

**15.2000      CHAPTER 20  
GENERAL PROVISIONS**

**15.2001      SECTION    20.01   ESSENTIAL SERVICE FACILITIES**

1.      Essential service facilities, excluding those for treatment of waste, telephone exchange or repeater stations or buildings, gas or electric regulator stations or buildings, and all other buildings are allowed as a permitted use in all districts.
2.      Essential service facilities to be located on a site of one (1) acre or less, including but not limited to those for treatment of waste, telephone exchange or repeater stations or buildings, gas or electric regulator stations or buildings, and all other buildings may, with the approval of the Planning Commission obtained in compliance with provisions of Chapter 19 (Special Land Uses) be authorized as a special land use in all districts.
3.      Essential service facilities as described in paragraph 2 of this Section to be located on a site larger than one (1) acre may be located only in an Industrial district.

**15.2002      SECTION    20.02   PRINCIPAL BUILDING ON A LOT**

No more than one (1) Principal Building shall be placed on a Lot, except in cases including, but not limited to:

1.      A permitted multiple family complex where more than one (1) Multiple Family Dwelling has been approved;
2.      When more than one (1) commercial or industrial Building shares an Off-Street Parking Lot, or access drive, or other similar arrangement;
3.      An agricultural Building on an agriculturally-zoned Lot, or associated with an approved Agriculture Special Land Use (ord. no. 479 eff. June 12, 2010); or
4.      The construction of a new Single Family Dwelling on the same Lot as an existing Single Family Dwelling, for the purpose of providing temporary shelter to the Lot owner's Family during construction of the new Single Family Dwelling only, if approved by the Zoning Administrator as a temporary exception to the limit of one (1) Principal Building per Lot. The Zoning Administrator shall not allow this temporary exception unless the Lot owner and the Zoning

Administrator execute an “Agreement for Two Single Family Dwellings,” which Agreement shall place reasonable conditions upon the Lot owner and shall be consistent with the purposes of this Ordinance, as described in Section 1.02. (ord. no. 544 eff. August 22, 2016)

**15.2003 SECTION 20.03 ACCESSORY BUILDINGS AND STRUCTURES**

Accessory Buildings and Structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Residential Accessory Buildings and Structures.
  - A. Accessory Buildings and Structures may be erected in any residential zoning district only as an accessory to an existing Dwelling Unit (which includes being built simultaneously with the construction of the Dwelling Unit).

Temporary Accessory Buildings and Structures smaller than two hundred (200) square feet which are not used for any storage purpose, such as deck/porch canopies, summer screen houses, and similar Buildings and Structures, are exempt from the provisions of this Section.

- B. Accessory Buildings and Structures may not be constructed, or if constructed may not remain, on a Lot without a Principal Building. The Zoning Administrator shall have the authority to grant a temporary exception to this prohibition, subject to reasonable conditions and execution of an “Agreement Regarding Accessory Buildings,” if the Zoning Administrator finds the temporary exception is consistent with the purposes of this Ordinance, as described in Section 1.02. (ord. no. 544 eff. August 22, 2016)
    - C. If the function of an Accessory Building is integrated into the permitted Principal Building, the space shall not be considered an Accessory Building, but an attached Garage, and shall therefore comply in all respects with the requirements of this Ordinance that apply to the permitted Principal Building, including but not limited to Setback requirements, unless specifically stated to the contrary herein. The term “integrated” shall mean that the Accessory Building space shares a common wall with the principal Building, or is connected by an Enclosed Breezeway.
    - D. In the event that the Principal Building does not have an attached Garage, a detached Garage may be constructed on the Lot, in compliance with the following:

- 1) For the purposes of this Section, a “detached Garage” is considered to be an Accessory Building which is primarily used for the parking of motor vehicles that are used by the occupants of the principal Building on the Lot, and which Garage is structurally separate from the principal Building on the Lot.
  - 2) The detached Garage shall comply with all other requirements applicable to Accessory Buildings in this Section.
- E. Residential Accessory Buildings are permitted for such uses as: storage of utility trailers, personal vehicles, recreation vehicles or equipment, yard maintenance equipment and machinery, and recreational equipment; or greenhouses or workshops for personal use, enjoyment, and pleasure of the residents of the principal Building.
- F. All uses for residential Accessory Buildings and Structures must be accessory to the use of the Dwelling Unit. No Accessory Building or Structure shall be used in the operation of a Home Occupation or business, or include Living Quarters For Human Habitation.
- G. Number of Accessory Buildings.
- 1) In districts LDR and R-1 through R-5, on Lots which are less than one (1) acre in size, one (1) residential Accessory Building is allowed.
  - 2) In districts RP, RR, LDR, and R-1 through R-5, on Lots which are one (1) acre or greater in size, two (2) residential Accessory Buildings are allowed. (amend. by ord. no. 532 eff. April 26, 2015)
- H. Size Requirements. The total floor area (defined below) of the allowed residential Accessory Building or Buildings shall be dependent on the Lot area, as outlined in the table below.

Lot Area in Acres	Maximum Total Floor Area of the Allowed Accessory Building or Buildings
Less than one (1) acre	600 square feet
One (1) acre, but less than two (2) acres	960 square feet
Two (2) acres, but less than five (5) acres	1,200 square feet
Five (5) acres, but less than ten (10) acres	1,600 square feet
Ten (10) acres, but less than fifteen (15) acres	2,000 square feet
Fifteen (15) acres, but less than twenty (20) acres	2,400 square feet
Twenty (20) acres or more	3,000 square feet

The term “total floor area” as used in this subsection means the sum total Useable Floor Area of the Ground Floor of all residential Accessory Buildings situated or permitted on a Lot. Total floor area also includes the area under an attached or unattached lean-to structure, or roof overhang greater than three (3) feet, or other similar sheltered area.

I. Height Restrictions.

- 1) The height of a detached Accessory Building shall be measured from the Ground Floor to the top of the roof, for the purposes of this section.
- 2) In all residential zoning districts, on Lots of less than one (1) acre, no detached Accessory Building shall exceed twenty (20) feet in height. (amend. by ord. no. 532 eff. April 26, 2015)
- 2) In all residential zoning districts, on Lots of one (1) acre but less than two (2) acres, no detached Accessory Building shall exceed twenty-two (22) feet in height.
- 3) In all residential zoning districts, on Lots of two (2) acres but less than five (5) acres, no detached Accessory Building shall exceed twenty-nine (29) feet in height.
- 4) In all residential zoning districts, on Lots of five (5) acres or more, no detached Accessory Building shall exceed thirty-five (35) feet in height.

J. Location Requirements.

- 1) Accessory Buildings and Structures are not allowed in any Front Yard or any required Side Yard.
- 2) Accessory Buildings and Structures shall not occupy more than twenty-five percent (25%) of the Rear Yard.
- 3) An Accessory Building shall not be located closer than twenty-five (25) feet to any Principal Building.
- 4) An Accessory Structure shall not be located closer than five (5) feet to any Side Lot Line or Rear Lot Line.

K. Setbacks.

- 1) Setbacks shall be measured from the point of the Accessory Building or Structure which projects furthest from the Accessory Building or Structure toward the Front, Side, or Rear Lot Line, as the case may be, such as the outer edge of the roof eave of the Accessory Building.
- 2) Accessory Buildings and Structures shall be set back in accordance with the following table:

Accessory Building or Structure Size in Total Area (Gross Floor Area for Accessory Building)	SETBACKS			
	Principal Building	Side Lot Line	Rear Lot Line	Other Accessory Building or Structure
Less than 150 square feet	5 feet	5 feet	5 feet	5 feet
150 to less than 600 square feet	25 feet*	10 feet	10 feet	18 feet
600 to less than 960 square feet	25 feet*	15 feet	15 feet	18 feet
960 square feet or greater	25 feet	25 feet	25 feet	18 feet
* Detached Garages that are 600 square feet or less may be located six (6) feet from the Principal Building				

- 3) No Accessory Building or Structure may be located closer than twenty-five (25) feet to the edge of any Private Street or Public Street.

L. Swimming pools, pool houses, and storage sheds with a total floor area of one hundred and twenty (120) square feet or less are regulated in Section 20.15 of this Ordinance.

M. Fences are regulated in Section 20.12 of this Ordinance.

2. Nonresidential Accessory Buildings and Structures.
  - A. Accessory Buildings and Structures may be erected in any nonresidential zoning district only as an accessory to an existing Principal Building (which includes being built simultaneously with the construction of the Principal Building).
  - B. Accessory Buildings and Structures may not be constructed, or if constructed may not remain, on a Lot without a Principal Building.
  - C. If the function of an Accessory Building is integrated into the permitted Principal Building, the space shall comply in all respects with the requirements of this Ordinance that apply to the permitted Principal Building, including but not limited to Setback requirements, unless specifically stated to the contrary herein.
  - D. Size Requirements.
    - 1) The term “total floor area” as used in this subsection, means the total Useable Floor Area of the Ground Floor of all Accessory Buildings situated or permitted on a Lot.
    - 2) The total floor area occupied by the Accessory Buildings may exceed the Gross Floor Area of the Principal Building on the Lot.
    - 3) The Useable Floor Area of the Ground Floor of the Principal Building and the total floor area occupied by all Accessory Buildings shall not exceed the maximum Lot coverage permitted in each district.
  - E. No Accessory Building or Structure shall exceed the Building Height for Principal Buildings in the district in which it is located.
  - F. Location Requirements.
    - 1) Except for canopy roofs, as defined in this Ordinance, Accessory Buildings or Structures are not allowed in any Front Yard or any required Side Yard.
    - 2) Accessory Buildings and Structures shall not occupy more than twenty-five percent (25%) of the Rear Yard.
  - G. Setbacks are measured from the point of the Accessory Building which projects furthest from the Accessory Building toward the Front, Side, or Rear Lot Line, as the case may be. Typically, this

means the Setback requirement will be measured from the outer edge of the roof eave of the Accessory Building. The following Setback requirements must be met:

- 1) Accessory Buildings shall meet all Setback requirements for the zone district in which they are located.
- 2) A detached Accessory Building shall not be located closer than twenty-five (25) feet to any Principal Building, and at least eighteen (18) feet to another Accessory Building.

H. Canopy roofs.

- 1) Canopy roofs such as those for gas pump islands accessory to automobile service stations and other uses, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required Yard, provided that a minimum Setback of fifteen (15) feet is maintained from any property line.
- 2) The height of the canopy roof shall not exceed fourteen (14) feet and shall be open on all sides.
- 3) The colors and design of the canopy shall be compatible with the Principal Building on the Lot.
- 4) Lighting on or within the canopy shall comply with the requirements of Chapter 20A of this Ordinance.
- 5) Signs on the canopy shall comply with the wall sign provisions of Chapter 24 of this Ordinance. (amend. by ord. no. 514 eff. November 4, 2012)

**15.2004 SECTION 20.04 BASEMENT DWELLINGS**

The use of a basement, including the basement of a partially built building, as a residence or dwelling is prohibited in any zoning district.

