) year after the date of approval of an application. If permit validity expires prior to the commencement of construction, the approval shall become null and void. Building construction and land development shall not commence until authorized by a zoning permit.
- B. **Completion.** Completion of site improvements shall occur within two (2) years of approval.
- C. **Extension.** The Planning Commission may approve one (1) extension of up to one (1) year if requested in writing by the applicant. The extension shall be approved if the Planning Commission determines



that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant and the project will proceed within the extension period. If the extension expires prior to the commencement of construction, the site plan approval shall become null and void.

- D. **Compliance.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site plan. Any property owner who fails to maintain the property in accordance with the approved site plan shall be deemed in violation of the applicable use provisions of the Zoning Ordinance and shall be subject to penalties and enforcement of Section 1.100.

## Article 14. Site Plan Review

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## Article 15. Special Land Use Review

- Section 15.10 Intent and Purpose
- Section 15.20 Applicability
- Section 15.30 Review Process
- Section 15.40 Special Land Use Approval Standards
- Section 15.50 Term, Validity, and Compliance
- Section 15.60 Special Land Use Amendments

### Section 15.10 Intent and Purpose

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

### Section 15.20 Applicability

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- A. **Applicability.**
  - 1. Designation. Land uses classified as special land uses in Tables 3.30 and 4.30 shall only be established in accordance with this article.
  - 2. Reclassification. Any use that was established as a permitted use and subsequently reclassified as a special land use may continue and is not considered to be a nonconforming use. However, any change to the use or its associated building or site shall require special land use review, regardless of how minor.
- B. **Site Plan.** Site plan review in accordance with Article 13 and Section 14.30 B or concept plan review in accordance with Section 14.30 C is required for all special land uses. The site plan approved in conjunction with the special land use approval shall become part of the approval record. Ongoing conformance with the terms and conditions of the approval is required.

### Section 15.30 Review Process

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- A. **Application Requirements.** See Article 13 for general processes for submitting special land use and site plan applications. Special land use and site plan review shall be processed concurrently under subsection B, or may occur in a two-step process in accordance with subsection C. At the discretion of the applicant, they may seek special land use approval with a concept plan or with a final site plan in accordance with subsections B and C.

**B. Special Land Use and Concept Plan Review Option.**

1. Concept Plan. The Planning Commission shall review all details of the application and submittal to ensure the satisfaction of special land use approval standards (Section 15.40) and to provide a cursory authorization of the general site layout (see Section 23.10 for checklist). Concept plan review and approval shall not be construed as a final confirmation of zoning compliance. The following process shall be followed:
  - a. Application submittal (Section 13.20) by the published deadline.
  - b. Public hearing noticing per Section 13.40.
  - c. Zoning Administrator concept plan review and recommendation.
  - d. Planning Commission public hearing, concept plan review, and decision.
2. Final Plan. The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 14.40 and 14.50). The final plan shall generally reflect the concept plan, or a new public hearing shall be necessary (see Section 23.50 for the checklist). The following process shall be followed:
  - a. Application submittal (Section 13.20) by the published deadline within one (1) year of special land use approval and concept plan approval. If not submitted within one (1) year, the concept plan is determined to be expired.
  - b. Zoning Administrator review and recommendation.
  - c. Planning Commission review and decision.

**C. Special Land Use and Site Plan Review.** The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 14.40 and 14.50) and special land use approval standards (Section 15.40). See Section 23.50 for the submittal checklist. The following process shall be followed:

1. Application submittal (Section 13.20) by the published deadline.
2. Public hearing noticing per Section 13.40.
3. Zoning Administrator review and recommendation.
4. Planning Commission public hearing, review, and decision.

**D. Decisions.**

1. Action. Unless action is tabled or postponed, the Planning Commission shall decide upon special land use requests as follows:
  - a. Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
  - b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
2. Resolution. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.

- E. **Appeals.** The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on special land uses.

## **Section 15.40 Special Land Use Approval Standards**

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The following special land use approval standards shall be considered by the Planning Commission.

- A. **Zoning Ordinance and Master Plan.** The special land use will be consistent with the goals, intent, and purposes of the Zoning Ordinance and the Master Plan.
- B. **Use Compatibility and Character.** It will be designed, constructed, operated, and maintained to ensure compatibility with adjacent and nearby land uses. It will not degrade the essential character of the area in which it is proposed. Further, it will not impede the normal and orderly development and improvement of surrounding property.
- C. **Public Services and Infrastructure.** It will be adequately served by essential infrastructure and services, such as roads, stormwater drainage infrastructure, schools, law enforcement, and fire protection; will not create excessive additional requirements at public cost for infrastructure; and will not be detrimental to the economic welfare of the community.
- D. **Impact and Nuisances.** The use and its site design will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole, and it will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive activity, noise, vibration, smoke, fumes, glare, odor, or visual impact.
- E. **Environmental Impact.** The use will not cause environmental degradation or significant change to landscapes, topography, and sensitive natural resources.
- F. **Traffic.** The use will not result in unsafe traffic conditions or negative impacts on bicycle and pedestrian travel.

## **Section 15.50 Term, Validity, and Compliance**

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- A. **Term and Ownership.** Special land use approval, with all associated benefits and conditions, shall run with the land. Change in property ownership does not invalidate the special land use approval, provided all conditions of approval continue to be met during operation.
- B. **Validity.** A special land use approval shall be valid for as long as the approved special land use continues in accordance with the terms and conditions of the approval. The special land use approval shall expire on the occurrence of one (1) or more of the following conditions:
  1. If replaced or superseded by a subsequent special land use approval.
  2. If replaced or superseded by a permitted use.
  3. If the applicant requests the rescinding of the special land use approval.
  4. If the site plan associated with the special land use expires per Section 14.70 or the concept plan expires per Section 15.30 C.
  5. The permitted special land use ceases operation for 12 consecutive months.
- C. **Revocation.** The Planning Commission shall have the authority to revoke special land use approval at a public meeting if building construction and site development does not proceed in conformance with the approved site plan, or the operation violates the terms and conditions of approval. Notice of the

meeting date shall be provided to the applicant no less than 10 days prior to the date of the meeting.

### **Section 15.60      Special Land Use Amendments**

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All changes to special land use operation or any specific condition of approval shall be processed in the same manner as the original application. However, the Zoning Administrator may approve amendments to site plans if determined to be minor per the criteria of Section 14.20 B.



# Article 16. Planned Unit Development Review

**Section 16.10 Intent and Purpose**

**Section 16.20 Review Process**

**Section 16.30 PUD Approval Standards**

**Section 16.40 Term, Validity, and Compliance**

**Section 16.50 Amendments**

## Section 16.10 Intent and Purpose

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The intent and purpose of this article is to outline the review process for Planned Unit Development (PUD) projects to ensure compliance with the purpose and intent of Section 6.10 and all standards of approval.

## Section 16.20 Review Process

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- A. **Pre-Application Conference.** A pre-application conference is required as a prerequisite for acceptance and review of PUD proposals. The purpose of a pre-application conference with the Zoning Administrator is to review the concept of the proposed PUD, discuss the review process, and determine the eligibility of the request.
1. **Conference Request.** A request for a pre-application conference shall be made to the Zoning Administrator. A pre-application conference may occur in person, by video conference, or by phone.
  2. **Requirement Materials.** As part of the pre-application conference, the applicant shall submit a copy of an initial concept plan or a sketch plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, land use for the entire site, and proposed locations of buildings and structures.
  3. **Guidance.** The Zoning Administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the Township, whether the concept qualifies under the requirements of this article and Article 6, and whether the general concept is substantially consistent with the Township Master Plan. Formal action shall not be taken at a pre-application conference, and statements made at the pre-application conference shall not be considered binding commitments or approval of the concept.
- B. **Application Requirements.**
1. **Submittal Checklist.** See Article 13 for the general processes for submitting an application and Section 23.30 for the submittal checklist.
  2. **Parallel Plan and Residential Density Bonuses.**
    - a. To determine the density achievable with the underlying zoning district, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional, utility availability, and density allowed by right in the zoning district in which the land is located. Only the net buildable area of the residential portion of the site shall be considered, which is considered to be the portion of the site that is not encumbered by

regulated wetlands, steep slopes, existing rights-of-ways, easements that cannot be included in residential lots, and other site features that would prevent the use of the site for residential purposes.

- b. The Planning Commission shall determine the base number of dwelling units allowable for the PUD based on the parallel plan, and any density bonus (see Section 6.40) granted by the Township will be applied to this number.

C. **Review Steps.** Review of PUD proposals shall be processed in accordance with the following steps:

1. Rezoning to PUD Overlay and PUD Concept Plan and base district rezoning if applicable.
2. Final PUD Site Plan.

D. **Rezoning to PUD Overlay and PUD Concept Plan.** The Planning Commission and Township Board shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of PUD approval standards (Section 16.30). The following process shall be followed:

1. Pre-application conference per 16.20 A.
2. Application submittal (Section 13.20) by the published deadline.
3. Planning Commission Public hearing noticing per Section 13.40.
4. Zoning Administrator review and recommendation.
5. Planning Commission review, public hearing, and recommendation.
6. Township Board Public hearing noticing per Section 13.40.
7. Township Board review, public hearing, and decision.
8. Publication of the approval notice within a newspaper of general circulation within the Township within 15 days.
9. The effective date of the approval is seven (7) days after publication.

E. **Decisions.** The Planning Commission and Township Board shall decide upon a rezoning to PUD Overlay and PUD Concept Plan requests as follows:

1. Planning Commission. Unless action is tabled or postponed, the Planning Commission shall decide upon PUD requests as follows:
  - a. Recommendation of Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the recommendation and any conditions imposed. A draft ordinance to recommend approval of the PUD Overlay District rezoning and approval of the associated Concept Plan shall be provided.
  - b. Recommendation of Denial. In the case of a recommendation of denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
2. Township Board. Unless action is tabled or postponed, the Township Board may deny, approve, or approve with conditions, a request for PUD approval.
  - a. Approval. PUD Overlay District rezoning and approval of the associated Concept Plan shall be in the form of an ordinance to amend the Zoning Map and to formally accept the plan. The



ordinance shall outline the findings and conditions of approval.

- b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
- F. **Final PUD Site Plan.** A final PUD site plan shall follow the review procedures of the applicable process depending on the type of development.
  - 1. A final PUD site plan may be one of the following types of submittals:
    - a. Site plan review for a single parcel and use (Article 14). A use approved as part of a PUD process, which is a special land use within a base district, does not require special land use review for final PUD site plan approval.
    - b. Condominium review (Article 17).
    - c. Subdivision review plan for a platted residential development per the Saugatuck Township Subdivision Regulations.
  - 2. A final PUD site plan shall reflect the PUD concept plan and any conditions of approval.
- G. **Appeals and Variances.** The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on PUDs. Additionally, no variances may be requested for zoning requirements within an approved PUD.

## Section 16.30 PUD Approval Standards

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Approval of a rezoning to PUD Overlay District and an associated PUD Concept Plan shall be based on the satisfaction of the following standards:

- A. **Purpose.** The PUD satisfies the purpose and intent of Section 6.10.
- B. **Qualification.** The proposal qualifies as a PUD per Section 6.20 by being under unified control, demonstrating a recognizable benefit, and having the minimum acreage required for PUD development.
- C. **Compliance.** The PUD satisfies all requirements per Section 6.30 and all zoning requirements unless modifications are approved per Section 6.30 G.
- D. **Master Plan.** The PUD is consistent with the Township's master plan or specifically implements the vision and goals of the plan.
- E. **Compatibility.** The project is designed to integrate harmoniously with the essential character of the area and the natural environment.
- F. **Public Services.** Land uses do not exceed the capacity of public services and county roads and the capacity of the site to handle demands for on-site wells and sewage treatment or the capacity of public water and sewer systems.

## Section 16.40 Term, Validity, and Compliance

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- A. **Validity and Expiration.** Approval of PUD overlay rezoning and concept plan by the Township Board shall confer upon the owner the right to proceed with the development of a Final PUD Site Plan in accordance with Section 16.20 F. The final PUD site plan shall be submitted within one (1) year from the date of approval. If the development is intended to be phased, only the first phase is subject to this timeline.

- B. **Extension.** The Township Board may approve an extension of up to one (1) year if requested in writing by the applicant. The extension may be approved if the Township Board determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
- C. **Termination of Rights.** Upon expiration of a PUD Concept Plan, the approval shall automatically become null and void, and all rights of development based on the plan shall terminate. The Township may take action to remove the PUD Overlay Designation from the Zoning Map after the PUD Concept Plan becomes null and void.
- D. **Final PUD Site Plan.** See Article 14 or 17, as applicable.