**15.2005 SECTION 20.05 RESIDENTIAL ENTRANCE WAY**

In all residential districts, so called entrance way structures including, but not limited to walls, columns, and gates marking entrances to a single-family subdivision or multiple housing project may be permitted and may be located in a required yard, provided that such entrance way structures shall comply to all codes of the municipality and shall be approved by the Zoning Administrator and a permit issued prior to erection. (ord. no. 473 eff. March 10, 2010)

**15.2006 SECTION 20.06 REGULATIONS APPLICABLE TO ALL DWELLINGS**

In addition to the requirements of other Sections of this Ordinance pertaining to building permit, building codes, minimum square footage of dwelling, and all other similar requirements contained herein, all dwellings constructed or erected on site must comply with all of the following requirements:

1. The minimum width across any horizontal plane permitted for a dwelling is twenty four (24) feet.
2. Each section of the dwelling and any additions or rooms annexed to it must be completed in a workmanlike manner with quality products.
3. The dwelling must comply with the minimum square footage requirements for the district in which it is proposed to be located, and the lot on which it is proposed to be located must comply with area and yard requirements for the district.
4. Manufactured mobile homes shall be allowed in all districts in which conventional site-built single or multiple family dwellings are allowed, provided, that such manufactured mobile homes or prefabricated housing must comply with the design and manufacturing standards of the U.S. Department of Housing and Urban Development, as contained at 24 Code of Federal Regulations 3280, in effect at the time of manufacture of the dwelling; provided, however, that any dwelling manufactured prior to January 1, 1976, must comply with the regulations adopted in 1976 if it is to be located in the Township at a location other than in a manufactured mobile home park. If the above-mentioned federal standards are not applicable, then the dwelling must comply with the regulations of the State of Michigan Construction Code.
5. The dwelling must be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have walls of the same perimeter dimensions of the dwelling. The foundation and walls shall be constructed of the materials and type as required by applicable building codes for single-family dwellings. If the dwelling is a manufactured mobile home, the following standards shall apply:
  - A. Each manufactured mobile home shall be situated on a continuous concrete pad, not less than four (4) inches thick and reinforced with wire mesh (6"x6", 10-10 gauge, minimum). The size of the pad shall be at least equal to the perimeter dimensions of the manufactured mobile home.



- B. Each manufactured mobile home shall be supported under the trailer frame by concrete piers or concrete block piers which are spaced located as recommended by the manufacturer.
  - C. Each manufactured mobile home shall be secured to the pad by an anchoring system or device, which complies with the rules and regulations of the Michigan Mobile Home Park Commission (P.A. 419 of 1976).
  - D. When installed on site the manufactured mobile home shall not have any towing mechanism, wheels, undercarriage, or chassis.
  - E. The foundation shall continue to the point on the manufactured mobile home where its siding begins, that is, no fiberglass, plastic, metal, or other “skirting” material is permitted.
  - F. The roof of the manufactured mobile home must have a snow load capacity, which equals or exceeds the minimum snow load capacity applicable to site built structures of the same use classification.
- 6. The dwelling must be connected to a public sewer and water supply or to private facilities approved by the Ottawa County Environmental Health Department.
  - 7. The dwelling must contain permanent steps at entrances when the difference in elevation between ground level and the entrance is greater than eight (8) inches. The steps shall be attached to the foundation wall.
  - 8. The dwelling shall be compatible in design, appearance, and condition with the design, appearance, and condition of other dwellings in the general vicinity of its proposed location.
    - A. The Building Inspector shall determine whether or not a dwelling is compatible by reviewing the plans submitted for a particular dwelling, photographs or drawing of it (if available), and may even inspect the actual dwelling prior to location on site (if reasonably available).
    - B. The Building Inspector shall review the design, appearance, and condition of other dwellings in the general vicinity of the proposed location.
    - C. The comparison area shall be the area within a one-half (½) mile radius of the proposed location, provided that at least twenty percent (20%) of the lots in this area are developed with dwelling, not excluding any manufactured mobile home parks from the twenty

percent (20%) calculation. If at least twenty percent (20%) of the lots in the comparison area are not developed with dwellings, then the comparison area shall be the area within a one (1) mile radius of the proposed location. If at least twenty percent (20%) of the lots in this larger comparison area are not developed with dwellings, then the comparison area shall be the entire Township.

- D. A proposed dwelling shall be compatible in design, appearance and condition if it satisfies all of the following:
- 1) Design. The proposed dwelling has a design which is the same as or substantially similar to the design of another dwelling in the comparison area (excluding any dwelling located in a manufactured mobile home park);
  - 2) Appearance. The proposed dwelling has architectural features such as roof, roof overhang, window treatment, door arrangement, and similar features which are the same as or substantially similar to the architectural features of another dwelling in the comparison area (excluding any dwelling located in a manufactured mobile home park); and,
  - 3) Condition. The overall exterior condition of the proposed dwelling is the same as or substantially similar to the overall exterior condition of any other dwelling in the comparison area (excluding any dwelling located in a manufactured mobile home park).
  - 4) The decision of the Building Inspector shall be appealable to the Zoning Board of Appeals as in the case of any other appealable decision.

**15.2007 SECTION 20.07 WATER AND SANITARY REQUIREMENTS**

No zoning permits shall be issued for the construction of any building to be occupied by human beings unless provisions have been made to provide adequate sewer and water facilities to such buildings, as required by the Township Building Code. In the absence of public sewer and/or water, the Zoning Administrator shall require a permit from the Ottawa County Health Department approving any private sanitary system and water system prior to issuance of a certificate of compliance.

**15.2008 SECTION 20.08 TENTS AND RECREATIONAL VEHICLES**

Tents and recreational vehicles shall not be used for dwelling purposes within the Township limits, provided, however, that tents and recreational vehicles may be used for temporary dwelling purposes within campgrounds duly licensed by the State of

Michigan and subject to all Ordinances, rules, laws, regulations, and requirements relating thereto.

**15.2009 SECTION 20.09 PORTABLE STORAGE UNITS**

Temporary storage units, known as portable storage units, may be temporarily delivered, placed, used and removed in any zoning district, but only in compliance with the following standards.

1. Portable Storage Units are box-like containers typically delivered by truck to a location, to serve as a means of temporarily storing household or other goods and items. Portable Storage Units may be placed temporarily on a lot or parcel of land for the storage of household or other goods and items that are proposed to be moved from that same lot or parcel of land to another location or that are being stored temporarily on the same lot or parcel of land during building remodeling or for other purposes requiring temporary storage of such goods and items outside the building in which there were originally located.
2. A Portable Storage Unit shall not exceed eight (8) feet in height, eight (8) feet in width, or sixteen (16) feet in length.
3. A Portable Storage Unit may remain on a lot or parcel of land not longer than sixty (60) consecutive days. However, if the Portable Storage Unit is being used for storage of goods and items during the remodeling or reconstruction of a building on the lot or parcel of land, two (2) additional thirty (30) day extensions can be granted by the Zoning Administrator. A Portable Storage Unit may only be placed on a lot or parcel of land once per calendar year, for up to sixty (60) consecutive days.
4. A Zoning Permit must be obtained from the Township prior to the placement of any Portable Storage Unit if the unit will be on-site in excess of five (5) consecutive days. The permit application must include information on the Portable Storage Unit necessary to determine compliance with this ordinance, including but not limited to:
  - A. Dimensions of the proposed Portable Storage Unit (*width, length and height*).
  - B. A drawing of the property indicating where the Portable Storage Unit will be placed.
  - C. Dates that the Portable Storage Unit will be on the property.
  - D. Materials that are to be stored in the Portable Storage Unit.

5. No more than one (1) Portable Storage Unit may be placed on a lot or parcel at any one time in the LDR, R-1, R-2, R-3 or Residential PUD zoning districts.
6. No more than two (2) Portable Storage Units may be placed on a lot or parcel at any one time in the AG, RP or RR zoning districts.
7. A Portable Storage Unit used in an agricultural or residential district shall be used only for the storage of personal goods and property. It shall not be used for the storage of commercial goods, business inventory, or personal property not associated with a dwelling on the lot or parcel on which the Portable Storage Unit is placed.
8. A Portable Storage Unit shall not be placed within any public or private street right-of-way.
9. Any signage on a Portable Storage Unit shall be limited to the name, address and telephone number of the provider, but shall not include any advertising, slogan or reference to any other service or product.
10. A Portable Storage Unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity.
11. A Portable Storage Unit shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.
12. A Portable Storage Unit shall not be used for human occupancy or for the storage of any toxic or hazardous materials, trash, junk, solid waste, construction debris, or demolition debris. (ord. no. 463 eff. November 26, 2008).

PREVIOUSLY RESERVED - (ord. no. 413 eff. Nov. 5, 2005)

**15.2010 SECTION 20.10 OUTDOOR PONDS**

1. An **OUTDOOR POND** may be permitted as a special land use in any zoning district as a principal use or accessory use.
2. No person shall erect, install, locate or construct an outdoor pond unless it has first been approved by the Planning Commission as a special land use under Chapter 19 of this Ordinance. (Amend. by Ord. No. 466 eff. April 17, 2009)

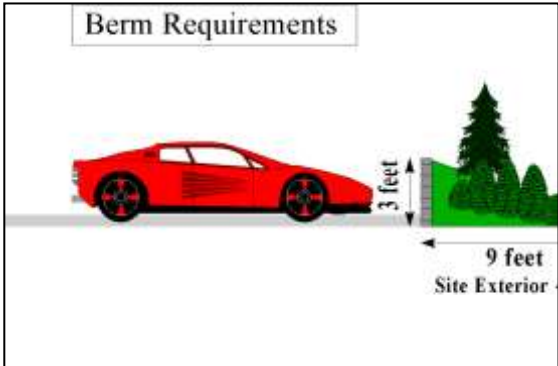
PREVIOUSLY RESERVED - (ord. no. 450 eff. Apr. 4, 2008)

**15.2011 SECTION 20.11 SCREENING REQUIREMENTS**

1. All premises used for business, commercial, or industrial purposes and located in an SP, C-1, or I-1 district shall be screened along each rear lot line and each interior lot line when the rear lot line or interior lot line adjoins to a parcel which is zoned R-5 or higher. The screening requirement may be satisfied by any one of the following, or combination of any of the following:

- A. A greenbelt as defined in Section 2.08 of this Ordinance.
- B. A wall of sufficient density or compactness to effectively obscure vision through it. The wall must be at least six (6) feet in height. Wood, wood products, steel wire, and similar products are not permitted materials for the wall.