## **Section 16.50      Amendments**

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- A. **Minor Change- Administrative Approval.** A minor administrative change to an approved final PUD site plan shall be reviewed and may be approved by the Zoning Administrator. Minor changes are those outlined in Section 14.20 B or Section 17.60 A for condominiums.
- B. **Major Change- Board Approval.**
  - 1. Major changes are those that do not qualify as minor changes and:
    - a. Reflect the overall intent and design of the PUD concept plan, along with permitted uses and density.
    - b. Comply with all conditions of approval, approved modifications, and all other zoning requirements.
  - 2. A major site plan change to an approved final PUD site plan may be approved by the Township Board after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.
  - 3. A major change between a PUD concept plan and a final PUD site plan may be approved by the Township Board during the review of the final PUD site plan after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.
- C. **Ordinance Amendment.** Any change not qualifying as a minor or major change shall require an ordinance amendment and processing in accordance with Section 16.20.



## Article 17. Condominium Review

Section 17.10	Intent and Purpose
Section 17.20	General Requirements
Section 17.30	Review Process
Section 17.40	Condominium Approval Standards
Section 17.50	Term and Validity
Section 17.60	Amendments

### Section 17.10 Intent and Purpose

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- A. **Condominium Act.** This article regulates projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this section, all other applicable Township regulations, and the Condominium Act (P.A. 59 of 1978, as amended).
- B. **Equivalency.** Condominium plans shall be regulated by this section and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's zoning requirements. The intent of this section is to ensure that condominium plans are developed in compliance with all applicable standards of the Zoning Ordinance and the design requirements of the Saugatuck Township Subdivision Regulations, except that the review procedures and application requirements of this section shall also apply.

### Section 17.20 General Requirements

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- A. **Applicability.** The following types of condominium units shall be permitted under this section, subject to conformance with the development district standards of the Zoning Ordinance:
  - 1. **Single-Family Detached Units.** Condominium projects in any residential district shall comply with all dimensional and spatial requirements in the same manner as would be applied to platted lots in a subdivision. In the case of a site condominium project, not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium unit. No dwelling unit in a site condominium may be located on a condominium unit with any other approved principal use. The condominium unit shall be considered comparable to a "lot" under the zoning ordinance.
  - 2. **Attached Residential or Multiple-Family Residential Units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units shall conform to the Zoning District requirements which apply to the site.
  - 3. **Single Buildings.** Single-building non-residential condominium projects shall be reviewed in accordance with Article 14 and are not subject to the requirements of this section. However, the master deed and bylaws shall be reviewed and approved as a condition of site plan approval.
  - 4. **Condominium Conversions.** Conversions of lawfully conforming and existing buildings or an existing development site into a condominium form of ownership without changes to the building or site

and comply with all other zoning requirements are subject to the following. This section does not allow for site condominium conversion.

- a. If the conversion requires physical changes, such as a private driveway being upgraded to a private street for frontage requirements to be met or any other improvement for zoning compliance, then the application shall be processed in accordance with Section 17.30.
  - b. Applicable condominium conversions are subject to administrative review and approval by the Zoning Administrator, and to the discretion of the Township, review of the master deed and bylaws by the Township Attorney.
  - c. The Zoning Administrator may refer any application for a proposed condominium conversion to the Planning Commission for full review under the provisions of Section 17.30 if the Zoning Administrator has concerns about whether the application may raise questions regarding continuing compliance of the building or development site with other applicable provisions of the Zoning Ordinance.
5. Expandable or Convertible Condominium Projects. Approval of a final condominium plan shall not constitute approval of expandable or convertible portions of a project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards, and requirements of this article.
- B. **Area Computation.** The minimum area of the site condominium unit shall be equivalent to the minimum lot area and lot width requirements for the development district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.
- C. **Compliance.** No buildings or structures shall be constructed, nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium plan as approved by the Planning Commission, including any conditions of approval.
- D. **Incorporation of Approved Provisions in Master Deed.** All provisions of a final condominium plan that are approved by the Planning Commission as provided by this article shall be incorporated by reference in the master deed. A copy of the master deed as filed with the Allegan County Register of Deeds for recording shall be provided to the Township within 10 days after filing the plan with the county.

## Section 17.30      Review Process

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- A. **Application Requirements.** See Article 13 for general processes for submitting condominium applications.
- B. **Preliminary Condominium Plan.** The Planning Commission shall review all details of the application and submittal to ensure the satisfaction of condominium approval standards (Section 17.40) and to provide a cursory authorization of the general site layout (see Section 23.40 for checklist). Concept plan review and approval shall not be construed as a final confirmation of zoning compliance. The following process shall be followed:
1. Application submittal (Section 13.20) by the published deadline.
  2. Public hearing noticing per Section 13.40.
  3. Zoning Administrator concept plan review and recommendation.

4. Planning Commission public hearing, preliminary condominium plan review, and decision.
- C. **Final Condominium Plan.** After a preliminary condominium plan is approved, a final condominium plan shall be submitted.
1. The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of approval standards (Section 17.40).
  2. All outside agency construction permits, including but not limited to the Allegan County Health Department, Allegan County Road Commission, Allegan County Drain Commission, Fire Department, Michigan Department of Transportation, and Michigan Department of Environment, Great Lakes, and Energy shall be required to be secured as a condition of any approval.
  3. The final condominium plan shall generally reflect the preliminary condominium plan, or a new public hearing shall be necessary (see Section 23.50 for checklist). The following process shall be followed:
    - a. Application submittal (Section 13.20) by the published deadline within one (1) year of preliminary condominium plan approval. If not submitted within one (1) year, the preliminary condominium plan is determined to be expired.
    - b. Zoning Administrator review and recommendation.
    - c. Planning Commission review and decision.
- D. **Decisions.**
1. Action. Unless action is tabled or postponed, the Planning Commission shall decide upon condominium requests as follows:
    - a. Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
    - b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
  2. Resolution. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
- E. **Concurrent PUD Review.** A condominium project that is also proposed as a PUD shall be reviewed concurrently:
1. Rezoning to PUD overlay and PUD concept plan along with preliminary condominium plan review.
  2. Final PUD site plan along with final condominium plan.
- F. **Individual Final Site Plans.** In the event that a condominium unit is intended for a use that requires a site plan per 14.20 A, an individual site plan shall be reviewed in accordance with Article 14.
- G. **Commencement of Construction and Issuance of Permits.** No construction, grading, tree removal, soil stripping, or other site improvements or changes shall be commenced by any person, and no building, construction, or grading permits shall be issued by the building inspector for a condominium project until:
1. A final condominium plan, and if necessary, a final individual site plan, has been approved by the Planning Commission;

2. All conditions for the commencement of construction imposed by the Planning Commission have been met; and
  3. All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.
- H. **Appeals.** Except in the case of PUDs and special land uses, the Zoning Board of Appeals shall hear appeals to decisions regarding any step of the condominium process in accordance with Section 18.50.

## **Section 17.40      Condominium Approval Standards**

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- A. **Zoning Compliance and Compatibility.** Condominium proposals shall conform to all dimensional and building requirements (Articles 3 or 4), overlay district requirements (Article 5) general requirements (Article 7), and any applicable specific use requirements (Article 8). If necessary, variances shall be secured prior to the Planning Commission's recommendation (Article 18). Planning shall consider both zoning compliance and compatibility with adjacent properties and land uses.
- B. **Design.** Unless specifically waived by the Planning Commission, plans shall comply with the design requirements for platted subdivisions as outlined in the Saugatuck Township Subdivision Regulations.
- C. **Access Management, Circulation, and Emergency Access.** Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and circulation within the site. Compliance with access management requirements of Section 10.90 shall be demonstrated if applicable. All sites and buildings shall be accessible to emergency services vehicles and personnel to respond to emergencies and calls for service.
- D. **Stormwater and Water Quality.** Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from the negative impacts of increased stormwater run-off and flooding. Systems shall be designed to function with public stormwater drainage systems under the authority of the Allegan County Drain Commission, Allegan County Road Commission, or the Michigan Department of Transportation (MDOT).
- E. **Outside Agencies.** Applicants shall secure all applicable outside agency approvals.
- F. **Low-Impact Development Standards.** See Section 14.60.

## **Section 17.50      Term and Validity**

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- A. **Preliminary Condominium Plan.** Approval shall confer upon the owner the right to proceed with the development of the final condominium plan in accordance with Section 17.30 C. The final condominium plan shall be submitted within one (1) year from the date of approval.
- B. **Final Condominium Plan.**
1. Approved site improvements shall be commenced within one (1) year after the date of approval of an application. If permit validity expires prior to the commencement of construction, the approval shall become null and void. If the development is intended to be phased, only the first phase is subject to this timeline.
  2. Approval confers upon the applicant for a period of two (2) years to complete the construction of the project.
- C. **Extension.** The Planning Commission may approve one (1) extension of up to one (1) year if requested in writing by the applicant prior to the expiration date noted in subsections A and B. The extension shall

be approved if the Planning Commission determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant and the project will proceed within the extension period. If an extension expires, the approval shall become null and void.

## **Section 17.60      Amendments**

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- A. **Boundary Changes.** The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot may be approved if permitted by the Condominium Act (P.A. 59 of 1978, as amended). Boundary adjustments may be approved by the Zoning Administrator.
- B. **Major Amendments.** Major amendments shall be reviewed and approved by the Planning Commission in accordance with the process for preliminary condominium review. However, at the discretion of the applicant, major changes to plans may be reviewed as preliminary and final plans concurrently.

## Article 17. Condominium Review

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## Article 18. Variance Review

### Section 18.10 Intent and Purpose

### Section 18.20 Process

### Section 18.30 General Requirements for Variances

### Section 18.40 Variance Standards of Approval

## Section 18.10 Intent and Purpose

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This article outlines the process for consideration of variances.

## Section 18.20 Process

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- A. **Application Requirements.** See Article 13 for general processes for submitting variance or special exception applications.
- B. **Review.** The Zoning Board of Appeals shall review all details of the application to ensure the satisfaction of all approval standards (Sections 18.40 and 18.50). See Section 23.10 for the submittal checklist. The following process shall be followed:
  - 1. Application submittal (Section 13.20) by the published deadline.
  - 2. Public hearing noticing per Section 13.40.
  - 3. Zoning Administrator review and recommendation.
  - 4. ZBA public hearing, review, and decision.
- C. **Conditions.** The Zoning Board of Appeals may impose conditions as authorized by the Zoning Enabling Act if necessary and appropriate in accordance with Section 13.60. The Zoning Board of Appeals may impose greater or more restrictive conditions, restrictions, and requirements than are included in this ordinance. Violations of approved conditions, restrictions, and requirements shall be deemed a violation of this ordinance. Conditions, restrictions, and requirements may include the provision of financial security to guarantee performance in accordance with Section 13.70.
- D. **Lesser Variance.** At its discretion, the Zoning Board of Appeals may grant a lesser variance than requested.

## Section 18.30 General Requirements for Variances

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- A. **Practical Difficulties.** If there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, the Zoning Board of Appeals may grant a variance in accordance with this section so that the spirit of the Zoning Ordinance is observed, public safety is secured, and substantial justice done.
- B. **Authorized Variances.** Variances may be requested that relate to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or related to any other non-use-related standard in the Zoning Ordinance.

- C. **Administrative Determination.** A variance request shall be preceded by a written compliance determination by the Zoning Administrator.
- D. **Stay of Proceedings.** A request for a variance stays any related code enforcement actions.
- E. **Voiding and Re-Application.**
  - 1. Each variance granted under the provisions of this ordinance shall become null and void unless the use and construction authorized by such variance or permit have been commenced within one (1) year of approval.
  - 2. No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on the grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

## **Section 18.40      Variance Standards of Approval**

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- A. **Granting of a Variance.** The Zoning Board of Appeals shall not grant a variance from a Zoning Ordinance requirement unless it finds that a practical difficulty exists.
- B. **Practical Difficulty.** A practical difficulty is determined to exist if the Zoning Board of Appeals provides a positive answer to all of the following six questions and documents its findings verbally during the meeting and within written meeting minutes:
  - 1. Would strict compliance with the zoning requirement unreasonably prevent the landowner or applicant from using the property for a permitted land use, or would strict compliance render conformity with the zoning requirement unnecessarily burdensome?
  - 2. Is the predicament caused by a unique circumstance related to the property? A unique circumstance is one that is not similarly shared by neighboring properties within the general vicinity and within the same zoning district. Unique circumstances are determined to exist if at least one of the following conditions is identified by the Zoning Board of Appeals:
    - a. Exceptional narrowness of the width or depth of a lot or an irregular shape, as compared to a conforming lot.
    - b. Exceptional natural or topographic features located on the lot, such as steep slopes, ravines, wetlands, surface water features, existing significant trees, or other unique or extreme physical conditions of the land.
    - c. An extraordinary or unusual location of an existing lawful building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land where such expansion is otherwise lawful and reasonable.
    - d. Other natural, topographic, or dimensional conditions or characteristics of the lot or land that are determined by the Zoning Board of Appeals to be exceptional or extraordinary.
  - 3. Did the predicament result from a circumstance other than a self-created problem caused by the current landowner or any previous landowner? A self-created problem is described as one or more of the following conditions:
    - a. A problem or situation that occurs when one can use or reasonably develop a property in a manner that complies with this ordinance, but the landowner or applicant's personal desire, convenience, or preference for property use or development would not comply with all zoning requirements.

- b. A problem or situation that occurs when a property is currently built out under current zoning regulations, but the landowner or applicant's personal desire, convenience, or preference for expansion would not comply with all zoning requirements.
  - c. A problem or situation that results from the action, preference, or desire of the landowner or applicant that is not a result of a unique or unusual characteristic of the subject property.
  - d. A problem or situation that exists because the landowner, applicant, or previous landowner took a specific action that created the need for the variance, such as adjusting a lot line, constructing or expanding a building or structure dividing a lot, or developing a site in a manner that does not allow for future construction, building expansion, or site development that complies with all zoning requirements.
- 4. Will granting the requested variance, or a variance of a lesser degree, provide substantial justice to the landowner or applicant and neighboring landowners and occupants? Substantial justice to neighboring landowners and occupants means that the requested variance will not grant special privileges to the applicant that are denied to nearby, similar-situated properties located in the same zoning district.
  - 5. Will there be an acceptable impact on, or no impact on, public health, safety, and welfare and the character of the area?
  - 6. Will granting the variance align with the intent and spirit of the Zoning Ordinance and its requirements?

## Article 18. Variance Review

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# Article 19. Zoning Amendment Review

**Section 19.10** Intent and Purpose

**Section 19.20** Initiation

**Section 19.30** Review Process

**Section 19.40** Approval Standards

**Section 19.50** Conditional Rezoning

## Section 19.10 Intent and Purpose

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The Township Board may, on recommendation from the Planning Commission, amend the Zoning Map boundaries or the provisions and regulations of the Zoning Ordinance whenever determined to be in the best interest of Saugatuck Township. This article outlines the process for amendments and considerations for review.

## Section 19.20 Initiation

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- A. **Authority.** Amendments to the Zoning Map or Zoning Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of a Township property owner, resident, or a person with a legal interest in a property within Saugatuck Township.
- B. **Methods of Initiation.**
1. Township Board. An amendment to the Zoning Ordinance and Zoning Map may be initiated by the Township Board on its own motion to direct the Planning Commission to pursue a review of a proposal for change.
  2. Planning Commission. The Planning Commission may, at its discretion, initiate amendments to the Zoning Ordinance and Zoning Map and provide recommendations to the Township Board.
  3. Public Request.
    - a. A request for a Zoning Map amendment may be filed by a property owner or an authorized applicant.
    - b. A request for Zoning Ordinance text amendment may be filed by a property owner or resident. Unless direction is received by the Township Board, the Planning Commission is not obligated to set a public hearing or act upon zoning text amendment if it is determined by the Zoning Administrator that the standards under 19.40 B will not be met or for any other reason.

## Section 19.30 Review Process

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- A. **Application Requirements.** See Article 13 for general processes for submitting an application and Section 23.60 for a submittal checklist for Zoning Map amendments.
- B. **Review Steps.** Review of zoning amendments shall be processed in accordance with the following steps:

1. Application submittal (Section 13.20) by the published deadline in the case of a public request.
2. Public hearing noticing per Section 13.40.
3. Zoning Administrator and/or Township Planner review and recommendation.
4. Planning Commission review, public hearing, and recommendation.
5. Township Board review and decision.
6. Execution of a conditional rezoning agreement, if applicable.
7. Publication of the approval notice within a newspaper of general circulation within the Township within 15 days.
8. Effective date of the approval is seven (7) days after publication.

## **Section 19.40      Approval Standards**

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- A. **Zoning Map Amendment.** The following standards shall be considered by the Planning Commission and Township Board while reviewing a proposed Zoning Map amendment:
1. The request is consistent with the recommendations of the Township Master Plan and the Future Land Use Map.
  2. The allowable land uses within the proposed zoning district are compatible with nearby land uses and zoning districts.
  3. The site is adequately served by public or private streets, and the rezoning will not impact the delivery of public services. Additionally, the site can be reasonably served by on-site well and septic systems.
  4. There are no natural constraints to the development of land in accordance with the desired zoning district, and the zoning map amendment will not impact sensitive natural resources.
- B. **Zoning Text Amendment.** The following factors will be considered by the Planning Commission and Township Board while reviewing a proposed Zoning Ordinance text amendment. The amendment shall satisfy at least one (1) of these factors.
1. The amendment will implement the Township's Master Plan.
  2. The amendment addresses changing conditions in development trends, housing types, industrial standards, environmental best practices, and citizen preferences.
  3. The proposed text amendment would clarify the intent of the Zoning Ordinance.
  4. The proposed text amendment would correct an error in the Zoning Ordinance.
  5. The proposed text amendment would address changes to the State legislation, recent case law, opinions of the Attorney General of the State of Michigan, or any other county, state, or federal regulations.
  6. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
  7. The amendment shall not create incompatible land uses within a zoning district or between adjacent districts.
  8. The proposed change shall be consistent with the Township's ability to provide adequate public

facilities and services.

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

## **Section 19.50 Conditional Rezoning**

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### **A. Intent.**

1. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries if certain conditions could be proposed by the applicant property owners as part of a request for rezoning. It is the intent of this section to recognize the provisions of Section 405 of the Michigan Zoning Enabling Act by which an applicant seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
2. This is not intended to be a tool to be used to circumvent the vision for the property or area presented in the Township's Master Plan or allow for significant shifts in Township land use policy. Rather, this tool provides a mechanism for the development of rare, unique sites that do not fit neatly into a particular zoning district even though they are consistent with the Master Plan designation. The procedure and criteria for the use of conditional rezoning are the same, with those modifications indicated below, as for conventional rezoning.
3. The Township shall not require an applicant to offer conditions as a requirement for rezoning. The lack of a voluntary offer shall not otherwise affect a landowner's rights under the Zoning Enabling Act.

### **B. Application and Review.**

1. An owner of land or authorized applicant may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested as a part of the application process.
2. An offer of conditions shall be a documented list of restrictions that the applicant voluntarily requests to place on the property in order to create what they believe will be a more attractive rezoning application.
3. The voluntary offer must be submitted at the time an application is filed. However, conditions may be amended by the applicant during the review process.
4. An applicant may withdraw all or part of its offer of conditions any time prior to the final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

### **C. Provisions and Restrictions.**

1. Conditional rezoning shall not authorize uses or developments that are prohibited in the requested new zoning district.
2. Conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
3. Conditional rezoning does not exempt an applicant and landowner from any requirement of the

Zoning Ordinance.

- D. **Review Process and Standards.** A conditional rezoning shall be reviewed in accordance with Section 19.30 and reviewed against the standards of Section 19.40 A.
- E. **Formal Statement of Conditions.** If approved, the applicant shall work with the Township Board and Township Attorney on formatting the conditions into a more formal agreement or Statement of Conditions. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning and shall:
1. Be in a form recordable with the Allegan County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  2. Contain a legal description of the land to which it pertains.
  3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless the applicant has offered as a condition of rezoning approval some specific point in time at which the conditions shall cease, and the site shall be reverted back to its previous zoning designation.
  4. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds.
  6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- F. **Recording.** The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Allegan County Register of Deeds. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- G. **Compliance with Conditions.** Failure to comply with all conditions contained within the Statement of Conditions shall constitute a violation of the Zoning Ordinance.
- H. **Subsequent Rezoning of Land.** When land that has been conditionally rezoned is thereafter rezoned to a different zoning classification, or there is a request to amend or rescind the Statement of Conditions, the Statement of Conditions imposed under the conditional rezoning approval shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds a notice that the original Statement of Conditions is no longer in effect.
- I. **Amendment of Conditions.**
1. During the time period for commencement of an approved development or use or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
  2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for



the original rezoning and Statement of Conditions.

3. Township Right to Rezone. Nothing in the Statement of Conditions or in the provisions of this section shall be deemed to prohibit the Township from subsequently rezoning all or any portion of land that has been conditionally rezoned to another zoning classification in accordance with Section 19.30.

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## **Part V. Administration**

# **Saugatuck Township Zoning Ordinance**

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## Article 20. Authorities

- Section 20.10 Intent and Purpose
- Section 20.20 Zoning Administrator
- Section 20.30 Planning Commission
- Section 20.40 Zoning Board of Appeals
- Section 20.50 Township Board

### Section 20.10 Intent and Purpose

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The provisions of the Zoning Ordinance shall be administered by the Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board. This article outlines authorities involved in Saugatuck Township's zoning practice and the penalties for violation of this ordinance.

### Section 20.20 Zoning Administrator

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- A. **Role.** The Saugatuck Township Zoning Administrator is an appointed officer who acts as the primary administrator of the Saugatuck Township Zoning Ordinance. Assistant Zoning Administrators may be appointed to assist the Zoning Administrator in the performance of their duties.
- B. **Duties.** The Zoning Administrator:
  - 1. Provides official interpretations and determinations regarding the provisions and requirements of the Zoning Ordinance;
  - 2. Provides recommendations to the Planning Commission, Zoning Board of Appeals, and Township Board, as requested; and
  - 3. Approves development applications administratively, as noted in this ordinance.
- C. **Administration.** The Zoning Administrator keeps a record of administrative approvals, determinations, and interpretations related to their role.

### Section 20.30 Planning Commission

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- A. **Duties.** The Planning Commission is responsible for the following:
  - 1. Review the effectiveness and appropriateness of this ordinance and the official Zoning Map and recommend to the Township Board any appropriate changes or amendments in accordance with Article 19;
  - 2. Approve development applications as noted in Article 13; and
  - 3. Perform such other duties assigned by this ordinance in accordance with the Michigan Zoning Enabling Act and Michigan Planning Enabling Act.
- B. **Administration.**
  - 1. The Planning Commission shall keep minutes of its proceedings showing the official action of the Commission and the vote of each member. Minutes and the records of all official actions shall be

filed with the Township Clerk and kept as a public record.

2. The concurring vote of the majority of Planning Commission members present during a quorum shall be necessary to take any action authorized by the Zoning Ordinance.
3. The Planning Commission shall adopt rules and procedures governing its activities.

## **Section 20.40 Zoning Board of Appeals**

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A. **Duties.** The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including:

1. Interpretations. Hear and decide upon questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning language and the Official Zoning Map.
2. Appeals. Hear and decide upon appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance. As authorized by Section 603 of the Michigan Zoning Enabling Act, the Saugatuck Township Zoning Ordinance does not authorize appeals to be taken to the Zoning Board of Appeals for Township Board decisions regarding special land uses and Planned Unit Developments.
3. Variances. Hear and decide upon non-use variance requests. Applications for land use variances shall not be accepted and heard. See Article 18.
4. Nonconformity Special Exceptions. Hear and decide upon requests to change a nonconforming use or to expand a nonconforming use. See Section 21.20 E.

B. **Membership.**

1. The Zoning Board of Appeals shall consist of (5) members.
2. The Chairperson and Vice-Chairperson of the Zoning Board of Appeals shall be elected from among its members each year at the first regular meeting of the fiscal year.
3. At least one (1) member of the Zoning Board of Appeals shall be a member of the Planning Commission but shall not serve as Chairperson if already serving as the Chairperson of the Planning Commission.
4. The remaining regular members and any alternate members shall be selected from the electors of Saugatuck Township. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.
5. One (1) regular or alternate member of the Zoning Board of Appeals may be a member of the Saugatuck Township Board. However, this member shall not serve as Chairperson.
6. The Township Board may appoint up to two (2) alternate members for the same term as regular members. An alternate member may be called as specified in the Zoning Ordinance to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member is unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.
7. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board

of Appeals.

**C. Terms and Appointment.**

1. The terms of office for an appointed member of the Zoning Board of Appeals shall be three (3) years, except for a member serving because of their membership on the Planning Commission or Township Board, whose term shall be limited to the time they are a member of that body.
2. When members are first appointed, appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
3. A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

**D. Per Diem.** Members of the Zoning Board of Appeals may be paid a reasonable per diem and be reimbursed for expenses actually incurred in the discharge of their duties.

**E. Removal.** A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**F. Meetings and Records.**

1. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.
2. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Zoning Board of Appeals in its rules of procedure may specify.
3. The Chairperson or, in their absence, the Vice-Chairperson may administer oaths and compel the attendance of witnesses.
4. The Zoning Board of Appeals shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.
5. The Zoning Board of Appeals shall state the grounds and reasoning for all decisions.

**G. Deadlines and Public Hearing Noticing.**

1. Following receipt of a complete Zoning Board of Appeals application, supplemental information, and associated fees by a posted deadline, the Zoning Board of Appeals convene at the scheduled meeting date or within a reasonable timeframe.
2. A public hearing in accordance with Section 13.40 shall be scheduled for all applications heard by the Zoning Board of Appeals. However, in accordance with Section 604 (5) of the Zoning Enabling Act, an appeal of a determination or interpretation not involving a specific property does not require written public notice to landowners but only to the appealing party. The Chairperson shall determine whether this exception can be made.