C. An earth berm, which must be at least six (6) feet in height, and constructed in accordance with the following requirements:



- 1) The earth berm is a mound of earth, the slope of which (measured on the cross-section) is no greater than 1:3 (one (1) foot of vertical rise for each three (3) feet of horizontal distance);
- 2) The berm shall be at least two (2) feet wide at its crest, with no slope over the width of the crest;
- 3) The berm shall be landscaped, planted, and maintained in accordance with the requirements of Section 20.13 (Landscaping Requirements);
- 4) If an undulating effect is desired, the height of the earth berm itself may be less than six (6) feet, as long as a masonry wall or compact evergreen shrubbery, or both, are used along with the earth berm. In such event, the minimum height of the earth berm, concrete or masonry wall and evergreen shrubbery combined must be at least six (6) feet.

2. All greenbelts and earth berms shall be maintained in a healthy, growing condition, and in an attractive and presentable condition, free of weeds,

refuse, and debris. All walls shall be maintained in good repair and in an attractive and presentable condition.

3. The only openings permitted in the screen shall be for traffic purposes. The screen shall be situated on the site so that it is entirely within the boundaries of the owner's property.
4. The screen shall comply with the requirements of the Clear Vision Ordinance, and for such purpose the height of the screen may be reduced to the extent necessary to comply with that Section.
5. All business, commercial, and industrial uses and structures shall be screened along the rear or interior lot line which is adjacent to another parcel zoned R-5 or higher. However, if the use (and all structures incident thereto) are setback at least two hundred (200) feet from the adjacent residentially zoned parcel, then the screening requirements of this Section may be waived as a condition of the site plan review by the Planning Commission, and such waiver shall end whenever the two hundred (200) foot setback is reduced by placement of other structures or uses therein.
6. In other unusual circumstances, where no good purpose would be served by compliance with the screening requirements of this Section, the Planning Commission may waive the requirements of this Section. The Planning Commission may consider the following matters:
  - A. Whether elevation differences between the premises on which the use is required to be screened and the adjoining residentially zoned parcel would make screening ineffective or unnecessary;
  - B. Whether natural geographical features are sufficient to accomplish the intended purpose of obscuring the use.

**15.2012 SECTION 20.12 FENCES**

1. Fences on all lots in all districts are permitted in any yard following the issuance of a permit by the Zoning Administrator.
2. The fence shall not contain barbed wire, electric current, broken glass, or other sharp or hazardous edges. Chain link fences shall not have sharp wire edges exposed. However, the use of barbed wire, electric current, sharp or hazardous edges, or wire of similar nature is permitted in the AG and RR districts, if the use of such wire is reasonable related to a permitted use or special land use of the property which is being utilized.
3. Fences shall not extend into any street right-of-way.

4. A fence which encloses a public park, public playground, or similar public use located within a residential district shall not exceed eight (8) feet in height and shall not contain materials which obstruct vision to an extent greater than fifty percent (50%) of its vertical plane. Such fence may be located in any yard without regard to the height limitations of subparagraphs 5 and 6 of this Section. (ord. no. 518 eff. June 26, 2013)
5. A fence within a front yard or side yard abutting a street shall not exceed four (4) feet in height, except as otherwise permitted in this Section, and shall not contain materials which obstruct visions to an extent greater than fifty percent (50%) of its vertical plane. (ord. no. 518 eff. June 26, 2013)
6. Fences within a rear yard or interior side yard shall not exceed six (6) feet in height, except as otherwise permitted in this Section, provided that such fences may not exceed four (4) feet in height when located within the front setback line of adjacent residential premises if such setback line were extended onto the premises served by such fences.
7. The Zoning Administrator may permit the construction of customary or necessary fences, which enclose tennis courts, or other areas of sport activity where such fences will not impede vision or unnecessarily block the view from any adjacent property.

**15.2013 SECTION 20.13 LANDSCAPING REQUIREMENTS**

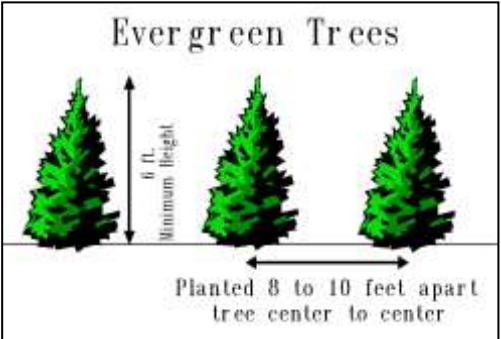
1. The purpose of this Section is to establish minimum standards for the development, installation and maintenance of landscaped pervious areas within all multiple family and all non-residential districts and for all non-residential uses permitted in a residential district. This Section further recognizes that the proper management and use of trees, plants and other types of vegetation will improve the appearance, value, character and quality of the living environment in the Township and promote resourceful site planning and creative design.
2. Landscaping and/or screening is required when:
  - A. A building permit is required for the erection of a principal building or structure other than a single-family residential dwelling or an accessory building related thereto. (ord. no. 473 eff. March 10, 2010)
  - B. A building permit is required for a structural alteration, addition, or repair to a building (other than a single-family residential dwelling) if the estimated expense of such construction exceeds fifty percent (50%) of the assessed value of the parcel for which the permit has been or will be issued.

- C. Parking lots, or parts which are adjacent to and visible from within twenty (20) feet of a public right-of-way, must include the perimeter landscaping.
  - D. A parking lot exceeds forty thousand (40,000) square feet.
  - E. Refuse containers are provided for structures other than single-family and two-family dwellings.
  - F. Any other section or provision of this Ordinance requires the structure or use in question to have landscaping or screening.
3. Whenever a landscape planting screen or landscape planting is required by this Ordinance, it shall comply with the following conditions:
- A. All planting screens and landscape plantings shall be planted in accordance with an approved planting plan and an Occupancy Certificate shall not be issued until the planting screen or landscape planting has been completed in accordance with the approved plan. If a use is ready for occupancy between April 1 and September 30, an occupancy certificate may be issued; if a use is ready for occupancy between October 1 and March 31, a temporary occupancy certificate may be issued which shall be subject to revocation if the plantings are not completed by June 1.
  - B. All landscape-planting screens are subject to the requirements of the Clear Vision Ordinance.
  - C. Trees shall not be planted within twelve (12) feet of public or private paved road surface or public utilities, unless the species of the tree does not have roots that cause damage to roadways or utility installations or unless the tree's root system is contained by a suitable barrier.
  - D. All scraped or disturbed ground areas shall be provided with coverage of grass, ground cover, shrubs, or other appropriate materials. If ground cover is used, the plantings shall not be more than twelve (12) inches apart. Materials that inhibit or restrict percolation of water into soils shall not be considered appropriate for these areas.
  - E. Grass areas shall be planted and grown as permanent lawns. Grass may be sodded, or seeded and mulched, and shall be protected from erosion by appropriate means until the grass is established.



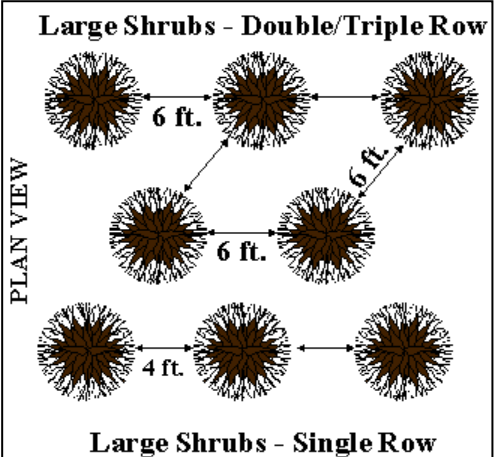
- F. Required interior landscaped areas of a parking lot shall use appropriate barriers. “Appropriate barriers” means a concrete or bituminous wheel stop or raised curb, or similar device.
  - G. All plantings shall be properly planted so that they are in a healthy, growing condition at the beginning of the first summer after the issuance of an occupancy permit or temporary occupancy permit. All plantings shall consist of living plant material and after completion of the planting they shall be maintained in an attractive and presentable condition, free of weeds, refuse, and debris. All plantings shall be maintained in a sound healthy, and vigorous growing condition.
  - H. No landscaped area may be abandoned, paved, or otherwise employed without submission and approval of a revised site plan.
  - I. The Planning Commission shall consider and may approve landscape plans that use innovative landscaping plans and techniques that may not comply with all of the requirements of the chapter if the plan substantially preserves and encourages continued conservation of native vegetation and habitat.
4. Whenever a landscape planting screen or landscape planting is required by the provisions of this Ordinance, a detailed planting plan for the landscape planting screen or landscape planting shall be submitted to the Community Development Department. As used in this Section, a “planting plan” means a diagram of the property, drawn to scale, which shows the locations, starting size, spacing, and descriptions of all the landscape materials proposed for use. A building permit shall not be issued by the Community Development Department unless the planting plan conforms to the following standards:
- A. The planting plan shall indicate the location, spacing, starting size, and description of each plant proposed for use in the planting screen.
  - B. The minimum scale for the planting plan shall be one inch equals thirty feet (1”=30’).
  - C. Existing and proposed contours shall be depicted with contour intervals not to exceed two (2) feet.
  - D. When an earth berm is used in conjunction with a planting screen, the planting plan shall depict typical cross-sections of the berm, including slope, height, and width of the berm and type of ground cover. If masonry or concrete walls are used in conjunction with the earth berm, the height, type of construction, and footings of the walls shall also be shown in cross-section.

E. The planting plan shall depict significant construction regarding specific site conditions (e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns, etc.).



F. The planting plan shall indicate existing tree cover that is used in conjunction with, or in place of, the planting screen requirements of this Ordinance, including type and height of trees.

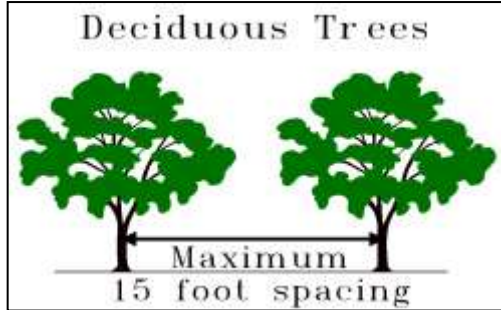
5. The Community Development Department official shall review the planting plan with regard to the following:



A. The proper spacing, height, placement, and location of plant materials so that the height and width of the screen has the required horizontal and vertical screening effect.



B. The choice and selection of plants and the location of the plants (including roots) shall not interfere with public utilities or constitute a public nuisance within public rights-of-way. [See Subsection 2C of this Section]

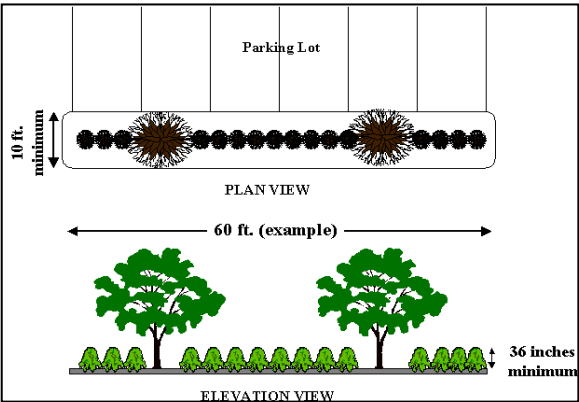


C. The choice and selection of plants shall be of a type that will survive and thrive in the area in which they are to be located.

- D. The location of plants or trees with respect to each other shall be such that the desired obscuring effect will be accomplished.
- E. When plants are placed in two (2) or more rows, the plantings shall be staggered in rows.
- F. Evergreen trees shall be at least six (6) feet in height and shall be planted eight (8) feet to ten (10) feet apart from the next tree in the planting. The word “apart” means that the distances are measured from tree center to tree center. (See Landscaping Requirements Illustrations).
- G. In a double or triple row, large shrubs (those exceeding thirty (30) inches in height) shall be planted no farther than six (6) feet apart. Large shrubs, when planted in single rows shall be planted no farther than four (4) feet from the next large shrub. All other shrubs shall be planted no farther than four (4) feet from the next shrub. (See Landscaping Requirements Illustrations).
- H. Deciduous or canopy trees with a trunk caliper of at least three and one-half (3½) inches, at six (6) inches above the ground shall not be planted more than thirty (30) feet from the next tree in the planting. All other deciduous trees or ornamental trees with a trunk caliper of at least three (3) inches, at six (6) inches above the ground shall not be planted more than thirty (30) feet from the next tree in the planting. The minimum acceptable size for any deciduous tree is a three (3) inch trunk caliper measured at a point at least six (6) inches above the ground. (See Landscaping Requirements Illustrations).
- I. When physical constraints or limitations of the land make compliance with the landscape requirements of this Section impractical or ineffective, the applicant may submit alternative planting plans to the Planning Commission. Upon review of the site conditions by the Planning Commission, it may approve the alternative-planting plan with such terms and conditions as it determines to be appropriate.
- J. The planting plan shall be reviewed by the Community Development Department and approved if it satisfies the requirements of this Section. If a proposed use or structure is one for which landscaping is required, then the site plan approval shall be conditioned upon the submission and approval of a planting plan which satisfies the requirements of this Section. However, the Planning Commission will delay the site plan approval until a planting plan, which satisfies the requirement of this Section, has been submitted by the applicant and approved by the Community Development Department.

- K. The Community Development Department can approve any actual planting variation, which is deemed equal to or superior to the original planting plan review.
  - L. A Community Development Department Official shall perform an on site inspection to insure the landscaping plan has been adhered to and issue an inspection stamp to the building permit as required for an Occupancy Permit.
6. Miscellaneous requirements for landscaping of particular use or structures.

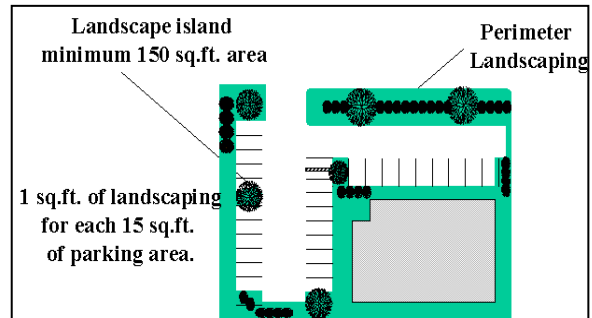
A. Parking lots, or parts thereof, which are adjacent to or visible from within twenty (20) feet of a public right-of-way, must have perimeter landscaping as follows between the parking lot and the right-of-way. In the case of public alleys, this requirement shall only apply if a residential use or zone is located across from the public alley:



- B. Perimeter landscaping shall include a landscaped area at least ten (10) feet in width; (See Landscaping Requirements Illustrations)
  - 1) The landscaped area shall have at least one (1) tree for every thirty (30) feet, or fraction thereof, of street frontage of the parking lot; and
  - 2) A continuous screen, which is at least thirty-six (36) inches in height above the street grade, consisting of a hedge, berm, wall, building, or combination thereof. The Building Official may determine the location of the screen so that it does not cause a traffic hazard, vision obstruction, or other public safety danger.
- C. Parking lots which exceed ten thousand (10,000) square feet in area must have interior landscaping located in such a manner that they break up the expanse of the paving throughout the parking lot, as follows, in addition to any that required by subsection 1, above: (See Landscaping Requirements Illustrations).

- 1) The interior of the parking lot shall have an interior landscaped area or areas, which total at least one (1) square foot of landscaped area for each fifteen (15) square feet of the parking lot. Individual interior landscaped areas shall be at least one hundred fifty (150) square feet in area. For the purpose of this subsection, the paved area within twenty (20) feet of the perimeter landscaping may be excluded in determining the size of the parking area.
- 2) There shall be at least one (1) deciduous tree for each one hundred fifty (150) square feet, or fraction thereof, of interior landscaped area.

Around each tree there shall be an open land area of at least seventy-five (75) square



feet, with a minimum diameter of four (4) feet at the tree trunk in each interior landscaped area.

- D. Refuse containers, HVAC units, or other permitted outdoor storage areas shall be screened by a wood or masonry solid wall or live conifer landscape material which is at least six (6) feet in height, or one (1) foot above the object which it is screening, whichever is greater. Live landscape materials shall be narrow evergreen trees planted no more than three (3) feet apart.
- E. If a gate is required for this storage area, it must be opaque and constructed from metal or wood.

**15.2014 SECTION 20.14 HOME OCCUPATIONS**

1. Home Occupations are permitted in any District.
2. The operation of a Home Occupation shall be conducted solely within a Dwelling Unit or attached Accessory Building and not within any detached Accessory Building located upon the Lot, except for incidental storage of equipment or materials.
3. The Home Occupation shall be conducted solely by the person or persons occupying the Lot as their principal residence, except that up to four (4) employees may meet at the Principal Building solely for purposes of

receiving instructions regarding work to be conducted at another site or collecting equipment or materials necessary for their work at another site, or documents related to their employment.

4. The Dwelling Unit shall have no exterior evidence, other than a permitted Sign, to indicate the Dwelling Unit is being utilized for a Home Occupation.
5. The floor area used for the Home Occupation shall not exceed twenty-five percent (25%) of the Gross Floor Area of the Dwelling Unit.
6. Only goods produced as part of the Home Occupation, or goods clearly incidental to the operation of the Home Occupation may be sold on the Lot, and the goods shall not be visibly on display from outside the Principal Building, nor shall any Sign or device be permitted advertising such sale.
7. No outside storage of equipment is permitted on the Lot.
8. Medical Marihuana. A registered primary caregiver, in compliance with the General Rules, the MMMA and the requirements of this Section, shall be allowed as a Home Occupation. Nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing Marihuana not in strict compliance with the MMMA and the General Rules. Also, since Federal law is not affected by the MMMA or the General Rules, nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution under Federal law. The MMMA does not protect users, caregivers or the owners of properties on which the Medical Use of Marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act or any other applicable Federal legislation. The following requirements for a registered primary caregiver shall apply.
  - A. The Medical Use of Marihuana shall comply at all times and in all circumstances with the MMMA and the General Rules, as they may be amended from time to time
  - B. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, including any Day Care Home, to insure community compliance with Federal “Drug-Free School Zone” requirements.
  - C. Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients from a Dwelling Unit.

- D. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the Dwelling Unit in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of Marihuana are located.
  - E. If a room with windows is utilized as a growing location for Marihuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the Dwelling Unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
  - F. That portion of the Dwelling Unit where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with applicable standards.
  - G. The Lot shall be open for inspection upon request by the Zoning Administrator, the Fire Department and law enforcement officials for compliance with all applicable laws and rules during the stated hours of operation/use and at such other times as anyone is present on the Lot.
  - H. The permitted Sign for the Medical Use of Marihuana shall not include a pictorial representation of the product provided at that Dwelling Unit, nor any references to Marihuana, alternate spellings of Marihuana or slang terms for Marihuana, nor any references to or pictorial representations of drug paraphernalia (as defined in Township Ordinance No. 434, as amended or restated from time to time).
9. The Zoning Administrator has authority to determine whether a proposed Home Occupation complies with this Ordinance and is within the spirit of the same to ensure the compatibility of the Home Occupation with the character of the zoning classification in which the Dwelling Unit is located and that the health, safety, and general welfare of the neighborhood will not be impaired.
- A. In a letter, the applicant shall indicate plans for the operation and maintenance of the Home Occupation, the nature of the Home Occupation, and specify how the applicant will comply with the standards outlined in this Section.
  - B. The Zoning Administrator may deny or approve the Home Occupation. In the approval or denial letter, the Zoning Administrator shall outline the conditions of approval, or the reasons for denial.

The letter shall be mailed to the applicant, and a copy kept on file with the applicant's original letter. (ord. no. 483 eff. Nov. 23, 2010)

**15.2015 SECTION 20.15 SWIMMING POOLS**

1. No swimming pool (referred to as “pool” in this Section) shall be constructed, erected, or installed on any lands in the Township unless a permit therefore has been obtained from the Zoning Administrator pursuant to Section 27.03 (Permits) of this Ordinance. All applications for a permit to construct a swimming pool shall be accompanied by a detailed set of plans and payment of the permit fee as established from time to time by resolution of the Township Board. No pool shall be used after construction until the same shall have been inspected by the Zoning Administrator and a certificate of compliance issued pursuant to Section 27.05 (Certificates of Compliance) of this Ordinance.
2. The outside edge of the pool wall shall not be located nearer than six (6) feet to any lot line; provided, however, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line. Pools may not be located closer to a street than will allow enclosure by a fence or wall meeting the setback requirements of subsection 4, below.
3. All pools shall be designed and constructed to withstand the expected forces to which they will be subjected. All pools shall be served by a filtration system and the water therein treated so as to adequately maintain the water in a safe and healthy condition.
4. Each pool shall be enclosed by a fence or a wall (which may be a pool wall) of a height no less than four (4) feet, nor more than six (6) feet which is constructed in such manner that no person may enter the yard or the immediate area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. The fence or wall may be on or anywhere inside the lot lines of the lot on which the pool is situated; provided, however, that no fence or wall may be erected closer to a street than a building may be erected in the zoning district in which the pool is located.
5. All gates and doors, which permit access to the immediate pool area, shall be self-latching and capable of being locked.
6. No above ground electric wire less than ten (10) feet from the ground shall be located within twenty-five (25) feet from any exterior edge of any pool, nor shall wires of any kind cross or be over the water surface of any pool.



- 7. All pools and accessories shall be designed, constructed, and maintained in compliance with all applicable statutes, Ordinances, codes, rules, and regulations.
  
- 8. Pool houses and storage sheds.
  - A. A single pool house with one hundred twenty (120) square feet or less of total floor area, or a single storage shed with one hundred twenty (120) square feet or less of total floor area, will not be considered a residential accessory building for the purposes of this Section. (No more than one (1) pool house or storage shed is allowed on a lot. Any additional structures, even if they meet the requirements of this subsection, are considered to be a residential accessory building.)
  