**H. Voting.**

1. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to

pass under the Zoning Ordinance or to grant a variance from the Zoning Ordinance. For a five (5) member Zoning Board of Appeals, no less than three (3) votes in favor of a motion are required for it to pass regardless of the number of members participating at the meeting.

2. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

I. **Procedures.** The Zoning Board of Appeals may adopt rules to govern its procedures.

J. **Decisions and Appeals.**

1. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court of Allegan County.
2. An appeal from a decision of the Zoning Board of Appeals shall be filed within whichever of the following deadlines comes first:
  - a. Thirty (30) days after the Zoning Board of Appeals issues its decision in writing, signed by the Chairperson; or
  - b. Twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.
3. If the Township receives notice of an appeal within this period, no further action shall be taken by the Zoning Administrator until the matter has been heard and decided by the Circuit Court.

K. **Interpretation.** The Zoning Board of Appeals shall have the power to hear and decide the following interpretation matters:

1. Ambiguity. To determine the meaning of ordinance requirements when ambiguity exists in those provisions.
2. District Boundaries. To determine the precise location of the boundary lines between zoning districts.

L. **Appeal.**

1. An appeal to the Zoning Board of Appeals may be taken by an aggrieved party.
2. An appeal under this section shall be taken by filing with the body or officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal.
  - a. Appeal of Township Board and Planning Commission. An appeal of a final decision must be filed in writing within 30 days after the certification of the minutes of the Planning Commission or Township Board meeting from which the appeal is taken or within 30 days after the Planning Commission or Township Board issued its decision in writing, whichever comes first.
  - b. Appeal of Zoning Administrator. Appeals to an administrative decision must be filed in writing within 30 days after the decision is finalized.
3. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed was taken.
4. An appealing party may appear personally or by an agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.



- M. **Stay of Proceedings.** An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would, in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

## **Section 20.50      Township Board**

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- A. **Role.** Upon receipt of a recommendation by the Planning Commission, the Township Board shall decide upon the following:
1. Zoning Ordinance amendments.
  2. Zoning Map amendments with and without voluntary conditions of approval.
  3. Planned Unit Developments.
  4. The Township Board shall perform such other duties assigned by this ordinance in accordance with the Michigan Zoning Enabling Act.

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## Article 21. Nonconformities

- Section 21.10 Intent and Purpose
- Section 21.20 Nonconforming Uses
- Section 21.30 Nonconforming Lots
- Section 21.40 Nonconforming Site Development
- Section 21.50 Nonconforming Buildings and Structures
- Section 21.60 Zoning Nonconforming Signs
- Section 21.70 Errors and Violations
- Section 21.80 Illegal Nonconformities

### Section 21.10 Intent and Purpose

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In Saugatuck Township, there exists lots, parcels, sites, structures, and uses of land and structures which were lawfully established prior to the adoption of the Zoning Ordinance or prior to amendments to the Zoning Ordinance, which are not in conformance with current requirements. It is the intent of the Zoning Ordinance to allow these nonconformities to continue but not to encourage their prolonged existence. It is determined that nonconformities prevent the full realization of the goals and objectives of the Saugatuck Township Master Plan and the intent of the Zoning Ordinance, so the intent and purpose of this section is to allow continuance but to reduce, rather than increase, the nonconformities over time.

### Section 21.20 Nonconforming Uses

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- A. **Continuation.** Land uses lawfully established on or prior to the effective date of this ordinance, or amendment to this ordinance, may be continued, even though the use does not conform with the current use requirements for the applicable zoning district within Tables 3.30 and 4.30 or does not comply with specific use requirements established in Article 7.
- B. **Abandonment.**
  - 1. **Within Structures and Buildings.** When a nonconforming use of a structure is discontinued or ceases to exist for 12 consecutive months, with an intent to abandon the use, the structure shall no longer be used except in conformance with the regulations of the district in which it is located.
  - 2. **Use Not Involving Structure and Buildings.** If any nonconforming use of land ceases for any reason for more than six (6) months, any subsequent use of the land shall conform to the requirements of this ordinance. Maintenance of the land or buildings or structures, including the provision of maintaining utility service or postal service, shall not constitute a continuation of the use of land.
  - 3. **Determination.** A determination that a nonconforming use has ceased, with an intent to abandon the use, shall be made by the Zoning Administrator based on any one or more of the following:
    - a. Government records, such as inspection reports, dated photographs/aerial photographs, or notarized statements, provide clear evidence that the nonconforming use has ceased.
    - b. Changes to listings in telephone directories or online information provide clear evidence that

the nonconforming use has ceased.

- c. Changes to utility records provide clear evidence that the nonconforming use has ceased.
- d. Dated advertising or other information published in a newspaper, magazine, or website, such as a "going out of business sale," "moving sale," or "grand opening" at a new location, providing clear evidence that the nonconforming use has ceased.
- e. The property, buildings, and grounds have fallen into disrepair.
- f. Signs or other indications of the existence of the nonconforming use have been removed.
- g. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
- h. Other actions, which, in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

**C. General Changes, Re-Establishment, and Substitution.**

- 1. Changes of Tenancy, Ownership, or Management. There may be a change of tenancy, ownership, or management of any existing nonconforming use of land, structures, and premises; however, there shall be no change in the nature or character of the nonconforming use without the approval of the Zoning Board of Appeals in accordance with this section.
- 2. Re-establishment of Nonconforming Use. If a nonconforming use of any structure is terminated and replaced by a permitted use, a nonconforming use shall not be later re-established.
- 3. Substitution of a Nonconforming Use. A nonconforming use shall not be changed to another nonconforming use except if permitted by the Zoning Board of Appeals based on the standards in 21.20 E.

**D. Expanding a Nonconforming Use.**

- 1. Within Structures and Buildings. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for the use at the effective date of this ordinance or amendment to this ordinance, but no such use shall be extended to occupy any portion of a building which was not manifestly arranged or designed for the use, nor shall the use be extended to occupy any land outside the building.
- 2. Not Involving Structure and Buildings.
  - a. No nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on the effective date of this ordinance or amendment to this ordinance.
  - b. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use on the effective date of this ordinance or amendment thereto.
- 3. Zoning Board of Appeals Approval. Notwithstanding the limitations of this subsection, the Zoning Board of Appeals may approve the expansion of nonconforming uses based on the standards in 21.20 E.

**E. Nonconforming Use Special Exception Standards.** The ZBA must determine that the request for a nonconforming use special exception:

- 1. Shall be as compatible as or more compatible with the surrounding neighborhood;

2. Shall not have a substantially detrimental effect on the use and enjoyment of adjacent uses or properties;
3. Shall not negatively impact public health, safety, and welfare;
4. Shall not result in traffic safety concerns;
5. Shall not cause serious impact on the natural environment;
6. Shall comply with requirements for the zoning district in which it lies and any applicable specific use requirement; and
7. Shall not be larger than 50 percent of the original nonconforming area if expansion is requested.

### **Section 21.30 Nonconforming Lots**

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- A. **Existing Lots or Parcels.** In any zoning district, notwithstanding limitations imposed by other provisions of this ordinance, where an existing lot or parcel that does not abut any lot or parcel in the same ownership fails to meet minimum area, width, depth-to-width ratio, and frontage requirements of the zoning district in which it is located, the lot or parcel may be used for the permitted and special uses authorized by the zoning district, provided that all other dimensional requirements for buildings and structures can be met.
- B. **Abutting Nonconforming Lots Under Single Ownership.** Where one or more abutting lots in the same ownership do not, when considered individually, meet the requirements for minimum area, minimum width, or both, of the zoning district in which the lots or parcels are located, the lot or parcels shall be considered as one for the purposes of this ordinance. Contiguous lots or parcels so combined shall not be divided or reduced in dimensions or area so as to increase noncompliance with the minimum requirements of this ordinance.

### **Section 21.40 Nonconforming Site Development**

---

- A. **Applicability.** This section applies to multi-family residential developments and non-residential developments that do not comply with the requirements of Articles 7-11, as applicable.
- B. **General Provisions.** The use of nonconforming sites may be continued, and sites are not required to be upgraded to conform with this ordinance so long as no site development improvements are initiated.
- C. **Conformance.** Conformance with all applicable site development requirements shall be demonstrated during site plan amendment review or plan reviews for the complete redevelopment of sites. However, for site plan amendments, only the affected area of a site must be brought to conformance.

### **Section 21.50 Nonconforming Buildings and Structures**

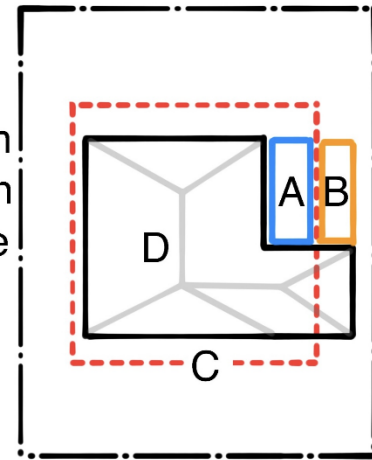
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- A. **Applicability.** Buildings and structures that do not conform to the spatial and dimensional requirements of this ordinance, or amendment thereto, are subject to the following restrictions.

**B. Alteration of Nonconforming Buildings and Structures.**

Except as otherwise permitted in this article, nonconforming buildings and structures shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conformance with the spatial and dimensional requirements of this ordinance. In Figure 21-1, addition A is allowable without a variance, but addition B requires a variance.

- A. Proposed Addition
- B. Proposed Addition
- C. Building Envelope
- D. Existing Building



**Figure 21-1 Nonconforming Building Expansion**

**C. Reconstruction and**

**Restoration after Damage. A**

nonconforming building or structure or nonconforming dwelling that is destroyed or damaged may be reconstructed as it existed prior to destruction or damage. If construction has not commenced and is not substantially completed within 12 months, the building or structure shall only be rebuilt in full compliance with the Zoning Ordinance. However, the Zoning Administrator may grant a 12-month extension if there are unexpected or unforeseen circumstances impacting the timing of the reconstruction.

**D. Repairs and Maintenance.**

1. **Basic Repairs.** Ordinary repairs or repair or replacement of non-bearing walls, fixtures, wiring, mechanical equipment, or plumbing of nonconforming buildings and structures are permitted, provided that the structure is not enlarged, extended, moved, or structurally altered.
2. **Safety Improvements.** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public health upon order of the official.

**E. Building Permits Issued Prior to Ordinance Changes.**

1. Any structure on which actual construction was lawfully begun prior to the effective date of this ordinance or amendment thereto, but which under this ordinance, or amendment thereto, is classified as nonconforming, shall be considered existing and legally nonconforming pursuant to construction purposes and the intended use. Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or use of the structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction, the demolition or removal shall be deemed actual construction. All construction shall be done pursuant to the issuance of a building permit by Saugatuck Township.
2. **Incomplete Projects.** If a permitted construction project is not completed within the time authorized by the building permit and any extensions of the permit approved by the Building Official, the completion of the building must conform to the spatial and dimensional requirements of this ordinance.

## Section 21.60 Zoning Nonconforming Signs

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- A. **Continuation.** A lawfully established sign that does not conform to the type, setback, height, area, location, or any other requirements of Article 12 as of the effective date of the article or amendments to Article 12 is determined to be nonconforming. The intent of this section is to permit the continuance of nonconforming signs until they are removed or destroyed and to encourage overall compliance with Article 12.
- B. **Illegal Nonconforming Signs.** Signs installed without sign permits that do not conform to the requirements of Article 12 or permitted signs that have been constructed in a nonconforming location are considered illegal nonconforming signs and shall be either removed or made to conform to Article 12, and a permit shall be required.
- C. **Change or Replacement.** Nonconforming signs shall not be changed to another nonconforming sign or replaced with a nonconforming sign.
- D. **Relocation.** Nonconforming signs shall not be moved completely or in part to another location unless the sign at the new location conforms to Article 12.
- E. **Alternations, Refacing, Repair, and Maintenance.**
  - 1. **Alteration.** Structural alterations that prolong the life of the sign or change the shape, size, or type of sign are prohibited. The replacement of a sign cabinet is considered an alteration.
  - 2. **Refacing.** The face of a nonconforming sign may be replaced as long as the nonconforming nature of the sign is not expanded or increased.
  - 3. **Repair.** Any nonconforming sign, sign structure, frame, or standard damaged by any means shall not be repaired or rebuilt if the damage exceeds 50 percent of present-day replacement value, considering a sign of equal and similar size, building materials, construction, and quality. The sign owner shall provide an estimate acceptable to the Zoning Administrator for an official determination concerning restoration and repair eligibility.
  - 4. **Normal Maintenance.** Nonconforming signs may be painted, cleaned, and maintained.

## Section 21.70 Errors and Violations

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The issuance or granting of a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any provision of this ordinance shall be valid.

## Section 21.80 Illegal Nonconformities

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Any lot, use, site development, building, or structure established in violation of the provisions of this ordinance or any prior Zoning Ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards of this article.

## Article 21. Nonconformities

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## **Part VI. Definitions and Checklists**

### **Saugatuck Township Zoning Ordinance**

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## Article 22. Definitions

### Section 22.10 Definitions

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**Abandoned Operations.** As it relates to the Wellhead Protection Overlay District, any property that is unoccupied for at least 30 days, not actively listed by a licensed real estate broker, and which: is open to casual entry; has one or more windows boarded; has utilities disconnected; is unsafe for occupancy or the general public, or is a visual blight adversely affecting the general welfare of the area.

**Access Envelope.** An area extending over the water surface. The sides are formed by lines extending from the side lot lines of a lot that is immediately adjacent to an inland waterway, to a point at the center of the inland waterway. This denotes the area limits of certain activities regulated in this article.

**Accessory Building or Structure.** A detached building or structure on the same lot with and of a customarily incidental nature that is subordinate to the principal structure and accommodates an accessory use.

**Accessory Dwelling Unit, Attached.** An accessory dwelling unit that is physically attached to a principal single-family dwelling as an addition; incorporated internally within a principal dwelling within the basement or attic; or above an attached garage. Except for an accessory dwelling unit above an attached garage, an attached accessory dwelling unit is connected by internal access between separate living spaces. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in the classification as an attached accessory dwelling unit.

**Accessory Dwelling Unit, Detached.** An accessory dwelling unit that is physically detached from a principal single-family dwelling as a standalone and separate building.

**Accessory Dwelling Unit.** An attached or detached dwelling unit that is secondary and subordinate to a principal single-family dwelling that contains an independent living area, including sleeping quarters, bathroom, living area, and kitchen facilities.

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

**Addition.** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall.

**Adult Establishment.** Any adult bookstore, adult entertainment establishment, adult motion picture theater, or adult motion picture arcade.

**Adult Bookstore.** A commercial establishment or facility in the city that maintains 25 percent or more of its floor area for the display, sale, and/or rental of the following items (aisles and walkways used to access these items shall be included in "floor area" maintained for the display, sale, and/or rental of the items): Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs or other video reproductions, or slides or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, as defined herein; or Instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with specified sexual activities as defined herein or otherwise emulate, simulate, or represent "specified anatomical areas" as defined herein.

**Adult Entertainment Establishment.** Any establishment or facility where adult entertainment is regularly sponsored, allowed, presented, sold, or offered to the public.

**Adult Motion Picture Theater.** A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

**Adult Motion Picture Arcade.** A commercial establishment to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are regularly maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis upon matter displaying specified sexual activities or specified anatomical areas.

**Adult Foster Care Group Home.** A private residence where adults are provided with foster care 24 hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks. A foster care group home with an approved capacity of at least seven (7), but not more than 12 adults is a “small group home”. A group home with an approved capacity of at least 13, but not more than 20 adults is a “large group home”. The facility is licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.

**Air Strip.** A runway without formal facilities, such as a check-in service desk, TSA security checkpoints, and baggage handling.

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

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

**Alternative Tower Structure.** Manmade trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Amateur Radio Service.** A federally licensed radio-communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, particularly with respect to providing emergency communications.

**Ambient Sound Level.** The amount of background noise at a given location prior to the installation of a WET which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. Ambient Sound Level is measured on the dB(A) weighted scale as defined by the American National Standards Institute. For purposes of this article it is the L 90 sound level or the level in dB(A) that is exceeded 90 percent of the time during the measurement period. The L 90 is the sound level close to the lowest sound level observed when there are no obvious nearby intermittent noise sources.

**Anchored Raft.** Any type of nonpowered raft used for recreational purposes which are anchored seasonally on inland waterways of the Township.

**Anemometer.** A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a WET at a given site. This includes the tower, base plate, anchors, cables and hardware, wind

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

**Animal and Pet Services.** Any lot or premises on which six or more dogs or cats or other household pets, six months old or over, are kept temporarily or permanently for sale, boarding, breeding, training, shelter, competition, showing, or day care.

**Animal Clinic.** An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.

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

**Animal, Farm.** Any animal or fowl customarily raised on a bonafide commercial farm for the production of income, including but not limited to goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or that are customarily raised for non-commercial consumption or production by the residents of the premises.

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

**Antenna, Dish.** Dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter measured diagonally.

**Antenna.** Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

**Apartment.** Is a self-contained residential dwelling unit within a larger multiple-family building or complex, typically designed for multiple families to live in close proximity to one another. See “dwelling, multiple-family.”

**Aquifer.** A geological formation, group of formations, or part of a formation capable of storing and yielding a significant amount of groundwater to wells and springs.

**Arborist.** A professional in the practice of arboriculture and certified by The International Society of Arboriculture.

**Awning.** A shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework. Awnings are classified as a roof type.

**Bakery- Small Scale.** An establishment less than 5,000 square feet primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off-site, and the use may include accessory food service.

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

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

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

**Boat Slip or Slip.** An improved watercraft docking space partially above and partially in the water, or a vertical boat lift mechanism, offering sufficient draft and design to be capable of securing and providing boarding access to one or more Boats. A boat slip may be a partially submerged natural or manmade ramp or may be part of a pier or dock.

**Boat, Vessel, or Watercraft.** Every description of a contrivance used or capable of being used as a means of transportation on water.

**Boathouse.** A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls, or any combination of these structural parts.

**Brewery, Winery, Distillery.** The industrial production of beer, wine, and spirits.

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

**Building Canopy.** A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements.

**Building Frontage.** The horizontal linear measurement of a building facade that is generally parallel, facing, or oriented toward a public or private street. A building on a corner lot has two (2) building frontages.

**Building.** A permanent independent structure with a roof, supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind, or to conduct business activities. A combination of materials, whether portable or fixed, forming a structure with a roof, affording a facility or shelter for use or occupancy by persons, animals, or property.

**Building, Accessory.** See "Accessory Building or Structure."

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

**Campground or Recreational Vehicle Park.** A form of temporary lodging approved by the State of Michigan where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience the natural environment. Campgrounds rent pads or spaces to guests and may also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.

**Capacity Factor.** The ratio of the actual or projected electrical energy produced by a generating unit for the period of time considered to the nameplate capacity or rated capacity for electrical energy that could have been produced at maximum generation potential during the same period.

**Cemetery.** One (1) or a combination of more than one (1) of the following: a burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.

**Chemical Abstract Service (CAS) Number.** This is a unique number for every chemical established by a Columbus, Ohio organization which indexes information published in "Chemical Abstracts" by the American Chemical Society.

**Commercial Driveway.** A designated vehicular access point or entrance/exit that connects a commercial property or business establishment to a public street or right-of-way by a formal driving surface. Commercial driveways are intended to facilitate the safe and efficient movement of vehicles, including those of customers, employees, and service providers, between the commercial property and the public street.

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

**Commercial Use.** An activity involving the sale of goods or services carried out for profit.

**Community Mental Health Services Program at a Residence.** A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

**Condominium Act.** The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.

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

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

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

**Condominium.** The ownership of a land dwelling, office, commercial, or an industrial unit, including the space enclosed by the description thereof, as contained in the Master Deed, together with ownership of an interest in the common elements, as contained in the Master Deed.

**Construction and Landscape Supply, Outdoor.** A commercial establishment that sells supplies for building construction and/or landscaping projects, where such supplies are placed outdoors.

**Construction.** The erection of a new building or the alteration of an existing building in connection with its repair or renovation.

**Contractor Facility.** An office and storage or warehouse facility accommodating a construction, skilled trade, landscaping, extermination, tree care, industrial service contracting business, or other similar trades.

**Cooperative Wind Energy Turbine (WET) Site.** A WET site created with the mutual consent of two or more adjacent parcel or lot owners, comprised of an easement encompassing all or portions of two or more adjacent parcels or lots. A cooperative wet site meeting the standards of this article may support an on-site wet for commercial purposes.

**Crematorium.** A facility consisting of one or more furnaces for cremation services.

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

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

#### **Day Care (Children)**

**Day Care, Child Day Care Center.** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a facility other than a private residence in which one or more preschool or school age children are given care and supervision for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

**Day Care, Family Day Care Home.** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**Day Care, Group Day Care Home.** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a private home in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group child care home includes a private home with increased capacity.

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

**Decommissioning (WET).** The process of terminating operation and completely removing a wet and all related buildings, structures, foundations, access roads, and equipment.

**Designated Waterfront Activity Area.** The area defined and located on waterfront access property within which on-shore activities such as boat landing and active and passive recreational activities are permitted.

**Develop or Development.** The act of constructing permanent structures or buildings, conducting site preparation, excavation, and grading for future construction, or installing site improvements and infrastructure in support of an existing or future structure, building, or land use.

**Dock and Docking.** The mooring of a vessel directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to water frontage; it also means the regular anchoring of a vessel adjacent to water frontage.



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

**Dwelling, Multiple-Family.** A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of one another.

**Dwelling, Single-Family.** A freestanding dwelling unit designed and intended for one family that is physically separate from any other dwelling.

**Dwelling, Townhome.** A Building containing three (3) or more dwelling units arranged side by side, separated from each other by a common walls and having separate direct means of egress and ingress to each unit from the outside.

**Dwelling, Two-Family.** A building containing two (2) dwelling units on a single lot designed for or used by two (2) families living independently of one another, may also be referred to as a duplex.

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

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

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

**Exempt.** The release of the obligation to comply with specific sections of this ordinance.

**FAA.** The Federal Aviation Administration.

**Façade.** The front of a building, including a parapet, that is generally parallel, facing, or oriented toward a public or private street that commonly includes a primary entrance and is characterized by architectural details not found on other sides of the building. A building on a corner lot may have two (2) facades.

**Family.** An individual or group of two (2) or more persons related by blood, marriage or adoption, or foster arrangement. Also included in the definition of family for the purposes of this ordinance is a "household," which is a collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character. The definition of family, along with household, shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**Farm Market.** This term shall be defined in the same manner as it is defined in the version of the Generally Accepted Agricultural and Management Practices for Farm Markets, as promulgated by the Michigan Commission of Agriculture & Rural Development, in effect at the time of when the Township applies this term to a particular matter.

**Farm Operation.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products and includes, but is not limited to: Marketing produce at roadside stands or farm markets. The generation of noise, odors, dust, fumes, and other associated conditions. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws. Field preparation and ground and aerial seeding and spraying. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides. Use of alternative pest management techniques. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes. The conversion from a farm operation activity to other farm operation activities. The employment and use of labor.

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

**FCC.** The Federal Communications Commission.

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

**Fill.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

#### **Floor Area**

**Floor Area, Gross.** The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**Floor Area, Livable.** The finished area of a dwelling unit heated and/or air conditioned, located above ground, but not including basements, garages, covered patios or porches, or other outdoor space.

**Floor Area, Usable.** That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or utilities and sanitary facilities shall be excluded from this computation.

**Freestanding Canopy.** A freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

**Frontage.** The distance within which a front lot line of a lot adjoins a public street, measured between the two (2) lot lines intersecting that street. Corner lots at intersections and double frontage (through) lots have multiple street frontages; corner lots formed by a curve in the street greater than 135 degrees have one (1) street frontage.

**Funeral Home or Mortuary.** A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or related services, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies. For the purposes of this ordinance, this use does not include a crematorium.

**Garage.** A building with overhead doors that is used to park passenger motor vehicles, trucks, vans, and/or incidental personal property.

**General Offices and Services with Drive-Through Service.** Facilities where services may be obtained by motorists without leaving their vehicles. Examples of drive-through services include bank teller windows and drive-up ATMs, dry cleaners pick-up and drop-off, etc.

**General Offices and Services.** Establishments that offer financial, business, business support, medical, personal, professional, and administrative services.

**General Offices and Services, Financial Services.** Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security, and commodity exchanges.

**General Offices and Services, Business Services.** Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, and travel agencies.

**General Offices and Services, Business Support Services.** Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, and mailing and mailbox services.

**General Offices and Services, Medical.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff).

**General Offices and Services, Personal Services.** Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, tattoo parlors, dry cleaners pick-up and drop-off, small appliance repair, laundromats, massage therapists, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.

**General Offices and Services, Professional and Administrative Services.** Office-type facilities occupied by businesses or agencies that provide professional or government services or are engaged in the production of intellectual property.

**Golf Course.** A use consisting of regulation and par three golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; pro shops for on-site sales of golfing equipment and clothing; and golf cart storage facilities.

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

## **Grade**

**Grade, Average.** The average of the highest and lowest adjacent grade against a building foundation.

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

**Grading.** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

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

**Ground Cover.** Low growing, spreading plants, other than turf grass, such as but not limited to ivy, lirioppe, juniper, mondo grass or sedge.