  - B. The setback requirements for either the single pool house or the single storage shed allowed by this subsection are a minimum of five (5) feet from the residence, five (5) feet from the side lot line, and five (5) feet from the rear lot line. The setback shall be a minimum of twenty-five (25) feet to the edge of a street right-of-way, public or private. (ord. no. 309 eff. March 6, 1999; amend. by ord. no. 354 eff. November 2, 2001)

**15.2016 SECTION 20.16 DOMESTIC ANIMALS AND PETS**

- 1. “Domesticated pets” or “household pets”, for the purpose of this Section, shall mean those animals commonly domesticated as pets and kept in homes. Examples include, but are not limited to: dogs, cats, birds, aquatic animals, rabbits, small rodents, and similar animals, which do not present an unusual risk to persons or property.
  
- 2. The keeping of domesticated or household pets is permitted as an accessory use in any zoning district; provided, however, that no more than four (4) domesticated or household pets, or any combination thereof which totals no more than four (4), may be kept as a use accessory to any one (1) dwelling unit. A litter of dogs or cats which results in the temporary keeping of a number of domesticated or household pets, or combination thereof which exceeds four (4) shall not be deemed a violation of this Subsection until the litter of dogs or cats reaches the age of six (6) months.
  
- 3. The keeping of any other domestic farm-type animals such as horses, cattle, goats and poultry, but not including pigs, as an accessory use may be permitted in residential districts, if authorized by the Zoning Administrator. This Subsection shall not apply to the keeping of chickens in compliance with all requirements of Subsection 4. In considering authorization for keeping of certain animals, the Zoning Administrator shall consider the following:

- A. The land area where such animals are to be housed;
- B. The proximity of the accessory building in which the animals are to be housed to other residential structures;
- C. Whether or not noise or odors are likely to adversely affect the use of adjoining properties of the surrounding neighborhood; and
- D. For each district these additional standards shall be considered by the Zoning Administrator.
  - 1) In districts RP and RR, the keeping of domestic farm-type animals may be allowed subject to the following limitations:
    - a) The minimum area of a Lot on which approval may be given to keep such animal shall be two and one-half (2½) acres;
    - b) No more than one (1) such animal may be kept on a Lot the area of which is two and one-half (2½) acres, and each additional such animal shall require a further area of two and one-half (2½) acres;
    - c) Any Building on which any such animal is kept shall be located not closer than sixty (60) feet to any boundary line of the Lot or the right-of-way line of any Street;
    - d) The keeping of such animal shall be for recreational purposes only; and
    - e) The area in which any such animal is kept shall be securely fenced so as to restrict such animal to the Lot for which keeping has been authorized. (amend. by ord. no. 493 eff. December 28, 2010; amend. by ord. no. 548 eff. September 25, 2016)
  - 2) In districts LDR, and R-1 through R-4, the keeping of domestic farm-type animals may be allowed subject to the following limitations:
    - a) The minimum area of a Lot on which approval may be given to keep such animal shall be five (5) acres;

- b) No more than two (2) such animals may be kept on a Lot the area of which is five (5) acres, and each additional such animal over the two (2) in number shall require a further area of two and one-half (2½) acres;
  - c) Any Building in which any such animal is kept shall be located not closer than fifty (50) feet to any boundary line of the Lot or the right-of-way line of any Street;
  - d) The keeping of any such animal shall be for recreational purposes only; and
  - e) The area in which any such animal is kept shall be securely fenced so as to restrict such animal to the lot for which keeping has been authorized. (amend. by ord. no. 493 eff. December 28, 2010; amend. by ord. no. 548 eff. September 25, 2016)
4. The keeping of chickens as an accessory use may be permitted in residential districts if authorized by the Zoning Administrator. In considering authorization for chickens, the Zoning Administrator shall require that all of the following requirements are met.
- A. The keeping of chickens shall not be permitted in any platted subdivision, or condominium, or site condominium development that is zoned in the R-1, R-2, R-3, R-3.5 or R-4 District, or which is zoned in a residential Planned Unit Development District having a parallel plan based on the development density permitted by the R-1, R-2, R-3, R-3.5 or R-4 District. This prohibition shall not apply to lots or parcels within a Supervisor's Plat.
  - B. Subject to the prohibition stated above in Section A, the minimum lot size required for the keeping of chickens shall be one (1) acre.
  - C. No more than four (4) chickens may be kept on any lot.
  - D. The principal use of the lot must be for a single-family dwelling or a two family dwelling.
  - E. Roosters shall not be permitted.
  - F. The slaughtering of any chicken is prohibited.

- G. Chickens must be provided with and kept within a covered enclosure at all times. Chickens shall not be allowed to roam the lot or any other property.
- H. The enclosed area where the chickens are kept shall be located within the rear yard, and shall be at least twenty (20) feet from any side or rear lot line. Materials used to construct the enclosed area shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.
- I. The enclosed area where the chickens are kept shall be kept clean and neat at all times. Chicken feed must be kept in rodent-proof, sealed containers.
- J. As part of the authorization application, the applicant shall submit a scaled site plan (showing the location of the chicken enclosure and setbacks to all lot lines), details of the chicken enclosure, and explanation of how each of the above standards will be met. If the above requirements are not satisfied, the Township shall deny the pending authorization request. If the authorization has already been issued, the Township may revoke any permit granted under this Subsection or take enforcement action or both. (Amend by ord. no. 477 eff. May 12, 2010)

**15.2017 SECTION 20.17 ANTENNAS**

- 1. Antennas for the reception of television, radio, small wave, and any other signals are permitted in all districts. These regulations shall not apply to antennas that are one (1) meter (39.37 inches) or less in diameter in residential districts or two (2) meters or less in diameter in nonresidential districts.
- 2. Antennas for the reception of television, radio, small wave, and any other signals greater than one (1) meter (39.37 inches) in diameter in residential districts or greater than two (2) meters or less in diameter in nonresidential districts are permitted subject to the following requirements:
  - A. All antennas must be located in the side or rear yard of the premises on which located, unless attached to the principal structure on the premises.
  - B. An antenna is an accessory structure under this Ordinance, and all appropriate permits are required for installation of an antenna.

- C. All antennas shall be appropriately anchored or attached to the ground or some other structure in order to prevent them from falling down or being blown down
- D. No antenna shall be connected in any manner to a structure, which is located on another parcel of land.
- E. No antenna shall exceed the overall height limitation for the district in which it is situated, nor shall an antenna cause the structure to which it is attached to exceed the overall height limitation for the district in which the structure is located
- F. No antenna shall be taller than thirty-five (35) feet.
- G. No antenna may be placed in a front yard, and shall not be located closer than ten (10) feet to any side or rear lot line.
- H. The Zoning Administrator may allow alternate locations for the antenna where it is proven that permitted sites do not allow the antenna to function.

**15.2018 SECTION 20.18 MOVED STRUCTURES OR BUILDINGS**

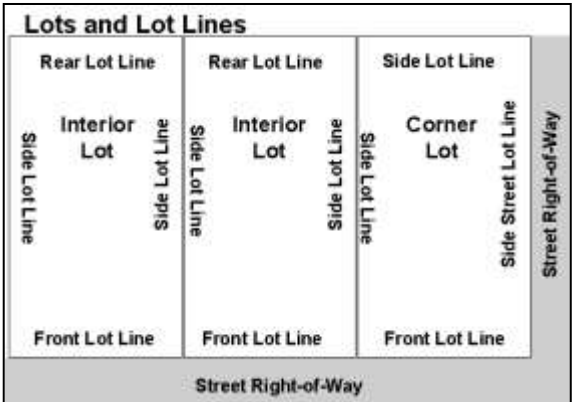
No building or structure shall be moved into or within the Township for permanent or temporary location of the same within the Township except pursuant to the following provisions:

1. The owner of the building or structure or the mover who has been hired for such purpose shall first apply to the Township for a moving permit.
2. Prior to the issuance of a moving permit, the structure or building shall be inspected to determine if it complies with the requirements of all building, mechanical, electrical, and plumbing codes then adopted and enforced in the Township. The inspections shall be conducted or supervised by the Township’s Building Official, and all inspections shall be done by duly certified inspectors, who are either employed by or appointed by the Township for such purpose.
3. No building or structure shall be moved into or within the Township unless it compatible in design, appearance, and condition of other dwellings in the general vicinity of its proposed location. The determination of compatibility of design, appearance, and condition shall be made in the same manner as provided in Section 20.06.8.
4. All inspection reports and records shall be filed with the Township’s Building Official and shall become a part of the permit file.

- 5. A moving permit shall only be issued to the owner if the mover who has been hired is bonded or insured in the minimum amount of \$200,000, combined single limit.
- 6. No structure or building, which has been moved into or within the Township, shall be used or occupied in whole or in part until such time as the Building Official has made a final inspection of the same and issued a certificate of occupancy and use of the same.
- 7. The owner of the building or structure or the mover shall pay the moving and inspection fees as may be established from time to time by resolution of the Grand Haven Township Board.

**15.2019 SECTION 20.19 YARD AND LOT REQUIREMENTS**

- 1. The front yard setback shall be measured from the right-of-way line or property line, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, except as noted in subsection 2, below.

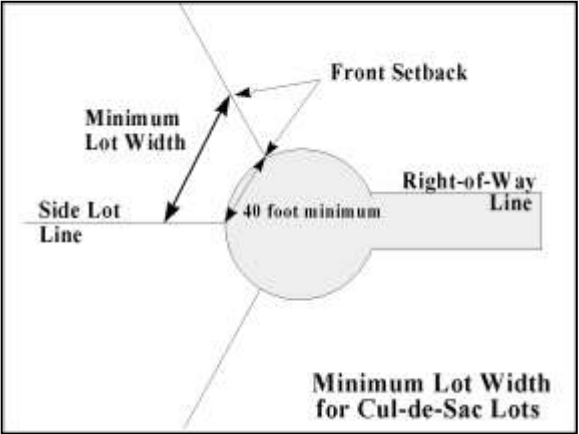


- 2. Where an average setback line less than that required by this Ordinance has been established by existing buildings located within two hundred (200) feet of the proposed building on the same side of the street, such average setback shall apply.
- 3. The rear yard setback shall be measured from the rear lot line and shall be to an imaginary line across the width of the lot drawn at the minimum required rear setback distance for that district.
- 4. On through lots, the front yard requirements shall apply on both street frontages. For a row of double frontage lots, one (1) street will be designated as the front street for all lots. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.
- 5. In the case of a corner lot, the front yard setback shall be measured from the shorter street frontage. The side street lot setback shall be one-half (1/2) the required front yard setback. The remaining setbacks shall be side setbacks.

For a corner lot with three (3) front setbacks, the remaining setback shall be a side setback.

- A. The width of a corner lot shall be determined by the entire length of the shorter street frontage of the two (2) streets.
- B. Commercial and Industrial Zoning Districts. For a corner lot which is completely within a C-1, I-1, or I-1A District, the setback along the secondary lot line(s) shall not be less than forty (40) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located. (amend. by ord. no. 532 eff. April 26, 2015)

- C. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum width of forty (40) feet at the front property line.



**15.2020 SECTION 20.20 EXCEPTIONS TO REGULATIONS**

The regulations and restrictions of this Ordinance shall be subject to the exceptions and interpretations set forth in this section.

- 1. Voting Place. The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- 2. Height Limit. The height limitations of this Ordinance shall not apply to farm structures other than agricultural buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission or reception towers, provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use and such height limit is reasonably required for public safety or otherwise to comply with the standards set forth in Chapter 19 (Special Land Uses). (amend. by Ord. 479 eff. June 12, 2010)

3. Lots Adjoining Alleys. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
4. Front Porch. An open unenclosed and uncovered front porch or paved terrace with a horizontal surface of not more than twenty (20) square feet may project into the front yard, but this shall not be interpreted to include or permit fixed canopies other than roof overhangs permitted under subsection 5, below.
5. Projections into Yards. Projections of the principal building are permitted into required yards as follows:
  - A. Architectural features such as but not limited to fireplaces and bay windows, may extend or project not more than two (2) inches for each one (1) foot of width of the required yard into which such feature extends or projects, provided that no such projections shall extend more than two (2) feet into such required yard, nor shall any such projection or extension comprise more than twenty-five percent (25%) of the wall surface from which it projects.
  - B. An attached deck may extend no more than twelve (12) feet into the required rear yard. An attached deck shall not extend into any required side yard setback.
  - C. An unattached deck, which partially or completely surrounds a swimming pool, shall not extend into any required side yard. Such a deck may extend into the required rear yard, but in no event shall it be closer to the rear lot line than the least of the actual side yard setbacks of the property in question.
  - D. Roof overhangs not to exceed three (3) feet may extend into any required yard.
6. Access Through Yards. For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front or side yards. Further, any walk, terrace, or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.



7. Lots Having Water Frontage. Those residential lots or parcels having water frontage shall maintain the yard on the water side in a manner which will not unduly obscure the water view from adjacent property. (ord. no. 473 eff. March 10, 2010)

**15.2021 SECTION 20.21 OPEN SPACE PRESERVATION**

1. Purpose: The purpose of this Section is to adopt open space preservation provisions consistent with Act No. 177 of the Public Acts of Michigan of 2001 (“Act 177”) which requires qualifying townships (i.e. zoned townships having a population of 1,800 or more) to permit lands satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50 percent, that could otherwise be developed, under existing regulations, on the entire land area.
2. Qualifying conditions: Land may be developed under the provisions of this Section only if each of the following conditions are satisfied:
  - A. The land is located in a zoning district that permits residential development at a density equivalent to two or fewer dwelling units per acre if the land is not served by a public sewer system, or three or fewer dwelling units per acre if the land is served by a public sewer system. This includes land zoned in the RP, RR, and LDR zoning districts regardless of the availability of public sewer system, and land zoned in the R-1 zoning district only if the land is served by a public sewer system.
  - B. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension.
  - C. At least fifty percent (50%) of the land proposed for development shall remain in a perpetually undeveloped state. For purposes of this Section, “undeveloped state” means a natural state preserving the natural resources, natural features, or scenic or wooded conditions of the land; the agricultural use of the land; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
  - D. The open space preservation option shall not have previously been exercised with respect to the same land.

3. 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.
4. Application: The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Chapter 23 of this Ordinance, governing site development plans, except as otherwise provided in this Section. In addition to the application materials required by Chapter 23 of this Ordinance, an application for the development of land under the provisions of this Section shall include the following:
  - A. A Parallel Plan prepared for the purpose of demonstrating the number of dwelling units that could otherwise be developed on the land under its existing zoning if the open space preservation option were not exercised. The Parallel Plan may be conceptual in nature but shall include at least the following information:
    - 1) Dates drawn and revised, north arrow and scale, which shall not be more than one inch equaling one-hundred feet (1" = 100'), and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed open space preservation development.
    - 2) Location of street rights-of-way, driveways and all easements.
    - 3) Location of all lots, illustrating lot area and width to demonstrate compliance with the minimum requirements of the applicable zoning district.
    - 4) Required building setback lines on all lots to demonstrate the availability of sufficient buildable land to make the lot usable.
    - 5) Location of all utilities that would be necessary to serve a development under the Parallel Plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
    - 6) If development under the Parallel Plan would require the use of septic tanks and drain fields, the Parallel Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and

drain field location for each lot would be approved, or has been approved, by the Ottawa County Health Department.

- 7) The topography of the land, including identifying the location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, slopes in excess of 25 percent, flood plains, or other features prohibiting development for residential purposes.

B. The site development plan for the open space preservation development shall include the following minimum information, in addition to that required by Chapter 23 of this Ordinance:

- 1) The portion(s) of the land proposed to remain in a perpetually undeveloped state and the portions of the land to be used for clustered development.
- 2) Total number of acres of land proposed to remain in a perpetually undeveloped state, the total number of acres of land proposed to be used for clustered development, and the area contained within rights-of-way or easements for streets. The percentage of each, as compared to the total site acreage, shall be indicated.
- 3) Lots and proposed building envelopes, showing the lot area, width, and yard setbacks for each lot. The number of lots on the site development plan shall not exceed the number of lots that could otherwise be developed as shown on the Parallel Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as provided in Section 20.21.6.K.
- 4) Location and type of all proposed non-dwelling unit structures and improvements, including but not limited to all proposed public street rights-of-way and private road easements.
- 5) Location of all septic tanks and drain fields, if applicable. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Ottawa County Health Department.

C. A copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, used to perpetually preserve the open space in an undeveloped state. Such legal instrument shall be reviewed by the township attorney,

and shall be subject to the approval of the Township Board, consistent with the terms of this Section, prior to recording the legal instrument with the Ottawa County Register of Deeds. The legal instrument shall:

- 1) Indicate the proposed permitted use(s) of the undeveloped open space.
  - 2) Require that the open space be perpetually preserved in an undeveloped state, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.
  - 3) Require that the open space be maintained by parties who have an ownership interest in the property.
  - 4) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.
- D. If the development is to be served by public streets, written proof that the Ottawa County Road Commission has approved the design, layout and construction of the proposed public streets.
- E. Written proof that the Ottawa County Drain Commission has approved the drainage plan for the open space preservation development as a whole, and the drainage plan for any particular building sites prior to the construction of any building or structure within the open space preservation development.
- F. If the open space preservation development is proposed as a platted subdivision or a site condominium development, the applicant must also submit all information required under the Township Subdivision Ordinance or Chapter 18 of this Ordinance, as applicable.
5. Review Procedure:
- A. When reviewing an application submitted under the terms of this Section, the Planning Commission shall determine whether the Parallel Plan accurately reflects the number of dwelling units that could otherwise be developed on the land under its existing zoning. If the Planning Commission determines that the number of dwellings illustrated on the Parallel Plan exceeds the number of dwellings that

could be permitted on the land if it were developed under its existing zoning, the applicant shall submit a revised site development plan for the open space preservation development reflecting the permitted number of dwellings, as determined by the Planning Commission.

- B. If a site development plan for an open space preservation development satisfies all applicable requirements of Sections 23.06 and 23.07 of this Ordinance, and all requirements of this Section 20.21, the Planning Commission shall approve the site development plan. The Planning Commission may require performance guarantees for any public improvements associated with the open space preservation development, in accordance with Section 16f of the Township Zoning Act.
- C. If the open space preservation development is proposed as a platted subdivision or a site condominium development, the applicant shall demonstrate compliance with all requirements of the Subdivision Control Ordinance or Chapter 18 of this Ordinance, as applicable, before the Planning Commission may approve the development.

6. Development requirements:

- A. Required Open Space. At least fifty percent (50%) of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., “open space”), as provided in Section 20.21.4. The following areas shall not be considered as open space:
  - 1) All areas within all public street rights-of-way.
  - 2) All areas within all private road easements.
  - 3) Any easement for overhead utility lines, unless adjacent to open space.
  - 4) The area within a platted lot or site condominium unit.
  - 5) Off-street parking areas.
  - 6) Detention and retention ponds.
  - 7) Community drain fields.
  - 8) Areas devoted to community water supply or sanitary sewer treatment systems.

- 9) Marinas.
- 10) Club houses and swimming pools.
- 11) Golf courses.

B. Standards for Open Space. The following standards shall apply to the open space required pursuant to this Section:

- 1) The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, natural area, agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- 2) The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably usable by such residents for passive recreation such as hiking and picnicking. The open space may be, but is not required to be, dedicated to the use of the public.
- 3) Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided.
- 4) A portion of the open space shall be located along the perimeter street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
- 5) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
- 6) 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. The Planning Commission may also impose reasonable restrictions on access to and the use of riparian properties having common access rights.

C. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or other improvements to be located

in the open space if such improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use. However, clubhouses, swimming pools, golf courses, marinas, and similar recreational amenities shall not be permitted within the designated open space.

- D. Compliance with Zoning District. The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback and lot area requirements that must be adjusted to allow the open space preservation option permitted herein.
- E. Uniform Lot Size. Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
- F. Building Envelopes. The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
- G. Required Frontage. Each lot shall have a minimum frontage measured at the public street right-of-way or private road easement line that is equal to the minimum lot width required by subsection H below. All dwelling lots shall be accessed from an interior street within the development and shall meet the minimum frontage requirement on such interior street.
- H. Lot Width. Each lot shall have a minimum width equal to no less than seventy percent (70%) of the minimum lot width specified for the zoning district in which the land is located.
- I. Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of lots that could otherwise be developed, as determined from the Parallel Plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in Section 20.21.6.K.
- J. Non-Dwelling Unit Structures. Lots containing non-dwelling structures such as a clubhouse and its related amenities shall be subject to all requirements of this Section applicable to lots containing dwellings and shall further be subject to all other

requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed.

- K. Reduction in Lots for Non-Dwelling Structures. If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted to be developed shall be reduced as follows:
- 1) The area occupied by non-dwelling structures shall be divided by the average area of dwelling lots that could be situated in the clustered development if the non-dwelling structures were not included, based on the approved Parallel Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
  - 2) The number calculated under subsection 1, above, shall be subtracted from the number of dwelling lots that could be permitted in the clustered development, as determined from the approved Parallel Plan.
- L. Perimeter Lots. Notwithstanding any other provision of this Section, the Planning Commission may require that the open space preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- M. Grading. Grading within the development shall comply with the following requirements:
- 1) 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.
  - 2) 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, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
  - 3) Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only



such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.

- N. Private Roads. Private roads within an open space preservation development shall conform to the requirements of the Private Roads and Driveways Ordinance.
- O. Other Laws. The development of land under this Section is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

7. Amendments to an Approved Site Plan:

- A. An approved open space preservation development plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.
- B. Changes to an approved development plan shall be permitted only under the following circumstances.
  - 1) The holder of an approved plan shall notify the Zoning Administrator of any desired change.
  - 2) Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the open space development, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
    - a) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
    - b) Internal rearrangement of a Parking Lot which does not affect the number of parking spaces or alter access locations or design;
    - c) Changes required or requested by the Township, Ottawa County, or other State or Federal regulatory

agency in order to conform to other laws or regulations.