**Half Story.** See Story, Half.

**Hazardous Substance.** A chemical or other material that is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, any of the following which are stored or generated: Hazardous Substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, Public Law 96.510, 94 State. 2767; Hazardous Waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended; Regulated Substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended; Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended; Used oil; and Radiological materials.

**Height (WET).** When referring to a tower or other building or structure upon which an antenna is mounted, means the distance measured from the finished grade of the parcel at the center of the front of the building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.

**Helicopter Landing Pad.** A designated area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers or cargo.

### **Home Occupation**

**Home Occupation, Major.** A business operated on a residential parcel that, because of its nature, intensity, and characteristics, is not customary for residential property and does not qualify as a minor home occupation. A major home occupation is an incidental and secondary use of the property. Business operations include financial advisors, accountants, business services, personal services, making of handcrafted products, accessory retail sales, and instruction of a fine art or craft.

**Home Occupation, Minor.** A use that includes any activity which is clearly secondary to residential use and carried out for economic gain. It is conducted entirely within a dwelling, carried out by its occupants utilizing office equipment typically found in a home, and is not evident from the outside. This definition includes instruction of a fine art or craft.

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

**Hospital.** An institution licensed by the State, where people, including inpatients, receive medical, surgical, or psychiatric treatment and nursing care.

**Hotel or Motel.** A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included, such as but not limited to meeting rooms, incidental retail sales, restaurants, lounges,

swimming pools, recreational and fitness facilities, and similar facilities/services intended principally to serve registered guests.

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

**Impervious Surface.** Any surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets, and roads.

**Indoor Theater.** A building or part of a building used to show movies or a facility used for drama, dance, musicals, or other live performances. This use may also include accessory concession and retail sales.

**Inland Waterway.** Inland Waterway. Also considered inland lakes or streams, Goshorn Lake, Kalamazoo Lake, Silver Lake and the Kalamazoo River are classified as inland waterways.

**Inland Lake or Stream.** An artificial or natural lake, pond, or impoundment that is a water of the United States as that term is used in section 502(7) of the Federal Water Pollution Control Act, 33 USC 1362 or a natural or artificial lake, detention area, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain as defined by the Drain Code of 1956, 1956 PA 40, MCL 280.1 to 280.630; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. Inland lake or stream does not include Lake Michigan. For the purposes of this ordinance, there is no minimum size for the waterbody to be classified as an inland lake or stream.

**Keeping of Animals and Bees (Non-Commercial).** Raising and keeping livestock, fowl, and bees on a property for hobby or family food production and not for commercial purposes.

**Land Development Activity.** Any project undertaken to change or improve a site that involves one or more land disturbing activities.

**Land Disturbing Activity.** Any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or manmade watercourse.

**Land Division Act.** The Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) and any ordinance adopted by the Township Board in furtherance of Township duties required of said act.

**Land Division.** The act of creating a lot or parcel of land defined by a metes and bounds description pursuant to the provisions of the Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) or the act of creating a condominium plat pursuant to the provisions of the Condominium Act, P.A., 59 of 1978, as amended, for the purpose of recording same with the Register of Deeds of Van Buren County. (See: Land Division Act and Condominium Act.).

**Landscape Materials.** Any combination of living plant materials and nonliving materials such as rocks, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.

**Large Wind Energy Turbines (LWET).** A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system. The LWET has a nameplate above 250 kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.

**Lattice Tower.** A self-supporting structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.

**Launch.** The entry of a vessel into the inland waterways of the Township, but not including the entry of a vessel into the inland waterways from a public launch area approved or designated by the appropriate state agency.

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

**Lot.** A developed or undeveloped tract of land in one ownership, legally transferable as a single unit of land.

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

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

**Lot, Multi-Frontage.** A lot bordered by streets on three (3) sides.

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

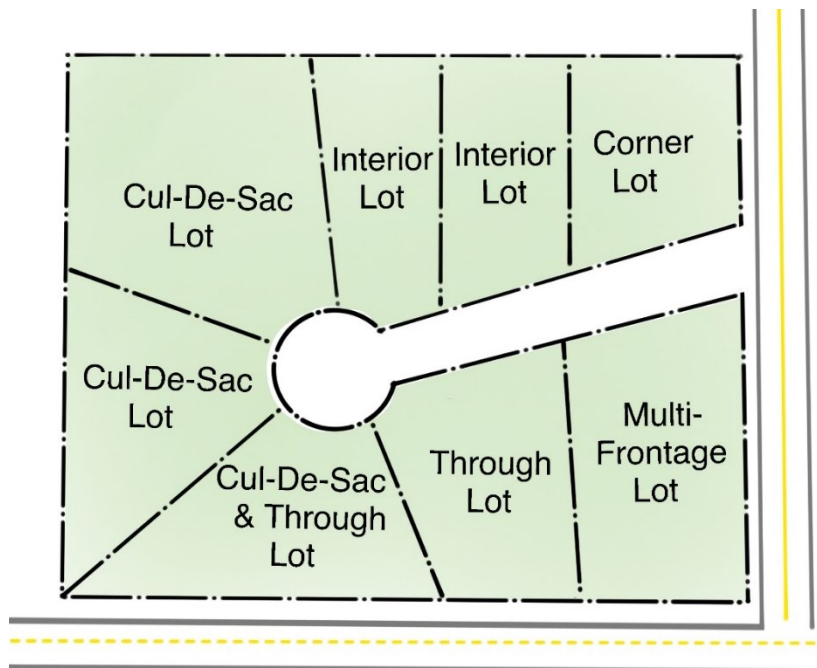
**Lot, Waterfront.** A lot with one or more of its lot lines adjoining a stream, river, or lake.

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

**Lot Coverage.** The lot area, stated as a percentage of the total, covered by all buildings, areas under roof, drives and driveways, parking lots, patios, decks, pools, and all other impervious surfaces.

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

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



**Figure 22-1 Lot Types**



**Lot Lines.** The property lines bounding a lot.

**Lot Line, Front.** The line separating the lot from the street right-of-way or easement.

**Lot Line, Primary Front.** The lot line on a corner lot that the front building elevation faces that separates the lot from the street right-of-way or easement or the narrower two (2) front lot lines if there is no building. Where the lot lines are of equal length, and/or the primary front lot line is not evident, the Zoning Administrator shall determine the primary front lot line.

**Lot Line, Rear.** The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line. On irregularly-shaped lots, the rear lot line is determined based on a line perpendicular to the front lot line extending to the point where a rear lot line would be 10 feet in width and parallel to the front lot line. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only.

**Lot Line, Secondary Front.** On a corner lot or multi-frontage lot, the lot line separating the lot from the street right-of-way or road easement which is not the primary front lot line, opposite of the interior side lot line on a corner lot and the side lot line on a multi-frontage lot.

**Lot Line, Side.** The lot lines connecting the front and rear lot lines of an interior and through lot and the lot line connecting the primary front lot line and rear lot line on a corner lot.

**Lot Width.** The horizontal distance between side lot lines measured at the two (2) points where the required setback intersects the side lot lines or along the front property line on a curvilinear lot.

**Manufactured Home Community.** A property that has been planned, designed, improved and maintained for the placement of two (2) or more manufactured homes and permitted accessory uses where home sites are leased to individuals who retain customary leasehold rights.

**Manufactured Home.** A factory-built, single-family structure manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a place of human habitation with or without a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Manufacturing, Processing, and Packaging- Light.** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production, such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include but are not limited to: artisan/craft product manufacturing; clothing and fabric product manufacturing; furniture, fixtures, and appliance manufacturing; electronics manufacturing and assembly; cabinet shop; food preparation, processing, and packaging; welding and sheet metal fabrication; sign manufacturing; and machine shops. This definition does not include uses and activities where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community, including but not limited to: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; and pulp and pulp product manufacturing.

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

**Master Plan.** The Township's long range plan adopted pursuant to the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, including graphic and written materials indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Medium Wind Energy Turbine (MWET).** Regulated the same way as a LWET, and MWET is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system. The MWET has a nameplate capacity that does not exceed 250 kilowatts. For the purposes of the regulations contained herein, Medium Wind Energy Turbines (MWETs) shall be considered Large Wind Energy Turbines (LWETs).

**Micro-Brewery, Small Distillery, or Small Winery.** A facility that produces and serves beer, wine, or spirits intended for retail sales and consumption on the premises and duly licensed by the State of Michigan Liquor Control Commission (MLCC).

**Mineral Extraction.** The extraction, by mining, of natural resources from underground.

**Mixed-Use Residential.** A dwelling attached to a commercial building on a lower or upper floor.

**Mobile Food Unit.** A vehicle or trailer equipped for the preparation and sale of food to consumers at various locations. These units are designed to be mobile, allowing them to move from one location to another, such as street corners, festivals, events, or private catering events. Mobile food units come in various forms, including food trucks, food trailers, food carts, and even bicycles with food vending equipment.

**Mobile Home.** See "manufactured home."

**Mulch.** Pine straw, pine or cypress bark, pebbles, lava rock or synthetic landscaping materials.

**Mural.** A work of art or architectural detail, directly painted on a portion of a permanent structure.

**Nacelle.** The encasement which houses the generating components, such as a gear box, drive tram, and other equipment.

**Nameplate Capacity.** The maximum generation potential of a power plant.

**Natural Flow Pathway.** The movement of water through landscapes, including streams, rivers, and groundwater systems. It encompasses the natural movement of water from precipitation, runoff, and infiltration, influencing the distribution of water resources and shaping landforms.

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

**Nonconforming Building or Structure.** A structure or building lawfully constructed that does not conform to the dimensional requirements of the Zoning Ordinance but existed prior to the effective date of this ordinance or any amendment to this ordinance.

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

**Nonconforming Site.** A site that does not conform to the regulations of the zoning district in which it is situated, applicable specific use requirements of Article 8, or any applicable development provisions.



**Nonconforming Use.** A land use that does not conform to the regulations of the zoning district in which it is situated, or applicable specific use requirements of Article 8, and lawfully existed on the effective date of this ordinance, or any amendments to the ordinance.

**Nursing Home.** A facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A nursing home shall include an extended care facility, hospice, and convalescent home.

**Occupancy.** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**Occupied Building (WET).** A dwelling; school; hospital; church; public library; business; farm building designed to include the presence of individuals as part of its intended purpose and function, including but not limited to packing houses, milking parlors and repair/workshops, but not including buildings designed primarily for animals or the storage of materials; or any other building used for public gatherings when the permit application is submitted.

**Occupied.** Arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

**On-Site-Use Wind Energy Turbine.** A WET with a main purpose of providing energy to the lot where the wet is located, or to adjacent lots under the same ownership or control as the lot where the wet is located, or to adjacent lots with the mutual consent of the lot owners.

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

**Ordinary High-Water Mark (OHWM).** The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level.

**OTARD Antenna Structure.** Any pole, tower, or other structure designed and intended to support an OTARD antenna.

**OTARD Antenna.** An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or an antenna that is designed to receive television broadcast signals.

**Outdoor Display and Sales.** The outdoor placement, storage, or keeping, for display purposes, of equipment, vehicles, trailers, and other similar goods for sale on premises, as well as the temporary outdoor placement of retail goods for sale on premises in a yard area or sidewalk area directly adjacent to a commercial building.

**Outdoor Storage- Principal Use.** Outdoor storage when there is no other principal use or principal building on the site.

**Outdoor Storage.** The outdoor placement of goods such as building or construction materials, equipment, vehicles, trailers, and other supplies, for future use, production, assembly, preservation, or disposal, as an accessory function to a principal building and use. This definition does not include materials related to permitted on-site construction projects.

**Outdoor Theater.** An outdoor commercial facility that shows movies on outdoor screens. This use may also include accessory concession and retail sales.

**Over-The-Air Reception Device and Satellite Dish Antennas.** Antennas and dish antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, to receive or transmit fixed wireless signals via satellite, receive video programming services via broadband radio service (wireless cable), receive or transmit fixed wireless signals other than via satellite, or to receive local television broadcast signals.

**Owner (WET).** The individual or entity, including any respective successor or assign, that has an equity interest or owns the WET in accordance with this article.

**Parking Space.** The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this ordinance.

**Parking.** The temporary, transient storage of motor vehicles used for transportation, while their operators are engaged in other activities. It shall not include storage of new or used motor vehicles for sale, services, rental or any other purpose other than specified above.

**Permit.** An official authorization, issued by a representative of the Township, to conduct a specific activity under the provisions of this ordinance.

**Permitted Use.** A use of property specifically allowed by-right within a zoning district wherever that district exists in the Township; provided, all dimensional and other requirements applicable to that district are satisfied.

**Personal and Commercial Storage Suites.** A facility including a building or group of buildings that contain individual storage warehouse suites for personal or business purposes. Suites may include accessory office, kitchen, and bathroom facilities. Suites may be rented or owned through a condominium association.