- d) Changes which will preserve natural features of the land without changing the basic site layout.
- e) Other similar changes of a minor nature may be approved by the Zoning Administrator upon conferring with the Chair of the Planning Commission. All minor changes approved by the Zoning Administrator shall be submitted in writing to the Planning Commission for informational purposes.

C. The Planning Commission may require performance guarantees for any public improvements associated with the open space preservation development, in accordance with Section 16f of the Township Zoning Act. Such arrangements shall be conditioned upon faithful compliance with all provisions and requirements of the approved open space preservation development plan, including any conditions thereto, and construction and placement of all improvements required thereby.

In its discretion, the Planning Commission may rebate or refund a proportionate share of the amount specified in the performance bond, letter of credit, or other written assurance, based upon the percent or portion of improvements completed, as verified by the Planning Commission.

8. Time Limitation on Development:

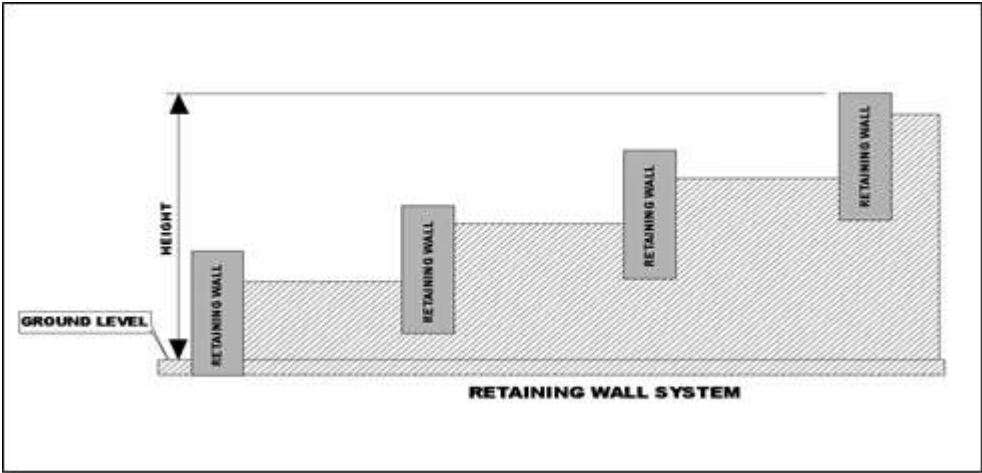
- A. Each development permitted pursuant to this Section shall be under construction within one year after the date of approval of the open space preservation plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant no more than one extension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

option. (ord. no. 309 eff. Feb. 22, 1999; amend. by ord. no. 370 eff. Jan. 24, 2003)

**15.2022 SECTION 20.22 RETAINING WALLS**

1. Height.

- A. The height of a **Retaining Wall** shall be measured from the ground level at the base of the **Retaining Wall** (at the lowest side of the wall) to the top (at the highest point on the wall) of the **Retaining Wall**.
- B. If no portion of a **Retaining Wall** exceeds two (2) feet in height, the **Retaining Wall** shall be exempt from the provisions of this Section.
- C. No portion of a **Retaining Wall** may exceed eight (8) feet in height.

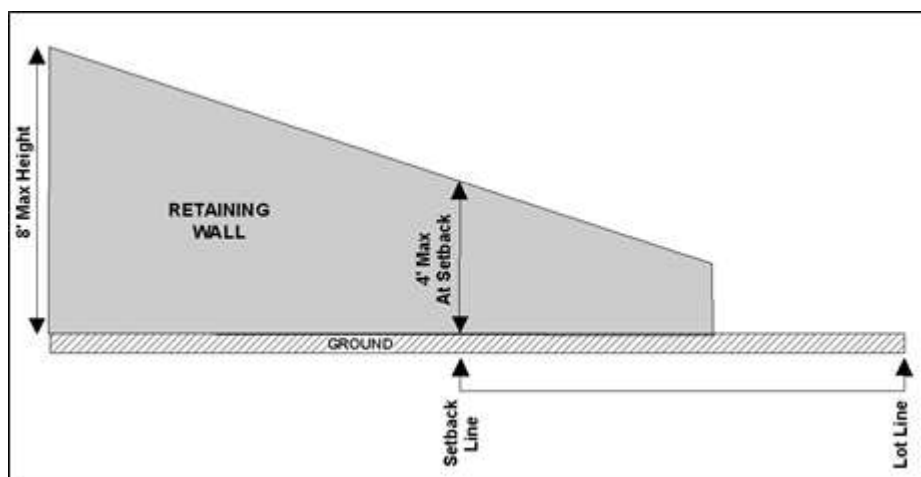


- D. In the case of a series of **Retaining Walls** within close proximity to one another (i.e. less than ten (10) feet from one another) that serve as one **Retaining Wall** system, the height shall be measured from the ground level at the base of the lowest **Retaining Wall** (at the lowest side of the wall) to the top of the highest **Retaining Wall** (at the highest point on the wall). This distance may not exceed the various height limitations outlined in this Section (*see graphic*). **Retaining Walls** spaced greater than ten (10) feet from one another shall be considered individual **Retaining Walls**.

2. Setbacks.

- A. A **Retaining Wall**, which does not at any point exceed four (4) feet in height, must have a **Setback** of at least two (2) feet from all **Lot Lines**.

- B. For any portion of a **Retaining Wall** which exceeds four (4) feet in height, such portion must meet the applicable front **Setback**, rear **Setback** and side **Setbacks** for the **Lot** in the designated **Zoning District** (*see graphic*).
- C. The minimum **Setbacks** described above apply whether the **Retaining Wall** is attached to a **Building** or other **Structure** or is freestanding.



- D. A guardrail, fence, or other restraining device may be placed on top of a **Retaining Wall** and shall not be considered as part of the height of the **Retaining Wall**. **Retaining Walls** over thirty (30) inches above ground level, and located within thirty-six (36) inches of a walking surface (e.g. walkway, driveway, porch, patio, deck, etc.) shall have a guard which complies with the current State Construction Code. Any guardrail, fence, or other restraining device must also comply with the provisions in Section 20.12 of this Ordinance.
  - E. In spite of the above minimum **Setbacks** for **Retaining Walls**, a **Retaining Wall** may terminate at a **Lot Line** if it directly abuts a **Retaining Wall** on the adjacent **Lot** and if it is structurally independent from any **Building** or other **Structure** on its own **Lot**.
  - F. In the C-1 and the I-1 Districts, a **Retaining Wall** which does not exceed four (4) feet in height may terminate at the **Lot Line** as long as the general design standards specified below are met.
3. General Design Standards.
- A. The placement, location and design of a **Retaining Wall** shall not modify or alter drainage patterns.

- B. Excavation needed for the placement, location and design of a **Retaining Wall** shall not cause the removal of, or damage to trees or vegetation on an adjacent lot. If necessary, a non-disturbance area will be specified by the Township.
4. Required Approvals.
- A. The Zoning Administrator shall initially review a proposed **Retaining Wall** to verify its height and **Setback**. The Township Engineer may be asked to conduct a more thorough review.
  - B. All **Retaining Walls**, except those approved as part of a building permit, site plan review, special land use permit, planned unit development approval, or some other regulatory review and approval by the Township require a **Zoning Permit**.
  - C. An application for approval of a **Zoning Permit** for a **Retaining Wall** include a dimensioned plan showing the location of the **Retaining Wall**, two (2) feet contours (existing and proposed), and all **Buildings** and **Structures** within twenty-five (25) feet of the proposed **Retaining Wall**; proposed material for construction of the **Retaining Wall**; construction detail; and drainages provisions.
  - D. **Retaining Walls** must also meet all applicable requirements of the State Construction Code.
5. Exemptions.
- A. **Retaining Walls** proposed for the sole purpose of preserving significant natural vegetation (*e.g. mature trees*) that exist on the premise prior to the construction of such wall shall be exempt from the provisions of this Section. Determination of this exemption shall be made by the Zoning Administrator as a determined based on the facts of approval and purpose of this Section.
  - B. **Retaining Walls**, which cannot be seen from any abutting property (*e.g. window wells, tree wells, etc.*), shall be exempt from the provisions of this Ordinance, except for those requirements by the State Construction Code(s). (ord. no. 410 eff. July 9, 2005)

**15.2023 SECTION 20.23 WIND ENERGY TURBINES (WETs)**

- 1. Purpose: The purpose of this Section is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

- A. To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.
  - B. To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.
  - C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.
2. Applicability: This Section shall apply to the following:
- A. This Section applies to all WETs proposed to be constructed after the effective date of this Section.
  - B. A **SMALL STRUCTURE-MOUNTED WIND ENERGY TURBINE (SSMWET)** and a **SMALL TOWER-MOUNTED WIND ENERGY TURBINE (STMWET)** shall be considered a permitted use in all zoning districts and shall not be **ERECTED**, constructed, installed, or modified as provided in this Ordinance unless appropriate Township permits have been issued to the **WET OWNER(s)** or **OPERATOR(s)**.
  - C. All WETs constructed prior to the effective date of this Section shall not be required to meet the requirements of this Section; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Ordinance, in compliance with the standards of this Section.
3. Siting and Design: All SSMWETs and STMWETs must be sited and designed in accordance with the following:
- A. Visual Appearance:
    - 1) A SSMWET or STMWET, including **ACCESSORY BUILDING**s and related **STRUCTURE**s shall be a solid, non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, **TOWER**, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
    - 2) A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or unless otherwise approved by the Planning Commission.

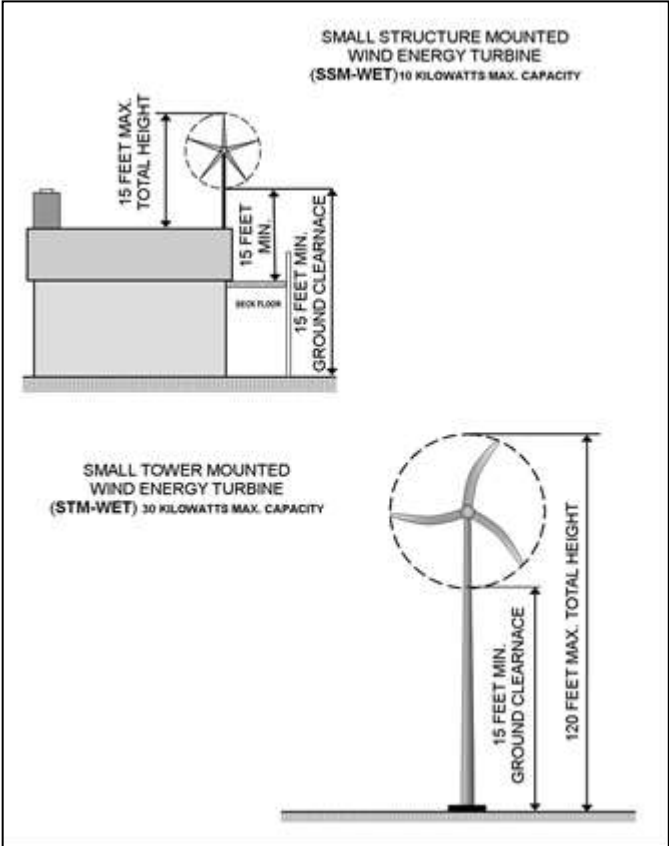
3) SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

B. Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural **GRADE** within thirty [30] feet of the base of the Tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as decks, balconies or roof gardens, that are located

directly below the SSMWET or STMWET.