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

**Planning Commission.** The Planning Commission of Saugatuck Township, Michigan.

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

**Pollution Incident Prevention Plan (PIPP).** A PIPP includes a polluting material inventory, a site diagram depicting the locations of the polluting materials, emergency response procedures, and secondary-containment details. Sites are subject to Michigan's Part 5 Rules if they store oils and other polluting materials above established threshold management quantities (TMQs), which are: Salt in solid form at quantities of five tons (10,000 pounds) or more. Salt in liquid form at 1,000 gallons or more. Petroleum products in an AST or container with a capacity of 660 gallons or greater or an aggregate aboveground storage capacity of 1,320 gallons. All other polluting materials specified in Part 5 that are used, stored, or otherwise managed in a discrete outdoor location, with a total storage quantity of 200 kilograms (kg) (440 pounds) or more. All other polluting materials specified in Part 5 that are used, stored, or otherwise maintained at a discrete indoor location, with a total storage quantity of 1,000 kg (2,200 pounds) or more.

**Porch.** A roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than exterior walls of the building.

**Preexisting Tower and Preexisting Antenna.** Any tower or antenna for which a building permit or special approval use permit has been properly issued prior to the effective date of the ordinance from which this article derives (January 21, 1998), whether or not yet constructed, so long as the approval is current and not expired, or any tower or antenna for which no building and/or special approval use permit was required.

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

**Propane Gas Sales.** An establishment providing LPG dispensing and bulk containers for sale.

**Properly Plugged Abandoned Well.** A well that has been closed in accordance with regulations and procedures of the Department of Environment Great Lakes and Energy (EGLE) and the local Health Department. A properly plugged abandoned well requires a permit to be brought back into service.

**Public Park or Preserve.** A facility providing a variety of outdoor recreational opportunities including, but not limited to: playground equipment, playing fields, tennis and basketball courts, swimming pools, boat ramps, and fishing piers, and areas for passive recreation such as hiking trails, picnic areas, and bird blinds.

**Qualified Residential Treatment Program.** A program within a child caring institution, as defined in section 1 of 1973 PA 116, MCL 722.111, that provides services for 10 or fewer individuals.

#### **Recreation Facility**

**Recreation Facility, Indoor.** A facility, open either to the general public or to members and their guests, located in an enclosed building that is designed to accommodate sports, recreational activities, training or related enterprises, including but not limited to a gymnasium, swimming pool, tennis, racquetball and/or handball courts, and other indoor sports activities. Also included are accessory uses that are clearly in support of the primary use, such as sporting goods shops, food service and party/banquet facilities serving patrons of the indoor recreation use, spectator accommodations, changing/locker rooms, and employee offices.

**Recreation Facility, Low-Intensity Outdoor.** An outdoor venue for non-motorized, nature-based recreation, and ecotourism activities, including but not limited to disc golf, ropes courses, eco-challenges, adventure racing and events, zip-line courses, and other activities which rely primarily on the preserved natural environment as a core element of the activity and use.

**Recreation Facility, Outdoor.** A facility providing a variety of outdoor recreational opportunities and entertainment services, often for a fee, including, but not limited to amusement and theme parks; go-cart tracks; pickle ball, golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. It may also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants, arcades, etc.

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

**Restaurant.** A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or whereby prepared food is acquired by customers at a counter, window, or cafeteria line and consumed at on-site or for take-out. The service of alcoholic beverages by the drink is incidental to the service of food, and food receipts exceed 50 percent of sales.

**Retail Sales, General.** Stores and shops that sell consumer goods and merchandise to the general public.

**Roadside Stand.** A structure for the display and sale of agricultural products grown on-site or off-site in accordance with the State of Michigan's Generally Accepted Agricultural and Management Practices for Farm Markets, with no space for customers within the structure itself.

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

**Rural Business.** Commercial uses within agricultural zoning districts in the Township that due to their characteristics are more commonly found in rural areas and are compatible with rural agricultural areas. Rural businesses include retreat centers, banquet and event halls, wineries, art galleries, and "makers" spaces with retail sales.

**Salvage or Impound Operations.** Any land or structure used for storing, dismantling, reconditioning, collecting, purchasing, or selling scrap metal or other discarded goods and materials, including the collection, dismantlement, and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperable vehicle associated with towing or wrecker services.

**Sawmill or Planing Mill.** A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce lumber and other wood products.

## **School**

**School- College or University.** A facility for post-secondary education, other than a trade or commercial school, that provides education, whether full-time or part-time, and that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.

**School- Private School- K-12.** A school that is not a publicly owned or publicly operated school that offers courses of instruction for students in one or more grades from kindergarten through 12th grade.

**School- Specialized Training.** A specialized instruction establishment that provides individual and group instruction, education, and/or training, including, but not limited to: the arts, dance, music, tutoring, photography, martial arts, health and wellness, business and vocational schools, passenger vehicle driver education schools, barbering, hairdressing, appliance and computer repair, and teaching of industrial or trade skills which machinery is employed as a means of instruction.

**School- Truck Driving.** Commercial facilities which provide instruction and education concerning the driving of trucks.

**Seasonal Farm Labor Housing.** A tract of land and all vehicles, buildings, dwellings, or other structures pertaining to it, part of which is established, occupied, or used as living quarters for migratory laborers engaged in agricultural activities, including related food processing.

**Secondary Containment.** A second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required.

**Self-Storage.** A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled access rooms, stalls, or lockers that are rented by customers for general storage needs. This definition does not include "personal and commercial storage suites."

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

**Setback, Front.** The line marking the required setback from the public street right-of-way or private street easement.

**Setback, Rear.** The line marking the required setback distance from the rear lot line.

**Setback, Side.** The lines marking the required setback distance from the side lot lines.

**Setback, Street Side.** The line marking the required setback from the public street right-of-way or private street easement in the direction of the secondary front yard.

**Setback, Waterfront.** The lines marking the required setback distance from the ordinary high-water mark.

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

**Shared Waterfront Property Ownership.** The multiple or divided interest in property having frontage on inland waterways or Lake Michigan, through deed, land contract, nonexclusive easement or other form of dedication or conveyance, which ownership is shared by two or more persons.

**Shipping Container.** A receptacle designed for transport of cargo aboard ship and also by truck trailer or rail car, and which exhibits features designed to facilitate the movement of containerized cargo, including but not limited to corner fittings for pins, design for stacking, and which is otherwise designed and constructed in conformance with standards for shipping containers as set forth by the International Standards Organization.

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

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

**Sign, Billboard.** A freestanding sign with an area in excess of 150 square feet.

**Sign, Device.** A small sign on a gas pump, vending machine, or other device.

**Sign, Electronic Display.** A sign with content can be changed or altered by means of electronically controlled electronic impulses.

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

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

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

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

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

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

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

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

**Sign, Portable.** Any sign designed to be moved easily and not permanently affixed to the ground, a building or a structure. Portable signs shall include, but are not limited to, trailer mounted signs, A-frame signs, sandwich board signs, etc., but not including signs on a motor vehicle.

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

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

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

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

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

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

**Similar Land Use.** A land use determined to be similar in nature, character, function, and operation as a land use listed in Table 3.30 or 4.30.

**Site Condominium Unit.** A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant airspace, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

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

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

**Small Tower-Mounted Wind Energy Turbine (STMWET).** A Tower-mounted wind energy system that



converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, Tower, transformer, vane, wire, inverter, batteries or other components used in the system. The STMWET has a nameplate capacity that does not exceed 30 kilowatts. The total height does not exceed 120 feet.

**Solar Energy Collector, Ground-Mounted.** A solar energy collector that is mounted directly to a support structure on the ground and is not connected to a building. The system is intended to generate energy for the principal and accessory land uses and buildings on the lot on which the system is located.

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

**Special Land Use.** A use identified by this ordinance which may have characteristics of its operation (such as traffic, noise, hours of operation, or other potential nuisance effects) that requires special review and may warrant additional conditions beyond the general requirements of the district in which it is located to mitigate its impacts and ensure its compatibility with its surroundings.

**Specialty Accommodations.** Facilities that offer unique and non-traditional lodging experiences beyond standard hotels or motels. Specialty accommodations are often characterized by their distinct features, themes, or settings that provide guests with a more unconventional or personalized experience. Specialty accommodations can encompass various forms of lodging, such as individual treehouses, yurts, recreational vehicles, cabins, and glamping sites, or a combination thereof.

**Spill Prevention Control and Countermeasure (SPCC) Plan.** As detailed in 40 CFR Part 112, sites are subject to the SPCC rules if (1) they store either more than 1,320 gallons of petroleum products aboveground and (2) they present a reasonable risk to a navigable water of the United States property (including via storm water and groundwater). An SPCC Plan details site oil storage, spill potential, and emergency response and notification procedures. The SPCC Plan is required to be certified by a registered Professional Engineer.

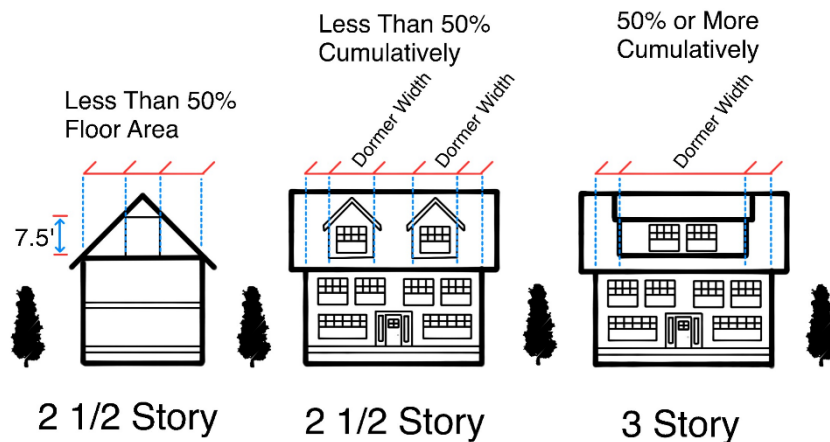
**Stables, Commercial.** A structure designed for the feeding, boarding, breeding, and exercising of horses that are owned by someone other than the owner of the premises and for which the owner of the premises receives compensation. This definition also includes riding stables, riding academies, and horse show facilities.

**Start of Construction.** The date the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure.

**State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care.

**Storm Water Pollution Prevention Plan (SWPPP).** As detailed in 40 CFR Part 122, sites that are required to have a storm water permit are also required to have SWPPPs that detail hazardous substance exposed to storm water and controls to prevent releases.

**Story, Half.** The topmost story of a building is counted as a half story when: It is completely within the roof form of the building and less than 50 percent of the floor area has a clear height of more than seven and a half (7.5) feet, measured from the finished floor to the finished ceiling; or dormers do not exceed more than 50 percent of the front, rear or side building length.



Horizon Community Planning

**Figure 22-2 Half Story vs. Full Story**

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

**Street Centerline.** That line surveyed to be the centerline of a street, or in the event that no centerline has been determined, it shall be that line running midway between, and parallel to, the outside right-of-way lines of such streets.

**Street Intersection.** Any street which joins another street at an angle, whether or not it crosses the other.

**Street.** Any public or private thoroughfare which affords the principal means of access to abutting property.

**Street, Major.** Blue Star Highway, I-196, and M-89.

**Street, Minor.** Any street not classified as a major street.

**Street, Private.** A street maintained by private parties through use of private funds.

**Street, Public.** A street maintained by federal, state, county, or local public agencies.

**Structure (WET).** Any Building or other Structure, such as a municipal water tower that is a minimum of 12 feet high at its highest point of roof and is secured to frost-footings or a concrete slab.

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

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

**Tavern.** A commercial establishment licensed to sell at retail and serve beer, wine, liquor, or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. The service of alcoholic exceeds 50 percent of sales. Taverns include nightclubs, lounges, and bars.

**Temporary Construction Office.** An office, typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.



**Temporary Dwelling.** The use of a recreational vehicle as a temporary dwelling during the construction, renovation, or repair of a single-family home on the same lot.

**Temporary Sales Office.** An office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.

**Temporary Sales.** Outdoor sales approved for temporary durations and in temporary locations.

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

**Tower (WET).** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting (i.e., without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the Structure.

**Township Board.** The Township Board of Saugatuck Township, Michigan.

**Township.** Unless the context clearly discloses a contrary intent, the word "Township" shall mean Saugatuck Township, Michigan.

**Traffic Impact Analysis.** A written report prepared by a transportation engineer describing in detail the roads and streets which serve an area of the Township, furnishing information on ingress and egress to and from lots, providing current traffic counts on existing streets and projected traffic counts on both existing and proposed streets, and additionally containing an impact statement describing the expected impact of the proposed activities on traffic flow and traffic patterns within a specific area of the Township.

**Tree, Canopy.** A deciduous shade tree.

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

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

**Truck Stop.** An establishment that is engaged primarily in the fueling, servicing, repair, or parking of semi-trucks and trailers or similar heavy commercial vehicles, and which may include the sale of accessories and equipment for such vehicles, food sales, and other services for truck drivers.