C. Noise: Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the maximum permissible sound levels outlined in Section 5 of the Grand Haven Charter Township

Noise Control Ordinance (ord. no. 341).



D. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.

E. Guy Wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.

F. Height: The Total Height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances. The Total

Height of a STMWET shall not exceed one hundred twenty (120) feet.

- G. **SETBACK:** The Setback for a SSMWET shall be a minimum of fifteen (15) feet from the **LOT** line, **PUBLIC** or **PRIVATE STREET**, or overhead utility lines. The Setback shall be measured from the furthest outward extension of all moving parts.

The Setback for a STMWET shall be at least one hundred fifty (150) feet from any **FRONT LOT LINE** (or **REAR LOT LINE** in the case of a waterfront **LOT**), and shall be setback a distance equal to or greater than the **TOTAL HEIGHT** of the STMWET, as measured from the base of the **TOWER**, from all other lot lines, **PUBLIC** or **PRIVATE STREETS**, public easements, or overhead **PUBLIC UTILITY** lines.

- H. **Separation:** If more than one (1) 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.

- I. **Location:** The SSMWET shall not be affixed to the wall on the side of a **STRUCTURE** facing a **PUBLIC** or **PRIVATE STREET**. A STMWET may only be located in a **REAR YARD** of a **LOT** that has an **OCCUPIED BUILDING**. A STMWET may be located in a **SIDE YARD** or **FRONT YARD** of a lot that has an occupied building, provided that it is set back at least one hundred fifty (150) feet from the **FRONT LOT LINE** (or **REAR LOT LINE** in the case of a waterfront lot), as measured from the base of the **TOWER**.

- J. **Quantity:** No more than three (3) SSMWETs shall be installed on any **LOT** of residentially zoned or used property. The Planning Commission may allow more SSMWETs on agriculturally, commercially or industrially zoned properties if appropriate. No more than one (1) STMWET shall be installed on any residentially zoned or used property. The Planning Commission may allow more STMWETs on agriculturally, commercially or industrially zoned or used properties if appropriate. The Planning Commission shall consider the size of the **LOT**, the use of the lot, the location of the proposed WETS, the use of and impact upon adjoining lots, and other relevant factors in determining if additional WETS are appropriate. No more than three (3) SSMWETs, or one (1) STMWET shall be allowed on any single lot of residentially zoned or used property, unless specifically approved by the Planning Commission.

- K. **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 WET to the **TOWER** wiring are exempt from this requirement.

L. Anemometers: If an **ANEMOMETER** is to be installed prior to, or in conjunction with a SSMWET or STMWET, it must be done so in accordance with the following provisions:

- 1) The construction, installation, or modification of an Anemometer Tower shall require a **ZONING PERMIT** and applicable **BUILDING**, electrical or mechanical permits and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- 2) An Anemometer shall be subject to the minimum requirements for height, **SETBACK**, separation, location, safety, and **DECOMMISSIONING** of this Ordinance that correspond to the size of the SSMWET or STMWET that is proposed to be constructed on the site.

4. **ZONING PERMIT** Application Requirements: In addition to the standard information required on a Zoning Permit Application form, applications for SSMWETs and STMWETs shall also include the following information/documentation:

- A. A site plan (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET(s), lot lines, physical dimensions of the **LOT**, existing **BUILDING**(s), **SETBACK** lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, Public and **PRIVATE STREETS**, and contours. The site plan must also include adjoining lots as well as the location and use of all **STRUCTURE**s.
- B. The proposed number, type, and **TOTAL HEIGHT** of SSMWET(s) or STMWET(s) to be constructed; 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.
- C. Documented compliance with the noise requirements set forth in this Ordinance.

- D. Documented compliance with applicable Township, County, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - E. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
  - F. For STMWET applications, 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.
  - G. Verification that the SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
  - H. Other relevant information as may be reasonably requested by the Township.
5. Safety Requirements: All SSMWETs and STMWETs must be designed to meet the following 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**, 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 Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" or 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.

6. **DECOMMISSIONING:** Any SSMWET or STMWET that is to be decommissioned shall be done so in accordance with the following requirements:
  - A. The **WET OWNER(s)** or Operator(s) shall complete Decommissioning within six (6) months after the end of the useful life. Upon request of the WET Owner(s) or **WET OPERATOR(s)** of the SSMWET or STMWET, and for a good cause, the Township Superintendent, or the Township Superintendent's designee, 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 six (6) months; the end of its useful life may also be established by other facts and circumstances determined by the Township Superintendent, or the Township Superintendent's designee. All Decommissioning expenses are the responsibility of the WET Owner(s) or Operator(s).
  - B. If the WET 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, security deposit or Bank Letter of Credit must be provided to the Township for the cost of Decommissioning each SSMWET or STMWET.
  - C. In addition to the Decommissioning Requirements listed previously, the STMWET shall also be subject to the following:
    - 1) **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 sixty (60) inches below **GRADE**, or to the level of the bedrock if less than sixty (60) inches below grade.
    - 2) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the **WET OWNER(s)** or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

Certain large scale developments defined as “subdivisions” in Section 17.07.6.B of this Ordinance in the RR, LDR, R-1 or R-2 District shall be developed only as Planned Unit Developments in accordance with Section 17.07.6 of this Ordinance. The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope and impact of such development. (amend. by ord. no. 498 eff. August 21, 2011)

**15.2025 SECTION 20.25 AMATEUR RADIO SERVICE**

1. Intent and Purpose. This section is intended to provide reasonable accommodation for Amateur Radio Service in the Township and to constitute minimum practicable regulations to accomplish the Township's legitimate purposes consistent with State and Federal laws, including without limit Federal Communications Commission regulations pertaining to Amateur Radio Services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include but are not limited to preserving residential character and preserving public health, safety, and welfare.
  
2. General Requirements. The following shall apply to all Amateur Radio Antennas and Amateur Radio Antenna Support Structures, which are physical components of Amateur Radio Service.
  - A. Amateur Radio Antennas and Amateur Radio Antenna Support Structures are allowed in all districts on a Lot with a Principal Building, subject to applicable requirements of this Ordinance.
  
  - B. All Amateur Radio Antennas and Amateur Radio Antenna Support Structures shall be in compliance at all times with the required safety standards and regulations established by the Federal Communications Commission for Amateur Radio Services.
  
  - C. Amateur Radio Antennas and Amateur Radio Antenna Support Structures shall be set back from all Lot lines a distance no less than fifty percent (50%) of their overall height, or the required Setbacks of the zoning district, whichever is greater.
  
3. Permitting and Review.
  - A. Permits shall be required for all new Ground Mounted Amateur Radio Antennas and Amateur Radio Antenna Support Structures, and for all new Roof Mounted Amateur Radio Antennas and Amateur Radio Antenna Support Structures, as well as any alterations affecting the overall height and structural capacity of such antennas or Structures.

- B. The review of Amateur Radio Antennas and Amateur Radio Antenna Support Structures shall be based upon their height. The overall height of an Amateur Radio Antenna or Amateur Radio Antenna Support Structure shall be measured from the Average Grade to the highest point of the Structure. For Roof Mounted Amateur Radio Antenna and Amateur Radio Antenna Support Structures, the Average Grade is measured to include the walls of the Building or Structure upon which the antenna or support Structure is affixed. Required review procedures shall be based upon the height of the antennas or Structures, as follows:
- 1) Compliant with maximum Building height of district: no zoning review or zoning permit is needed;
  - 2) Over thirty-five (35) feet but less than fifty-three (53) feet: administrative review by the Zoning Administrator, after submission of a sketch plan by the applicant, showing location and setbacks, before a zoning permit is issued; and
  - 3) Fifty-three (53) feet or higher: a special land use permit is required, in accordance with the applicable standards of Section 19.07.45.
- C. Applications for administrative review or for a special land use permit shall include the following, in addition to any other applicable requirements of this Ordinance:
- 1) One (1) of the following two (2) submissions shall be included:
    - a. A copy of the manufacturer's specifications for construction, assembly, and erection, and a certification from the applicant that the specifications have been or will be followed in erecting the antenna or Structure; or
    - b. A certification by a licensed professional engineer confirming the structural stability and soundness of any proposed Amateur Radio Antenna or Amateur Radio Antenna Support Structure which exceeds fifty-three (53) feet;
  - 2) Federal Communications Commission Amateur Radio License; and

- 3) Sketch plan showing location, Setbacks, and other requirements.
4. Design Standards. The following standards shall be met and maintained for all Amateur Radio Antennas and Amateur Radio Antenna Support Structures.
  - A. No Amateur Radio Antenna or Amateur Radio Antenna Support Structure shall be erected to a height that requires the installation of lighting per Federal Aviation Administration rules or regulations.
  - B. Only one (1) Amateur Radio Antenna Support Structure is allowed per Lot, unless a special land use permit is obtained per the applicable standards of Section 19.07.45. No more than two (2) Amateur Radio Antenna Support Structures of any height shall be permitted on a single Lot.
  - C. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color to reduce visual obtrusiveness.
  - D. No Roof Mounted Amateur Radio Antenna or Amateur Radio Antenna Support Structure shall be fixed to the side of a Building or a Structure, or the roof of a Building or Structure, that faces a Private or a Public Street (this prohibition shall not include a tripod structure which straddles a roof peak and has only one (1) leg on the side of a roof facing a Private or a Public Street, or a four (4) legged structure which straddles a roof peak and has only two (2) legs on the side of a roof facing a Private or Public Street). No Ground Mounted Amateur Radio Antenna or Amateur Radio Antenna Support Structure shall be allowed in the Front Yard or a Side Yard facing a Private or a Public Street.
  - E. No part of an Amateur Radio Antenna or Amateur Radio Antenna Support Structure shall encroach within one (1) foot of any Lot line. Guy wires may be permitted in Side Yards provided no part of the anchors or the foundations encroach within one (1) foot of any Lot line.
  - F. A Ground Mounted Amateur Radio Antenna or Amateur Radio Antenna Support Structure shall be designed and installed to, and structurally sound enough to, withstand a wind speed of at least ninety (90) miles per hour. (ord. no. 526 eff. July 27, 2014)