**Truck Terminal.** A facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded, and where vehicles and trailers are regularly maintained and stored.

**Underground Storage Tank.** A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 211 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

**Unplugged Abandoned Well.** A well which has not been used for one (1) year or more.

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

**Utility Trailer.** A vehicle with or without its own motive power, which is mounted on wheels or is designed to be so mounted and transported.

**Variance.** An allowed modification to a requirement of this ordinance, as authorized by the Zoning Board of Appeals under the provisions of this ordinance.

**Vehicle and Equipment Sales and Rental, Major.** An operation selling or renting commercial trucks and vans, boats, recreational vehicles, heavy equipment, manufactured homes, landscaping machinery, trailers, farm equipment and similar items. May also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

**Vehicle and Equipment Sales and Rental, Minor.** An operation selling or renting cars, trucks, vans, and small equipment. May also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

**Vehicle Repair.** A business involved in motor vehicle maintenance, repair, or service. Vehicle repair facilities also include ancillary vehicle sales, no more than one (1) vehicle for sale for each service bay at any one (1) time.

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

**Vehicle Wash, Cars.** A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of vehicles and heavy equipment. This use may also include accessory outdoor vacuums.

**Vehicle Wash, Trucks.** A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of commercial trucks and vans, and semi-trucks and trailers. This use may also include accessory outdoor vacuums.

**Vehicles and Trailers, Commercial.** Any vehicle or trailer bearing or required to bear commercial license plates and/or DOT numbers. Examples include, but are not limited to: Semi-truck tractors; Semi-truck trailers, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures; Food trucks and vehicles of a type that are commonly used for the delivery of food or vending supplies; Pickup trucks, vans, and trailers commonly used by construction industry contractors; Tow trucks and repair service trucks; Vehicles designed to transport 16 or more passengers, including the driver; and Commercial trailers designed to haul heavy equipment, materials, and supplies.

**Violation.** The failure of a use, structure or other development to be fully compliant with the provisions of this ordinance.

**Warehousing and Distribution.** Facilities for redistributing goods from one truck to another that serve as intermediate transfer points and are primarily used for staging loads and temporary storage, where vehicles and trailers are regularly maintained and stored.

**Waste Management and Recycling.** A facility used for collecting waste and recyclables, sorting, and transferring materials.

**Water Frontage.** Water frontage is the measurement of shoreline of a water body along a lot that is the intersection of the land with the water surface. A linear measurement of water frontage is taken along the mean water level line.

**Waterfront Access Property.** A lot or two (2) or more contiguous lots abutting an inland waterway or other inland lake or Lake Michigan, used or intended to be used in whole or in part by persons having shared waterfront property ownership at that location, for gaining pedestrian or vehicle access to the water

frontage of an inland waterway or other inland lake or Lake Michigan from land without water frontage. Waterfront access over the waterfront access property may be gained by easement, common fee ownership, lease, or other form of dedication or conveyance. the dedication or conveyance may or may not entitle physical interaction with the water body itself and may or may not otherwise entitle or limit the use and purposes of the waterfront access property.

**Well.** As defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and rules; or a permanent or temporary opening in the surface of the earth for the purpose of removing water, or testing water quality, or measuring water characteristics, or measuring liquid recharge, or measuring liquid levels, or oil and gas exploration or production, or waste disposal, or dewatering purposes; or geothermal heat exchange purposes, or a cistern of a depth of 4 feet or more and with a top width of 12 inches or more.

**Wellhead protection area (WHPA).** The area which has been approved by EGLE in accordance with the State of Michigan Wellhead Protection Program, which represents the surface and subsurface area surrounding a water well or well field, which supplies a public water system, and through which contaminants are reasonably likely to move toward and reach the water well or well field within a ten-year time of travel.

**Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

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

**Wind Energy System.** Any structure-mounted wind energy conversion system, or series of systems, that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any, for the purpose of supplying electricity to off-site customers.

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

**Wind Energy Turbine (WET).** For commercial purposes is a WET placed upon a Lot with the main purpose of generating electricity for sale or otherwise, to a site or location other than the Lot upon which the WET is located. The WET may or may not be owned by the owner of the Lot upon which the WET is placed.

**Wireless Telecommunications Facility.** The plant, equipment, and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

**Yard.** An open space at grade between a building and the adjoining lot lines.

**Yard, Front.** An open space between the front of a principal building and the front lot line, generally adjacent to a street, and extending the full width of the lot.

**Yard, Primary Front.** The front yard on a corner lot that the front building elevation faces or the yard designated along the narrower of two (2) front lot lines if there is no building. Where the lot lines are of equal length, and/or the primary front yard is not evident, the Zoning Administrator shall determine the primary front yard.

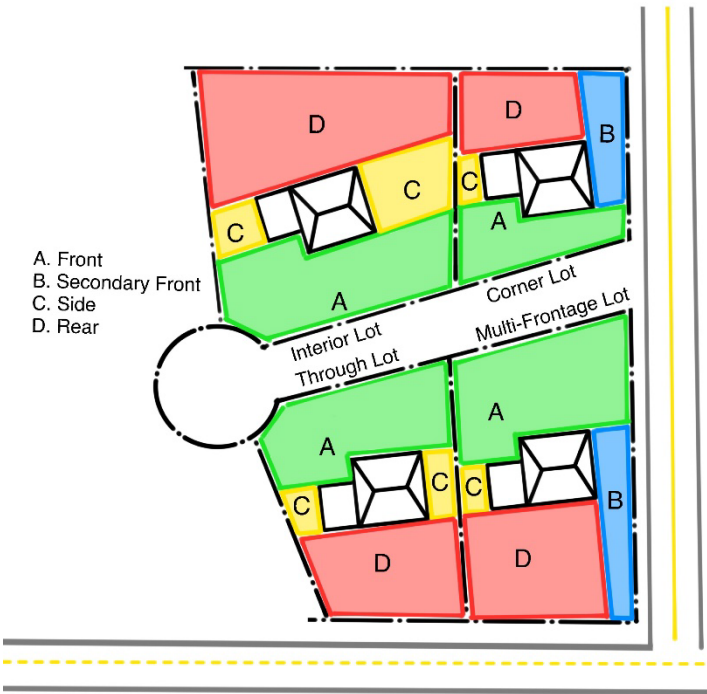
**Yard, Rear.** An open space between the rear of a principal building and the rear lot line and extending the full width of the lot.

**Yard, Secondary Front.** The front yard on a corner lot that the front building elevation does not face or the yard designated along the wider of two (2) front lot lines if there is no building. A secondary front yard extends from the rear of the primary front yard designation to the rear lot line.

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

**Zoning Administrator.** An official authorized to administer, interpret, and enforce the Saugatuck Township Zoning Ordinance.

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



**Figure 22-3 Yard Designations**



## Article 23. Checklists

- Section 23.10 Checklist for Zoning Permit, Variance, or Special Land Use Concept Review
- Section 23.20 Checklist for Zoning Permit- Signs
- Section 23.30 Checklist for PUD Concept Plan
- Section 23.40 Checklist for Preliminary Condominium Plan
- Section 23.50 Checklist for Site Plan, Final PUD Site Plan, and Private Street
- Section 23.60 Checklist for Rezoning

## Section 23.10 Checklist for Zoning Permit, Variance, or Special Land Use Concept Review

Table 23.10: Checklist for Zoning Permit, Variance, or Special Land Use Concept Review	
<b>General Information</b>	
Name and firm address of the professional individual responsible for preparing site plan and professional seal, if applicable	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Location, width, and purpose of all existing easements	
<b>Site Planning Elements</b>	
Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable	
Lot width, lot coverage, and setbacks noted for all buildings and structures	
Proposed changes to lot lines, if applicable	
Well and septic or connections to existing water and sewer lines, if applicable	
<b>Supplemental Information</b>	
Project description and brief narrative description of the project, including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	
Building details	
Exterior elevations, showing building height and describing building materials	
Any other information required by the Zoning Administrator, Zoning Board of Appeals or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	
For special land uses, provide responses to standards of approval	
For variances, provide responses to standards of approval	
For a nonconforming use special exceptions, provide responses to standards of approval	

## Section 23.20 Checklist for Zoning Permit- Signs

Table 23.20: Checklist for Zoning Permit- Signs	
<b>General Information</b>	
Installer name, address, signature	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
The identification of the type of sign and method of illumination, if any	
The name of business or name of premises to which the sign belongs or relates	
<b>Sign Information</b>	
A scaled drawing of the proposed sign showing the dimensions, display area, and location	
For freestanding signs, a site plan drawn to scale, accurately identifying the location of the proposed sign and setbacks from the nearest public or private road right-of-way and property lines	
Details concerning grade changes, if applicable	
For freestanding signs, the height of the sign	
For wall signs, the height and width of the building wall	
Details concerning sign illumination	

## Section 23.30 Checklist for PUD Concept Plan

Table 23.30: Checklist for PUD Concept Plan	
<b>General Information</b>	
Name and firm address of the professional individual responsible for preparing site plan and professional seal	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Zoning of adjacent properties	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Streets, right-of-way, buildings, and properties within 100 feet of the site	
Location, width, and purpose of all existing easements	
Topography with contour intervals of no more than two (2) feet	
<b>Site Planning Elements</b>	
Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable	
Lot width, lot coverage, and setbacks noted for all buildings and structures	
Surface description of all parking lot and driveway surfaces	
Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.	
Proposed changes to lot lines, if applicable	
Parking calculation and proposal	
Initial landscaping concepts	
Initial lighting concepts	
Initial stormwater management concepts	
Parallel plan	
<b>Supplemental Information</b>	
Project description and narrative concerning buildings, structures, parking, driveways, open space, and site development	
Responses to standards of approval	
Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	



## Section 23.40 Checklist for Preliminary Condominium Plan

Table 23.40: Checklist for Preliminary Condominium Plan	
<b>General Information</b>	
Name and firm address of the professional individual responsible for preparing site plan and professional seal	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Zoning of adjacent properties	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Streets, right-of-way, buildings, and properties within 100 feet of the site	
Location, width, and purpose of all existing easements	
<b>Site Planning Elements</b>	
A cover sheet that lists all documents included in the condominium plan	
A survey plan signed and sealed by the licensed professional surveyor preparing the boundary survey for the condominium project	
A floodplain plan, if the condominium lies within or abuts a floodplain area	
A site plan	
Utility plan	
Floor plans	
The size, location, area, and horizontal boundaries of each condominium unit	
A number assigned to each condominium unit	
The vertical boundaries for each unit comprised of enclosed air space	
Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping, or an access road, these items shall be shown and designated as "must be built", but the obligation to deliver these items exists whether or not they are so shown and designated.	
The nature, location, and approximate size of the common elements	

## Section 23.50 Checklist for Site Plan, Final PUD Site Plan, and Private Street

Table 23.50: Checklist for Site Plan, Final PUD Site Plan, and Private Street	
<b>General Information</b>	
Name and firm address of the professional engineer responsible for preparing site plan and professional seal. In certain circumstances, the Planning Commission may waive the requirement for a professional engineer to prepare the plans.	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Zoning of adjacent properties	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Streets, right-of-way, buildings, and properties within 100 feet of the site	
Location, width, and purpose of all existing easements	
Topography with contour intervals of no more than two (2) feet	
<b>Site Planning Elements</b>	
Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable	
Cross section of all parking lot and driveway surfaces	
Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.	
Proposed changes to lot lines, if applicable	
Parking calculation and proposal	
Photometric plan and light fixture specifications	
Landscape plan including landscape materials, location, size, type, and calculations	
Well and septic or connections to existing water and sewer lines, if applicable	
Location, connections, and spacing of fire hydrants, if applicable	
Location and type of all proposed surface water drainage and stormwater facilities	
Proposed grading at no more than two (2) foot contour intervals.	

<b>Supplemental Information</b>	
Project description and brief narrative description of the project, including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.	
Building details	
Exterior elevations, showing building height and describing building materials.	
Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	
Outside agency permits, or proof of application or initial contact, including but not limited to: Allegan County Health Department, Allegan County Drain Commission (SESC and stormwater); Allegan County Road Commission; Michigan Department of Transportation; Michigan Department of Energy, Great Lakes, and Environment.	
For special land uses, provide responses to standards of approval if special land use not already approved through concept plan review process	
<b>Private Streets, If Applicable</b>	
Street cross section, crown height	
Street layout, easement width, drainage, longitudinal grade	
Street name	
Street signs and traffic control signs	
Recordable legal instrument(s) describing and granting private street easement(s)	
Private street maintenance agreement	

## Section 23.60 Checklist for Rezoning

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Table 23.60: Checklist for Rezoning	
<b>General Information</b>	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Survey of property or map	
Legal property description	
<b>Supplemental Information</b>	
Project description and brief narrative description of proposal	
Provide responses to rezoning standards	
Conditional rezoning offer, if applicable	